Late Agenda

for the

Planning & Amenity Committee Meeting

To be held at the Council Chambers, Civic Centre, Boxshall Street Brighton

on

Tuesday, 14 November, 2017 at 7.00pm

Chairperson: Cr Rob Grinter

Councillors: Cr Laurence Evans (Mayor)
Cr Alex del Porto
Cr Michael Heffernan
Cr James Long BM JP
Cr Clarke Martin
Cr Sonia Castelli
Late Items

4. Matters of Decision
   4.8 5A Railway Crescent, 2-6 Willis Street & 1-25 Koolkuna Lane, Hampton Not Support the Grant of a Planning Permit Application No: 2016/828/1 Ward: Central VCAT Ref: P1479/2017............. 3
4. Matters of Decision

4.8 5A RAILWAY CRESCENT, 2-6 WILLIS STREET & 1-25 KOOLKUNA LANE, HAMPTON
NOT SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/828/1  WARD: CENTAL
VCAT REF: P1479/2017

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/246029

1. Purpose and background

Planning Permit Application 2016/828/1 sought approval for the following works:

Use and development of the northern side of the railway line for:

- A building (up to 7 storeys with basement car parking) comprising 9 shops and 207 dwellings (18 designated for Department of Human Services);
- A central plaza adjacent to Hampton Railway Station;
- Upgrade to bus interchange and public realm to Koolkuna Lane;
- A variation to the building height of Design and Development Overlay Schedule 12;
- A reduction in car parking requirements pursuant to Clause 52.06 of the Bayside Planning Scheme; and
- A waiver of loading requirements pursuant to Clause 52.07 of the Bayside Planning Scheme.

Development of the southern side of the railway line for:

- An extension to the existing car park to provide a total of 193 spaces; and
- The removal of native vegetation pursuant to Clause 52.17 of the Bayside Planning Scheme.

On 22 June 2017, Council unanimously voted to Refuse the above Planning Permit Application on 29 grounds relating to height, scale and massing of the built form, amenity impacts, traffic, car parking, access arrangements and vegetation. The application received 168 objections with 24 being registered as parties to the appeal.

Details of the original proposal and recommendation to Council can be viewed at: https://www.bayside.vic.gov.au/sites/default/files/council/plan_amenity_committee_agenda_22_june_2017.pdf.

Minutes of this meeting can be viewed at: https://www.bayside.vic.gov.au/sites/default/files/council/minutes_-_22_june_2017_-_planning_and_amenity_committee.pdf.

The applicant, Village @Hampton Pty Ltd, submitted an Application to Review Council’s Refusal to the Victorian Civil Administrative Tribunal (VCAT).

VCAT directed a one day Compulsory Conference with all parties to the appeal on 22 September 2017. No agreement was reached and VCAT confirmed a Hearing commencing on 4 December 2017 for eight days.

The applicant will seek leave of VCAT to formally amend the application plans to those prepared by ARM Architecture and JAM Architects, VCAT issue dated 20 October 2017. These plans have been circulated to all parties to the appeal and are included at
Attachment 1.

The changes to the application are summarised below:

