Agenda

for the

Planning & Amenity Committee Meeting

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

on

Thursday, 22 June, 2017 at 7.00pm

Chairperson: Cr Laurence Evans
Councillors: Cr Alex del Porto (Mayor)
Cr Michael Heffernan
Cr James Long BM JP
Cr Clarke Martin
Cr Rob Grinter
Cr Sonia Castelli
Members of the Gallery

Your attention is drawn to Section 92 of Council's Governance Local Law No 1.

**Section 92 The Chair's Duties and Discretions**

In addition to other duties and discretions provided in this Local Law, the Chair –

(a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community.

(b) may demand retraction of any inappropriate statement or unsubstantiated allegation;

(c) must ensure silence is preserved in the public gallery during any meeting

(d) must call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and

(e) must call to order any person who is disruptive or unruly during any meeting.

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

Your cooperation is appreciated

**Chairperson of Council**
Planning & Amenity Committee Meeting

Planning & Amenity Committee Charter
To deal with all matters relating to consideration of statutory planning, tree removal applications, traffic and parking matters.

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

Membership of the Committee
All Councillors

Order of Business

1. Apologies
2. Declarations of Interest
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
   4.1 5A Railway Crescent, 2-6 Willis Street and 1-25 Koolkuna Lane, Hampton Notice of Decision to Grant a Planning Permit Application No: 2016/828/1 Ward: Central .............................................. 5
   4.2 VCAT Report ............................................................................................................. 243
5. Confidential Business
   Nil

Next Meetings 2017

   Thursday 6 July 2017
   Tuesday 18 July 2017
   Thursday 3 August 2017
   Tuesday 15 August 2017
   Tuesday 12 September 2017
   Thursday 28 September 2017
   Tuesday 17 October 2017
   Thursday 2 November 2017
   Tuesday 14 November 2017
   Monday 11 December 2017
1. Apologies

2. Declarations of Interest

3. Adoption and Confirmation of the minutes of previous meeting
   3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 13 June 2017.
4. Matters of Decision

4.1 5A RAILWAY CRESCENT, 2-6 WILLIS STREET AND 1-25 KOOLKUNA LANE, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/828/1 WARD: CENTRAL

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/103212

1. Executive Summary

This application forms part of VicTrack's metropolitan wide program of station precinct renewal of underutilised land to make the area around train stations safer, more vibrant and more accessible, by delivering station precinct improvements funded by development. Hampton Station forms one of these sites.

The application seeks approval for:

- The 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 Health and Human Services),
- 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 91 car parking spaces pursuant to Clause 52.06 of the Bayside Planning Scheme,
- 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 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.

The overall lot has an areas of 14,461 square metres (refer Attachments 1-6) at 5A Railway Crescent, 2-6 Willis Street, and 1-25 Koolkuna Lane, Hampton (refer Attachment 7).

The application was advertised and 156 objections and two letters of support were received. The main issues raised in objections are traffic, access, lack of car parking, the proposed architectural design, variations to the preferred building heights, vegetation removal and construction management.

A public information evening was held on 26 April 2017 at which members of the where the community, residents and stakeholders had an opportunity to be informed of the proposal and ask questions. Display boards were made available and representatives from the Applicant, Planning and Property Partners, epc.Pacific, VicTrack, DHHS, ARM/JAM (architectural group), and Rush Wright Landscape Architecture were present to answer questions.
A consultation meeting was held on 17 May 2017 and attended by Councillors Grinter and Martin, two Council Planning Officers, the applicant, architect, developer and approximately 60 objectors. The meeting provided an opportunity for the applicant to explain the proposal, for objectors to elaborate their concerns, and for the applicant to respond.

Following the meeting, the applicant submitted concept plans that provided further articulation to the building facades which aims to better respond to Council’s adopted Hampton Willis Street Precinct Urban Design Framework 2013 (refer Attachment 8). These plans:

- Reduce the width of the external frame banding, which reduces the mass of the building, responding to previous concerns raised;
- Increase the space between individual facades and refining the design of each building frame and balustrade treatment to improve separation and create a greater sense of distinction between the facade; and
- Include greater texture and colour in the facade to further refine and find the correct building balance.

The applicant also provided design options to resolve appropriate access to the apartment building at 8 Willis Street (refer Attachment 9).

The report details the assessment of the application against the policies and provisions of the Bayside Planning Scheme. The key considerations are whether the proposal has strategic policy support, whether the proposed built form is acceptable, whether the proposal causes unreasonable off-site amenity impacts (particularly traffic, access, car parking) and whether the internal amenity is appropriate for future occupants.

There is high level strategic support to direct higher density housing to Activity Centres to take advantage of the excellent access to public transport and other services within these locations. The site is located within the Hampton Street Major Activity Centre and more specifically in an area where development activity is sought to be focused between Willis Street and the railway line.

The Willis Street Precinct has been identified as a significant redevelopment site in the heart of this centre where policy directs the Willis Street Precinct to provide a high quality integrated development that has a strong relationship with the railway station and nearby commercial and residential areas, high quality public open space which acts as a focal point of the precinct, high permeability through the precinct, particularly pedestrian links to encourage people to use public transport.

It is considered that the proposed development strikes an appropriate balance with its built form responding to sensitive interfaces whilst achieving an intensification of dwellings on a site identified as a key focus growth location in the Bayside Housing Strategy 2012. Importantly, the proposed development (subject to conditions), achieves the vision and objectives of the Hampton Street Major Activity Centre. Where variations are sought to the preferred heights, these are considered justified and allow for an acceptable transition between the residential properties of Willis Street and the buildings to the east.

The proposed traffic movements generally accord with the Hampton Willis Street Precinct Traffic Management Modified Option C, adopted by Council on 26 April 2016.

The issue of a Notice of Decision to Grant a Planning Permit for the proposal is recommended.
2. Recommendation

That Council:

Issues a Notice of Decision to Grant a Permit 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 9 shops and 207 dwellings (18 designated for Department of Health and Human Services),
- 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 91 car parking spaces pursuant to Clause 52.06 of the Bayside Planning Scheme,
- 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 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

in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by JAM Architects Pty Ltd and ARM Architecture Pty Ltd, Job No 1527 Revision A, dated 17/02/2017, Sheets TP05.1 to TP28, Façade Design Report, Car Parking Plan, Landscape Design Proposal Pages 3 of 30 to 29/30, prepared by Rush Wright Associates, dated 17/02/2017 but modified to show:

a) Tenancy 1 to 9 inclusive to be annotated as Shop.

b) The residential lobbies at ground level where they align the building separation at the upper levels must be setback a minimum of 5 meters. This may necessitate the lift and stair core to be recessed.

c) The residential lobbies must be of a substantial size to be inviting to future occupants of the development.

d) All residential entry lobbies to be further articulated at street level to emphasis the entry points and improve the sense of address.

e) The provision of windows on the north-west elevation in the circulation space and the Living Room of Dwelling D.201 on Level 2.
f) The provision of windows on the north-west elevation in the bedrooms of APT 333 and 334 on Level 3.

g) Each balcony of every dwelling to have a minimum width dimension of 1.6 metres and a minimum total area of 8 square metres.

h) Provision of letter boxes for DHHS and private dwellings in accordance with Condition 67.

i) The Parkiteer cage associated with Hampton Station located between the building and the northern station platform to be extended towards the plaza and to be flush with the line of the building.

j) The northern street façade facing Koolkuna Lane at ground floor level must introduce additional glazing and planter boxes to provide an appropriate active frontage opposite No. 6 Willis Street, Hampton. The introduction of additional glazing should occur at the visitor and residential bike storage areas. The provision of planter boxes should occur in front of the MSB Room and Water Supply Room. The glazing can include transparent artwork.

k) Modifications to the facade of the building in accordance with the plans prepared by JAM Architects Pty Ltd and ARM Architecture Pty Ltd, Job No 1527 and generally referred to as Draft Amendments, Pages 1 to 8 inclusive but amended to show:

   i. Building A1 (detailed on Pages 1, 2 and 3) amended to include external timber ceilings and black window frames.

   ii. Building A2 (detailed on Page 9) amended to include external timber ceilings and black window frames.

   iii. Building B1 (detailed on Pages 4) amended to include black steel balustrades and timber façade within the thinner frame element.

   iv. Building B2 (detailed on Pages 7 and 8) amended to include black balustrades and external timber ceiling.

   v. Building C1 (detailed on Page 4) amended to delete glass balustrades and replace with black steel or render and glass.

