

Officers Assessment of the Development Plan application for former CSIRO site

<b>Proposal</b>	Approval of a Development Plan under the Development Plan Overlay Schedule 2 which envisages 1048 dwellings, commercial floorspace, 3 hectares of conservation area, 1 hectare of public open space and a community facility.
<b>Application No.</b>	DP/2021/001
<b>Address</b>	37 Graham Street, Highett
<b>Applicant</b>	Sunkin Projects Pty Ltd
<b>Title/Covenant/S173 Agreement</b>	The Middleton Street parcel is subject to restrictive covenant 1414073. The covenant does not restrict the proposed development.
<b>Date application received</b>	04/05/2021
<b>Zoning</b>	RGZ3
<b>Overlays</b>	DCPO1, DPO2, SBO, EAO
<b>Site area</b>	93,383m <sup>2</sup>
<b>Number of submissions</b>	821
<b>Number of Dwellings</b>	1048
<b>Is the site located within an area of cultural heritage sensitivity?</b>	Yes
<b>Recommendation</b>	Approve Development Plan subject to conditions.

## 1. Executive Summary

The Bayside Planning Scheme envisages a significant residential development at the site, consistent with the long-term designation of the land as a significant redevelopment opportunity. Bayside has adopted a growth strategy that focuses the majority of housing growth to activity centres near fixed rail transport with minimal growth directed to residential neighbourhoods throughout the municipality. The subject site is adjacent to the Highett Activity Centre one of only five strategic redevelopment sites within Bayside identified for residential growth.

The Development Plan would deliver an integrated development with 972 apartments, 76 townhouses, three hectares of conservation area and one hectare of open space that will be vested in Council, a 1,000m<sup>2</sup> community facility, a commitment to contribute to the Homes for Homes initiative, best practice ESD outcomes and a comprehensive landscape outcome across the site.

Council has received and reviewed a large number of submissions from the community regarding the application. The key areas of concern expressed by the community relate to the proposed scale and density, traffic impact on surrounding streets, interfaces with adjoining properties, environmental performance of the development, landscape character and biodiversity outcomes and the provision of resident and visitor car parking.

Officers have communicated these concerns to the applicant and provided the applicant with the opportunity to consider how the Development Plan could be improved to respond to these matters. The applicant has made a without prejudice offer to amend the Development Plan to reduce building heights in the central part of the precinct, provide greater setbacks from adjacent properties along Middleton Street above three storeys, commit to offering car parking spaces to all dwellings, commit to a Net Zero Emissions capable development by exclude gas from the development, provide a much greater level of indigenous planting across the site with exotic species limited to the internal communal locations only and investigate stormwater reuse for a potential wetland and to irrigate the public open space. It is noted the changes to building heights and setbacks are expected to reduce the number of apartments by 26 to 1022 in total.

The proposed Development Plan sets out a high-level but well resolved framework to guide the future development of the site. Subject to the following conditional changes, the proposed Development Plan is considered to broadly achieve the objectives of the DPO2 and will result in a net community benefit to Bayside:

- Reduction in height of Buildings D2, E and F located centrally on site to a maximum of six storeys.
- Increased setbacks for Buildings A and L from the western boundary for built form above three storeys from adjacent residential properties.
- A commitment to no gas provision to the site which enables the development to potentially achieve Net Zero Emissions.
- A commitment to all dwellings being offered at least one car parking space.
- Further investigation to be undertaken regarding the potential to limit access from the site to Middleton Street to a single direction.
- Introduction of Highett Grassy Woodland species at the interface with the conservation area, omission of palm tree species and achievement of at least 85% native planting in publicly accessible locations.

## 2. Site History

The subject site was formerly a CSIRO facility which accommodated scientific research and development activities associated with fire science research and testing, fluid dynamics, and the delivery and operation of urban infrastructure. CSIRO made the decision to consolidate its Highett operations with its existing operations at CSIRO Clayton's facility. The subject site was therefore surplus to CSIRO's long-term requirements and was identified for divestment by the Commonwealth.

The subject site, while owned by the CSIRO, was Commonwealth owned land. Under section 52(i) of the *Commonwealth Constitution and the Commonwealth Places (Administration of Laws) Act 1970* (Vic) and subject to the *Commonwealth Places (Application of Laws) Act 1970* (Cth), the Commonwealth has exclusive legislative power in relation to places acquired by the Commonwealth for a public purpose. Therefore, prior to the sale to the current landowner, the site did not form part of the Bayside Planning Scheme.

Before the land was sold extensive land remediation works were undertaken to deal with contamination of the site. This required the removal of soil and vegetation from the majority of the site. These works were undertaken while the land was still a Commonwealth place, and no Council approval was required. Following the remediation works, the land was sold to the current landowner. With the sale of the land, the site is no longer a Commonwealth place.

The subject site has been identified in the Bayside Planning Scheme as a strategic redevelopment site; however, while it was Commonwealth land no zoning or development controls applied to the site.

Council commenced its review of the *Highbett Structure Plan 2006* in 2018 which included expectations for the development of the former CSIRO site. The updated Highbett Structure Plan formed the basis of Amendment C160bays. The community was consulted during the preparation of the structure plan and formally through exhibition of the amendment. The structure plan envisages a mid-rise development of up to five storeys on the subject site, as well as a conservation area at the southern end of the site and an area of public open space adjacent to Graham Road. Following a panel hearing for Amendment C160bays, Council adopted the amendment and on 9 June 2020 requested the Minister for Planning approve the amendment. The amendment is still awaiting approval from the Minister for Planning before it will form part of the Bayside Planning Scheme.

The Minister for Planning exercised his powers of intervention to prepare and gazette Amendment C162bays into the Bayside Planning Scheme on 30 June 2020. The amendment included the subject site in the Bayside Planning Scheme and applied the Residential Growth Zone Schedule 3 (RGZ3), Development Plan Overlay Schedule 2 (DPO2) and the Environmental Audit Overlay to the site. The DPO2 envisages built form to six storeys at the northern end of the site, four storeys in the central area and two to three storeys where development abuts existing residential development. Importantly, these height limits are discretionary and do not prohibit a development plan seeking greater height.

Council made representations to the Minister for Planning on the planning controls that were appropriate for the site; however, ultimately, approval of the controls rested with the Minister for Planning. The set of controls that were approved by the Minister and now apply in the Bayside Planning Scheme envisage a greater level of development than sought by Council and envisaged by the Highbett Structure Plan. It is this set of planning controls that provide the framework that Council must assess this development plan proposal against.

The DPO2 requires a proponent to prepare a development plan to the satisfaction of Council prior to the issue of any planning permit for any more than minor works on the site. The development plan proposal has been advertised to the community; however, once the development plan is approved, any future planning permit for the site is exempt from the standard notice and review requirements. This means the only opportunity the community has to formally comment on the development of the site will be through this development plan approval process.

### **3. Application details**

#### **Proposal**

The application seeks approval of a Development Plan under the provisions of the DPO2.

Key details of the proposal are as follows:

- Approximately 1048 dwellings, including 914 apartments, 58 town homes (two storey apartments) and 76 townhouses.
- 1,323 parking spaces across the site, including 1,234 resident parking spaces, 60 resident visitor spaces, 10 spaces for the conservation reserve and 19 spaces associated with the community facility.
- A built form outcome with development fronting existing residential properties limited to two to three storeys, seven storeys at the northern extent of the site transitioning to six storeys in the central area and five storeys adjacent to the conservation area.
- Three hectare conservation area at the southern end of the site that will be vested in Council.
- One hectare public open space adjacent to Graham Road that will be vested in Council.
- 1,000m<sup>2</sup> community facility.
- A potential café tenancy adjacent to the communal plaza at the southern access point on Graham Road.
- Dwellings which are affordable for singles, couples and family households on a moderate income.
- A commitment to contribute a portion of all dwelling sales to the Homes for Homes initiative which funds affordable housing across Melbourne.
- A comprehensive landscape outcome across the site that incorporates substantial canopy tree planting along boundaries with neighbouring properties and through the internal street network and communal areas.
- A commitment to achieving best practice ESD standards with BESS, NatHERS and NCC requirements.

An aerial image and photographs of the site and surrounds are provided at **Attachment 1**.

#### History

There is no planning permit history relevant to this application.

## **4. Planning controls**

### Planning Permit requirements

Clause 43.04-2 requires a Development Plan to be prepared to the satisfaction of Council before any planning permit is issued on the site with the exception of minor works. This application seeks the approval of a Development Plan for the site.

Future planning permits will be triggered under the following clauses:

- Clause 32-07-2 (Residential Growth Zone) – A permit is required to use land for a community facility or food and drink premises.
- Clause 32.07-3 (Residential Growth Zone) – A permit is required to subdivide land.
- Clause 32.07-5 (Residential Growth Zone) – A permit is required to construct two or more dwellings on a lot.
- Clause 44.05-2 (Special Building Overlay) – A permit is required to construct a building or to construct or carry out works.
- Clause 52.02 (Easements, Restrictions and Reserves) – A permit is required before proceeding under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement.

## Planning Scheme Amendments

Amendment C160bays seeks to incorporate the Highett Structure Plan into the Bayside Planning Scheme. The amendment has been through an exhibition period and panel hearing. Council adopted Amendment C160bays and on 9 June 2020 request the Minister for Planning endorse the gazettal of the amendment into the Bayside Planning Scheme. As the amendment has been adopted by Council following a panel hearing, it is now 'seriously entertained'; however, has yet to be approved by the Minister for Planning.

On 30 June 2020 the Minister for Planning exercised his powers of intervention to prepare and gazette Amendment C162bays. The amendment included the subject site in the Bayside Planning Scheme and applied the RGZ3 and DPO2. The DPO2 envisages a greater level of development for the former CSIRO site than Amendment C160bays and the Highett Structure Plan.

As Amendment C162bays was gazetted after Council requested the Minister gazette Amendment C160bays, this assessment can only give very limited weight to the provisions of C160bays and the Highett Structure Plan.

## **5. Strategic Framework**

### Plan Melbourne

*Plan Melbourne 2017-2050* outlines the long-term plan to manage growth in the city and suburbs to the year 2050. It seeks to integrate long-term land use, infrastructure and transport planning, and in doing so meet the city's future environmental, population, housing and employment needs. Plan Melbourne provides a major focus on enhancing and unlocking the development potential of the metropolitan area and highlights transport integration throughout the city, accommodate of at least one million jobs and nearly one million people in the central subregion, stimulation of the economy through job creation and facilitation of employment land as key strategic directions of the plan.

Plan Melbourne articulates a settlement strategy with major activity centres, metro centres and employment and innovation clusters as the primarily sources of employment growth outside the central city and a key focus for investment and development of residential density. The site is an urban renewal precinct adjacent to the Highett Large Neighbourhood Activity Centre. Plan Melbourne identifies urban renewal precincts as opportunities to improve local amenity, accommodate increase densities of housing and offer a greater mix of uses to support local communities.

### Bayside 2050 Community Vision

The Bayside 2050 Vision was developed by the Bayside 2050 Community Panel and considers the priorities for 2050 and emerging issues likely to shape Bayside's future and to determine what would serve the community of Bayside best.

The *Community Vision* outlines the following community priorities relevant to this application:

- Priority 1.2 – Protect the coast, land and sea through measures such as increased tree planting, sensitive landscaping and enhanced pedestrian connections with nature, planning for the effects of extreme weather.
- Priority 1.3 – Enhance and protect the full range of botanical flora and fauna biodiversity, which will be climate appropriate for 2050. Ensure our city remains a sustainable and biologically diverse environment, where residents and nature can co-exist.
- Priority 2.1 – Ensure existing open space is maintained, protected and accessible to all.
- Priority 2.2 – Have an active strategy to acquire more open space, reclaim space and purchase land where required. Encourage micro-parks, pocket parks and community garden projects.
- Priority 2.4 – Design public open space so that it reflects careful consideration of the environmental, cultural and heritage value of Bayside.

- Priority 3.1 – Encourage innovation within the provision of co-ordinated land, water and air transport services and infrastructure to decrease dependence on less environmentally efficient modes of transport.
- Priority 3.3 – Equal access to transport for everyone.
- Priority 3.4 – Increase the emphasis on the development of safer and more inclusive walking and cycling infrastructure.
- Priority 4.1 – Increasing open space by the acquisition of more land and better utilisation of existing spaces for pocket parks and community gardens.
- Priority 4.2 – Walkable, sustainable transport, less congestion, safe, ease of connectivity between retail strips and neighbourhoods with consideration of all abilities and ages. This includes Council encouraging accessibility in the built environment.
- Priority 4.3 – That open spaces are integrated within any largescale developments.
- Priority 8.2 – Bayside will improve accessibility to public infrastructure.
- Priority 9.1 - Land is a scarce commodity and therefore the highest value use of land must always take priority in decision making. Where property acquisition for more public space is not available, Council should consider reclaiming car parking and established road space for that purpose.
- Priority 9.4 – With the anticipated population increase both within and beyond Bayside, Council must immediately focus on creating multiple housing platforms, enhanced infrastructure including lighting, walking paths etc and open space including commercial and retail needs as fits specific highest and best use outcomes for each location.

The proposal is consistent with these broader community aspirations as the development of land close to transport and shops for increased housing density, as well as the open space and biodiversity outcomes, will see positive community outcomes. The concentration of diverse housing types and population growth within the activity centre is consistent with Council's sustainable transport objectives.

#### Council Plan 2021-2025

Relevant strategic objectives of the Council Plan include:

- 1.1 – Lead and influence change to address the Climate Emergency and strive to reduce its impact on the health of our community, environment and the planet.
- 1.2. – Protect and enhance our natural and coastal environments, biodiversity and unique ecosystems
- 3.1 – Open space is increased, and foreshore is cared for, to support diverse use and connect to community
- 3.3 – Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities

The proposal broadly delivers on the Council Plan objectives in that the significant climate and biodiversity outcomes at the site will deliver positive outcomes, with open space increased and the liveability of Bayside's wider residential areas protected.

#### Bayside Housing Strategy 2019

The Bayside Housing Strategy 2019 outlines a vision which reaffirms Council's commitment to the existing spatial approach which directs growth to activity centres with fixed rail transport with minimal growth expected elsewhere in less accessible locations.

The key objectives of the Housing Strategy relevant to this site encourage medium and high-density development in housing growth areas, housing diversity, social and affordable housing, residential development which contributes to economic viability of commercial areas, the protection of vegetation and development that responds to the preferred future character.

The strategy specifically identifies the subject site as a strategic redevelopment site. Strategic redevelopment sites are to be development consistent with the design and built form outcomes outlined in development plan overlays. Strategic redevelopment site are also identified to facilitate the delivery of affordable housing, deliver a mix of housing types, respect the character of the surrounding area, provide a transition to adjoining properties and deliver best practice environmentally sustainable design.