1. Building forms located centrally and to the south along Koolkuna Lane and within precinct A1 of Design and Development Overlay – Schedule 12 (DDO12), have been separated with 6 metre wide breaks from Level 1 upwards;
2. Provision of additional lift and stair cores to respond to revised building forms;
3. Vertical circulation between the revised building forms and the lift and core locations has been centralised;
4. Building height transition from precinct A1 of DDO12 to precinct E1 has been realigned to occur within precinct A1;
5. Small Office/Home Offices have been added to the northern end of Koolkuna Lane on ground and mezzanine level, for added activation;
6. Ground floor levels have been raised to a minimum of RL 8.800, to comply with Melbourne Water requirements;
7. Building services fronting Koolkuna Lane have been reduced to the minimum authority requirements and relocated to the basement, where possible;
8. The carpark entry off Koolkuna Lane has been relocated further north away from the existing car park entrance of 8 Koolkuna Lane, Hampton (now be located opposite the Scout hall building);
9. The ramp servicing mezzanine parking has been internalised, reducing the carpark entry width to Koolkuna Lane, with additional landscaping provided along this frontage;
10. The ground and mezzanine level carparks have been extended behind the shops fronting Koolkuna Lane, providing additional on-site car parking;
11. The shops fronting Koolkuna Lane and the central plaza have been provided with direct access to the carpark and a commercial bin store for back of house bin access. A vehicular turning space is also provided within this car park area for waste collection vehicles associated with these shops;
12. The Hampton Railway Station commuter bicycle parking has been expanded to provide for 75 bicycle spaces;
13. The setbacks of the upper levels fronting the central plaza have been increased to enable additional daylight to this public space. Additional balconies on the upper levels are also now oriented toward this space;
14. The previously provided single communal roof terrace has been distributed into 4 smaller terraces on the roof of each building;
15. The total number of apartments has been reduced from 207 (including DHHS) to 186 (including DHHS & SOHO), distributed as follows on each level:
   - Ground Floor: 4 one-bedroom and 1 two-bedroom DHHS apartments; and lower level of 4 SOHO’s (total 9, incl. 4 SOHO’s);
   - Mezzanine: 4 one-bedroom and 2 two-bedrooms DHHS apartments; and upper level of 4 SOHO’s (total 6 – excl. 4 SOHO’s);
   - Level 1: 4 one-bedroom and 2 two-bedrooms DHHS apartments; 16 one-bedroom apartments; 24 two-bedrooms apartments; and 2 three-bedrooms apartments (total 48);
   - Level 2: 1 one-bedroom DHHS apartment; 14 one-bedroom apartments; 27 two-bedrooms apartments; and 3 three-bedrooms apartments (total 45);
Level 3: 3 one-bedroom apartments; 14 two-bedrooms apartments; and 8 three-bedrooms apartments (total 25);
Level 4: 2 one-bedroom apartments; 14 two-bedrooms apartments; and 8 three-bedrooms apartments (total 24);
Level 5: 12 two-bedrooms apartments; and 8 three-bedrooms apartments (total 20); and
Level 6: 4 three-bedroom apartments; and 5 four-bedrooms apartments (total 9).

16. The total number of car spaces have been increased from 235 to 258 spaces, including the provision of tandem car parking spaces (in place of the excessive storage previously provided at basement level); tandem arrangements are provided for three-bedroom apartments;

17. A vehicular turning space has been provided within the basement level, for residential waste collection vehicles;

18. The number of shops along Koolkuna Lane and to the central plaza has reduced from 9 to 7, with an overall reduction in shop floor space from 1715.7sqm to 939.3sqm;

19. An on-street loading bay has been provided along Koolkuna Lane for the use of the shop tenancies;

20. Resident bicycle parking has been relocated from ground floor to basement level, with visitor bicycle hoops provided along the Koolkuna Lane footpath;

21. The core design reference for the facades remain unaltered, except being broken down into smaller elements as follows:
   - Building A: Addresses Willis Street and Koolkuna Lane as a series of stepped pergola forms interspersed with planters;
   - Building B: Treated with a facetted light grey concrete facade;
   - Building C: More rounded with a beige GRC facade. There is a vertical interpretation of the green pergolas. Both Buildings B & C are defined by central concrete elements; and
   - Building D: Retains an off-white GRC form punctuated with balcony recesses.

22. The carpark interface facade to the railway line is treated in a textured perforated aluminium in lieu of the previous concrete panels.

The proposed changes are cross-referenced with the amended application plans as outlined at Attachment 2.

At the time of publishing this report Council has not been notified of any amended Statement of Grounds by any other parties to the appeal.

The application is proceeding to a VCAT merits hearing. If Council determines to adopt the below recommendation and not support the amended proposal then Council’s position will be that in the amended recommendation.