   vi. Building C2 (detailed on Pages 6 and 7) amended to include black balustrades and a timber ceiling.

   vii. Buildings D1, D2, E1 and E2 (detailed on page 5) remain unaltered.

l) Each disabled car parking space to comply with AS2890.6, with a 2.2m clear height accessway to the space and a 2.5m clear height over the parking space.

m) Loading bay facilities provided as per the C. Maragos & Associates PART PLAN CM15013 CS100-1 dated 22/05/2017.

n) Deletion of two street level car spaces to the north of the access ramps to Koolkuna Lane. The spaces to be deleted should generally accord with Option 2 of the Koolkuna Lane Access Review for 8 Willis Street.

o) Dedicated bays in the basement level for truck parking while collecting garbage.

p) The car parking access to Koolkuna Lane and Willis Street to have a minimum clearance of 4 metres in height.

q) The proposed vehicle crossing at Koolkuna Lane with 6 metre straight splays on both sides commencing where the footpath meets the property
line and finishing at the kerb in accordance with Council’s Standard Vehicle Crossing design.

r) The car park access roller shutter referenced in the CMA Traffic Report dated 21/02/2017 must be shown on the Ground Floor Layout Plan. An annotation noting these are automatic and remote controlled must be included on the floor plan. Setback 6 metres from the footpath to allow a waiting zone.

s) Details of shading devices for the rooftop garden.

t) The internal layout of dwellings amendment to improve natural light and ventilation to kitchen areas.

u) Provision of storage requirements of Standard D20 at Clause 58 of the Bayside Planning Scheme for all dwellings.

v) Any modifications to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.

w) Any modifications to the plans arising from the Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 4 of this permit.

x) Any modifications to the plans arising from the Landscape Management Plan in accordance with Condition 6 of this permit.

y) Any modifications to the plans arising from the Ecology Report in accordance with Condition 8 of this permit.

z) Any modifications to the plans arising from the Waste Management Plan in accordance with Condition 18 of this permit.

aa) Any modifications to the plans arising from the Sustainability Management Plan in accordance with Condition 21 of this permit.

bb) Any modifications to the plans arising from the Wind Assessment Report in accordance with Condition 28 of this permit.

c) Any modifications to the plans arising from the Traffic and Car Parking Management Plan in accordance with Condition 31 of this permit.

dd) Any modifications to the plans arising from an Accessibility Report in accordance with Condition 37 of this permit.

e) Any modifications to the plans arising from the Green Travel Plan in accordance with Condition 40 of this permit.

ff) Any modifications to the plans arising from the Public Works Plan in accordance with Condition 41 of this permit.

gg) Any modifications to the plans arising from the Public Lighting Plan in accordance with Condition 44 of this permit.

hh) Any modifications to the plans arising from Melbourne Water Conditions 64-69 of this permit.

ii) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples (3 copies in a form that can be endorsed and filed). A coloured elevation clearly identifying all materials proposed as listed in the materials and colour schedule must also be provided. All external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence to the glass surface.
Secondary consent

2. The use and development as shown on the endorsed plans must not be altered or modified unless with the further written approval of the Responsible Authority.

Landscaping

3. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan Rush/Wright Architects, Hampton Station Precinct, Landscape Design Proposal for Town Planning, Rev 4, 17 February 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) A survey, including botanical names, of all existing trees to be retained on the site.
   b) A survey, including botanical names, of all existing vegetation to be removed from the site.
   c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees, calculated in accordance with AS4970-2009, fall partially within the subject site.
   d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   f) Details of surface finishes of pathways and driveways.
   g) The landscape plan should indigenous sandbelt vegetation and indigenous coastal vegetation.

Tree Management and Protection Plan

4. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.

The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- Comment on methods to be utilised and instruction on how to deploy them;
- Comment on when the protection measures are to be deployed;
- Comment on when the protection measures can be modified;
- Process that will be followed if any damage occurs to a tree;
- Process that will be followed if construction works require alteration to protection measures outlined in report; and
- Stages of development at which inspections will occur.
Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented. If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised.

5. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

6. Prior to the endorsement of plans pursuant to Condition 1 a Landscape Management Plan detailing the maintenance regime and management responsibilities for the Rooftop garden and Green Walls associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority.

The Landscape Management Plan should include, but is not necessarily limited to, the following:

- State the systems and products in the green roof and how they are designed to maintain the green roof
- Outline access to the green roof
- Outline any management risks, and how these will be managed
- State the estimated annual maintenance budget
- Summarise the type of maintenance tasks required
- Outline the skills and certification required in the maintenance team to perform these tasks
- Outline communication requirements to Body Corporate / Owners / Users
- State when the management plan is due for review
- Any setbacks of the southern façade to accommodate access for maintenance purposes.

If the Rooftop garden and Green Walls falter or fail, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval at no cost to Council and to the satisfaction of the Responsible Authority.

**Landscaping Maintenance**

7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

**Ecology Report**
8. Prior to the endorsement of plans pursuant to Condition 1, an amended Ecology Report generally in accordance with the Ecology report, Biosis, 6/12/2016 to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority focusing on proposed removal of the Swamp Gum (Eucalyptus ovata) trees, identifying whether two or three of the Swamp Gum (Eucalyptus ovata) trees assessed to be removed for the development.

- If only two Swamp Gum (Eucalyptus ovata) trees are considered to be lost the report must show that the third tree will remain viable post construction by means of an arboricultural report showing that the Tree Protection Zone (TPZ), as per AS4970, will be encroached by less than 10%.

- If all three Swamp Gum (Eucalyptus ovata) trees are considered to be lost a revised Biodiversity Equivalence Units (BEU) calculation for offset planting must be submitted.

Street Trees

9. Within Railway Crescent, there is to be no soil excavation with 3 metres of the street tree asset measured from the edge of the trunk at ground level.

10. Within Willis Lane Carpark, there is to be no soil excavation with 3 metres of the street tree asset measured from the edge of the trunk at ground level.

11. A tree protection fence is required for the protection of a tree’s canopy and root zone:

- Fencing is to be secured and maintained prior to demolition and until all site works are complete.

- Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.

- Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

- Fencing is to be constructed and secured so its positioning cannot be modified by site workers.

- If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

12. Installation of utility services within the TPZ:

- Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Adherence to Tree Management and Protection Plans

13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

Contact for Implementation of Tree Management and Protection Plans

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.

Construction Management Plan
15. Before the development commences, a Construction Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

b) Works necessary to protect road and other infrastructure;

c) Remediation of any damage to road and other infrastructure;

d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

e) Facilities for vehicle washing, which must be located on the land;

f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

g) Site security;

h) Management of any environmental hazards including, but not limited to,
   i) contaminated soil and ground water;
   ii) materials and waste;
   iii) dust;
   iv) stormwater contamination from run-off and wash-waters;
   v) sediment from the land on roads;
   vi) washing of concrete trucks and other vehicles and machinery; and
   vii) spillage from refuelling cranes and other vehicles and machinery;

i) The construction program;

j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

k) Parking facilities for construction workers;

l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

m) An outline of requests to Council/Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;

n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

p) Include details of bus movements throughout the precinct during the construction period.

q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the
satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

(i) using lower noise work practice and equipment;
(ii) the suitability of the land for the use of an electric crane;
(iii) silencing all mechanical plant by the best practical means using current technology;
(iv) fitting pneumatic tools with an effective silencer;
(v) other relevant considerations; and
(vi) any site-specific requirements.

During the construction:

r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

t) vehicle borne material must not accumulate on the roads abutting the land;

u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

Ongoing Construction Management Plan
16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Hours and Noise
17. Except with the prior written consent of the Responsible Authority, demolition or construction works must be carried out in accordance with EPA regulations.

Waste Management Plan
18. Prior to the endorsement of plans pursuant to Condition 1, an amended Waste Management Plan generally in accordance with The Waste Management Plan prepared by Leigh Design and dated 28 November 2016 but be submitted and endorsed by to the satisfaction of the Responsible Authority but amended to:

a) Detail all waste collection to occur within the basement.

b) To identify the location of the loading / pick-up bay adjacent to each garbage area within the basement.

All to the satisfaction of the Responsible Authority.
19. The endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority. The Waste Management Plan can be implemented by any waste company that complies with the waste management plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

20. All waste/recycling areas and stores are to be provided with ventilation in accordance with Australian Standard AS1668.