## Bayside Affordable Housing Strategy 2021

The Affordable Housing Strategy articulates a vision to increase the provision of social and affordable housing in Bayside that is accessible and appropriately located. The strategy outlines a suite of actions that Council will undertake to increase the provision of social and affordable housing on public and private land, improve the quality of social and affordable housing, create partnerships to support delivery of affordable housing and strengthen Council's role in support those in, or at risk of, housing crisis.

The actions relevant to the assessment of this Development Plan include:

- Ensuring renewal and redevelopment sites:
  - Provide a high number of public or affordable housing, and that any private development is appropriately balanced.
  - Consider community support services are considered and provide space for community facilities within development.
  - Represent best practice housing outcomes for public health and provide exemplary responses to site context and policy aspirations.
  - Reflect community aspirations in relation to height and design and minimise impacts on streetscapes.
  - Represent best practice outcomes for Environmentally Sustainable Development (ESD) and Universal Design principles.
  - Provide household sizes which vary to support the different types of households, particularly lone person households and family households.
- Develop a set of criteria for sites where affordable housing must be a consideration in planning applications, including strategic redevelopment sites. Applications seeking large scale height or parking dispensations should require consideration as to whether affordable housing has been provided.
- Apply an expediated process to ensure a decision is made as quickly as possible for development which includes provision of affordable housing.
- Ensure that where it is not possible for private development to provide affordable housing on site, a contribution be made to support the Homes for Homes initiative.
- Ensure new development provides for housing that can be easily adapted to meet the changing needs of the community.
- Promote Section 173 agreements as a tool to achieve affordable housing outcomes.
- Ensuring that apartment developments are providing a diversity of housing types and requiring housing diversity and adaptability assessments to demonstrate how the development will respond to the needs of residents across their lifetime.
- Support alternative approaches such as shared equity schemes and affordable rentals.

Given the strategy was only adopted by Council in June 2021, the further work to develop criteria for strategic redevelopment sites to accommodate affordable housing has yet to be undertaken.

The development proponent for the Development Plan has indicated they will be registering to the Homes for Homes Initiative for all dwellings on site. This commitment will be secured via Section 173 Agreement. It is expected any future planning permit issued at the site will include this requirement as a condition to ensure the ongoing commitment to an initiative like Homes for Homes will be delivered.

## Highett Structure Plan 2018

The Highett Structure Plan articulates a vision for Highett with a revitalised shopping strip as a focal point, increased housing, improvements to infrastructure for public transport, roads, walking and cycling, an enhanced natural environment and development that responds to the existing character. The Structure Plan seeks a development outcome at the subject site which is sympathetic to neighbouring properties with active and passive open space and conservation of biodiversity.

The subject site is identified as a key development site with parts of the site dedicated as a conservation reserve and open space reserve. The Structure Plan envisages a medium density residential development of site in the order of five storeys at the northern end of the site, four storeys toward the centre of the site, three storeys at the interface with the conservation area and two storeys adjacent to neighbouring properties. A six metre landscaped setback from Graham Road is also identified.

The Structure Plan identifies a connection between the open space on the subject site and an open space corridor through No.36-40 Graham Road. A pedestrian crossing on Graham Road is identified at this connection. Potential shared path connections are also identified between Graham Road, Middleton Street and Bay Road.

Amendment C160bays seeks to incorporate the Highett Structure Plan into the Bayside Planning Scheme. The amendment has been through an exhibition period and panel hearing. Council adopted Amendment C160bays and on 9 June 2020 requested the Minister for Planning endorse the gazettal of the amendment into the Bayside Planning Scheme. As the amendment has been adopted by Council following a panel hearing, it is now 'seriously entertained'; however, has not been approved by the Minister for Planning.

On 30 June 2020 the Minister for Planning exercised his powers of intervention to prepare and gazette Amendment C162bays. The amendment included the subject site in the Bayside Planning Scheme and applied the RGZ3 and DPO2. The DPO2 envisages a greater level of development for the former CSIRO site than Amendment C160bays and the Highett Structure Plan.

As Amendment C162bays was gazetted after Council requested the Minister gazette Amendment C160bays, this assessment can only give very limited weight to the provisions of C160bays and the Highett Structure Plan.

#### Bayside Integrated Transport Strategy 2018-2028

The Integrated Transport Strategy 2018 – 2028 establishes the strategic direction to guide transport planning decision making within Council over a 10 year period. It identifies a range of actions that Council can implement to make Bayside a better place and overcome some of the challenges facing the City of Bayside. The overarching transport vision is that:

*“The transport system will meet the needs of the community through the provision of a sustainable, well-connected, safe, accessible and convenient transport options that positively contribute to a strong economy, the health and wellbeing of the community and a low carbon future.”*

The Strategy acknowledges that *‘providing additional capacity through more road space and parking is not a sustainable solution to this dilemma as the increase in trips arising from a growing population and increasing vehicle ownership will continue to outpace road capacity. Similarly, the provision of additional car parking will also be utilised by the growth in vehicle ownership, potentially leading to a repeat of the dilemma once again.’*

There are a number of goals and strategic directions to support Council’s achievement of its transport outcomes, including two actions specifically related to supporting walking and cycling links through the former CSIRO site.

#### Climate Emergency Action Plan 2020-2025

The purpose of this Plan is to identify the action Council will take to respond to the Climate Emergency, and support our local community to take action to reduce their impact on the environment. The Plan includes actions to both minimise greenhouse gas emissions (mitigation) and reduce vulnerability (adaptation) to the impacts of climate change.

The vision statement from the plan is:



*Bayside's urgent response to the Climate Emergency will protect current and future generations, and the places we all love*

One of the key principals is to 'Make the Climate Emergency one of the highest priorities.' Of the seven themes from within the Action Plan, the following are most relevant to the consideration of this application:

- Theme 2 – Mobilise with our community: Work with our community to take climate action and minimise the threats from climate related shocks and stressors, such as heatwaves and flooding.
- Theme 3 – Move to zero carbon transport: Drive the transition away from internal combustion engine vehicles to sustainable transport such as walking, cycling, public transport and electric vehicles powered by renewable energy.
- Theme 4 – Transform to a climate responsive built environment: Ensure the built environment provides comfortable, liveable spaces for people and will withstand climate related shocks and stressors, such as extreme heat, flooding and sea level rise.
- Theme 5 – Protect and enhance our natural environment: Seamlessly integrate the natural environment into cityscape, strengthening land, water and ocean-based habitats.
- Theme 7 – Switch to zero carbon energy: Support the decarbonisation of the energy system through switching to efficient, renewable energy solutions such as solar and wind power.

The commitment from the proponent in relation to these principles are well canvassed in the Development Plan application and the proponent's response to submissions received. This will ensure that the development at the site is delivering best practice environmental outcomes and transitioning to more sustainable energy sources. This will directly deliver Council's aspirations as articulated through the Action Plan.

#### Biodiversity Action Plan 2018-2027

The Biodiversity Action Plan notes that *'Open spaces in urban areas have a very important function for biodiversity as they can be some of the few remaining places where a variety of ecosystems are able to continue to exist. These areas provide a reminiscent glimpse of the vegetation that would have covered a municipality prior to European settlement.'*

It is further acknowledged that:

*'Planning for the future management of Highett Grassy Woodland Reserve is still in progress. Steps are being taken to progress the development of a Highett Grassy Woodland master plan and management plan for the proposed three hectares of open space site with important remnant eucalypts.'*

The conservation reserve will deliver further biodiversity gains, and whilst the design will be subject to a further process, the approval of the Development Plan will facilitate the outcomes sought in relation to biodiversity and habitat.

#### Bayside Open Space Strategy 2012

The Open Space Strategy is a 20-year planning document to provide policy and strategy to enable Council to make decisions about how open space is used, developed, managed and maintained across the municipality.

The Open Space Strategy sets the vision that:

*From our foreshore, to our parks, our heathland and our trails, we cherish our open space. We will work together to build our open space network in ways that celebrate our strengths, support biodiversity, improve health and wellbeing and community connections, for future and current generations.*

The Strategy acknowledges that *'Open Space plays an important role in contributing to community health and wellbeing. As the community becomes more diverse and its needs*

*change, there will be increased competing demands on open space. Open spaces need to be flexible to adapt to changing community needs and ensure equitable access to the open space network as a whole.'*

Through the Development Plan process, Council has been able to negotiate the transfer of 4 of the sites 9 hectares to be set aside as public open space. This will be a considerable gain for the Hightt community in that it significantly increases access to open space. Flexibility will be created in the passive open space reserve design as the conservation reserve is more constrained in terms of accommodating multiple uses.

#### Bayside Planning Scheme

- Clause 2 Municipal Planning Strategy
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 32.07 Residential Growth Zone (Schedule 3)
- Clause 43.04 Development Plan Overlay (Schedule 2)
- Clause 44.05 Special Building Overlay
- Clause 45.03 Environmental Audit Overlay
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development
- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines

## 6. Stakeholder consultation

### External referrals

There are following external referrals were made in accordance with Clause 66 of the Bayside Planning Scheme.

Referral Authority	Referral
<b>Head, Transport for Victoria</b> Clause 66.02-11 Determining referral authority	<b>Traffic Impact Assessment Report:</b> The Traffic Impact Assessment Report proposes to signalise Bay Road/Graham Road intersection in order to mitigate traffic impact of additional traffic generated from the development. The Head, Transport for Victoria is generally supportive of the proposed signalisation, subject to further refinements to the signal proposal and the TIAR to its satisfaction.  The Department has a number of concerns to the proposed signals and to the TIAR (Revision C dated 30/07/2021), the following amendments is required to be made: 1) There is an existing issue with long queue lengths at the Bay Road/Reserve Road intersection. The proposed signals will result in longer queues and associated delays at the Bay Road/Reserve Road

intersection because of its proximity to the existing signals at Bay Road/Reserve Road intersection. In addition, queues on Bay Road would extend back to the existing Pedestrian Operated Signals on Bay Road near Jack Road.

The Department requires that:

- a) The three signals (being existing signals at Bay Road/Reserve Road intersection, existing Pedestrian Operated Signals at Bay Road near Jack Road, and the proposed signals at Bay Road/Graham Road) to be coordinated, at 90 second cycle time. These works must be at no cost to and to the satisfaction of the Head, Transport for Victoria.
  - b) Queue detectors to be installed on the departure side of Reserve Road for eastbound traffic, and at the Pedestrian Operated Signals near Jack Road for westbound traffic.
  - c) Additional SIDRA analysis to be undertaken using a 90 second cycle time to evaluate and determine the operational outputs at Bay Road/Reserve Road and network impacts. Mitigating works may be required.
- 2) The submitted signal concept layout plan (Drawing no. V181370-20-01 dated 30/07/2021) is considered generally acceptable considering the existing site constraints. However, the road reserve at the northeast corner of the intersection is very tight, which leads to concerns as to whether an appropriate footpath and pram crossing will physically fit into the available space. This matter is to be carefully investigated, and the subsequent Functional Layout Plan is required to show how the footpath and pram crossing could work and being DDA compliant.
- 3) The Functional Layout Plan should also show the existing electric pole on the south side of Bay Road, to the east of proposed signals at Bay Road/Graham Road to be relocated or undergrounded (preferred) due to the proposed road widening.

It is noted that Road Safety Audits will be required to be conducted at both functional and detail design review stage.

The applicant via Urbis Consultants in an email dated 4 October 2021 has suggested to conduct the TIAR amendment as part of the Stage 1 permit application. The Department is agreeable to this, provided the TIAR is required to be to the satisfaction of the Head, Transport for Victoria. The amended TIAR is to accompany Stage 1 permit application and forms part of the application documents to be assessed.

#### **Development Plan and Development Plan Report:**

In light of the above, the Department requires the following changes in relation to:

At page 90, Section 6.3. Transport Management Plan/Integrated Transport Plan:

- The last paragraph refers to Bay Road/Highett Road intersection which is not accurate. The intersection name is to be corrected to "Bay Road/Graham Road".
- The following is to be included at the end of this section:

*"The Traffic Impact Assessment Report (Revision C dated 30/07/2021) is to be amended to address the below matters, to the satisfaction of the Head, Transport for Victoria:*

- 1) *There is an existing issue with long queue lengths at the Bay Road/Reserve Road intersection. The proposed signals will result in longer queues and associated delays at the Bay Road/Reserve Road intersection because of its proximity to the existing signals at Bay Road/Reserve Road intersection. In addition, queues on Bay Road*

would extend back to the existing Pedestrian Operated Signals on Bay Road near Jack Road. It is required that:

- a) The three signals (being existing signals at Bay Road/Reserve Road intersection, existing Pedestrian Operated Signals at Bay Road near Jack Road, and the proposed signals at Bay Road/Graham Road) to be coordinated, at 90 second cycle time. These works must be at no cost to and to the satisfaction of the Head, Transport for Victoria.
  - b) Queue detectors to be installed on the departure side of Reserve Road for eastbound traffic, and at the Pedestrian Operated Signals near Jack Road for westbound traffic.
  - c) Additional SIDRA analysis to be undertaken using a 90 second cycle time to evaluate and determine the operational outputs at Bay Road/Reserve Road and network impacts. Mitigating works may be required.
- 2) The submitted signal concept layout plan (Drawing no. V181370-20-01 dated 30/07/2021) is considered generally acceptable considering the existing site constraints. However, the road reserve at the northeast corner of the intersection is very tight, which leads to concerns as to whether an appropriate footpath and pram crossing will physically fit into the available space. This matter is to be carefully investigated, and the subsequent Functional Layout Plan is required to show how the footpath and pram crossing could work and being DDA compliant.
- 3) The Functional Layout Plan should also show the existing electric pole on the south side of Bay Road, to the east of proposed signals at Bay Road/Graham Road to be relocated or undergrounded (preferred) due to the proposed road widening.

- Road Safety Audits will be required to be conducted at both functional and detail design review stages.
- The amended Traffic Impact Assessment Report is to form part of a permit application for Stage 1 of the proposed development.
- Mitigating works to the Bay Road/Graham Road intersection must be in accordance with the amended Traffic Impact Assessment Report accompanying Stage 1 Planning Permit and completed at no cost to and to the satisfaction of the Head, Transport for Victoria.
- Unless otherwise agreed in writing by the Head, Transport for Victoria, the mitigating roadworks must be completed prior to the occupation of any stage of the development.
- The Head, Transport for Victoria's approval must also be sought to install new traffic signals on the network, pursuant to Part 2 of the Road Safety (Traffic Management) Regulations 2019.

In terms of the timing of the delivery of the mitigating roadworks, the applicant via Urbis Consultants in an email dated 4 October 2021 has proposed the mitigation roadworks to start approximately after 200 dwellings are occupied and refers to a 'Stage 1' and 'Stage 2'. The Department is not aware of any detailed staging plan accompanying or tied to the Development Plan and is not convinced that the mitigation works can wait for that level of development without significant adverse impacts on the arterial road network. The Bay Road/Graham Road intersection is currently operating very close to capacity.