2. Policy implications

Planning scheme amendments

Amendment C139 was gazetted in the Bayside Planning Scheme on 17 August 2017 at Clause 45.06, Development Contributions Plan Overlay. The overlay requires monetary contributions for the provision of works, services and facilities before development can commence.
Amendment VC139 gazetted in the Bayside Planning Scheme on 29 August 2017 and introduces new reference documents for urban design guidelines and apartment design guidelines. VC139 does not provide transitional provisions for *Urban Design Guidelines for Victoria 2017* (UDGV) and therefore the proposed development will be required to appropriately respond to all relevant Elements of these guidelines.

**Council Policy**

The Council Plan 2017-2021 has been adopted and the relevant strategic objectives of the plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- Facilitate transport options to meet community needs.
- Improve bicycle and pedestrian facilities to make cycling and walking more attractive options for short trips
- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.
- Ensure new development responds to preferred neighbourhood character in activity centres.
- Improve housing affordability (including social housing) and housing needs of various life stages through advocacy.
- Provide engaging and attractive public places in shopping streetscapes.

**Planning permit requirements**

The planning permit controls remain unchanged from that previously reported to Council but for the approval of Amendment C139 on 17 August 2017 discussed above.

Pursuant to Clause 45.06, Development Contributions Plan Overlay, contributions for the provision of works, services and facilities are required before development can commence.

**3. Stakeholder Consultation**

**External referrals**

It is noted that the original application was referred to Public Transport Victoria (PTV) who offered no objection. The amendments propose a reduction in the number of apartments. Pursuant to Clause 52.36-1 a proposal that, in the opinion of the responsible authority, satisfies requirements or conditions previously agreed to in writing between the responsible authority and the referral authority is exempt from a referral requirement. The proposal is unlikely to impact the previous comments made by PTV.

**Internal referrals**

This report relies upon the referral responses of the original application as the amendments represent a reduction in the number of apartments and retail units. Small Office / Home Offices have been introduced. These changes are not considered to significantly alter the advice or recommendations of these referrals.
Urban Design and Traffic comments remain outstanding. It is considered that the amended plans continue to fail to address all of the concerns raised by these disciplines.

**Public notification**

The original application was advertised pursuant to Sections 52(1) (a) and (d) of the Planning and Environment Act 1987 and Council received 156 objections and 2 letters of support at the time of publication of the previous report. Additional objections and a review of all correspondence notes that 168 objections and 1 letter of support was received.

The key issues raised in objections related to:

- Traffic / Parking / Waste Management;
- Built form;
- Amenity impacts;
- Lack of economic benefit to local residents; and
- Landscaping and tree removal.

Council has received 61 Statement of Grounds in respect of the current VCAT Application for Review, with 24 being joined as a party to the appeal.

**Consultation meeting**

VCAT arranged and held a Compulsory Conference on 22 September 2017. The applicant, Council representative and the objecting parties to the VCAT proceedings were in attendance. The applicant tabled ‘without prejudice’ plans but no agreement was reached by all parties in attendance.

Subsequent to the Compulsory Conference, the applicant circulated Notice of an Amendment of an Application on 20 October 2017 and these plans were made available for inspection in accordance with the VCAT Practice Note PNPE9.

To date, Council has not received any updated Statement of Grounds from any parties to the appeal.

**4. Recommendation**

That Council:

Determines to **Not Support** the amended application under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/828/1 for the land known and described as **5A Railway Crescent, 2-6 Willis Street and 1-25 Koolkuna Lane, Hampton**, for the:

- The use and development of the northern side of the railway line for a building (up to 7 storeys with basement car parking) comprising 7 shops and 186 dwellings (including Department of Health and Human Services and Small Office / Home Offices) ;
- A central plaza adjacent to Hampton Railway Station;
- Upgrade to the bus interchange and public realm along Koolkuna Lane;
- A variation to the building height of Design and Development Overlay Schedule 12 (DDO12);
- A reduction of 43 car parking spaces pursuant to Clause 52.06 of the Bayside Planning Scheme;
Development of the southern side of the railway line for an extension to the existing car park to provide a total of 193 car parking spaces (an increase of 105 spaces and overall net increase of 28 commuter spaces beyond those lost to the northern side of the rail corridor); and

The removal of native vegetation (6 trees) pursuant to Clause 52.17 of the Bayside Planning Scheme.

for the following reasons:

**Strategic Planning**

1. The proposal fails to meet the vision for Bayside, as set out in Clause 21.11, by failing to ensure a dwelling diversity of housing is provided to meet the needs of the community over time and failing to support the provision of housing to enable people to live in Bayside throughout their lives, as the majority of the proposed units will not meet accessible living requirements.