**Environmentally Sustainable Development (ESD)**

21. Prior to the endorsement of plans pursuant to Condition 1, the Sustainability Management Plan prepared by Umow Lai, Report No M.EPC102/ESD-03, dated 1 December 2016 and must be amended and submitted to and approved by the Responsible Authority. The plan must include, but not be limited to the following:


   b) A STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority.

   c) Internal or external clothes lines and/or hoists.

   d) Complete Green Star self assessment demonstrating the initiatives selected to achieve the 51 points committed in the summary report.

   e) Complete STEPS report demonstrating the initiatives selected to achieve the 277.5 points committed to in the summary report.

   f) Address commercial areas through the provision of a Sustainable Design Scorecard report or equivalent.

   g) Preliminary building energy ratings to align with plans.

   h) Street lighting technology to be high efficiency T5 lineal fluorescent or LED luminaries with low upward light spill ratios designed to P4 public lighting standard at a six metre mounting height.

   i) Single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m² of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas; system to be operable during extended periods of mains power outages.

   j) Demonstration that stormwater detention volume requirements are in addition to stormwater retention.

   k) Clearly state that in addition to producing a Building User’s Guide that it will be provided to occupants.

22. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
23. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

**Noise attenuation**

24. Construction and maintenance of the buildings must be in accordance with the recommendations contained in the Vipac Engineers and Scientists Acoustic Report, Reference: 30U-15-0030-DRP-363011-4 and dated 7 December 2016, to the satisfaction of the Responsible Authority.

25. All works must be undertaken in accordance with the endorsed Acoustic Engineering Report to the satisfaction of the Responsible Authority. No alterations to the Acoustic Engineering Report may occur without the written consent of the Responsible Authority.


27. The provisions, recommendations and requirements of the endorsed Acoustic Engineering Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Wind**

28. Prior to the endorsement of plans pursuant to Condition 1, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority which ensure no unreasonable wind effects occur around and between buildings on and adjacent to the site. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.

29. All works must be undertaken in accordance with the endorsed Wind Assessment Report to the satisfaction of the Responsible Authority. No alterations to the Wind Assessment Report may occur without the written consent of the Responsible Authority.

30. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Wind Assessment Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Wind Assessment Report have been implemented in accordance with the approved Plan.

**Traffic**

31. The Traffic and Car Parking Management Plan referred to in Condition 1 must be prepared to the satisfaction of the Responsible Authority prior to the commencement of construction and comprise the following detail to the satisfaction of the Responsible Authority;

   a) Consistency with the other plans and reports referred to in this permit;

   b) Measures to protect pedestrian safety on thoroughfares providing pedestrian access into and within the centre;

   c) All car parking, aisles and ramps designed in accordance with AS2890.1 Parking Facilities Part 1 – Off Street Car Parking;
d) All loading docks and commercial access aisles designed in accordance with AS2890.2 Off Street Part 2 – Commercial Vehicle Facilities;

e) Provision of directional signage;

f) Details of all access lane and parking area grades;

g) Car parking allocated and sign posted/marked as follows:

i. One space per one and two bed private dwellings;

ii. Two spaces per three bed private dwellings;

iii. One space for each of the 18 DHHS dwellings.

iv. 15 Spaces provided for Residential Visitor and Commercial tenancies.

v. All residential spaces to be clearly marked as private.

vi. All visitor / commercial spaces to be clearly line marked as Visitor / Commercial.

h) Detailed layout plans of internal traffic and car parking arrangements including internal intersections, truck loading areas and shopping trolley storage.

i) The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separately from the development for any reason without the written consent of the Responsible Authority; and

32. Prior to the occupation of the development, the bicycle parking rack must be installed in a secure manner that accords with the specifications in Bicycle Victoria’s Bicycle Parking Handbook, to the satisfaction of the Responsible Authority.

33. Prior to the occupation of the development, bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background must be erected directing cyclists to the location of the bicycle parking as required by Clause 52.34-5 of the Bayside Planning Scheme and to the satisfaction of the Responsible Authority.

34. Prior to the occupation of the development, an automatic system of external light must be installed and maintained around the entrance to the car park so that light operates automatically when a person or vehicle enters or leaves the land between dusk and dawn and no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

35. Prior to the occupation of the development, the car park access roller shutter or tilt doors must be automatic and remote controlled.

36. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel and footpath reinstated to the satisfaction of the Responsible Authority.

a) Prior to the occupation of the development, any power pole within 1m of a vehicle crossing is to be relocated to a point in front of the development over 1 metre from the proposed vehicle crossing, including the 1 metre splays on the crossing.

**Accessibility**

37. Prior to the endorsement of plans pursuant to Condition 1, an Accessibility Report must be submitted to and approved by the Responsible Authority. The Accessibility Report must provide the following:
a) An order to create accessible, adaptable and visitable housing within the activity centre to ensure housing caters for all residents’ needs, a minimum of 20% of all dwellings must comply with accessibility standards.

b) The Informal Crossing identified between the Station Forecourt and Bus Interchange must have TGSI installations and preferably developed into a Formal Crossing, especially for people with a dual sensory loss, e.g. sight & hearing.

c) Accessible Parking in VicTrack Commuter Carpark must include two spaces that area compliant accessible parking, all to be located at the eastern end of the carpark adjacent to the station entry.

d) Priority is to be provided for all pedestrians at pedestrian crossings, e.g. signposted as such with “Walking Legs”.

e) Raised bus stops in accordance with Bus Stop Interchange design, e.g. level access, seating, shelter, TGSI layouts for people with sight loss, accessible timetables, arrivals and departure times plus all other access required criteria.

f) Provision of Accessible wayfinding to all dwelling and facilities through accessible signage and area maps in common areas.

g) Common areas of dwellings to be fully accessible, e.g. no steps, landings on both sides of doors including automatic doors, circulation spaces, carparks, compliant visual indicators on fully glazed doors, sidelights etc.

h) Luminance Contrast treatments to be in all common areas for doorways; between vertical and horizontal surfaces inside and outside buildings for shore lining, all controls etc.

i) Clearance of shorelines – shore lines along buildings to be clear for a minimum of 1800mm to enable people with a disability to locate and safely enter facilities. All street furniture to be set out from the building lines by a minimum of 1800mm.

38. The recommendations of the Accessibility Report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

39. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Accessibility Report, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved Report.

**Green Travel Plan**

40. Prior to the endorsement of plans pursuant to Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and car pooling) available to residents and visitors. The Green Travel Plan must include, but not be limited to the following:

   a) End of trip facilities such as showers, change rooms, secure storage and bicycle storage.
b) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site.

c) Management practices identifying sustainable transport alternatives.

d) The provision of a car share facility, if so, details of the car share facility including management and operational arrangements.

e) Consider the provision of electric vehicle charging facilities.

f) Lobby areas of building to include real time information of train, tram and bus services.

g) Details of bicycle spaces for visitors and residents.

h) Allocation of parking for food and drink premises and restaurant tenancies to be provided within the on-site car park.

i) Employee and resident packs (e.g. myki cards for new residents/workers);

j) Any other relevant matters.

When approved to the satisfaction of the Responsible Authority, the plan will be part of the documents endorsed as part of this planning permit. The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

**Public Works Plan**

41. Prior to the endorsement of plans pursuant to Condition 1, a Public Works Plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:

a) Details of all works to the plaza in the eastern portion of the site, including any public art.

b) Details of all works in the eastern portion of the site, including details of new hard paved areas, landscaping, tree planting, public furniture, lighting, connection to the existing pedestrian pathways.

c) Details of all works to the public land adjacent to the development, along Willis Lane and Koolkuna Lane for the entire length of the streets.

d) Details of the works to Willis Street and Koolkuna Lane, including details of street trees, the new kerb and channel specifications and treatment, re-sheeting of asphalt footpath and the location and layout of the new on-street car parking.

e) Details of the works to Willis Street and Koolkuna Lane and the public plaza, along the eastern edge of the building, improvements to pedestrian access, amenity and safety along the eastern edge of the building, any new lighting in the park and planting proposed in, including species selection and location of planting. The works in public plaza must include the planting of additional mature canopy trees at the interface with the subject site

When approved, such plan will form part of the endorsed plans under this permit.

42. Prior to the occupation of the development, 10 bicycle parking rails must be installed on the footpath directly in front of the site to Council’s standards.