#### **Development Plan Report**

At page 32, Section 4.5. Access and Movement:

- The sixth paragraph states that proposed mitigation works to Bay Road/Graham Road is left-in/left-out restrictions. This information is not consistent with what has been proposed in the Traffic Impact Assessment Report (signalisation treatments) and this needs to be updated.

#### **Officer Response:**

These conditions will be applied as conditions of approval in any approved Development Plan.

<p><b>Melbourne Water Corporation</b>  Clause 44.05-6  Determining  referral authority</p>	<p>23 July 2021:</p> <p>Does not object to the proposal subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) Storm Water Management for the development plan must be as per Storm Water Management Plan Prepared By: Peter Munzel; Ref: 29150-2; Dated 5/03/2021; Revision: E.</li> <li>2) Surface level of parkland area and internal roads in the DP (in particular, along overland flow path) must be set as per assumptions made in hydraulic modelling by Engeny. (Flood Impact Assessment, dated: 04/02/2021 by Engeny (Scott Dunn) &amp; Memorandum by Engeny for On-site Detention and Existing/Developed Flows, dated 5 February 2021). Accordingly Functional Design plans must form part of a separate application to Melbourne Water for proposed re-alignment of Melbourne Water's existing asset.</li> <li>3) Runoff from the site must be treated to comply with the criteria in the Urban Storm water Best Practice Environmental Management Guidelines regarding pollutant removal. Acceptable methods for the design of treatment measures include the storm water treatment modelling software package 'Model for Urban Stormwater Improvement Conceptualisation' (MUSIC), or the 'Water Sensitive Urban Design Engineering Procedures Manual' available at <a href="http://www.melbournewater.com.au/wsud">http://www.melbournewater.com.au/wsud</a> which provides the procedure for design of various treatment measures.</li> <li>4) Finished ground floor levels of all proposed dwellings/ buildings of the Development Plan must be set no lower than 300mm above the applicable flood level at the location as per Melbourne Water's flood level information or 300mm above top of the kerb of internal roadways whichever is higher.</li> <li>5) Design and construction of the re-aligned drain must be carried out by a Melbourne Water approved engineering company who is experienced with pipeline design and construction.</li> <li>6) Prior to commencement of drainage construction works, the structural condition assessment of the existing drain to be realigned, including how interfaces are going to be achieved and asset ownership must be confirmed to Melbourne Water.</li> <li>7) Design of realigned drain is to be in accordance with Melbourne Water's standard drawings under the surveillance of Melbourne Water's Developer Project Works Team – detailed engineering plans of the drain must be approved by Melbourne Water's Developer Project Works Team through the Works Offer agreement process. Please note that there should be sufficient manholes at appropriate locations.</li> <li>8) Creation of an easement of a minimum 6.0m width is required to accommodate the re-aligned pipe and for transition structures with the pipe and structures centrally located within the easement. This easement must be clearly shown in the Development Plan.</li> <li>9) A setback of 2.3m must be shown for any permanent structures or deep footings from the outside edge of the new re-aligned pipe.</li> <li>10) No permanent structures must be placed within the easement. Any temporary structures (e.g. playground equipment) within the easement or lateral clearance zone must meet temporary structure footings and setback requirements. A separate Build Over Application for assessment and approval of any proposed works over and near Melbourne Water's asset and easement must be part of future development applications. (Fees and special conditions will apply).</li> <li>11) Prior to commencement of works, in accordance with the statutory powers of Melbourne Water Corporation, the Owner must enter into and comply with an Agreement with Melbourne Water Corporation for the Works on the Asset and other matters. (On-line application for a 'Works Offer' must be made– Note: fees, bonds and conditions will apply) This includes the drain re-alignment works which are subject to Melbourne Water's design requirements including QA certification.</li> <li>12) Prior to commencement of works on the drain re-alignment, a separate application must be made to Melbourne Water's Asset Services Team to conduct works on Melbourne Water's asset. A Permit to Work can only be issued to contractors who have undertaken Melbourne Water's</li> </ol>
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	<p>permit recipient training. This requirement must be included as part of the general notes on the final drawings. Please contact Melbourne Water's Customer Service Centre on 131 722 (with details of the contractor) to arrange training providing at least 28 days' notice.</p> <p>13) A separate on-line application must be submitted to Melbourne Water for any new storm water connection to Melbourne Water's asset.</p>
<p><b>Officer Response:</b> These conditions will be applied as conditions of approval in any approved Development Plan.</p>	

Council also sought advice on the application in relation to the following areas.

Advice sought	Response
<p><b>Arborist</b></p>	<ol style="list-style-type: none"> <li>1) The Arboriculture Assessment for Proposed Access Road completed by Treescape Consulting (July 2020) indicates the removal of a street tree is required to construct the Middleton Street site entry.</li> <li>2) Within both Arboricultural Assessments supplied by Treescape Consulting, the assessed trees are numbered, however no indication of these numbers exists on site. Before works commence, the trees must be clearly labelled to reflect the numbering in the Arborist Assessments.</li> <li>3) Trees within the third-party properties along the western boundary of the site have not been assessed.</li> <li>4) Locally Indigenous and Significant species within the proposed conservation area to the south of the site have been included in the Arboricultural Assessment completed by Treescape Consulting (July 2020). However, numerous other mature trees in good condition exist in this parcel and have not been included in the assessment.</li> <li>5) Remaining asphalt, concrete and other landscaping infrastructure is noted on site in the conservation area. Further information is required as to what remedial landscaping works are proposed within the conservation area and how these will be undertaken sensitively to avoid damage to the retained trees.</li> <li>6) In the supplied Street Tree Masterplan, five <i>Phoenix canariensis</i> (Canary Island Date Palm) have been proposed as feature trees. It is recommended that these five marker trees be replaced with a large species more suitable.</li> <li>7) Once plans are finalised, a Tree Management Plan must be submitted to the Responsible Authority.</li> <li>8) Arboricultural Assessment for the access road must also consider the impact on Tree 2.</li> </ol>
<p><b>Officer Response:</b></p> <ol style="list-style-type: none"> <li>1) A payment for the asset value of this tree will be levied at the time any permit application is made that involves the removal of this tree. The asset value is calculated using the methodology in Council's Tree Amenity Valuation Procedure 2017 and consists of the tree's amenity value as well as removal and replacement costs.</li> <li>2) The Development Plan approval does not enable any works to occur on site. The on-site trees can be labelled at the time of any planning permit application for the site.</li> <li>3) The Development Plan is required to provide a high-level layout for the site and proposed massing, and is not at a sufficient detail to enable detailed assessment by an arborist. This will need to be addressed through the permit application process. Further discussions with Council's Arborist Advisor indicate the layout of the site and proposed setbacks from neighbouring boundaries would be sufficient to ensure neighbouring vegetation can be retained subject to appropriate tree protection measures.</li> <li>4) The applicant was required to update the two arborist assessments to address this concern. Council's Arborist Advisor has reviewed the updated material and confirmed it is satisfactory; however, a Tree Management Plan will be required to address any encroachment to the TPZ of trees onsite at the planning permit stage.</li> <li>5) Design work lead by Council will be undertaken in the future to confirm the extend of works in the conservation area. This work will require arboricultural input before any decision is made on removing or adding hard landscaping into the conservation area.</li> <li>6) Concerns with the planting palette, including exotic species such as the Canary Island Date Palm were raised with the applicant. The applicant made some amendments to the planting</li> </ol>	

palette prior to the Development Plan being advertised to the public. Following the concerns raised by the community in relation to the planting proposed, the applicant has offered to update the planting palette to include a much greater level of indigenous planting across the site and will only include exotic species in the internal communal courtyard on site. A condition of approval is recommended to secure this positive update to the Development Plan.

- 7) Tree Protection and Management Plans will be a requirement of any future planning application on site.
- 8) The applicant was required to update the arboricultural assessment to consider any impact on Tree 2. Council's Arborist advisor has reviewed this material and confirmed it is satisfactory, subject to a Tree Protection and Management Plan being required at the planning permit stage.

**Environmentally Sustainable Design**

The Bayside City Council has just endorsed its commitment to a Zero Carbon planning policy amendment. The amendment aims to deliver revised and elevated ESD targets, including targets for zero carbon development, and is being driven by a collaboration between Victorian Councils. This commitment is in parallel to the similar C376 amendment commitment by the Melbourne City Council and drives the major requirements and many of the detail requirements identified below.

It is considered that the requirements below would ensure the development meets best practice requirements, without requiring the development as a whole to reach the levels of 5 star Green Star Communities or the properties individually the 5 star Green star Design and As Built tool.

- To ensure the feasibility of becoming carbon neutral, no gas should be proposed for dwellings or commercial developments. Gas will be allowed to hospitality venues or similar where viable electric alternatives are not as established.
- All building fixed energy onsite will be sourced from renewables either from solar PV installed onsite or an embedded network that supplies 100% GreenPower accredited renewable energy.
- Development must commit to is to build to the standard of the 2022 National Construction Code (NCC), not the 2019 NCC.
- It is recommended that an in-dwelling smart energy monitor be facilitated for each dwelling ie the energy meter should be able to communicate with the dwelling occupant's smart phone to provide real-time energy consumption.
- A commitment to NCC 2022 building fabric and energy rating standards is required.
- Glazing placement and shading is to demonstrate that winter sun ingress is available to 80% of dwellings minimum 6m2 of all living rooms floor area for minimum 3 hours per day.
- An additional pre-plastering insulation inspection is to be required by the building surveyor for each dwelling or non-residential building.
- A commitment to quantified rooftop solar PV installations or 100% certified GreenPower is to be made now
- The building fabric is required to meet NCC 2022 minimum energy rating requirements.
- Domestic hot water is to be solar boosted electric source or an electric heat pump. Systems are to have STCS of 33 or greater. No gas is to be used for residential hot water heating.
- Stormwater management, including a stormwater strategy is to ensure that the peak event discharge from the site will not exceed the pre-development peak event discharge and also to ensure that the quality of the stormwater discharged from the site will meet the appropriate pollution reduction targets. A Water Sensitive Urban Design (WSUD) strategy, inclusive of MUSIC modelling, will be developed to meet and exceed the Urban Stormwater Best Practice Environmental Management Guidelines.
- To ensure safe natural ventilation during the day and at night, all ground

	<p>and first floor dwelling and non-residential openable windows and sliding doors are to be able to be locked 100mm open.</p> <ul style="list-style-type: none"> <li>• Effective horizontal shading that keeps out mid-summer sun but allows winter sun ingress is to be provided above all north facing glazed areas &gt;1m<sup>2</sup>.</li> <li>• Effective shading should be provided to east and west facades. A well-functioning external shading device on east and west orientations should have a vertical component.</li> <li>• Glazing placement and shading is to demonstrate that mid-winter sun ingress is available to 70% of dwellings, providing a minimum 6m<sup>2</sup> of direct sunlight at floor level to living rooms floors, for minimum 3 hours per day.</li> <li>• Where dwellings do not have access to the required minimum winter sun ingress, they are to have access to a communal space where sunlight is available for 5 hours per day for building occupants only.</li> <li>• Bicycle parking is to be provided at a rate of 1 secure resident bicycle parking space per dwelling. Parking facilities for bicycles are to be located in a prominent, accessible ideally ground floor location with direct access (maximum one door to negotiate) to the outside of the building, to encourage their easy access for use on short trips, ahead of higher emission vehicles.</li> <li>• Car parking should be minimised to support alternative modes of transport.</li> <li>• A number of motorbike/moped parking spaces are to be provided within each apartment building for tenants.</li> <li>• A specific commitment to EV charging infrastructure is to be included for all apartment buildings and for townhouses. A skeleton of infrastructure should be installed, that allows 100% of individual residents with access to an onsite allocated car space, to easily add the final elements to enable charging in their car space, when required.</li> <li>• All buildings are to include space for a four-bin waste system plus allowance for specialist recycling storage.</li> <li>• The use of materials that incorporate recycled plastic or other recycled materials is encouraged.</li> <li>• No materials on the Living Futures Institute Red list should be incorporated into this development.</li> <li>• No unsustainable rainforest timbers should be incorporated on site.</li> <li>• Non-structural concrete will include minimum 30% flyash or slag as a Portland cement replacement product (subject to confirmation from the structural engineer).</li> <li>• The submission is to clarify exactly the size, location and number of community oriented facilities such as gyms, and community centres identified in the executive summary of the development's SSDP report.</li> </ul>
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**Officer Response:**

The DPO2 requires the Development Plan to outline the sustainable design principles to be incorporated into the development. The Development Plan sets a high-level framework to guide the development of the precinct and is not intended to resolve the detailed design of the each of the buildings. Many of the measures sought by Council's ESD Advisor relate to the detailed design of the proposal and extend beyond the requirements of the DPO2. A number of the commitments sought by the ESD advisor relate to standards that are expected to be released in the future and are not part of the current ESD requirements.

The challenge of incorporating ESD measures into the Development Plan that will be implemented through future planning permits over the next decade is that best practice ESD measures are likely to change over that timeframe. Officers required a series of updates to the Sustainability Strategy to ensure it did not lock into particular standards that may become outdated and required best practice to continue to be met at the site as ESD standards evolved into the future. Council's ESD advisor has reviewed these updates and confirms they are appropriate.

The sustainable performance of the development was a key issue raised in a number of submissions from the community. In response to these community concerns, the applicant has offered to commit



to exclude gas services from the site which would make the Development Plan capable of achieving a carbon neutral or net zero emissions outcome. This position recognises that while there is no current requirement for development to be carbon neutral, if gas services as installed in the development, they are very unlikely to be removed. Officers consider excluding gas from the development site is a significant improvement to the ESD performance of the development and would be consistent with Council's own goals of becoming carbon neutral. A condition of approval to secure this requirement is recommended.

**Traffic Engineer**

From a traffic engineering point of view, the impact of the development across the road network is considered manageable following the commitment of the applicant to contribute to the signalisation of Graham Road / Bay Road. A summary of the initial concerns followed by additional commentary is provided below.

**Initial Concerns**

Connectivity to the site on the other side of Graham Road.

The applicant has indicated that the ability for pedestrian access across Graham Road to link to any future paths will be allowed for as indicated within the structure plan.

Traffic Generation rate

Concern was raised in relation to the traffic generation rate per dwelling adopted. GTA provided additional information to justify the use of this rate and it is accepted.

Car parking provision

The level of car parking recommended for the development was considered high particularly when sustainable transport initiatives were being promoted. The applicant indicated that car parking provision will be assessed as permits are submitted for various stages. It is recommended that more impetus to lowering the car parking provision is provided.

Bay Road/Graham Road Intersection

The applicant has now recommended a more reasonable mitigating works package with the mechanisms for the delivery to be determined.