2. The proposed 7 storeys plus roof terrace is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the preferred height planned for this location (Built Form Precinct A1) is 6 storeys. The proposed 4 storeys plus roof terrace height of the building is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the preferred height for this location (Built Form Precinct A1) is 3 storeys.

3. The development fails to strengthen the role of the Hampton Street Centre as a multi-use centre offering retail, office, entertainment and community services as envisaged by Objective 1 outlined in Clause 24.11-4 of the Bayside Planning Scheme as the development does not:
   a) Integrate community facilities or provide adequate pedestrians links to the station and between transport modes. The station facility improvements are minimal and the public space do not improve station facilities and the public space created is considered to be poorly designed;
   b) Support the redevelopment of the station car park in Railway Crescent to
   c) **Deleted**; and
   d) **Deleted**.

4. The development fails to improve vehicle and pedestrian circulation throughout the centres as envisaged by Objective 3 outlined in Clause 24.11-4 of the Bayside Planning Scheme as the development does not:
   a) Improve the amenity of pocket parks adjacent to the railway line and pedestrian access to these parks so that they form a green treed corridor dissecting the Centre;
   b) Strengthen pedestrian links as shown on the framework plan, including from the station to Willis Street, Along Willis Lane or along the Railway Line.

**Design and Development**

5. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme as follows:
   a) The proposed design of the building does not respond to the features of the
area,
b) Will create unreasonable visual amenity impacts from Willis Street, Koolkuna Lane, Willis Lane, Orlando Street, Railway Crescent (Heritage Overlays) and intermittent views from Hampton Street (Heritage Precinct), and the surrounding area, Setbacks at upper floor levels (above level 3).
c) The dwellings of 8, 10 and 12 Willis Street, 2-4 Willis Lane and 10A Railway Walk will be presented with excessive visual bulk as a consequence of the height of the building.

6. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme the proposed variation to the building heights are visually dominant and fails to:
   a) Provide a high level of architectural design;
   b) Introduce any innovative environment design features;
   c) Minimise overshadowing to the proposed public space;
   d) Results in unreasonable amenity impacts to adjoining residential properties through visual bulk;
   e) Does not adequately respect the Hampton Street Heritage Precinct (HO 748) and Orlando Street Precinct (HO 664); and
   f) The transition in scale to lower building forms is not well managed and results in unreasonable massing presented to abutting streetscapes.

7. The proposed development fails to maintain a strong landscape character as limited opportunities for landscaping are provided to the northern side of the railway corridor and within the proposed extension to the commuter car park.

8. The public open space provided is not of a high quality and does not benefit from good solar access or act as a strong focal point of the precinct;

9. The proposed development does not provide a high level of permeability through the precinct, particularly pedestrian links and view lines. Pedestrian links are unreasonably impacted by vehicular and bus movements within the area.

10. The built form does not provide appropriate spatial separation and visual breaks between the built form along Koolkuna Lane, particularly from long distance views.

11. To development fails to provide for a high quality integrated development that has a strong relationship with the railway station and nearby commercial and residential areas.

12. The proposed development does not present a fine grained, human scale to the streetscape.

Amenity for adjacent existing and future residents

13. The proposed built form will unreasonably impact upon the amenity of dwellings located to the north and east of the site as a consequence of excessive height, proposed building height transition and visual bulk;

14. The proposal does not demonstrate a comfortable environment in terms of wind or other microclimate considerations.
15. The application material does not demonstrate that the subject site is suitable for residential uses due to the potential for land and surface water contamination.

**Internal Amenity for future residents of the proposed dwellings**

16. **Deleted.**

17. **Deleted**

18. **Deleted.**

19. The proposal does not demonstrate adequate noise attenuation measures have been included within the proposed design of the south-west façade adjacent to the Sandringham rail corridor.