43. Prior to the occupation of the each respective stage, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed plan must be borne by the developer/owner of the land.
Lighting Plan

44. Prior to the endorsement of plans pursuant to Condition 1, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must demonstrated lighting of all public areas that abuts the site, including Koolkuna Land, Willis Lane, the public plaza and the commuter car park. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:

a) A lighting scheme designed for both public highway and new open public area/ within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;

b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, “Control of the obtrusive effects of outdoor lighting”;

c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;

d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;

e) A maintenance regime for the lighting scheme within the curtilage of the property.

f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

g) Lighting of the commuter car park must be designed so as to avoid light spill into residential properties including residential properties fronting Orlando Street.

45. All public lighting must conform to AS1158, AS3771 and The Public Lighting Code September 2001 to the satisfaction of the Responsible Authority.

46. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

S173 Agreements

47. Before the commencement of the development, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the owner and the Responsible Authority in a form satisfactory to the Responsible Authority including:

a) The owner must, at the Owner’s own cost, develop the public plaza, Koolkuna Lane, Willis Street and Willis Lane and appropriate treatment to these areas be in accordance with plans submitted to and approved by Responsible Authority to the satisfaction of the Responsible Authority.

b) The agreement must outline the responsibilities for maintenance of the public areas as shown on the plans.

c) The lighting between the eastern building façade and Willis Lane must remain within the development site and be maintained to illuminate the public realm.

d) A requirement that the owner pay the costs of the Responsible Authority in relation to the agreement.
Easements
48. Prior to the commencement of development, the owner must obtain the consent of all relevant servicing authorities for any buildings and works over any easements or underground services under the control of a public authority including sewers, drains, pipes, wires or cables and carriageway to the satisfaction of the Responsible Authority.

Hours of deliveries
49. Unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between:
   - 6:00am to 8:00pm on Monday to Saturday.
   - 9:00am to 8:00pm on Sunday and Public Holidays

Commercial Properties
50. Ground floor commercial uses are not to be provided with obscure glazing or signage which prevents surveillance of the streetscapes without the prior written consent of the Responsible Authority.

Public Transport Victoria
Prior to Construction
Staging Plan
51. Prior to the commencement of the development (including demolition) a staging plan for all building and works must be submitted and approved to the satisfaction of Public Transport Victoria. The staging plan must set out the timing and delivery of all building and works associated with the approved planning permit including car parking and landscaping. Once approved the staging plan must proceed in the order as detailed in the staging plan to the satisfaction of Public Transport Victoria.

Bus Interchange
52. Unless otherwise agreed in writing with Public Transport Victoria, prior to construction commencing (including demolition) detailed construction / engineering plans and computations must be submitted to and approved by Public Transport Victoria for the bus interchange and all associated infrastructure including bus shelters. The plans must be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 and must be generally in accordance with the plans submitted with the application prepared by Chris Maragos & Associates Hampton R.S. Concept Bus I/C (Victrack Option 2) Drawing Number CS100-1 dated 11/11/16.

Unless otherwise agreed in writing with Public Transport Victoria, prior to demolition of the existing bus interchange a construction control agreement as required by Public Transport Victoria must to be in place to the satisfaction of Public Transport Victoria at the full cost to the permit holder for the construction of the new bus interchange. The bus interchange must be constructed at the full cost to the permit holder prior to the closure of any bus bays at the existing bus facility to the satisfaction of Public Transport Victoria.
Rail Corridor Protection

53. Prior to the commencement of the development (including demolition) detailed construction / engineering plans and computations for the works along the rail corridor shown on the endorsed plans must be submitted to and approved by VicTrack and Public Transport Victoria. The Plans must detail all works proposed within the rail environment, including excavation of the site adjacent to the railway corridor and any impact on the rail reserve. The plans must ensure compliance regarding building clearances to aerial power lines as per the applicable Victorian Electrical Safety Regulations, to the satisfaction of VicTrack and Public Transport Victoria.

Construction Management Plan

54. Unless otherwise agreed in writing with Public Transport Victoria, before the commencement of works, a Construction Management Plan must be submitted to Public Transport Victoria and VicTrack for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect VicTrack assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of VicTrack & Public Transport Victoria. The Construction Management Plan must interface with any plan requested by the Responsible Authority.

Traffic / Pedestrian Management Plan

55. Unless otherwise agreed in writing with Public Transport Victoria, before the commencement of works, a Traffic / Pedestrian Movements & Communication Management Plan must be submitted to Public Transport Victoria which outlines how traffic and pedestrian movements will be managed throughout the construction of the development. The plan must include measures to mitigate impacts from the development to public transport, including trains and buses. The plan must also detail how access for passengers, including passengers with accessibility needs during construction will be maintained to and around Hampton Station for the period of the works outlined in this permit and how it will be communicated to passengers. The Plan must be prepared and implemented to the satisfaction of Public Transport Victoria. All traffic and pedestrian management and mitigation costs will be at the full cost of the permit holder. The Plan must interface with any plan requested by the Responsible Authority.

Landscaping

56. Unless otherwise agreed in writing with Public Transport Victoria, prior to construction commencing a landscape plan and schedule must be submitted and endorsed to the satisfaction of Public Transport Victoria including for the carpark, the bus interchange and the rail corridor where required by Public Transport and VicTrack. When approved the plan will be endorsed and will then form part of the permit.

Unless otherwise agreed in writing with Public Transport Victoria, before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of Public Transport Victoria at the full cost to the permit holder.
General Conditions

57. Unless otherwise agreed in writing with VicTrack, permanent or temporary soil anchors must not be installed on railway land.

58. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of Public Transport Victoria and VicTrack, at the full cost of the permit holder.

59. The permit holder must take all reasonable steps to ensure that disruptions to train and bus operations are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.

60. Building materials (including glass/ window/ balcony treatments) likely to have an effect on train driver operations along the rail corridor must be non-reflective and avoid using red or green colour schemes, to the satisfaction of the Rail Operator.

61. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.

62. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

63. Any wall which may be permitted to be located on the railway reserve boundary must be cleaned and finished using a graffiti resistant finish, or alternative measures used to prevent or reduce the potential of graffiti, to the satisfaction of Public Transport Victoria and the Rail Operator. Any fencing proposed along the railway reserve boundary must be constructed at the full cost to the permit holder to the satisfaction of Public Transport Victoria and the rail operator.

End of Public Transport Victoria Conditions

Melbourne Water Conditions

64. Prior to council endorsement, amended plans must be submitted to Melbourne Water for approval that demonstrate that Melbourne Water's finished floor level requirements have been met.

65. Finished floor levels of the ground floor must be constructed at a minimum of 8.8 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level for the property.

66. Entry apex to the proposed basement from Willis Street must be constructed at a minimum of 8.8 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level.

67. All openings, vents or other entry and exit points that may allow for entry of floodwaters to the basement must be set no lower than 8.8 metres to Australian Height Datum (AHD).

68. Basement must be tanked to at least 300mm above the applicable flood level of 8.5 metres to AHD.

69. Proposed commuter car park must be constructed at natural surface levels. No earth filling will be permitted within the proposed car park.

End of Melbourne Water Conditions
Addressing

70. A letterbox must be provided for each of the premises within the lobbies. The dimensions, placement and numbering must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority. Letterboxes must match the addressing, especially for 1st floor for the residential units, where units can be accessed from multiple lobbies.

Stormwater

71. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Bayside City Council, City Assets and Projects).

72. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.

Drainage

73. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority.

74. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.

75. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Bayside City Council, City Assets and Projects.

76. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

77. Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.”

City Assets and Projects

78. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.

79. Stormwater collected in either side of the railway line to be treated according to the best practice stormwater guidelines (via WSUD elements) and discharged to the Council drainage infrastructure in a controlled manner through onsite detention system. Two onsite detention systems, WSUD elements and legal point of discharges may be required.
80. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.

81. Stormwater from the south side of the development must be connected to the Council pit in front of 86 Orlando Street with an outfall drain to the satisfaction of the Responsible Authority.

82. The Applicant/Owner must prove that pre and post project conditions are same for 1 in 100 year storm event and there won’t be any flooding issues due to the development. 2D flood mapping may be required.

83. The Applicant/Owner is responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner is responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.

84. No building or works shall be constructed over any easement without the written consent of the relevant Authorities.

85. Council’s existing stormwater pipe and pits within the road reserves must be protected and all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.

86. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.

87. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.

88. As constructed civil drawings are to be provided to Council after the completion of civil works prior to the occupation of the building.

89. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.