**Further Commentary**

Site Layout

- It is understood that the internal road network is to be privately owned and managed however will allow for through public access (as required by the HSP).
- The proposed road layout and road cross section is acceptable from a traffic engineering point of view. The nature strips are insufficient to allow for the likely services clear of pavements and as such it is unlikely that Council will take on the road in the future. If there is an expectation that Council may take the roads in the future, it is recommended that a wider road reservation is provided with wider verges to accommodate services etc.
- The land opposite the site on Graham Road is vacant (32 – 40 Graham Road) however is understood to be developed for an aged care development. There should be some consideration for pedestrian connections through this land to the Lyle Anderson Reserve. The HSP nominates a connection, however the development plan does not include any consideration of a crossing point.
- The HSP indicates a pedestrian crossing across Graham Road that does not appear to be proposed.

Car Parking Assessment

- Car parking rates for the one-bedroom product equates to 0.86 spaces per dwelling. It is considered high, especially when the development is looking to promote sustainable transport options and a higher take up of public transport. Effectively only 32 of 1,033 dwellings would not be provided a car space (3%).
- It is understood that each component of the development will have

	<p>separate planning permit applications and a range for parking is provided with the development plan which will allow certain components to have a reduced parking provision. Whilst this is accepted in principle, the role of the development plan is to guide future behaviour and a strong push to sustainable transport is encouraged.</p> <p><u>Traffic Assessment</u></p> <ul style="list-style-type: none"> <li>• The effective traffic generation rate per dwelling is around 0.3 movements during the peak hours. This figure is not unreasonable in this setting and further information has been provided by GTA to verify the rate. No further action is required.</li> <li>• Bay Road / Graham Road intersection is at capacity. The original mitigating works package was insufficient and did not consider the wider impacts across the road network. The applicant has now committed to contributing to the signalisation of the intersection which is considered acceptable. The level of contribution is to be determined by Council.</li> </ul> <p><u>Other Considerations</u></p> <ul style="list-style-type: none"> <li>• It is understood that some concern was raised in relation to the use of Middleton Street. The traffic analysis projects that 15% of traffic will use Middleton Street to travel north and south (each). From a traffic planning point of view, it is considered that providing a two-way access in this location is sound decision to allow for ease of circulation around the road network rather than concentrating movements to one location (i.e Graham Street). By providing options for motorists, traffic has the opportunity to distribute across the network which as noted is a good transport planning outcome.</li> <li>• In relation to Middleton Street, the cross section has suitable capacity to accommodate the additional traffic volumes which are projected at approximately 564 vehicles per day. In the event that dual access was not available at Middleton Street, greater volumes would be distributed to Graham Street which could impact on the operation of the nearby intersections which further supports the provision for an alternative access.</li> </ul>
<p><b>Officer Response:</b></p>	<p>Traffic generation, access and parking are addressed in individual sections of this report. Council's traffic advisor has noted the level of parking provision for the development is considered high if sustainable transport modes are to be promoted. The shortfall of parking was a key issue that has been raised by the community. The applicant has offered to commit to all dwellings being offered at least one parking space. Given the submissions received from the community on this topic, a condition of approval that secures parking spaces being available for all dwellings is considered appropriate.</p>
<p><b>Civil Engineer</b></p>	<ol style="list-style-type: none"> <li>1) Section 7.6 talks of orifice control for the 20% event to limit PSD based on Cv of 0.78, but no mention of the storage required upstream of the orifice? Where do Cv values come from?</li> <li>2) Section 8.2.2: RWT's to be shown on plans to be endorsed.</li> <li>3) Section 8.2.3: Ecosol GPT's – formal arrangement needed around their ongoing maintenance, proposed to be by the Owners Corp.</li> <li>4) Section 8.2.4: Raingardens – formal arrangement needed around their ongoing maintenance, proposed to be by the Owners Corp. FLP's to show the proposed locations of raingardens, supposed to be shown in Appendix C but not shown.</li> <li>5) Section 8.4: We have not audited the Music Model, we are assuming for now that MW have done so and are happy with it.</li> <li>6) Section 8.5: How will maintenance responsibilities be formalised / policed in the future? How will individual house owners and Body Corp become aware of this? Maintenance for 15kL tanks for the apartment buildings not specified but assume by Body Corp as well? Suggest a restriction on the Plan of sub or S173or MCP agreement to formalise this.</li> <li>7) Appendix B: LPD - mentions the requirement for OSD in detail however I'm assuming that is trumped by the apparent agreement with MW that</li> </ol>

	<p>OSD is not required.</p> <p>8) Appendix C: Stormwater Drg Plan – the location of raingardens not shown as referenced in 8.2.4.</p> <p>9) Appendix E: Catchment Plan – Public Open Spaces not included. Why not? Total site area 9.27Ha not catered for in the catchment areas. Table shows proposed stormwater detention volumes.</p> <p>10) Appendix F: OSD by Engeny – verify before and after impervious areas, per 7.4. Table 1 shows before &amp; after open space areas. It's difficult to verify the figures quoted in the table. Provide CAD plans please.</p> <p>11) It appears that basement parking is proposed. The drainage strategy and design to ensure basements will not be inundated.</p>
<p><b>Officer Response:</b></p> <ol style="list-style-type: none"> <li>1) The applicant has provided plans detailing how the northeast corner of the conservation area can be sculpted to direct any run-off to the internal road servicing the townhouses. Council's Drainage Engineer has confirmed this is a practical solution to the issue and do not object.</li> <li>2) The SMP confirms rainwater tanks will be located in the apartment basements and townhouses with exact locations to be confirmed through the planning permit stage.</li> <li>3) The SMP has been updated to indicate maintenance plans for Gross Pollutant Traps, rain gardens and rainwater tanks. Council's Engineering Advisor has reviewed this material and confirmed they have no objection. Maintenance requirements for individual items can be secured at the planning permit stage.</li> <li>4) As above.</li> <li>5) Melbourne Water referral advice indicates they have no objection to the proposal.</li> <li>6) As point 3 above. The exact maintenance requirements and methods to secure this can be secured at the planning permit stage.</li> <li>7) Applicant has confirmed this is correct. Council's Engineering Advisor has reviewed this and confirmed they have no objection.</li> <li>8) The Development Plan, SMP and Landscape report have all been updated to indicate raingarden locations. Council's engineering advisor has reviewed this and confirmed they have no objection.</li> <li>9) Council's Engineering Advisor and the applicant's engineers have met on a series of occasions to work through this matter. The detention for the conservation area is outside the strategy; however, the application has provided plans detailing how the northeast corner of the conservation area can be sculpted to direct any run-off to the internal road servicing the townhouses. Council's drainage engineer has confirmed this is a practical solution to the issue and do not object.</li> <li>10) Council's Engineering Advisor has reviewed these CAD plans and confirmed they have no objection.</li> <li>11) The applicant has confirmed the drainage strategy has been prepared on this basis. Council's Engineering Advisor has confirmed they are comfortable with this detail being secured through future permit applications.</li> </ol>	
<p><b>Landscape</b></p>	<ol style="list-style-type: none"> <li>1) In reviewing both provided Arboricultural Assessment Reports I note that assessment of neighbouring tree assets within 9m of the site has not been included. This is important to ascertain any impact to neighbouring trees and construction considerations required. Particularly to the western boundary. Arboricultural Assessment of all trees within 9m of the site should be provided as a standard Permit condition</li> <li>2) Tree Management Plans should be provided for all construction impacted trees both on the site and adjacent. In particular, the adjacent tree referenced the response to item 66 may be quite considerable in size and need consideration in the location and construction of Apartment A where the nominated 5m setback to fence line. A 5m setback to allow for landscape buffer and articulated canopy only the extent of the developed western boundary should form a requirement of the permit.</li> <li>3) A 5m min. setback to building with a suitable width landscape buffer (incorporating canopy trees) along the extent of the developed western boundary should form a requirement of the permit.</li> <li>4) The width provision for the planting bed along the western boundary here should be widened where possible to ensure soil volumes are sufficient to sustain the larger plantings. Narrow Canopy trees (as</li> </ol>

	<p>suggested within the response) could be incorporated to beds approx. 2m wide. Vehicle access along this interface should only provide sufficient width for access with the balance providing a softer interface.</p> <p>5) It is noted that at the location of Section G a tree adjacent to the site is present. No Arboricultural assessment is provided for trees surrounding the site (within 9m) – see item 1. Response is reasonable in relation to this however the inclusion of additional canopy within the Apartment A setback is required and treatment of tree protection zones should be incorporated into landscape outcomes. A Tree Management Plan should be provided for any encroached trees to ensure retention of tree assets.</p> <p>6) Separation of vehicle/bicycle and pedestrian traffic is a good outcome from a safety viewpoint. Perhaps a 'shared zone/cycle' line markings or surface treatment and signage can be provided to the internal roadway to provide and encourage cycle access and maximise safety.</p> <p>7) There is no streetscape treatment outlined for the development interface with Graham Road and that the limit of works stops at the title boundary. The Public Park interface is probably best undertaken as a component of Council's design outcome – but the other interfaces need some consideration to treatment. The developer should incorporate all streetscape interfaces and this should be integrated with the design outcomes for the site – street trees, verges etc. Staging and timing of streetscape interfaces need to be coordinated with ensuring continued pedestrian access along Graham Road and in relation to the handover and development of the park.</p>
<p><b>Officer Response:</b></p> <p>1) Council's Arborist Advisor has reviewed the arboricultural material provided with the Development Plan and has confirmed Tree Protection and Management Plans can be secured at the permit stage.</p> <p>2) As above.</p> <p>3) A setback in excess of 5 metres is provided along this entire frontage with the exception of Building A which is setback 4.3 metres.</p> <p>4) This detailed can be secured at the planning permit stage.</p> <p>5) As above. A tree protection and management plan will be secured at the planning permit stage.</p> <p>6) Noted.</p> <p>7) Agreed. The detailed design of the public open space area will be lead by Council. Pedestrian access will be managed through construction management plans secured at the planning permit stage.</p>	
<p><b>Ecologist</b></p>	<p>1) The conservation area is unlikely to be impacted by the shading profiles of the proposal.</p> <p>2) Numerous herbaceous weed species are present within the conservation area which should be managed and controlled appropriately.</p> <p>3) Areas of hard stand asphalt are present in the proposed conservation area. It is recommended that any remaining asphalt is removed in order to allow for understorey regeneration. Following this action, weed control and mulching will be required to prevent recruitment of invasive weed species in the exposed topsoil.</p> <p>4) European Red Fox was observed within the study area during the site inspection. It is advised that pest species are managed and controlled appropriately throughout the study area.</p> <p>5) Plastic tree guards were observed in place on several established River Red Gum trees within the conservation area. It is recommended that these are removed in order to allow arboreal mammals to utilise this available habitat.</p> <p>6) Potential soil contamination was observed in the conservation area.</p> <p>7) A collection of logs is present in the proposed conservation area. The retention of large logs will assist in the augmentation of habitat by providing shelter and foraging opportunities for native fauna.</p> <p>8) Several planted non-indigenous native trees are present within the conservation area. Some were of a substantial size and offer suitable habitat for a range of fauna species. While these trees are not</p>

	<p>indigenous and are not considered to have a high retention value for the ecological sustainability of the site, we encourage the retention of well-formed large specimens that are well away from existing native vegetation where feasible.</p> <p>9) Due to poor drainage in the northern portion of the site, several low-lying areas have been subject to inundation. Fringing and floating vegetation was observed at the margins of the waterbodies. In its current stage, habitat within the waterbodies is considered poor quality and the likelihood of occupation by native fauna is low. If these areas are allowed to further establish it is likely that the waterbodies may be utilised by common amphibian species for breeding and foraging purposes.</p>
<p><b>Officer Response:</b></p> <p>The Development Plan does not propose any works within the conservation area with the exception of indicating the potential for walking paths through the area and parking spaces accessed from the internal road network. The Development Plan does not propose to remove any vegetation within the conservation area. The conservation area will be vested in Council and a detailed design process lead by Council will be undertaken to confirm the future use and development in the conservation area. Importantly, the Ecologist has confirmed the overshadowing associated with the proposal will not impact on the viability of the conservation area.</p>	

### Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the *Planning and Environment Act 1987* by way of the following methods:

- Letters to owners and occupiers of surrounding properties in Highett
- Advertising signs displayed on site and in the Highett Activity Centre
- Council's Webpage
- Council's Have Your Say engagement website
- Social media posts on Council's channels
- Council's Q&A forum, dedicated email and phone line and bookable meetings

As at 15 October 2021, 821 submissions were received from the community.

Whilst these are summarised in the *Community Engagement Summary Report*, the submissions raised the following points:

- Insert submission points once analysis of all submissions finalised.
- Building heights, number of storeys and density proposed.
- Overshadowing & overlooking of neighbouring properties
- Creation of wind tunnel
- Greater sustainability measures
- Affordable and social housing
- Too many dwellings, less apartments and more townhouses and family housing
- More commercial uses
- Improvements to conservation area
- Developer to maintain open spaces
- More trees
- Request for more trees, walking trails, playground, outdoor fitness equipment, dog park, childcare, schools, library and more community facilities generally
- Not in keeping with Highett character and does not integrate with neighbouring streets
- Traffic and parking impacts

- Improved pedestrian and cycling connections
- Construction impacts

The applicant hosted two public webinars on the 1 and 7 September 2021. While Council's involvement in these webinars was limited to an explanation of the Development Plan assessment process, the applicant did answer questions from the community in these sessions. The community's questions and applicant's answers were published on the Council's Have Your Say page.

## 7. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

### 7.1. Built Form and Character

The site is within the Development Plan Overlay Schedule 2 (DPO2) which requires an integrated development plan be prepared for the site, prior to the commencement of any development other than minor works. The relevant built form objectives of the DPO2 include:

- *To redevelop the former CSIRO Highett site in an integrated manner with surrounding land uses.*
- *To contribute to the housing diversity within the area by providing a range of dwelling types and densities, including affordable housing.*
- *To demonstrate high quality building and landscape design that implements environmentally sustainable design principles.*

Key Character and Built Form requirements for the Development Plan include:

- *Building envelopes that identify heights, setbacks and minimum offsets between buildings to ensure internal amenity.*
- *Conceptual general layout and height of proposed buildings showing the graduation of building heights across the site, including:*
  - *Two to three storeys where development abuts existing residential development and storey built form.*
  - *up to 4 storeys in the central area of the site.*
  - *up to 6 storeys at the northern end of the site.*
- *An explanation of how the development will interface with adjoining commercial and residential development.*
- *A range of dwelling types to cater for a variety of housing needs.*
- *A high quality of internal amenity for future residents.*

The DPO2 provides general guidance for locations of height across the site; however, does not define the boundaries between the central and northern areas of the site. The identified building heights are discretionary and therefore the Development Plan can propose heights in excess of that identified in the DPO2. The DPO2 expects building heights to be lower adjacent to boundaries with existing residential properties and a transition or graduation of height from the centre of the site to the north adjacent to the Activity Centre.

The DPO2 also identifies the importance of internal amenity for future residents, whereby the proposed built form should ensure mitigation of overshadowing from internal development and the appropriateness of built form widths, to allow for adequate daylight penetration.