**Traffic and transport impacts**

20. The proposal fails to demonstrate a consolidation of car parking on one site.

21. The proposal does not provide for an adequate amount of on-site car parking for the future needs of the building as required by Clause 52.06.

22. The applicant has failed to demonstrate that the new traffic generated by the 186 dwellings and commercial floor space would not have an adverse impact upon the Hampton Street / Willis Street road intersection both in terms of waiting times and the operation of the junction and in terms of the safety impacts for vehicles and pedestrians.

23. The applicant has failed to demonstrate that the new traffic generated by the 186 dwellings and commercial floor space would not have an adverse impact upon the Hampton Street / Small Street road intersection both in terms of waiting times and the operation of the junction and in terms of the safety impacts for vehicles and pedestrians.

24. The proposed basement, ground floor level and mezzanine layout is not designed in accordance with Clause 52.06-8 and will therefore not facilitate appropriate access for waste collection vehicles.

25. The applicant has failed to demonstrate that the provision of two loading bays along Koolkuna Lane provides for convenient deliveries to the commercial properties and will not result in the loss of amenity and adverse effects on traffic flow and road safety.

26. The proposal fails to demonstrate safe or convenient access to the subject site off Koolkuna Lane with traffic conflicts arising opposite the exit from the Council Car Park along Koolkuna Lane.

27. **Deleted.**

28. The proposal fails to demonstrate safe or convenient access to the subject site for the additional commuter car park accessed off Railway Crescent.

**Native vegetation**

29. The proposal fails to demonstrate that vegetation to be removed has been avoided, minimised and can be appropriately offset in accordance with the requirements of Clause 52.17.
Urban Design Guidelines for Victoria

30. The proposed development fails to respond to the six Elements of the Urban Design Guidelines for Victoria and create a place that is:
   a) Accessible, safe, diverse and provides choice
   b) Enjoyable, engaging and comfortable to be in and move around
   c) Conducive to people being more physically active
   d) Accommodating of people of all abilities, ages and cultures
   e) Distinctive and celebrate their social, cultural and natural heritage.

5. Consideration of Amended Plans

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, the individual merits of the application and whether the amended plans response to Council’s previous Grounds for Refusal.

This chapter will detail how the amended plans at Attachment 1 respond to the previous Grounds for Refusal and relevant planning policies.

Strategic Planning Grounds for Refusal

1. The proposal fails to meet the vision for Bayside, as set out in Clause 21.11, by failing to ensure a dwelling diversity of housing is provided to meet the needs of the community over time and failing to support the provision of housing to enable people to live in Bayside throughout their lives, as the majority of the proposed units will not meet accessible living requirements.

The amended plans introduce a greater mix of apartment types with an increase in the number of three bedroom apartment from 12 to 33 and the introduction of 5 x four bed apartments. The amended plans also introduce 4 x Small Office / Home Office units. Notwithstanding this the proposed units continue to fail in meeting accessibility living requirements.

Council continues to rely upon this ground for refusal.

2. The proposed 7 storey height of the building proposed is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the preferred height planned for this location (Built Form Precinct A1) is 6 storeys. The proposed 6 storey height of the building is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the preferred height planned for this location (Built Form Precinct A1) is 3 storeys.

The amended plans continue to exceed the preferred building heights without demonstrating why it is appropriate to vary these heights. Further to this, the amended plans now propose a 4th storey in a preferred 3 storey height limit.

It is recommended that Council vary the wording of this ground to reference the proposed changes to the building height.

Council continues to rely upon this ground of refusal.
3. The development fails to strengthen the role of the Hampton Street Centre as a multi-use centre offering retail, office, entertainment and community services as envisaged by Objective 1 outlined in Clause 24.11-4 of the Bayside Planning Scheme as the development does not:

   a) Integrate community facilities or provide adequate pedestrian links to the station and between transport modes. The station facility improvements are minimal and the public space do not improve station facilities and the public space created is considered to be poorly designed;

   b) Support the redevelopment of the station car park in Railway Crescent to provide housing that fronts the street and also looks onto the station;

   c) Provide an active frontage to the Koolkuna Lane Streetscape due to the location of the vehicular and plant services accesses; and

   d) Provide for diversity of housing types within the centre.