90. The Applicant/Owner is responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner is responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.

Environmental Audit

91. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:

   a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority; or,

   b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.
Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the Subdivision Act 1988, and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the Subdivision Act 1988. All expenses incurred in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Notes about environmental audits

A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.

Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.

The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor’s Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.

Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the Planning and Environment Act 1987.

Prior to any remediation works being undertaken in association with the Environmental Audit, a ‘remediation works’ plan must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

The owner must ensure that no mud, dirt or dust is transferred from the site onto adjoining public roads to the satisfaction of the Responsible Authority. In the event that roads are affected, the owner must upon the direction of the Responsible Authority, take the necessary remedial action, to the satisfaction of the Responsible Authority.
General

92. Prior to the occupation of the development, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

93. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

94. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.

95. As part of the ongoing consultant team, JAM Architects Pty Ltd and ARM Architecture Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
   a) oversee design and construction of the development; and
   b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

96. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

97. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

Permit Expiry

98. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.
   c) The use is not started within five years of the date of this permit.
   d) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit notes

Public Transport Victoria Notes

- Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.
- Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.
• Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator’s conditions and safety requirements for works on, over or adjacent to railway land.

• Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.

Parking permit

• All future property owners, residents, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

Security Cameras

• Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder’s responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

Building Over Easements

• Council records indicate that there is a council storm-water drain running within Koolkuna Lane which is along the north-east boundary. Council considers this asset to be protected by an implied easement. The plans indicate no proposals to encroach into the implied easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority.

3. Background

Subject site

The site comprises several consolidated land Titles which straddle the Sandringham rail corridor, Lot 1 on Title Plan 954065L; Lot 1 on Title Plan 916415A; and Lot 1 on Title Plan 120419D.

The site to the north of the rail corridor has an approximate frontage of 42 metres to Willis Street, 244 metres to Koolkuna Lane and 37 metres to Railway Walk with a total area of 6,870 square metres.

The land with frontage to Willis Street and Koolkuna Lane is owned by the Department of Health and Human Services (DHHS) and contains 16 single storey dwellings (public housing). The site also comprises of an at-grade car park (77 spaces) leased to Metro Trains and accessed via Koolkuna Lane and a bus interchange and a VicTrack communications tower, which backs onto Railway Walk which provides pedestrian access from the bus interchange to Hampton Street and contains a number of mature gum trees.

The site to the south of the rail corridor is owned by VicTrack and contains an at grade car park (88 spaces) which is leased by Metro Trains and shares a frontage to Orlando Street. Further to the north of the car park is land abutting residential properties and accessed via the at grade car park. The total area of this site is 7,590 square metres.

Surrounds

North of the rail corridor:

To the north is Willis Street, a 20 metre wide road reservation, with two-way traffic, on street car parking and pedestrian footpaths and nature strips to both sides. On the opposite side of the street is:
• 1 Willis Street comprising a single storey detached brick dwelling;
• 7 and 9 Willis Street, attached double storey dwellings, with brick veneer base and rendered upper level; and
• 11 Willis Street comprising a detached double storey contemporary dwelling.

To the east, is Koolkuna Lane, at 6 metres wide, a single direction traffic lane (accessed from Willis Street to the north). On the opposite side of the laneway is:

• 6A Willis Street is owned by Council and contains a single storey building previously used as a Scout Hall. The building is constructed to the laneway edge;
• 8 Willis Street, a three storey apartment building, which gains vehicle access to a basement from Koolkuna Lane and comprises ground floor private open space, first floor balcony and roof top terrace abutting the rear laneway;
• 10 Willis Street, accommodates seven double storey dwellings;
• 20-22 Willis Street, an at grade car park that is accessed from Koolkuna Lane and with egress from Willis Lane. To the east of the car parking is the commercial area along Hampton Street, including the Woolworths supermarket; and
• 2-4 Willis Lane which accommodates a six storey apartment building, built to the site’s boundaries with balconies orientated towards the bus interchange and car park. Planning Permit 2010/174/1 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 16 September 2010.

To the south-east is 10A Railway Walk where a seven storey mixed use development is currently under construction. Planning Permit 2011/315/1 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 7 May 2013 for the construction of a six storey building above a basement; use of the land for dwellings and an indoor recreation facility (gymnasium), removal of part of an easement and a reduction of the car parking requirement. This permit was subsequently amended by VCAT on 8 May and 2 December 2015 to allow an additional storey and basement level and again on 31 May 2017 to reconfigure the gym layout and reduce the number of dwellings from 40 to 34.

To the south west is the Sandringham rail corridor and the western portion of the Hampton train station and on the opposite side of the corridor is the other parcel of land which forms part of the site.

South of the rail corridor:

To the north is the Sandringham rail corridor. On the opposite side of the corridor is the other parcel of land which forms part of the site.

To the east, is an at grade car park associated with the Hampton train station and accessed via Railway Crescent.

To the south west are a number of residential properties, namely:

• 5 Railway Crescent, a detached single storey weatherboard dwelling;
• 52 Orlando Street, a detached single storey weatherboard dwelling;
• 54 Orlando Street, a brick art deco apartment building;
• 56 to 72 Orlando Street comprising of detached single storey dwellings with a mix of brick and weatherboard.

Refer to Attachment 7 for photography of the site and surrounds.
4. **The Proposal**

The proposal is for the construction of a seven storey mixed-use building with basement level car parking on the north side of the rail corridor and an open-air public car park on the south side of the rail corridor. The overall development is described as follows:

**North of the rail corridor:**

- A station forecourt and public plaza located in the southern corner of the site connecting Koolkuna Lane to Hampton Station. This area will feature a pedestrian thoroughfare, seating areas complemented with landscaping including canopy trees;
- Nine ground floor commercial tenancies fronting Koolkuna Lane;
- 237 car parking spaces located within the basement, ground and mezzanine floors for residential, visitor and commercial car parking. The spaces are allocated as follows:
  - Residential: 217 spaces
  - Residential Visitor and Commercial: 20 spaces
- 91 bicycle parking spaces, both residential and visitor with an additional 26 commuter bicycle spaces in an attached parkiteer cage;
- 207 dwellings which includes 38 x 1 bedroom dwellings, 139 x 2 bedroom dwellings, 12 x 3 bedroom dwellings, 13 x 1 bedroom DHHS dwellings and 5 x 2 bedroom DHHS dwellings;
- Four residential lobby areas spread along the length of the site which provide pedestrian access from Koolkuna Lane;
- Vehicle access via ramps to the basement, ground and mezzanine levels. The basement level is accessed at the north-west corner of the site from Willis Street and the ground and mezzanine level is accessed in the middle of the site from Koolkuna Lane;
- The development will have an overall maximum building height of 25.39 metres including the rooftop plant room;
- Vegetation and landscaping around the north, east and south boundaries of the site; and
- The proposed development will comprise of a range of materials including aluminium panels and frames, precast concrete and glass reinforced concrete with varying coloured finishes depending on the section of the development and plant trellis.

**South of the rail corridor:**

- The reconfiguration and extension of the commuter car park and the removal of native vegetation. A total of 193 car parking spaces will be provided within this portion of the site, this equates to an additional 105 car parking spaces and with a net increase of 28 commuter car parking spaces above those removed from the northern portion of the site. The car park will extend along the rear boundaries of 5 Railway Crescent and 52 to 72 Orlando Street, Hampton.
5. **Planning Controls**

**Zoning**
A planning permit is required pursuant to:
- Clause 36.01 Public Use Zone (Schedule 4): Use of the land for a shop and dwellings and buildings and works.
- Clause 32.07 Residential Growth Zone (Schedule 1): Use of the land for purpose of shop and buildings and works.

**Overlay Controls**
A planning permit is required pursuant to:
- Clause 43.02, Design and Development Overlay (Schedule 12): Construction of a building (up to seven storeys), variation to preferred building height requirements and associated buildings and working including a plaza and construction of a car park.

**Particular Provisions**
A planning permit is required pursuant to:
- Clause 52.06: A reduction in the car parking spaces from 328 to 237.
- Clause 52.07: Waiver of loading and unloading bay for commercial vehicles.
- Clause 52.17: Removal of 6 native trees.

6. **Policy**

**Council Plan 2013-2017**

Relevant strategies of the Council plan include:
- 3.1.1 Developing planning strategies and policies with our community that enhance Bayside’s liveability along with its natural and built environment.
- 3.1.3 Advocating Council’s planning and urban design objectives.