The site is zoned Residential Growth Zone (RGZ). The purposes of the RGZ relevant to the built form proposed in the Development Plan are:

- *To provide housing at increased densities in buildings up to and including four storeys.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*

The purpose and intent of the RGZ3 is to encourage growth in areas identified for change. The RGZ3 anticipates a substantial change in scale and character and does not require development to be consistent with existing neighbourhood character. The design objective in the RGZ3 is to facilitate the renewal of the former CSIRO site in an integrated manner; although there are no specific built form requirements for the former CSIRO site included in Schedule 3 to the RGZ. The DPO2 provides the primary guidance for built form at the site.

### **Height and Setback**

The Development Plan proposes two and three storey townhouses adjoining the rear of existing properties along Graham Road and Middleton Road to the east and west of the site. The two storey townhouses are setback a minimum of five metres from the site boundaries, allowing for a landscaped buffer of deep soil planting and a built form interface that is greater than the minimum ResCode requirements.

The three storey townhouses are further setback 7.1 metres from the sites boundary to allow for vehicle access. This is also a significant improvement on the minimum ResCode improvements and will provide space for planting along this property boundary. The proposed scale of the townhouses generally reflects the existing low scale of the existing adjacent properties and importantly graduates the interface between the larger built form proposed through the spine of the site and the neighbouring properties.

Buildings A and B provide the built form interface with the conservation area at the southern end of the site. Both buildings are proposed to be five storeys. Building A provides a four storey street wall with a setback to the upper level as it fronts the conservation area. Building B which does not benefit from a separation from the conservation area by the internal road and proposes a two storeys frontage to the conservation area with upper levels setback behind this. The height and setbacks of these buildings are considered generally appropriate given the vehicle, access and landscape buffers proposed between the built form and the conservation area. Both buildings are oriented to provide passive surveillance of the conservation area.

Buildings L, M and K are proposed to be seven storeys in height. This generally reflects the existing higher scale built form fronting Highett Road. Buildings M and L would be four storeys where they abut the existing wall to the Woolworths development with the 7-storey form further setback. This allows for a built form visual break between the upper levels and the abutting development, as viewed from Graham Road.

The upper levels of Building L would be increasingly setback with the upper storeys in excess of 16 metres from the adjacent residential properties to the west. Officers do have some reservations around this interface as it responds to the western boundary and the degree of change that the adjacent properties would experience. A greater setback at upper levels would ensure the visual bulk and scale of this building as experienced by neighbouring properties would be further reduced. A number of objections were received in relation to this interface. The applicant has offered to setback all levels above ground and first floor of Building L by 18 metres. Officers consider this would substantially improve the built form interface with these existing residential properties. A condition of approval is recommended to secure this amendment.

Building K, which includes community uses at lower floors, is proposed to be seven storeys in height. This would create a built form gateway and act as a form of informal wayfinding mark to the site entrance and the proposed library. The provision of additional upper-level setbacks along the open space façade, ensures appropriate mitigation of shadowing impacts.

The Graham Road frontages of Buildings K and M propose a streetwall height of four storeys set behind a landscaped front setback of 6 metres. This interface treatment to Graham Road ensures upper levels are visually recessive as viewed obliquely and will provide a positive pedestrian outcome and generous landscaped buffer.

Buildings C, D, D2, E, F, G, H, I and J generally form a spine of development through the centre of the site. Building heights range from six storeys in the central part of the site and transition to seven storeys to the northern part of the site. Although the overall building heights exceed the discretionary heights identified in the DPO, the application of upper-level setbacks, building breaks and large areas of open space throughout the site, visually mitigate any built form dominance and detrimental overshadowing of neighbouring buildings, proposed open spaces and the conservation area.

A key theme raised in many objections related to the heights proposed in the Development Plan. The applicant was asked to consider amendments to the Development Plan in response to community opposition to the proposed heights. The applicant has offered to reduce the heights of Buildings D2, E and H from seven storeys to six. This amendment would provide an improved graduation of heights from the central portion through to the northern end of the site. A condition of approval is recommended to secure this change to the built form heights.

### **Streetwall Height**

Buildings A, B, C, D, K and M are proposed with four storey street wall heights fronting the internal street network. Upper levels are generally setback above this height which contributes to a visually recessive outcome, as viewed obliquely from the street. Additional landscaped front setbacks, in addition to the street widths, contribute to minimising built form dominance. The built form envelopes provided for these buildings are all generally acceptable and are considered to provide a positive low scale streetscape experience.

Five storey street wall heights are proposed for Buildings D2, E and H. These buildings generally provide a gateway experience at the primary entrance to the site located at the southern end of the Graham Road. Additional landscaped front setbacks, in addition to the street widths, contribute to minimising built form dominance. These elements are also set well into the site behind the front plaza.

Although a five storey street wall height can be considered visually dominant, the application of an architectural recessive treatment at the fourth storey, enables the streetwall to be read as a 3-storey element and would separate the building into smaller components. This treatment is identified in Section 5.2 of the Development Plan. These architectural elements will be confirmed through the detailed design of the development at the planning permit stage.

How built form is experienced in the public realm and surrounding properties is nuanced and multi-faceted. Multiple built form and public realm elements combine to contribute to the impact and dominance of a building. Therefore, the assessment of built form should consider all building attributes and the overall contribution, the building as a whole, makes to an area.

Although the central and to a lesser extent, the proposed buildings to the north of the site are greater in height than the discretionary built form heights identified in the DPO, the proposed built form and site layout is considered generally an appropriate size and scale for the former CSIRO site, due to the following:

- The significant size of the site has the capacity to accommodate increased height through the central part of the site without significant impacts on surrounding properties and the street.



- The scale of development proposed around the perimeter of the site is reflective of the low scale surrounding residential areas.
- Appropriately scaled building floorplates, generally no larger than 20 metres, for each building envelope, will ensure a high level of internal amenity will be provided for future residents.
- Generous boundary setbacks allow for the provision of deep soil planting and landscaping, creating a landscaped buffer between the development and existing residential areas and the public realm.
- The predominantly north-south orientation of proposed building envelopes ensures increased opportunities for adequate internal amenity.
- Upper-level setbacks and architectural treatments mitigate significant over-shadowing and visual bulk impacts to neighbouring buildings, proposed open spaces and the conservation area.
- The site layout incorporates adequate spacing between buildings to ensure visual breaks and mitigates the need for privacy screening.
- The built form provides a generally positive interface to the internal street network, through the use of appropriate upper-level setbacks, architectural treatments and landscaped setbacks.

## **7.2. Integration with Surrounding Land Uses**

The DPO2 requires building envelopes that identify heights, setbacks and minimum offsets between buildings to ensure internal amenity, an explanation of how development will interface with adjoining commercial and residential development and a high quality of internal amenity for future residents.

Two storey townhouses would be setback 5 metres from the site boundaries. The three storey townhouses would be setback 7.16 metres from the site boundaries. The two apartment buildings adjacent to site boundaries with lower scale development are buildings A and L. Both buildings feature staggered setbacks for upper storeys.

Building A would be setback from the western boundary by 4.3 metres at ground and first floor, 12.3 metres for the second and third storeys and 16.3 metres for the upper storey. Building L would be setback from the western boundary by 5 metres at ground and first floor, 10 metres for the second floor, 13 metres for the third floor, 16 metres for the fourth floor and 18 metres for the upper storeys.

The sections contained in the Development Plan indicate the built form envelopes would be well within the ResCode setbacks as it relates to the existing residential properties to the east and west. It is noted the built form envelopes would also be well within the more generous Bayside ResCode setbacks that apply in the Neighbourhood Residential Zone across Bayside. The windows and balconies within nine metres of boundaries with neighbouring windows will need to be treated with some form of screening that complies with Standard B22 of Clause 55 of the Bayside Planning Scheme.

The overshadowing diagrams provided in the Development Plan indicate very limited overshadowing on adjacent properties on 22 September. This is the date that the overshadowing standard at Clause 55.04-5 of the Bayside Planning Scheme applies.

Buildings L and M would partly adjoin the existing buildings to the north up to the fourth storey. The property to the north presents a blank frontage to this height. Upper levels are setback from this boundary between 9.2 and 11.5 metres. This would avoid the need for any screening for windows and balconies along this boundary and ensure equitable development opportunities for the property to the north.

The proposed interface with adjacent residential properties, particularly along Middleton Street, was a key area of concern raised through submissions. The applicant has offered to setback all built form above three storeys from the western boundary for Building L by at least 18 metres and 20 metres for Building A. This would result in greater setbacks to storeys four and five of

Apartment A and Apartment L. Officers consider this would significantly improve the interface with the existing one and two storey dwellings along Middleton Street and have recommended this change be included as a condition of approval.

### **Internal Amenity & Building Separation**

The proposed Development Plan indicates the apartment building floorplates will be generally a maximum width of 20 metres. This would enable future development to be designed using a double loaded apartment configuration with internal circulation while ensuring maximum room depths are consistent with Clause 58 of the Bayside Planning Scheme. While the internal layout of individual apartment buildings will be confirmed through future planning permit applications, this overall layout is considered to be best practice design and will ensure a high standard of internal amenity is achieved for future residents.

The proposed Development Plan identifies separation between each apartment building of a minimum of nine metres and in many cases in excess of this. A minimum separation distance of nine metres is consistent with the accepted minimum distance to avoid overlooking and the need for privacy screening. Officers also consider the proposed separation distances, in conjunction with the height of the built form and orientation of the buildings will ensure adequate daylight penetration into habitable rooms of all apartments.

The proposed townhouses are also appropriately sited to ensure adequate daylight penetration to the dwellings and sunlight access to the private open space. The windows and balconies of the townhouses within nine metres of boundaries with neighbouring windows will need to be treated with some form of screening to comply with Standard B22 of Clause 55 of the Bayside Planning Scheme. This will be confirmed at the planning permit stage.

The site layout and building separation proposed for the former CSIRO site is considered to ensure a high standard of internal amenity will be provided for future residents. Future planning applications will ensure the proposal meets the overlooking, daylight and internal amenity requirements of Clause 55 and 58 of the Bayside Planning Scheme.

### **7.3. Compliance with Clause 56 (Residential Subdivision)**

Pursuant to Clause 43.04-4, a development plan that provides for residential subdivision in the Residential Growth Zone must meet the requirements of Clause 56.

An assessment against the requirements of Clause 56 is provided at **Attachment 2**. The proposed Development Plan is considered to generally comply with all relevant Clause 56 objectives and standards.

### **7.4. Housing Diversity**

The DPO2 includes an objective “*to contribute to housing diversity within the area by providing a range of dwelling types and densities, including affordable housing*”. The DPO2 does not identify targets for housing diversity.

The *Bayside Housing Strategy 2019* identifies a need for housing diversity in the form of family housing, apartments, townhouses and single storey units to meet the changing demographics of the municipality. The housing strategy identifies residential aged care and adaptable housing as two housing typologies that are particularly encouraged in Bayside. The *Affordable Housing Strategy 2021* also seeks housing diversity, particularly for lone person and family households.

The Development Plan proposes 1048 dwellings, including 914 apartments, 58 town homes (two storey apartments) and 76 townhouses. The indicative dwelling mix is outlined in the table below.

	One Bed	Two Bed	Three Bed	Four Bed
Apartments	220	600	94	-
Town Homes	-	-	53	5
Townhouses	-	-	15~71	5~61
Total	<b>220</b>	<b>600</b>	<b>162~218</b>	<b>10~66</b>

It is acknowledged the Development Plan sets a high-level framework for future planning applications that will ultimately confirm the dwelling types and mix that will be delivered across the site. The Development Plan specifies the following ranges for the dwelling mix:

- One bedroom: 20-25%
- Two bedroom: 55-60%
- Three bedroom: 20-25%
- Four bedroom: 1-5%

The housing stock in Highett has traditionally largely comprised detached dwellings. Medium density dwellings and apartments have more recently been developed in the area. The dwelling diversity identified in the Development Plan would add to the dwelling diversity in Highett and would assist in providing housing stock that better meets the needs of the changing community in Bayside. In particular, the Development Plan would contribute to single bedroom apartments that are suitable for the growing proportion of lone person households in Bayside.

The Development Plan provides a high-level framework to guide the future development of the site. As such, it does not identify the layout of individual dwellings. Future planning permit applications to ensure the dwellings on site are adaptable and provide high quality internal environments.

### 7.5. Affordable Housing

The DPO2 includes an objective *“to contribute to housing diversity within the area by providing a range of dwelling types and densities, including affordable housing”*. The DPO2 does not identify targets for the number of types of affordable housing.

The Bayside Planning Scheme does not set targets for affordable housing; however, an Affordable Housing Strategy has been adopted by Council in June 2021. The Affordable Housing Strategy includes requirements for redevelopment sites to provide a high level of public or affordable dwellings, provide space for community facilities, incorporate best practice housing outcomes, best practice ESD outcomes and universal design principles and provide housing diversity, particularly for lone person households and family households.

The *Planning and Environment Act 1987* defines affordable housing as housing that is appropriate for the housing needs of very low-, low- and moderate-income households. The Minister for Planning regularly publishes a notice in the Government Gazette which identifies the income ranges for very low, low and moderate households for this purpose. The most recent notice was published June 2020 and identified the following income ranges for Greater Melbourne:

	Very low income range (annual)	Low income range (annual)	Moderate income range (annual)
Single adult	Up to \$ 26,090	\$26,091 to \$41,750	\$41,751 to \$62,610
Couple, no dependant	Up to \$ 39,130	\$39,131 to \$62,620	\$62,621 to \$93,920

Family (with one or two parents) and dependent children	Up to \$ 54,780	\$54,781 to \$87,670	\$87,671 to \$131,500
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Housing is considered affordable when households spend no more than 30% of their income on housing. The application has provided calculations using median housing prices in Highett to demonstrate:

- One-bedroom apartments will be affordable for single adults with incomes at the top of the moderate income band (\$62,610).
- One- and two-bedroom apartments will be affordable for couples with a household income at the top of the moderate income band (\$93,920).
- Two- and three-bedroom dwellings will be affordable for families with a household income at the top of the moderate income band (\$131,500).

While this demonstrates some of the proposed dwellings on site would meet the affordable housing definition, it is important to note these figures are not a commitment on the part of the applicant to sell dwellings below market rates or to place any sort of mechanism on title to ensure dwellings would be affordable if resold in the future.

The proposed Development Plan confirms the development will contribute to the Homes for Homes Initiative for all dwellings on site. This commitment will be secured via Section 173 Agreement to be registered on all titles. It is expected any future planning permit issued at the site will include this requirement as a condition to ensure the ongoing commitment to an initiative like Homes for Homes will be delivered. The delivery of affordable housing through this mechanism is at the discretion of Homes for Homes. There is no guarantee the homes funding through this initiative will be delivered on the site or within the Bayside municipality.