The amended plans fail to introduce any changes that respond to ground 3 (a) and ground 3 (b).

The amended plans relocate services previously fronting Koolkuna Lane to the basement and introduce 4 x Small Offices / Home Offices that provide additional activation to the street. The relocation of the vehicular access to the mezzanine level internally further assists with street activation. It is recommended that Council no longer pursue ground 3 (c).

The amended plans also introduce a great diversity of residential accommodation. Notwithstanding this, as per the assessment at ground 1, the proposed units fail to meet accessibility living requirements.

4. The development fails to improve vehicle and pedestrian circulation throughout the centres as envisaged by Objective 3 outlined in Clause 24.11-4 of the Bayside Planning Scheme as the development does not:

   a) Improve the amenity of pocket parks adjacent to the railway line and pedestrian access to these parks so that they form a green treed corridor dissecting the Centre;

   b) Strengthen pedestrian links as shown on the framework plan, including from the station to Willis Street, Along Willis Lane or along the Railway Line.

The amended plans do not introduce any changes which respond to this ground of refusal.

Council continues to rely upon this ground of refusal.
Design and Development Grounds for Refusal

5. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme as follows:

a) The proposed design of the building does not respond to the features of the area,

b) Will create unreasonable visual amenity impacts from Willis Street, Koolkuna Lane, Willis Lane, Orlando Street, Railway Crescent (Heritage Overlays) and intermittent views from Hampton Street (Heritage Precinct), and the surrounding area, Setbacks at upper floor levels (above level 3).

c) The dwellings of 8, 10 and 12 Willis Street, 2-4 Willis Lane and 10A Railway Walk will be presented with excessive visual bulk as a consequence of the height of the building.

The amended plans now propose an increase in the built form closest to the Willis Street. The built form increases from 10.66 metres (3 storeys) to 12.9 metres (4 storeys) with a roof terrace. The built form continues to exceed the preferred building height by 8.3 metres and 1 storey adjacent to the proposed Public Plaza.

The amendments include the relocation of the building height transition further south of the subject site. The transition in building height will now shift from Built Form Precinct E1 (preferred 11 metres / 3 storeys) to Built Form Precinct A1 (preferred 18.5 metres / 6 storeys) of Design and Development Overlay Schedule 12.

Two distinct visual breaks in the built form are introduced at first floor level between Building B, C and D.

The amended plans fail to address this ground for refusal and Council continues to rely upon this ground.

6. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme the proposed variation to the building heights are visually dominant and fails to:

a) Provide a high level of architectural design;

b) Introduce any innovative environment design features;

c) Minimise overshadowing to the proposed public space;

d) Results in unreasonable amenity impacts to adjoining residential properties through visual bulk;

e) Does not adequately respect the Hampton Street Heritage Precinct (HO 748) and Orlando Street Precinct (HO 664); and

f) The transition in scale to lower building forms is not well managed and results in unreasonable massing presented to abutting streetscapes.

As per the comments provided at Ground 5 above, the amended plans introduce additional design elements and Building D in particular reads as having a distinct architectural style from the remainder of the built form. The amended façades however are not of a scale where increased articulation can mitigate against visual
bulk presented to all boundaries. The amended plans fail to respond to this ground of refusal and Council continues to rely upon this ground.

7. **The proposed development fails to maintain a strong landscape character as limited opportunities for landscaping are provided to the northern side of the railway corridor and within the proposed extension to the commuter car park.**

The amended façades to Building C and D in particular includes additional green walls. The inclusion of planters to the roof terrace edges will assist in softening long-distance views of the development. Notwithstanding this, the amended plans do not introduce any additional opportunities for meaningful landscaping to the northern side of the rail corridor.

There have been no changes proposed for the proposed extension to the commuter car park to the southern side of the rail corridor. For these reasons, Council continues to rely upon this ground for refusal.