**Bayside Planning Scheme**

*State Planning Policy Framework*
- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 11.06 Metropolitan Melbourne
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

*Local Planning Policy Framework*
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risks
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Economic Development
- Clause 21.08 Open Space
- Clause 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 21.11 Local Areas
- Clause 24.11-4 Hampton Street
- Clause 22.05 Heritage Policy
- Clause 22.06 Neighbourhood Character Policy
- Clause 22.07 Discretionary Uses in Residential Areas
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.07 Residential Growth Zone (Schedule 1)
- Clause 36.01 Public Use Zone (Schedule 4)
- Clause 43.01 Heritage Overlay (Schedule 664 and 748)
- Clause 43.02 Design and Development Overlay (Schedule 12)
- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of vehicles
- Clause 52.17 Native Vegetation
- Clause 52.34 Bicycle Facilities
- Clause 52.35 Urban Context Report and Design Response for Residential Development of five or more storeys (pre Clause 58)
- Clause 52.36 Integrated Public Transport Planning
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

Planning Scheme Amendments

Planning Scheme Amendment C139 has been prepared by Council and requires development to provide a financial contribution for drainage in this area. Council has adopted Amendment C139 and has submitted it to the Minister for Planning for approval. Whilst the Amendment is now considered ‘seriously entertained’, the Minister has not yet made a decision on the Amendment.

Planning Scheme Amendment C116 was prepared to introduce mandatory height controls in the Hampton Activity Centre. However the Minister for Planning of the day rejected Council’s request for authorising as he has already made a decision in approving Amendment C103 to introduce the six storey discretion height control for the A1 Precinct. Council progressed with Amendments C113, C114 and C115 for Bay Street and Church Street, Brighton and Sandringham which also sought mandatory height control changes. However these amendments were not approved by the Minister for Planning in March 2017.
At present, Council is seeking to work with the State Government to strengthen discretionary height controls in the Hampton Street Major Activity Centre. A copy of the Minutes from the Ordinary Council Meeting 27 April 2017 is included at Attachment 5.

Planning Scheme Amendment C150 outlines the overall policy direction for the commercial areas in the Bayside Municipality. Amendment C150 was adopted by Council at its 16 August 2016 Ordinary Meeting. Case law confirms that proposed amendments to Planning Schemes are not considered to be ‘seriously entertained’ and applied in the assessment of permit applications until such time as they have progressed beyond a Panel and Adopted.

Planning Scheme Amendment C153 has been initiated by Council and proposes to modify the boundaries of the Special Building Overlay (SBO) and remove the Land Subject to Inundation Overlay from the Bayside Planning Scheme. The public exhibition process will conclude on 16 January 2017 and a report considering submissions will be presented to Council early in 2017. Case law confirms that proposed amendments to Planning Schemes are not considered to be ‘seriously entertained’ and applied in the assessment of permit applications until such time as they have progressed beyond a Panel and adopted. As such, there is no statutory weight which can be given to Amendment C153. The subject site is not affected by the overlay and there are no proposed changes pursuant to Amendment C153.

Amendment VC136 was incorporated into the Bayside Planning Scheme on 13 April 2017 and introduced state wide planning requirements for apartment developments. The Amendment changed the Victorian Planning Provisions (VPP) and all planning schemes in Victoria by:

- Inserting a new Particular Provision at Clause 58 (Apartment developments) to introduce new requirements for apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones.
- Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to include new requirements for apartment developments.
- Deleting Clause 52.35 (Urban context report and design response for residential development of five or more storeys). The content of Clause of 52.35 is translated into Clause 58.01.
- Amending clauses 32.04 (Mixed Use Zone), 32.05 (Township Zone), 32.07 (Residential Growth Zone) and 32.08 (General Residential Zone) to:
  - Require an application for an apartment development of five or more storeys (excluding a basement) to meet the requirements of Clause 58.
  - Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development of five or more storeys (excluding a basement).
  - Specify application requirements for an apartment development in the Residential Growth Zone and the General Residential Zone.
  - Include transitional provisions for applications lodged before the approval date of this Amendment.
- Amending Clause 32.09 (Neighbourhood Residential Zone) to include transitional provisions for applications lodged before the approval date of this Amendment.
- Amending Clauses 34.01 (Commercial 1 Zone), 37.01 (Special Use Zone), 37.02 (Comprehensive Development Zone), 37.04 (Capital City Zone), 37.05 (Docklands Zone), 37.06 (Priority Development Zone) and 37.08 (Activity Centre Zone) to:
- Require an application for an apartment development to meet the requirements of Clause 58.
- Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development.
- Specify application requirements for an apartment development.
- Include transitional provisions for applications lodged before the approval date of this Amendment.

- Amending Clause 43.05 (Neighbourhood Character Overlay) to prevent Standards B35 to B49 (inclusive) of Clause 55 from being modified in a schedule to the overlay.

- Amending Clause 72 (General Terms) to introduce a definition for the term ‘Apartment’.

This application was lodged prior to the approval date of Amendment VC136 and therefore benefits from the transitional provisions. The new provisions do not apply to this proposal.

7. Stakeholder Consultation

External referrals
Pursuant to Section 55 of the Planning and Environment Act 1987, (determining authority), the proposal was referred to the following external agencies:

<table>
<thead>
<tr>
<th>External agency</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Transport Victoria</td>
<td>No objection subject to conditions.</td>
</tr>
</tbody>
</table>

Pursuant to Section 52 of the Planning and Environment Act 1987, (recommending authority), the proposal was referred to the following external agencies:

<table>
<thead>
<tr>
<th>External agency</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Victoria</td>
<td>No response at the time of publishing this report.</td>
</tr>
<tr>
<td>Department of Environment, Land, Water and Planning (DELWP)</td>
<td>No response at the time of publishing this report.</td>
</tr>
<tr>
<td>Environmental Protection Agency Victoria</td>
<td>No objection subject to conditions relating to contamination and noise.</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Metropolitan Fire Brigade</td>
<td>No response at the time of publishing this report.</td>
</tr>
<tr>
<td>Victoria Police</td>
<td>No response at the time of publishing this report.</td>
</tr>
<tr>
<td>VicRoads</td>
<td>No objection.</td>
</tr>
</tbody>
</table>

Internal referrals
The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Building Department</td>
<td>No objection.</td>
</tr>
</tbody>
</table>
Community Wellbeing | No objection, subject to conditions.
City Assets and Projects | No objection, subject to conditions.
Economic Development | No objection.
Property | No objection, subject to conditions.
Strategic Planning | No objection.
Transport Planning | No objection, subject to conditions.

The proposal was also referred to external consultants to provide expert opinion on the application.

<table>
<thead>
<tr>
<th>External consultants</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage</td>
<td>No objection.</td>
</tr>
<tr>
<td>Traffic</td>
<td>Concerns relating to the reduction of car parking requirements, traffic generation and access arrangements. Can be addressed through planning permit conditions.</td>
</tr>
<tr>
<td>Urban Design</td>
<td>Concerns relating to visual separation of upper levels and horizontality of the built form, architectural expression of the seventh level, transition in built form from to Willis Street, inactive frontage to the Willis Street end of Koolkuna Lane. Draft amended plans and permit conditions respond to concerns raised.</td>
</tr>
<tr>
<td>Disability Access</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public Notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land (within 100 metres);
- By placing 15 signs on the site and at critical vantage points; and
- By placing a copy of the public notice in the Bayside Leader.

It is noted that the signs remained on site in excess of the 14 days. The signs were placed on site for a total of 21 days, being erected on 12 April 2017 and removed on 3 May 2017.

Council has received 156 objections and 2 letters of support to date. The key issues raised in objections are:

Traffic / Parking
- Traffic generation;
- Traffic safety issues;
- Lack of provision for loading;
- Lack of provision for car parking on the site (resident, visitor and commercial);
- Lack of disabled parking facilities on site; and
- Lack of bicycle parking provided on site.
Built form

- Architectural design;
- Village character of Hampton Street being eroded;
- Height, bulk and mass of the building;
- Dwelling density;
- Lack of landscaping proposed; and
- Lack of transition in building height to / from to adjoining properties.

Amenity impacts

- Overshadowing and Overlooking;
- Poor internal amenity, particularly regarding secluded private open space;
- Wind tunnel effects;
- Noise impacts from future residents;
- Flooding impacts;
- Lack of infrastructure and community facilities to support proposal;
- Noise (from loading and waste collection);
- Land contamination and disturbance of contaminated areas during construction;
- Security; and
- Noise and dust impacts during construction.