### **7.6. Open space and landscaping**

The DPO2 includes an objective “to provide a high-quality open space network and conservation area”. The DPO2 requires one hectare of land for passive open space purposes distributed across the site in a manner that provides for equitable local access and good urban design outcomes. The DPO2 also requires a landscape concept plan and tree management plan that provides an assessment of existing vegetation, opportunities to retain mature trees, a planting theme which complements neighbouring character and delineation of which trees are to be removed and which trees are to be retained.

The Development Plan proposes one hectare of open space generally located adjacent to Graham Road and would form a key interface of the development site with the surrounding neighbourhood. The vesting of this land in Council will be secured by way of Section 173 agreement. While the Development Plan indicates a simple high-level concept for the design of the open space, Council will lead a future detailed design process to confirm the appropriate layout and facilities within the open space.

The Development Plan is supported by a Landscape Design Report and two arborist reports. The landscape report proposes a landscaping design response that transitions from the ecological values in the south through to the more urban values at the northern end of the site. The landscape report includes a planting palette across the site consisting of native and exotic species. Officers do not consider the landscaping scheme proposed to be a high-quality outcome. In particular, the use of non-indigenous species in the streetscape adjacent to the conservation area and to signify vehicle entries to the site is not considered appropriate. The conservation outcomes and planting palette were a key issue raised through submissions. The applicant has offered to amend the planting palette to remove exotic species for all areas except the two private open space areas with the remainder of planting to be indigenous or

native. Officers consider this would significantly improve the landscaping and biodiversity outcomes at the site. A condition of approval to secure this commitment has been recommended.

The landscape report proposes landscaping buffers along the boundaries with existing properties to the east and west. These buffers will soften the interface with existing properties and provide canopy coverage and shading for the development. The landscape report provides sufficient detail to confirm sufficient deep soil planting is accommodated above basement areas to accommodate the canopy tree coverage proposed. The hard and soft landscape palettes proposed are considered to be high-quality.

The Development Plan has demonstrated that all trees on site will be retained with the exception of a single street tree to facilitate the access point to Middleton Street. A payment for the asset value of this tree will be levied at the time a permit application is made for this access to Middleton Street. The asset value is calculated using the methodology in Council's Tree Amenity Valuation Procedure 2017 and consists of the tree's amenity value as well as removal and replacement costs.

Council's Arborist Advisor has identified the need for Tree Protection and Management Plans to be lodged with future planning permit applications that develop adjacent to the boundaries with neighbouring properties. There are a number of trees on neighbouring properties that these applications will need to demonstrate can be retained. Given the separation distance of built form from these boundaries identified in the Development Plan, Officers are satisfied impacts on neighbouring trees can be minimised subject to suitable tree protection and management techniques.

The spring equinox on 22 September is the standard date for measuring overshadowing that is adopted in the Bayside Planning Scheme. The overshadowing diagrams in the Development Plan indicate there will be some form of overshadowing of the open space between 9am and 3pm on 22 September. Given the orientation of the public open space on the site, the overshadowing is limited until late in the day when the sun is in the west and Buildings I and J overshadow part of the open space.

The broad location of the open space on the site is consistent with the location identified in the Highett Structure Plan. The overshadowing diagrams demonstrate the vast majority of the open space would be free from overshadowing throughout the day.

### **7.7. Conservation Area**

The DPO2 requires three hectares of land at the southern end of the site be vested in Council for conservation purposes. The DPO2 also seeks the incorporation of significant native vegetation into the design of the development where possible.

The Development Plan designates three hectares of the site as the conservation area. The extent of the conservation area would retain all remaining indigenous trees on site and is largely consistent with the location of the conservation area identified in the Highett Structure Plan.

Officers required the Development Plan material be updated to identify the shadowing impacts associated with the proposal on the conservation area at the winter solstice. The overshadowing diagrams indicate that at midday on 22 June the development would shadow less than 1,000m<sup>2</sup> of the 30,000m<sup>2</sup> conservation area. Council's Ecologist Advisor has reviewed the Development Plan material and confirmed the overshadowing associated with the proposal will not impact on the health or viability of the conservation area.

Council's Ecologist Advisor recommends a number of detailed matters, including weed management, retention of fallen trees and removal of plastic covers around tree trunks and existing asphalt from the conservation area. The Development Plan is not the appropriate mechanism to address these detailed matters. The future access to the conservation area and development within the area will be the subject of a detailed design process lead by Council.

The DPO2 also requires an offset strategy in accordance with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation. A letter from an Ecologist has been submitted in support of the application which identifies the indigenous vegetation present on the subject site and confirms the development area (that part of the site that has undergone remediation) has little to no vegetation.

Demolition and contamination remediation works on site occurred between mid-2016 and early 2020. The works involved removal of contaminated soil which stripped a large portion of the site bare. In the intervening period the bare land has been populated largely with weed species. While some native flora species have also repopulated the cleared site, removal of this vegetation would benefit from the permit exemption for regrowth on lawfully cleared land pursuant to Clause 52.17-7 of the Bayside Planning Scheme.

An arborist report has also been submitted in support of the application which confirms the development proposal would not impact on any of the existing indigenous trees within the site. Council's Ecologist Advisor has reviewed this material and raises no objections to the proposal. A key concern raised by community submissions was the conservation outcomes at the site and in particular the interface with, and planting of, the conservation area. Officers provided the applicant with the opportunity to consider amendments in response to the objections received.

The applicant has offered to remove vegetation species that Officers have expressed concern with and introduce native or indigenous plantings across all parts of the site except the communal space between Buildings C, D and D2, and Buildings L and M. This would include only indigenous planting at the interface with the future conservation area and the central part of the site consistent with the remnant vegetation in the conservation area. Officers consider this to be a significant improvement to the proposed Development Plan. A condition of approval is recommended to secure this improvement to the planting scheme.

Officers held initial reservations regarding the potential impact of overshadowing on the conservation area. The applicant was requested to include shadowing diagrams on the winter solstice to confirm the maximum overshadowing impact across the year. Between 9am and 3pm on 22<sup>nd</sup> June, the proposed built form would overshadow a maximum of 3,626m<sup>2</sup> of the conservation area. On the 22<sup>nd</sup> September the maximum overshadowing between 9am and 3pm would be 105m<sup>2</sup> of the conservation area.

Council's Ecologist has confirmed the overshadowing associated with the proposal will not impact on the viability of the conservation area. In the context of the scale of the conservation area (30,000m<sup>2</sup>) this overshadowing impact is considered to be minor. It is noted the recommended requirement for greater setbacks from the western boundary for Building A would further reduce overshadowing of the conservation area.

## **7.8. Traffic**

The DPO2 includes an objective *"to provide for safe and efficient traffic and pedestrian networks that integrate with the surrounding neighbourhood"*. The DPO2 requires a comprehensive transport analysis which identifies expected traffic volumes associated with the proposed Development Plan, a transport, traffic and access management plan, and the means proposed to address the impacts of traffic generated by the Development Plan on the surrounding road network, including any required upgrades.

The subject site is within close proximity to the Highett Train Station. Highett Road, Graham Road and Bay Road are identified Bus Priority Routes. Almost the entire site is within the Principal Public Transport Network due to the Highett Train Station and the Smart Bus Route along Bay Road. Bay Road is also an identified Bicycle Priority Route.

A Traffic Impact Assessment has been submitted in support of the application. The assessment assumes an effective traffic generation rate of 0.3 vehicle movements per dwelling during peak hours. Council's Traffic Advisor has confirmed this is an appropriate assumption in the context of the location and scale of the development. The applicants traffic consultant has also provided a number of empirical studies that demonstrate this is a reasonable traffic generation rate for similar development sites. The analysis has assumed a split of vehicle movements between Graham Road and Middleton Street of 70% and 30% respectively. The analysis also assumes that 50% of vehicles will access the southern Graham Road access point to the site and 20% of vehicles would access the northern access point.

The initial iteration of the Development Plan did not propose to signalise the Graham Road/ Bay Road intersection and instead proposed to restrict right turning movements at the intersection with the exception of buses. The Traffic Impact Assessment did not consider how any redirected traffic would be absorbed in the surrounding road network.

Council and the Department of Transport raised concerns with this approach. The Development Plan has now been amended to propose signalisation of the Graham Road/ Bay Road intersection. The Traffic Impact Assessment demonstrates the expected traffic volumes through this intersection will not impact on Bay Road or the surrounding road network.

The traffic analysis contained in the Traffic Impact Assessment was based on turning movement counts recorded on Thursday 31 October 2019 between 7:30am – 9:30am and 4pm – 6pm, and tube counts undertaken between Thursday 7 to Wednesday 13 November 2019. It is noted these times are during school term dates and before COVID.

A number of submissions raised concerns with the time stamps recorded on the SIDRA traffic analysis in the Traffic Impact Assessment. The dates in the Traffic Impact Assessment are the time stamps recorded by the SIDRA traffic analysis tool and reflect the dates the analysis was undertaken in the SIDRA tool. These time stamps are recorded at various times in April, May and November 2020 and do not reflect when the underlying traffic movement data was recorded.

Utilising traffic counts in 2019 is considered appropriate in this instance as any counts undertaken after March 2020 are likely to be affected by COVID restrictions and the changing patterns in commuting. Using more recent counts would indicate more capacity in the traffic network than would be available post-COVID restrictions.

Council is still in negotiation with the applicant on the cost apportionment between parties and timing for delivery of the signalised intersection at Bay Road and Graham Road. Council has the ability to hold off on issuing any planning permit for development of the site to secure this agreement before works could commence on-site.

The Development Plan proposes access to both Graham Road and Middleton Street. The SIDRA analysis contained in the Traffic Impact Assessment indicates all surrounding intersections will continue to operate within their theoretical capabilities and all will operate below the point of compromising the efficient operation of the intersection. The Traffic Impact Assessment also provides a mid-block assessment of Graham Road and Middleton Street which indicates the post-development traffic along both streets would be well within the indicative daily traffic volumes anticipated for both streets. Council's Traffic Advisory and the Department of Transport have both advised the traffic impacts of the proposal can be accommodated in the surrounding road network without significant impact.

The Development Plan indicates all internal roads will be private roads. The proposed cross-

section indicates a 5.5 metre carriageway, 2.1 metre parking bays, 1.5 metre footpaths and a 400mm nature strip. A body corporate would be responsible for all maintenance. Easements are proposed to provide Council and community access to the conservation area, open space and community centre. Council's Traffic Advisor has reviewed the road layout and cross sections of the internal roads and confirmed they have no objection.

A number of submissions raised concerns with the potential traffic impact associated with construction vehicles. The Development Plan indicates the site will be developed in stages with the central precinct the likely first stage. Construction Management Plans that mitigate any impact on the surrounding road network during the construction period will be secured through each planning permit application.

A number of submissions raised concerns with vehicle access to Middleton Street. The applicant has offered to restrict the Middleton Street access to one way. The applicant did not indicate which way the traffic was to be restricted. The Traffic Impact Assessment assumes 30% of vehicle movements at the site are expected to use the Middleton Street access and 70% will use Graham Road. Of this 30%, half will travel north and half south on Middleton Street. Council's Traffic Advisor has advised that a two-way access to Middleton Street is recommended to enable ease of circulation around the road network rather than concentrating movements to Graham Road only.

Council's Traffic Advisor confirms Middleton Street has suitable capacity to accommodate the additional traffic volumes which are projected at 564 vehicles per day travelling north and 564 travelling south. In the event that dual access was not available at Middleton Street, greater volumes would be distributed to Graham Street which could impact on the operation of the nearby intersections.

The Highett Structure Plan indicates a two-way access to Middleton Street from the subject site. Officers consider Graham Road will continue to be the main access route to and from the site and the proposed signalisation at the Graham Road/Bay Road intersection would further encourage this. Particularly given left turns are restricted at the Middleton Street/Bay Road intersection.

Officers recommend a condition of approval that requires the Traffic Impact Assessment be updated to confirm the impact of a one-way restriction to the Middleton Street access to the satisfaction of Council and the Department of Transport. A one-way restriction may therefore be implemented if the traffic impacts are not detrimental on Graham Road and the surrounding road network.

Notwithstanding the above condition of approval, future planning applications will be required to be supported by robust Traffic Impact Assessments. If these future assessments indicate more than 30% of vehicle movements are using Middleton Street, a restriction to this access could also be implemented at this time.

### **7.9. Car & Bicycle Parking**

The DPO2 requires a transport, traffic and access management plan that addresses the transport, traffic, pedestrian and bicycle needs of the development. The car and bicycle parking provision in the Development Plan is a critical component of the transport and access strategy for the site.

The Development Plan proposes 1,323 car parking spaces across the site. It is noted the Development Plan will set the broad overall parking rates; however, there will be flexibility for each planning permit application in how these parking rates are delivered per stage of the development.

The Development Plan indicates that parking for the apartment buildings will be accommodated in two storeys of basement parking below the apartments. The basements will be consolidated between adjacent apartments. The Development Plan proposes visitor



parking on-street within the private internal roads.

The subject site is within the Principal Public Transport Network (PPTN) area and therefore the Bayside Planning Scheme specifies lower parking rates to account for the greater access to public transport options with the Highbett Train Station and SMART bus route along Bay Road. This includes no requirement for visitor parking for residential development.

The car parking proposed by the Development Plan and the statutory parking requirement in the Bayside Planning Scheme are outlined in the table below.

Development Plan			Statutory Requirement		
Land Use		Quantity/ Size	Proposed Parking	Resident Parking	Visitor/ User Parking
<b>Apartments</b> (including town homes)	1 Bed	220	178 spaces	220 spaces	0
	2 Bed	600	600 spaces	600 spaces	0
	3 Bed	147	294 spaces	294 spaces	0
	4 Bed	5	10 spaces	10 spaces	0
<b>Townhouses</b>	3 Bed	15	30 spaces	30 spaces	0
	4 Bed	61	122 spaces	122 spaces	0
<b>Residential Visitor Parking</b>		N/A	60 spaces	N/A	0
<b>Community Facility</b>			19 spaces	N/A	0.3 spaces per patron
<b>Conservation Zone</b>		3 ha	10 spaces	N/A	N/A

It is noted the statutory parking requirement for the community facility is based on the total number of patrons that will be able to access the facility at one time. The Development Plan nominates the community facility as 1,000m<sup>2</sup> in size but does not indicate the potential number of patrons. It is understood this will be resolved through a detailed design process led by Council.

The Development Plan indicates the proposal would comply with the statutory parking requirements of the Bayside Planning Scheme for all dwellings with the exception of a small number of the single bedroom apartments. Of the 220 single bedroom apartments, 178 would have a parking space, while 42 apartments would not be allocated a parking space. This represents less than 20% of single bedroom apartments and 4% of total dwellings proposed.