8. **The public open space provided is not of a high quality and does not benefit from good solar access or act as a strong focal point of the precinct.**

The increase of setbacks of the upper levels fronting the central plaza are not sufficient to provide a reasonable level of solar access to the public plaza. There have been no further changes proposed in the amended plans which addresses this ground for refusal.

Council continues to rely upon this ground of refusal.

9. **The proposed development does not provide a high level of permeability through the precinct, particularly pedestrian links and view lines. Pedestrian links are unreasonably impacted by vehicular and bus movements within the area.**

The proposed development does not propose any changes from that adequately responds to this ground of refusal. Pursuant to Element 4 of the newly introduced Urban Design Guidelines for Victoria, this development fails to enhance connectivity and access in railway corridor environs.

Council continues to rely upon this ground of refusal.

10. **The built form does not provide appropriate spatial separation and visual breaks between the built form along Koolkuna Lane, particularly from long distance views.**

As discussed at ground 5, visual breaks have been introduced into the built form. The width, location and resultant relationships with Koolkuna Lane at street level and long-distance vantage points continue to be unresolved.

Council continues to reply upon this ground of refusal.

11. **To development fails to provide for a high quality integrated development that has a strong relationship with the railway station and nearby commercial and residential areas.**

The amended plans fail to ensure the railway station and bus interchange contributes to a sense of place and local character

Council continues to rely upon this ground of refusal.
12. **The proposed development does not present a fine grained, human scale to the streetscape.**

   It is acknowledged that the subject it located within an area designated for change however the amended plans fail to respond to this ground for refusal. The amended plans do not introduce changes which scale appropriately closest to the most sensitive residential interfaces.

   Council continues to rely upon this ground for refusal.

**Amenity for adjacent existing and future residents** **Grounds for Refusal**

13. **The proposed built form will unreasonably impact upon the amenity of dwellings located to the north and east of the site as a consequence of excessive height, proposed building height transition and visual bulk**

   The amended plans continue to result in an unreasonable level of amenity impact to residential properties to the north and east of the site.

   Council continues to rely upon this ground for refusal.

14. **The proposal does not demonstrate a comfortable environment in terms of wind or other microclimate considerations.**

   The amended plans does not include any additional information which addresses Council’s concerns in relation to wind and microclimate impacts. Council continues to rely upon this ground for refusal.

15. **The application material does not demonstrate that the subject site is suitable for residential uses due to the potential for land and surface water contamination.**

   The amended plans do not include any additional information which addresses Council’s concerns in relation to contamination and sensitive uses on this site. Council continues to rely upon this ground for refusal.

**Internal Amenity for future residents of the proposed dwellings** **Grounds for Refusal**

16. **The proposal does not provide an adequate sense of address to the residential access lobbies.**

   Additional residential entries and lift cores improve the sense of address to the residential component of this development.

   Council no longer relies upon this ground of refusal.

17. **The apartment residential dwellings will not meet the liveability and internal amenity objectives for future residents of the development, as set out in the Bayside Planning Scheme at Clause 21.03 of the Bayside Planning Scheme and Element 5 of the Guidelines for Higher Density Residential Development, as the room depth of some apartments and location of kitchens does not provide adequate daylight, many of the apartments would not be able to be natural ventilated.**

   Revised apartment layouts are generally considered satisfactory.

   Council no longer relies upon this ground of refusal.
18. **Some apartments have not been provided with minimum balcony widths of 1.6 metres and as such are considered to provide spaces that are not convenient or usable for future residents.**

All apartments have now been provided with balconies which meet the minimum requirements and as such Council no longer relies upon this ground of refusal.

19. **The proposal does not demonstrate adequate noise attenuation measures have been included within the proposed design of the south-west façade adjacent to the Sandringham rail corridor.**

The amended plans do not demonstrate how this ground for refusal has been addressed. Council continues to rely upon this ground for refusal.

**Traffic and transport impacts Grounds for Refusal**

20. **The proposal fails to demonstrate a consolidation of car parking on one site.**

The amended plans fail to consolidate car parking on one site and Council continues to rely upon this ground for refusal.