Other

- Lack of economic benefit to local residents;
- Waste management;
- Insufficient dwelling diversity; and
- Landscaping and tree removal.

Consultation meeting

Whilst there is no statutory requirement pursuant to the Planning and Environment Act 1987 to facilitate community consultation, best practice dictates that transparent and well managed public participation is essential to fully inform the statutory planning process.

A public information evening was held on 26 April 2017 at which community members and stakeholders had an opportunity to be informed of the project and ask any questions about the proposal. Display boards were made available and representatives from Planning and Property Partners epc. Pacific, VicTrack, DHHS, ARM/JAM (architectural group), and Rush Wright Landscape Architecture. Approximately 40 interested parties attended.
A consultation meeting was held on 17 May 2017 and attended by Councillors Grinter and Martin, two Council Planning Officers, the applicant, architect, developer and approximately 60 objectors. The meeting provided an opportunity for the applicant to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond. The meeting enabled all parties to understand each others' views, and to develop an understanding of the issues from all perspectives. The meeting did not provide an opportunity to discuss planning policies or future changes to planning policy. Given the number of people in attendance and available time, the most common themes raised and discussed were design concerns, traffic, access and car parking, amenity impacts, landscaping and ground contamination.

- Following the above meeting, the applicant submitted concept plans that provided further articulation to the building facades which aims to respond to the Hampton Willis Street Precinct Urban Design Framework 2013 (refer Attachment 9). Reduce the width of the external frame banding, which reduces the mass of the building, in responding to previous concerns raised;
- Increase in the space between individual facades and refining the design of each building frame and balustrade treatment to improve separation and create a greater sense of individuality; and
- Inclusion of greater texture and colour to the facades to further refine and find the correct building balance.

The applicant also provided design options to resolve appropriate access to 8 Willis Street (refer Attachment 9).

Public notification of these concept plans was not undertaken because these plans were not lodged as a formal amendment to the application. They are for consideration as a means of resolving objections, to be used as guidance and have been assessed throughout this report.

**Community engagement external to Planning Process**

In October and November 2013 VicTrack and Bayside City Council engaged with approximately 245 community members and commuters through briefings, online and on-street surveys and community workshops. The purpose of the engagement was a place making process to help shape a vision for the future of the Hampton Willis Street Precinct and Hampton Station Precinct. An outcome of the engagement, along with desktop research, was the Hampton Willis Street Precinct Community Principles and Hampton Station Precinct Community Values and the Urban Design Framework.

In 2015 and 2016 consultation was undertaken by Bayside City Council with project stakeholders (VicTrack, etc. Pacific, PTV) and community groups (Hampton Neighbourhood Association, Hampton Retail Association), to respond to resident concerns about the location of the bus interchange and traffic movement. Consultation led to altering the proposed bus movements within the precinct.

Between 4 and 19 November 2016, EPC Pacific, VicTrack, the Department of Health and Human Services, Capire Consulting, ARM Architecture, Jam Architects and Rush Wright Associates, presented the Hampton Station Precinct draft design for community feedback.

**8. 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.

**8.1 Does the proposal enjoy strategic policy support?**

The following documents are relevant to the consideration of the application as they provide some strategic guidance related to the application.
The Melbourne metropolitan planning strategy Plan Melbourne and other State based strategy has informed the development of the State Planning Policy Framework within the Scheme.

**Clause 11.06: Metropolitan Melbourne**

<table>
<thead>
<tr>
<th>Policy/Strategy</th>
<th>Objective</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 11.06-2 Housing choice</td>
<td>To provide housing choice close to jobs and services.</td>
<td>The proposal sees private and public housing located within a Major Activity Centre and with excellent access to transport and community facilities.</td>
</tr>
<tr>
<td>Clause 11.06-3 Integrated transport</td>
<td>To provide an integrated transport system connecting people to jobs and services, and goods to market.</td>
<td>The proposal sees increased diversity and density of development along the Principal Public Transport Network. The development provides for increased density around transport nodes and supports viability of services in the centre.</td>
</tr>
<tr>
<td>Clause 11.06-4 Place and identity</td>
<td>To create a distinctive and liveable city with quality design and amenity.</td>
<td>The proposal will improve the quality of public spaces around the site and significantly improves the quality of the interface between private development and the public realm. The plaza is well designed creates a space which is accessible, safe, enjoyable, easy to move around and accommodates all abilities.</td>
</tr>
<tr>
<td>Clause 11.06-5 Neighbourhoods</td>
<td>To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.</td>
<td>The proposal contributes to the creation of a 20 minute neighbourhood by locating housing within the MAC, close to transport, services and retail uses. The proximity to the Bay Trail and foreshore provides excellent opportunities for recreation and active communities.</td>
</tr>
</tbody>
</table>

Some strategies below are included in the Planning Scheme as reference documents, others are in the process of planning scheme amendments, however it is considered that they are relevant considerations in accordance with Section 60(1A)(g) of the Planning and Environment Act 1987. The weight to be given may vary between the different documents however a summary of the strategic planning framework relevant to this application is provided.

**Bayside Housing Strategy 2012 (reference document)**

The *Bayside Housing Strategy 2012* guides housing growth in Bayside over the next 20 years. The Housing Strategy identifies the Hampton Street Major Activity Centre as a secondary focus for future medium and high density housing, second to the Southland and Hampton East areas. The Hampton Willis Street precinct is identified in the Strategic Framework Plan on page 101 of the Strategy as a ‘Key Focus Residential Growth’ and ‘Moderate Residential Growth’ area. The moderate growth area corresponds with the three storey height control for properties fronting Willis Street, with the six storey portion of the site identified as a key focus growth area.
The development of a mixed use development and dwellings in this location is consistent with the growth for the precinct envisaged by the Strategy. It is considered that the proposal is consistent with the Bayside Housing Strategy 2012.

Retail, Commercial and Employment Strategy 2016

The Bayside Retail, Commercial and Employment Strategy 2016 (‘the RCE Strategy’) provides policy direction for the future evolution of Bayside’s larger activity centres and employment land.

Strategy 7 within the RCE Strategy is to ‘consolidate key centres and ensure that Bayside’s largest activity centres remain the primary source of retail expenditure within the municipality’. The RCE Strategy acknowledges that Council needs to ensure that existing centres are adequately providing floorspace necessary to accommodate the increased demand for retail and commercial services.

Strategy 12 relates specifically to the Hampton Street Major Activity Centre and seeks to ‘accommodate the residential population within the Hampton Street Major Activity Centre and provide population serving uses.’ The primary role of Hampton Street is acknowledged as being to accommodate a residential population which contributes to the vitality and activation of the retail environment. Supporting the residential intensification of the Hampton Street Major Activity Centre will achieve a greater level of street activation, pedestrian foot traffic and retail demand along the street in the longer term.

The proposal contributes to the projected need of 6,300 square metres of retail floor space required in the centre by 2031 and contributes to the increased population growth to allow the centre to continue to prosper. It is considered that the proposal achieves the objectives of the RCE Strategy.

Integrated Transport Strategy 2013 (reference document)

The Integrated Transport Strategy 2013 (‘the ITS’) sets the future direction for Council’s transport planning and provision, providing a range of principles to be delivered:

- Improved local accessibility;
- Create better public transport connections;
- User friendly streets;
- Integrated transport and land use; and
- Improve perceptions and enable choice.

Whilst the ITS primarily provides actions for Council to undertake, the broader principles are delivered through the public realm improvement works and the creation of newer and accessible streetscape environments. The development and its context, public realm improvements and station precinct works will allow for future residents and transport users with improved environments which will encourage sustainable travel.

Hampton Street Structure Plan 2006 (reference document)

The Hampton Street Structure Plan provides a range of principles and strategies to be delivered within the MAC. The Structure Plan was given effect through planning scheme amendment C103 in 2013. The Structure Plan informs the policies at Clause 21.11-4 and underpins the DDO12 and as such is considered to be consistent with the Structure Plan.

Hampton Street Structure Plan Review 2016

The 2016 review of the Hampton Street Structure Plan identified that broadly, the policy within the Planning Scheme which implements the Structure Plan has generally been successful. Retention of the Commercial 1 Zone was a recommendation for commercial areas, and the future rezoning of the Public Use zoned component of the subject site is
expected to become Commercial 1. Strengthening policy to ensure new development provides an increase to commercial floor space is a recommendation which the proposal supports.