The Traffic Impact Assessment justifies the proposed parking rate on existing car ownership rates sourced from ABS census data, access to public transport at the site and forecast trends which expect less private vehicle use in the future. Council's Traffic Advisor has advised they consider the level of parking provision to be high given the proposal is seeking to promote sustainable transport options and a higher take up of public transport. The Traffic Impact Assessment provides ABS data that indicates 20% of existing one bedroom residents do not own a car.

In light of the concerns raised by the community in relation to parking provision, Officers provided an opportunity to the applicant to revisit this aspect of the Development Plan. The applicant has offered to commit to offering all dwellings on site at least a single parking space. This would be achieved by reducing the total number of dwellings by 26 and the provision of additional basement parking.

Officers are comfortable with the additional parking provision offered by the applicant. A condition of approval to secure this update is included in the recommendation of this report. The Development Plan will provide a high-level framework for the development of the site; however, future planning applications will confirm the exact number of dwellings and parking spaces for individual stages of development.

It is noted there is a discrepancy between the Development Plan and Traffic Impact Assessment in terms of the ratio of three- and four-bedroom townhouses and associated car parking. The townhouse numbers fall within the ranges identified for townhouses in the Development Plan. The Development Plan sets a high-level vision to guide future planning permit applications and the dwelling mix is therefore likely to change over the lifetime of the Development Plan.

The statutory parking rate for three- and four-bedroom townhouses in the Bayside Planning Scheme is two parking spaces per dwelling. Officers generally expect the same level of vehicle movements between the two dwelling types. The condition of approval recommended in relation to all dwellings being provided with a car parking space will resolve the discrepancy associated with parking numbers for townhouses between the Development Plan and Traffic Impact Assessment.

### **Visitor Parking**

A number of submissions from the community have raised concerns with a perceived lack of visitor parking on site and the potential for overflow parking into surrounding residential streets. As the site is within the PPTN buffer, the Bayside Planning Scheme does not require any visitor parking for the site. This reflects the sites excellent access to public transport.

The Development Plan does identify 60 visitor parking spaces within the internal street network, 10 parking spaces adjacent to the conservation area and 19 basement parking spaces associated with the community facility. The applicant has indicated an intention to restrict the visitor parking in the internal road network to a maximum of two hours. This would ensure these parking spaces are not used for long term parking by residents. The level of visitor parking proposed is supported by Officers given the excellent access to public transport and the priority bicycle network for the site.

### **Bicycle Parking**

Clause 52.34 of the Bayside Planning Scheme requires one resident bicycle parking space per five dwellings in developments of four storeys or greater and one visitor bicycle parking space per 10 dwellings. The Development Plan has committed to supplying bicycle parking at 1.5 times the statutory requirement to encourage cycling as a viable transport method for residents. The cycle parking will be accessibly located in communal locations within the apartment basements and within the private garage of each townhouse.

Clause 52.34 requires one employee bicycle parking space and two visitor spaces per 1500m<sup>2</sup> for a community centre. The proposed community centre therefore will not trigger a requirement for bicycle parking spaces; however, it is likely that Council will identify a requirement for bicycle parking through the later detailed design phase for the community centre.

### **Green Travel Plan**

The Development Plan proposes Green Travel Plans be prepared with each stage of the development to encourage sustainable travel behaviour. This is considered appropriate to encourage sustainable modes of transport for residents as the site develops and is consistent with Clause 18.02-1L of the Bayside Planning Scheme. A Green Travel Plan can be secured with each individual permit application at the site.

### **Car Share**

The Traffic Impact Assessment makes a commitment to incorporating a Car Share scheme into the transport strategy for the site. While the proposal does not commit to a specific number

or provider for the car share scheme, this will be secured through Green Travel Plans for individual stages of the development. This is considered to be a positive aspect of the Development Plan and will further encourage sustainable transport modes at the site.

### **7.10. Drainage & Flood Impact**

The DPO2 requires a civil infrastructure and drainage report that includes an assessment of the capacity of the infrastructure to treat and detain stormwater, and water sensitive urban design principles. The Development Plan is accompanied by a Stormwater Management Plan, Flood Impact Assessment and Landscape Report that provides this detail.

The SMP proposes to divert the main drain through the site through the proposed open space area. This work would be developer funded and subject to Melbourne Water approval. No on-site detention is proposed. Melbourne Water have confirmed they do not object to this approach. The SMP proposes to treat stormwater consistent with best practice treatment measures. These include rainwater harvesting, gross pollutant traps and rainwater gardens

The Flood Impact Assessment models the flooding at the site caused by the overland flow associated with the Special Building Overlay that applies across part of the site. Melbourne Water have placed a number of constraints for the detention of stormwater on the site. The Stormwater Management Strategy proposes to use the 1 hectare open space for flood storage in a 5% AEP (1 in 20 year) flood event. The assessment details that flood volume would not exceed a depth of 300mm in a 1% AEP (1 in 100 year) event and would dissipate through the drainage system in 5 hours from peak.

Melbourne Water have reviewed the application material and advised they do not object to the approval of the Development Plan subject to a number of conditions. These conditions can be included on any decision on the Development Plan.

Council's Engineering Advisor required a number of changes and additional information to be provided detailing the applicant's drainage strategy. Council's Engineering Advisor ultimately confirmed they are comfortable with the information detailed in the Development Plan and the information provided; however, there will be a number of matters regarding placement and maintenance of the gross pollutant traps, rainwater tanks and rainwater gardens that will need to be confirmed through future planning applications. Given the Development Plan provides a high-level framework for the site and future planning permit applications will be required to individual stages of the development, Officers are comfortable with this approach.

### **7.11. Environmentally Sustainable Development**

The DPO2 includes the objective *"to demonstrate high quality building and landscape design that implements environmentally sustainable design principles"*. The DPO2 requires:

- *Environmentally sustainable design principles to be incorporated into the development, including integrated water management, energy efficiency, climate responsive design, waste minimisation and improvements to urban ecology including an assessment with the Built Environment Sustainability Scorecard (BESS) tool.*
- *How the orientation and layout of the development makes appropriate use of daylight and solar energy.*
- *Water sensitive urban design solutions for managing storm water discharge throughout the site including public areas and roads, including the potential for diverting storm water for reuse off-site.*
- *Incorporation of rain water tanks into the design to capture and store rain water for use in private gardens within the development and public open space.*

The DPO2 requires the Development Plan to outline the sustainable design principles to be incorporated into the development. The Development Plan sets a high-level framework to

guide the development of the precinct and is not intended to resolve the detailed design of the each of the buildings. Many of the measures sought by Council's ESD Advisor relate to the detailed design of the proposal and extend beyond the requirements of the DPO2.

The Sustainability Strategy Report submitted in support of the Development Plan outlines the sustainability targets the development will achieve including energy and water efficiency, indoor environmental quality, stormwater management, transport, waste management, urban ecology and innovation. The strategy identifies particular sustainability measures under each of these targets. The landscape plans identify the locations of 22 rainwater gardens adjacent to internal roads. Rainwater tanks will be located at basement level.

The strategy confirms the Development Plan's commitment to achieving best practice ESD standards with BESS, NatHERS and NCC requirements. The challenge of incorporating ESD measures into the Development Plan that will be implemented through future planning permits over the next decade is that best practice ESD measures are likely to change over that timeframe. Officers required a series of updates to the Sustainability Strategy to ensure it did not lock into particular standards that may become outdated and will require best practice to continue to be met at the site as ESD standards evolved into the future. Council's ESD advisor has reviewed these updates and confirms they are appropriate.

The sustainable performance of the development was a key issue raised in a number of submissions from the community. In response to these community concerns, the applicant has offered to commit to exclude gas services from the site which would make the Development Plan capable of achieving a carbon neutral or net zero emissions outcome. This position recognises that while there is no current requirement for development to be carbon neutral, if gas services are installed in the development, they are very unlikely to be removed. Officers consider excluding gas from the development site is a significant improvement to the ESD performance of the development and would be consistent with Council's own goals of becoming carbon neutral. A condition of approval to secure this requirement is recommended.

The Development Plan and Sustainability Strategy both recognise a Sustainability Management Plan will be required to accompany all future planning permit applications to confirm the sustainability measures for each stage of the development is consistent with the sustainability strategy and meets best practice.

### **7.12. Wind**

There is no requirement for a wind assessment in the Bayside Planning Scheme and typically wind assessments are only required for development in excess of 40 metres in height in Melbourne. Given the change in height to surrounding properties, the subject site will be exposed to unrestricted wind conditions from most directions.

A Wind Environment Desktop Assessment has been submitted in support of the proposal Development Plan. The desktop assessment indicates that post-development the wind conditions surrounding the site will be comfortable for walking at minimum. Importantly, the assessment indicates the wind comfort conditions for the public open space, conservation area and interfaces with neighbouring properties will be comfortable for sitting and standing.

The assessment identifies wind conditions comfortable for sitting and standing as no greater than 14km per hour and conditions comfortable for walking no greater than 20km per hour. While the Bayside Planning Scheme does not define comfortable wind conditions, these wind comfort figures are generally consistent with wind benchmarks in other planning schemes.

The assessment indicates some form of mitigation, likely in the form of landscaping or canopies, will be required where sitting, standing or dining are expected and wind conditions that are not comfortable for sitting are predicted. This would include the elevated terraces, proposed building entries and the plaza adjacent to the southern entrance from Graham Road where a potential café is anticipated.

The wind report indicates that detailed wind assessments should be required at the planning permit stage when the detailed design of each building is known. Any wind mitigation measures to be required will be confirmed through the planning permit process.

### **7.13. Waste Management**

A Waste Management Plan (WMP) has been submitted support of the application. The WMP report estimates the waste and recycling to be produced by the proposed apartments, townhouses, community facility, café and the internal resident's gym. Apartments are to be provided with a chute system and communal waste storage and collection. The townhouses, café and community facility will have individual waste storage.

Waste will be collected twice weekly for the apartments, café and community facility and weekly for townhouses with recycling collected fortnightly. Waste stream and bin size details are also outlined.

Private waste collection is proposed for the apartments, café and community facility. The report identifies that either private or Council waste collection for the townhouses will be determined at the planning permit stage. Given the internal roads will remain private, the starting point for the future discussion regarding the townhouses will be collection by a private contractor.

Council's Advisor has reviewed the WMP report and have not raised any concerns with the proposal waste storage and collection arrangements. Individual WMP reports consistent with this initial report will be required for each staged planning permit.

### **7.14. Cultural Heritage Management Plan**

The lower two thirds of the site is within a cultural heritage sensitivity area. The proposed development is a high impact activity, and a mandatory Cultural Heritage Management Plan is required. A Cultural Heritage Management Plan was approved for the site by Aboriginal Victoria in January 2021. The approval includes conditions which require the CHMP to be kept on site and available, induction and contingency measures and protection measures for two heritage places at the bottom of the site (VAHR 7922-1406-1 to -3 and VAHR 7922-1408).

### **7.15. Development Contributions Levy**

The subject site is located within catchment area 15B.

Based on a total of 1048 dwellings, the payment likely to be collected through future permit applications will be approximately \$1,399,986 in 2021 dollars. The payment of the development contributions will be included as a condition of all future permits issued at the site.

## 8. Recommendation

That Council:

Approve the Development Plan under the provisions of the Bayside Planning Scheme for the land known and described as 37 Graham Road Highett, subject to the following conditions of approval:

- 1) A revised Development Plan must be submitted and approved to the satisfaction of the Responsible Authority, generally in accordance with the report prepared by CHC Architects dated 2 August 2021, but modified to include:
  - a) Changes in building height generally in accordance with the Masterplan Proposed Heights, October 2021 V2, prepared by CHC Architects, showing:
    - Reduction in height of buildings D2, H and E to a maximum of 6 storeys;
    - Increase in setback to building L, with the levels 4-7 setback 18 metres from the western site boundary; and
    - Increase in setback to building A, with level 4 setback 20 metres and level 5 setback 23 metres from the western site boundary.
  - b) Any changes to the Middleton Street access, as required by the modified Traffic Impact Assessment at condition 2.
- 2) A revised Traffic Impact Assessment must be submitted and approved to the satisfaction of the Responsible Authority, generally in accordance with the report prepared by Stantec Australia, dated 30 July 2021, but modified to include:
  - a) Assessment of the impact of one-way access to Middleton Road on surrounding street networks, to the satisfaction of the Department of Transport and the Responsible Authority. If approved, the Development Plan required at condition 1 to be updated to show the one-way configuration.
  - b) Update of Table 7.3 with revised yield and carparking allocation, providing for a provision of 1:1 carparks for 1 bedroom apartments as part of the Development Plan, subject to further assessment at the permit application stage and having regard to ESD objectives and market preferences.
- 3) A revised Sustainability Strategy Development Plan must be submitted to and approved to the satisfaction of the Responsible Authority, generally in accordance with the submitted Report prepared by Stantec dated 2 August 2021, but modified to include the design response of excluding gas infrastructure and supply from the site.
- 4) A revised Landscape Design Report must be submitted to and approved to the satisfaction of the Responsible Authority, generally in accordance with the submitted Report prepared by Tract Consultants dated 30 July August 2021, but modified as follows:
  - a) Remove the palm trees from the public realm locations (excluding internal courtyards and communal open space).
  - b) Highett Grassy Woodland species to be introduced at the southern interface, generally in accordance with the sketch prepared by Tract, dated 28th September 2021.
  - c) Achieve at least 85% native planting in public realm locations (excluding internal courtyards and communal open space).