21. **The proposal does not provide for an adequate amount of on-site car parking for the future needs of the building as required by Clause 52.06.**

A total of 298 car parking spaces are required to be provided for the proposed development. A total of 255 spaces are stated as being provided on the amended plans (the supporting statement of changes states 258) resulting in a shortfall of 43 spaces.

The proposed waiver is unacceptable and Council continues to rely upon this ground for refusal.

22. **The applicant has failed to demonstrate that the new traffic generated by the 207 dwellings and commercial floor space would not have an adverse impact upon the Hampton Street / Willis Street road intersection both in terms of waiting times and the operation of the junction and in terms of the safety impacts for vehicles and pedestrians.**

The amended plans reduce the number of dwellings and commercial floor spaces and such it is acknowledged that there will be a reduction in traffic generated by the development. The applicant has not provided evidence that the reduction in the traffic will be to an acceptable level that adequately responds to this ground for refusal. Council seeks to vary this ground for refusal to reference the revised number of apartments.

23. **The applicant has failed to demonstrate that the new traffic generated by the 207 dwellings and commercial floor space would not have an adverse impact upon the Hampton Street / Small Street road intersection both in terms of waiting times and the operation of the junction and in terms of the safety impacts for vehicles and pedestrians.**

As per the comments at Ground 22. Council seeks to vary this ground for refusal to reference the revised number of apartments.
24. **The proposed basement, ground floor level and mezzanine layout is not designed in accordance with Clause 52.06-8 and will therefore not facilitate appropriate access for waste and delivery vehicles.**

The layout has been amended to revise the bin storage locations and provide the shops with direct access to back-of-house facilities. A vehicular turning space to assist with manoeuvrability of waste collection services at basement level. Notwithstanding this, the applicant has not provided evidence of how appropriate waste collection can occur on site.

Two loading bays have been provided along Koolkuna Lane and Council relies upon comments at ground 25 below.

Council seeks to vary this ground for refusal to reference waste collection vehicles only.

25. **The provision of no provision of loading facilities in accordance with Clause 52.07 of the Bayside Planning Scheme results in inconvenient deliveries to the commercial properties and will result in the loss of amenity and adverse effects on traffic flow and road safety.**

The amended plans detail the provision of two loading bays along the Koolkuna Lane frontage. Whilst the proposed location is generally considered satisfactory, the amened plans do not include any detailed designs to demonstrate how Council's concerns have been addressed.

Council continues to rely upon this ground of refusal.

26. **The proposal fails to demonstrate safe or convenient access to the subject site off Koolkuna Lane with traffic conflicts arising opposite the exit from the Council Car Park along Koolkuna Lane.**

The relocation of the carpark entry further north along Koolkuna Lane and the relocation of the mezzanine level access internally are positive changes. Notwithstanding this, the amended plans and supporting documentation fail to demonstrate how this ground for refusal has been addressed in its entirety.

Council continues to rely upon this ground of refusal in the absence of supporting information.

27. **The proposal fails to demonstrate safe or convenient access to 8 Willis Street and will further compound the traffic conflicts referred to at Ground 23.**

The relocation of the carpark entry further north along Koolkuna Lane and the relocation of the mezzanine level access internally are positive changes and Council no longer relies upon this ground for refusal.

28. **The proposal fails to demonstrate safe or convenient access to the subject site for the additional commuter car park accessed off Railway Crescent.**

The amended plans do not alter this arrangement and Council continues to rely upon this ground of refusal.
Native vegetation Grounds for Refusal

29. The proposal fails to demonstrate that vegetation to be removed has been avoided, minimised and can be appropriately offset in accordance with the requirements of Clause 52.17.

The amended plans do not propose any changes in respect of vegetation removal. Council continues to rely upon this ground for refusal.

Additional Grounds for Refusal

It is recommended that Council peruse one additional ground for refusal which references the failure of the amended plans to adequately respond to the Urban Design Guideline for Victoria. This has been included at Ground 30 of the Recommendation at Chapter 4.

Support Attachments

1. Amended Development Plans to be considered by VCAT ↓
2. Summary of Amendments ↓