### Department of Transport Conditions

- 5) Updates to the Development Plan as follows:
  - a) Reference to Bay Road/Highett Road intersection in Section 6.3 on page 90 updated to refer to "Bay Road/Graham Road".
  - b) The following is to be added to Section 6.3:

1. *The Traffic Impact Assessment Report (Revision C dated 30/07/2021) is to be amended to address the below matters, to the satisfaction of the Head, Transport for Victoria:*
  - i. *There is an existing issue with long queue lengths at the Bay Road/Reserve Road intersection. The proposed signals will result in longer queues and associated delays at the Bay Road/Reserve Road intersection because of its proximity to the existing signals at Bay Road/Reserve Road intersection. In addition, queues on Bay Road would extend back to the existing Pedestrian Operated Signals on Bay Road near Jack Road. It is required that:*
    - *The three signals (being existing signals at Bay Road/Reserve Road intersection, existing Pedestrian Operated Signals at Bay Road near Jack Road, and the proposed signals at Bay Road/ Graham Road) to be coordinated, at 90 second cycle time. These works must be at no cost to and to the satisfaction of the Head, Transport for Victoria.*
    - *Queue detectors to be installed on the departure side of Reserve Road for eastbound traffic, and at the Pedestrian Operated Signals near Jack Road for westbound traffic.*
    - *Additional SIDRA analysis to be undertaken using a 90 second cycle time to evaluate and determine the operational outputs at Bay Road/Reserve Road and network impacts. Mitigating works may be required.*
  - ii. *The submitted signal concept layout plan (Drawing no. V181370-20-01 dated 30/07/2021) is considered generally acceptable considering the existing site constraints. However, the road reserve at the northeast corner of the intersection is very tight, which leads to concerns as to whether an appropriate footpath and pram crossing will physically fit into the available space. This matter is to be carefully investigated, and the subsequent Functional Layout Plan is required to show how the footpath and pram crossing could work and being DDA compliant.*
  - iii. *The Functional Layout Plan should also show the existing electric pole on the south side of Bay Road, to the east of proposed signals at Bay Road/Graham Road to be relocated or undergrounded (preferred) due to the proposed road widening.*
2. *Road Safety Audits will be required to be conducted at both functional and detail design review stages.*
3. *The amended Traffic Impact Assessment Report is to form part of a permit application for Stage 1 of the proposed development.*
4. *Mitigating works to the Bay Road/Graham Road intersection must be in accordance with the amended Traffic Impact Assessment Report accompanying Stage 1 Planning Permit and completed at no cost to and to the satisfaction of the Head, Transport for Victoria.*
5. *Unless otherwise agreed in writing by the Head, Transport for Victoria, the mitigating roadworks must be completed prior to the occupation of any stage of the development.*
6. *The Head, Transport for Victoria's approval must also be sought to install new traffic signals on the network, pursuant to Part 2 of the Road Safety (Traffic Management) Regulations 2019.*

### **Melbourne Water Conditions**

- 6) Storm Water Management for the development plan must be as per Storm Water Management Plan Prepared By: Peter Munzel; Ref: 29150-2; Dated 5/03/2021; Revision: E.
- 7) Surface level of parkland area and internal roads in the DP (in particular, along overland flow path) must be set as per assumptions made in hydraulic modelling by Engeny. (Flood Impact Assessment, dated: 04/02/2021 by Engeny (Scott Dunn) & Memorandum by Engeny for On-site Detention and Existing/Developed Flows, dated 5 February 2021).

- Accordingly Functional Design plans must form part of a separate application to Melbourne Water for proposed re-alignment of Melbourne Water's existing asset.
- 8) Runoff from the site must be treated to comply with the criteria in the Urban Storm water Best Practice Environmental Management Guidelines regarding pollutant removal. Acceptable methods for the design of treatment measures include the storm water treatment modelling software package 'Model for Urban Stormwater Improvement Conceptualisation' (MUSIC), or the 'Water Sensitive Urban Design Engineering Procedures Manual' available at <http://www.melbournewater.com.au/wsud> which provides the procedure for design of various treatment measures.
  - 9) Finished ground floor levels of all proposed dwellings/ buildings of the Development Plan must be set no lower than 300mm above the applicable flood level at the location as per Melbourne Water's flood level information or 300mm above top of the kerb of internal roadways whichever is higher.
  - 10) Design and construction of the re-aligned drain must be carried out by a Melbourne Water approved engineering company who is experienced with pipeline design and construction.
  - 11) Prior to commencement of drainage construction works, the structural condition assessment of the existing drain to be realigned, including how interfaces are going to be achieved and asset ownership must be confirmed to Melbourne Water.
  - 12) Design of realigned drain is to be in accordance with Melbourne Water's standard drawings under the surveillance of Melbourne Water's Developer Project Works Team – detailed engineering plans of the drain must be approved by Melbourne Water's Developer Project Works Team through the Works Offer agreement process. Please note that there should be sufficient manholes at appropriate locations.
  - 13) Creation of an easement of a minimum 6.0m width is required to accommodate the re-aligned pipe and for transition structures with the pipe and structures centrally located within the easement. This easement must be clearly shown in the Development Plan.
  - 14) A setback of 2.3m must be shown for any permanent structures or deep footings from the outside edge of the new re-aligned pipe.
  - 15) No permanent structures must be placed within the easement. Any temporary structures (e.g. playground equipment) within the easement or lateral clearance zone must meet temporary structure footings and setback requirements. A separate Build Over Application for assessment and approval of any proposed works over and near Melbourne Water's asset and easement must be part of future development applications. (Fees and special conditions will apply).
  - 16) Prior to commencement of works, in accordance with the statutory powers of Melbourne Water Corporation, the Owner must enter into and comply with an Agreement with Melbourne Water Corporation for the Works on the Asset and other matters. (On-line application for a 'Works Offer' must be made– Note: fees, bonds and conditions will apply) This includes the drain re-alignment works which are subject to Melbourne Water's design requirements including QA certification.
  - 17) Prior to commencement of works on the drain re-alignment, a separate application must be made to Melbourne Water's Asset Services Team to conduct works on Melbourne Water's asset. A Permit to Work can only be issued to contractors who have undertaken Melbourne Water's permit recipient training. This requirement must be included as part of the general notes on the final drawings. Please contact Melbourne Water's Customer Service Centre on 131 722 (with details of the contractor) to arrange training providing at least 28 days' notice.
  - 18) A separate on-line application must be submitted to Melbourne Water for any new storm water connection to Melbourne Water's asset.



# Attachment 1

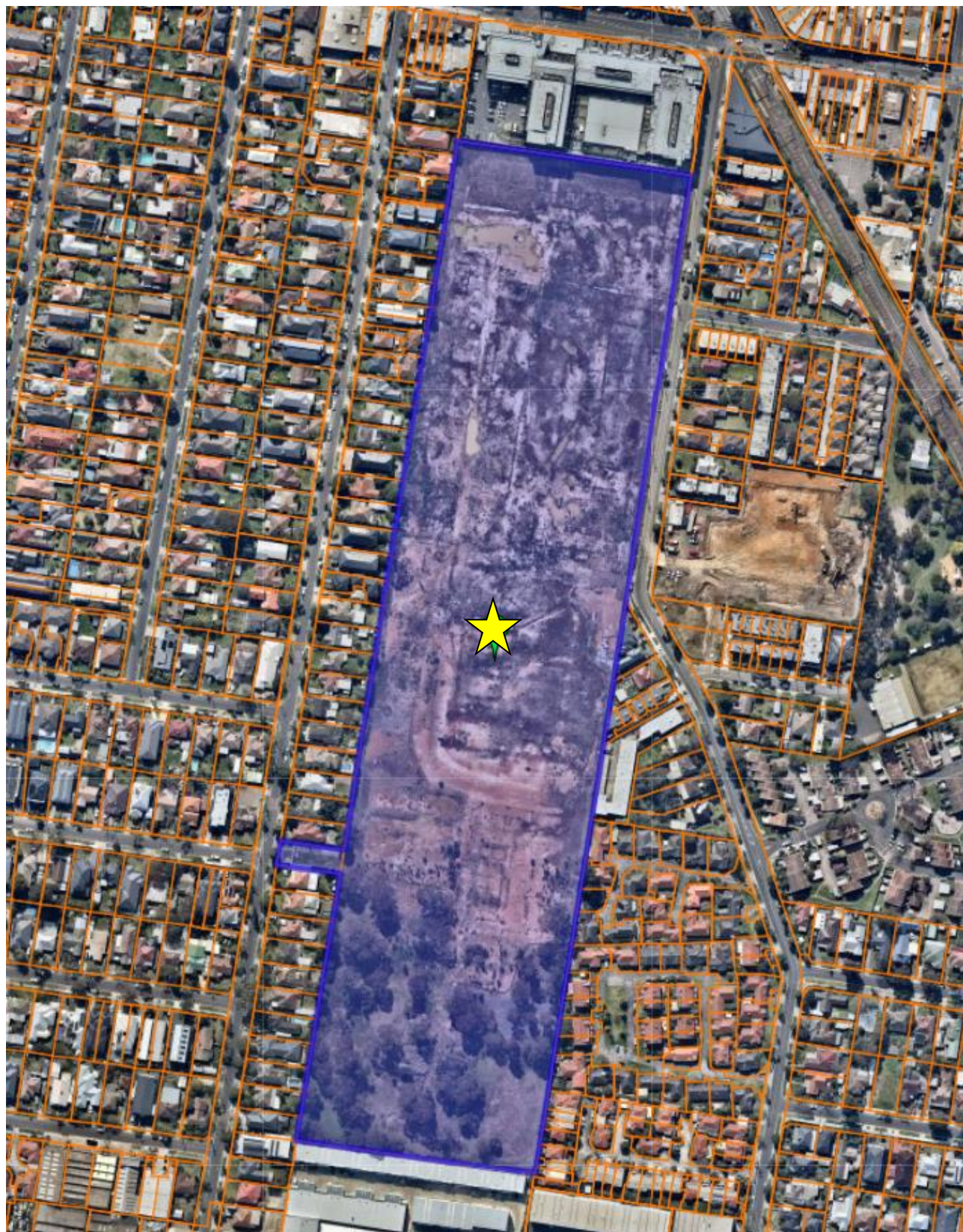


Figure 1 Aerial overview of the site and surrounds (Dated 1 September 2021)

Legend	
Subject site	★

## Attachment 2

### ResCode Clause 56 (Residential Subdivision)

Application type	Applicable clauses	
A development plan that provides for residential subdivision in the Residential Growth Zone must meet the requirements of Clause 56 as specified in the zone.	All of Clause 56 except Clause 56.03-5.	
CLAUSE 56.02 POLICY IMPLEMENTATION		
Title and Objective	Complies with Standard?	Comments
<p><b>C1 Strategic Implementation</b></p> <p>To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme,</p>	Complies	The planning report lodged in support of the application responds to relevant objectives, strategies and structure plan that applies to the site.
CLAUSE 56.04 LIVEABLE & SUSTAINABLE COMMUNITIES		
Title and Objective	Complies with Standard?	Comments
<p><b>C2 Compact &amp; walkable neighbourhoods</b></p> <p>To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.</p> <p>To allow easy movement through and between neighbourhoods for all people.</p>	Complies	The proposed layout in the Development Plan generally implements the layout sought by the DPO2. The design of the subdivision will be addressed through future permit applications.
<p><b>C3 Activity centre</b></p> <p>To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.</p>	Complies	The site is identified as a strategic redevelopment site within the Hihett Activity Centre.
<p><b>C4 Planning for community facilities</b></p> <p>To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.</p>	Complies	The Development Plan identifies locations for a community facility, open space reserve and conservation reserve.

<b>C5 Built environment</b> To create urban places with identity and character.	Complies	Refer to Built Form and Character sections of this report.
<b>C6 Neighbourhood character</b> To design subdivisions that respond to neighbourhood character.	Complies	Refer to Built Form and Character sections of this report.
<b>CLAUSE 56.04 LOT DESIGN</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<b>C7 Lot diversity and distribution</b> To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types.	Complies	The proposed provides a lot layout that is generally consistent with the DPO2 and provides a mix of future apartments and townhouses.
<b>C8 Lot area and building envelopes</b> To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.	Complies	The Development Plan provides built form envelopes and an appropriate layout that will ensure adequate solar access, private open space, access and retention of significant vegetation.
<b>C9 Solar orientation of lots</b> To provide good solar orientation of lots and solar access for future dwellings.	Complies	The proposal provides a layout that provides adequate solar orientation.
<b>C10 Street orientation</b> To provide a lot layout that contributes to community social interaction, personal safety and property security.	Complies	The proposal provides a street network that avoids dwellings with side or rear boundaries on streets and provides passive surveillance of the street and open space areas.
<b>C11 Common area</b> To identify common areas and the purpose for which the area is commonly held.	Complies	The layout provides communal areas that can be appropriately managed. The management arrangements can be secured at the planning permit stage. Internal roads will be privately held;

<p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>		<p>however, Council and community access to the open space, conservation area and community facility will be secured via easement of access.</p>
<b>CLAUSE 56.05 URBAN LANDSCAPE</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<p><b>C12 Integrated urban landscape</b></p> <p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation</p>	Complies	<p>The proposal provides a comprehensive landscaped outcome across the site. Please refer to the Open Space and Landscape section of this report.</p>
<p><b>C13 Public open space provision</b></p> <p>To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.</p> <p>To provide a network of public open space that caters for a broad range of users.</p> <p>To encourage healthy and active communities.</p> <p>To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.</p> <p>To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.</p>	Complies	<p>The proposal identifies 1 hectare of public open space and 3 hectares of conservation area to be publicly vested.</p>
<b>CLAUSE 56.06 ACCESS AND MOBILITY MANAGEMENT</b>		

Title and Objective	Complies with Standard?	Comments
<p><b>C14 Integrated mobility</b></p> <p>To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</p> <p>To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.</p> <p>To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.</p>	Complies	The development plan provides integrated access strategy that encourages walking, cycling and public transport use rather than private vehicle use.
<p><b>C15 Walking and cycling network</b></p> <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	Complies	The proposal provides a safe and well designed internal road network that would integrate with the surrounding walking and cycling infrastructure.
<p><b>C16 Public transport</b></p> <p>To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.</p> <p>To encourage maximum use of public transport.</p>	Complies	The proposal mitigates impacts on passing bus routes and would support the use of surrounding public transport modes.
<p><b>C17 Neighbourhood street network</b></p> <p>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	Complies	The proposal provides an private internal road network; however, Council and community access will be secured through easements of access. The proposed road layout and integration with the surrounding road network is considered appropriate.

<p><b>C18 Walking and cycling network detail</b></p> <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	Complies	The proposal integrates walking and cycling infrastructure through the site with the surrounding network and encourages these modes of travel.
<p><b>C19 Public transport network detail</b></p> <p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</p> <p>To provide public transport stops that are accessible to people with disabilities.</p>	Complies	The proposal ensures passing public transport routes will not be affected by the development.
<p><b>C20 Neighbourhood street network detail</b></p> <p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	N/A	The proposal internal road network will remain as private roads.
<p><b>C21 Lot access</b></p> <p>To provide for safe vehicle access between roads and lots.</p>	Complies	
<b>CLAUSE 56.07 INTEGRATED WATER MANAGEMENT</b>		
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>
<p><b>C22 Drinking water supply</b></p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	Complies	The Development Plan provides a layout that can comply with this standard.
<p><b>C23 Reused and recycled water</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	Complies	The Development Plan provides a layout that can comply with this standard.
<p><b>C24 Waste water management</b></p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	Complies	The Development Plan provides a layout that can comply with this standard.

<p><b>C24 Stormwater management</b></p> <p>To minimise damage to properties and inconvenience to residents from stormwater.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	Complies	The Development Plan provides a layout that can comply with this standard.
<b>CLAUSE 56.08 SITE MANAGEMENT</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<p><b>C26 Site management</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	Complies	The proposal is capable of complying with this site management standard. Details of this will be secured through the permit application stage.
<b>CLAUSE 56.09 UTILITIES</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<p><b>C27 Shared trenching</b></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	Complies	The Development Plan provides a layout that can comply with this standard.

<p><b>C28 Electricity, telecommunications and gas</b></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	Complies	The Development Plan provides a layout that can comply with this standard.
<p><b>C29 Fire hydrants</b></p> <p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	Complies	The Development Plan provides a layout that can comply with this standard.
<p><b>C30 Public lighting</b></p> <p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	Complies	The Development Plan provides a layout that can comply with this standard.