A further recommendation of the Structure Plan review is to continue to undertake streetscape improvements, public realm and walkability in the centre to support the UDF principles regarding streetscape and character. Reinforcing the intensification of the centre is a recommendation which will see this development contribute to additional housing and commercial floorspace. The proposal is considered to be consistent with the recommendations from the Structure Plan review.

Hampton Willis Street Precinct Urban Design Framework 2013

The Hampton Willis Street Precinct is defined as the area south of Willis Street, west of Hampton Street and east of the railway line. The Hampton Willis Street Precinct Urban Design Framework 2013 (‘the UDF’) outlines the future built form and land use composition for the precinct. Subsequent Council decisions have seen the direction of traffic changed from the circulation show in the UDF as discussed below however the remainder of the document remains Council’s adopted position.

The UDF outlines a discretionary height control for the subject site of 3 storeys (11m) for the northern part of the subject site, extending to 6 storeys (18.5m) towards the station entrance. The ‘test’ as to whether a building should exceed the discretionary height control is outlined within the DDO12.

The guiding principles of the UDF are categorised into themes, being the pedestrian network, vehicle network, built form, use and activity, and streetscape character and environment. These are discussed later in this report.

Hampton Willis Street Precinct – Traffic Management

At its Ordinary Meeting of 16 September 2014, Council considered a report on the ongoing implementation of the ‘Hampton Willis Street Precinct Urban Design Framework’ (UDF), including options for the alignment of Koolkuna Lane, and a proposed consultation program to seek community views about its future alignment.

At an Ordinary Meeting of Council on 28 April 2015 it was resolved (inter-alia) that Council reaffirms Option C (anti-clockwise movement) as the preferred Koolkuna Lane alignment option; undertakes detailed design of Option C to facilitate the road realignment; and requests VicTrack to investigate opportunities to increase the supply of commuter car parking around Hampton Station. Details of ‘Option C’ and the Council Minutes are included at Attachment 10.

The proposed development responds to the preferred Koolkuna Lane realignment and provides an additional 28 commuter car parking spaces by expanding the commuter car to Orlando Street.

Strengthening Discretionary Height Controls in Activity Centres

At its Ordinary meeting of 27 April 2017, Council resolved to nominate the Hampton Street Major Activity Centre to form part of a State Government activity centre height control pilot program, aimed at strengthening the application of discretionary height controls. Council has written to the Minister for Planning seeking the Minister to prepare and approve Amendment C156 to the Planning Scheme pursuant to Section 20(4) of the Planning and Environment Act 1987 to introduce interim mandatory height controls to all commercial zoned land within a discretionary height control precinct. The interim controls are intended to apply for a period of nine months from approval of the amendment. As the subject site is not within a Commercial Zone, Amendment C156 does not apply to the subject site (refer Attachment 11).
8.2 Are the proposed land uses appropriate?

The purpose of the Residential Growth Zone aims to provide increased housing densities. The proposal is consistent with the purpose and decision guidelines within the Residential Growth Zone providing dwellings in the activity centre and adjacent to the rail corridor.

The purpose of the Public Use Zone is to recognise land use for public utility and community services and facilities, as well as providing for associated uses that are consistent with the intent of the public land reservation or purpose. It is expected that should a planning permit be granted, the site will be rezoned from a Public Use Zone, Schedule 4 to a Commercial 1 Zone in accordance with advice from the Department of Land, Water, Environment and Planning to facilitate new commercial and residential development on the site. Whilst this advice falls short of confirming such, this approach has been undertaken in other VicTrack developments in other areas. It is considered that not complying with the primary purpose of the Public Use Zone should not be a determining factor in refusing the application and that broader planning policy must be considered. It is considered that the strong policy and strategic support for the development outweighs the purpose of the Public Use Zone. As the application was made with the consent of VicTrack as the Public Land Manager the application can be considered.

The proposed use of a car park to the southern side of the rail corridor, within the Public Use Zone (Schedule 4) is a Section 2 use and requires a planning permit. Given the car park is an extension of the existing car park within the same zoning its use is considered acceptable as it is appropriately located and designed for its end use.

8.3 Does the proposal comply with the objectives of the Hampton Street Major Activity Centre (Clause 21.11) and Design and Development Overlay, Schedule 12?

Clause 21.11 Hampton Street Major Activity Centre

Clause 21.11 notes that, “activity will be focused between Willis Street and the railway line and extending behind to the revamped Willis Street precinct. The existing grade level car park will be replaced with a mixed use development incorporating community facilities, housing on upper levels, a new public space and basement car parking for commuters and residents. Housing above the shops will feature throughout the centre”.

The proposed vision of the area is translated into objectives for the area and strategy to achieve this are noted (as relevant):

Objective 1: To strengthen the role of the Hampton Street Centre as a multi-use centre offering retail, office, entertainment and community services:

Ensure that new development and public realm improvements support the Hampton Street Centre Framework Plan and Vision. In Precinct 1: ‘Retail Core’ this can be achieved by:

- Develop a high activity, retail and mixed use core between the railway line and Willis Street.
- Facilitate redevelopment of the Willis Street Precinct and railway car park to a mixed use development with basement car parking, integrated community facilities, improved links to the station and between transport modes, improved station facilities and a public space incorporating the existing large eucalypts.
- Support the redevelopment of the station car park in Railway Crescent to provide housing that fronts the street and also looks onto the station.
- Design new development adjacent to Hampton Railway Station to include windows at ground and upper floor levels that overlook the station and access lanes.
Objective 3: To improve vehicle and pedestrian circulation throughout the centre. This is achieved by:

- Improving the amenity of pocket parks adjacent to the railway line and pedestrian access to these parks so that they form a green tree corridor dissecting the Centre.
- Strengthening pedestrian links as shown on the framework plan, including (as relevant) from the station to Willis Street, along Willis Lane and along the railway reserve.

The proposal sees increased dwelling diversity and density in the form of private and public housing located within a Major Activity Centre and in close proximity public transport land to community facilities and will support viability of services in the centre. The provision of 18 public housing dwellings within the development responds to the need for additional public housing and a range of dwelling types will cater for the various price points for potential purchasers and the diverse needs of the Bayside community and in response to population forecasts. Directing this population growth into Bayside’s MACs further ensures commercial growth within the activity centre and protects the garden setting of Bayside’s neighbourhood residential areas.

It is considered the proposal has had regard to the site context, the public realm, safety, views, pedestrian spaces, light, shade, architectural quality and landscape architecture resulting in a design that has regard to its context and strategic framework. The proposal provides a good urban design outcome to make the environment more liveable and attractive. The development has been peer reviewed by the Office of the Victorian Government Architect (OVGA) with generally favourable feedback. Despite some minor modifications recommended to the design which will achieve policy objectives, the design is considered to be generally of a high quality and will provide a landmark building. The streetscape and public realm improvements are considered to be a substantial improvement providing improved access and safety for users of the immediate area and train station between Willis Street and the station platform. The improved appearance of the station precinct facilities and infrastructure ensure that movement between trains and buses is more convenient and promotes walking and cycling within the activity centre.

Design and Development Overlay, Schedule 12 (DDO12)

The Design and Development Overlay Schedule 12 (DDO12) provides objectives for the Hampton Street major Activity Centre as well as a range of specific design objectives for the Willis Street Precinct. The proposal responds to the Willis Street Precinct Specific Objectives in the following ways:

- The development will strengthen the appearance of the station precinct and provide connections between the railway precinct and Hampton Street. The creation of a central pedestrian plaza adjacent to the station entrance will improve connections to Hampton Street and the relocated bus interchange. The role of the plaza is to support movement between transport modes with pedestrian paths prioritised. The application provides this important link and uses a range of materials and finishes which will see a high quality environment and public space created.
- The development will provide an active ground floor frontage to the public plaza and Koolkuna Lane. The upper floors of the development provide passive surveillance over the public realm surrounding the development including the railway station and City-bound platform. Concerns regarding the street activation where services are located towards the northern end of Koolkuna Lane were raised. Activation concerns are considered to be largely mitigated by the pedestrian traffic to bicycle parking spaces and the presentation of service entries is softened by vegetation within this location. Further, the draft amendments
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included at Attachment 8 highlight a change in building texture and colours to further refine the presentation of these service entry areas.

- Whilst the proposal does not strictly comply with recommendation of the Design and Development Overlay, Schedule 12, the building still provides a human scale presentation to the public plaza. In addition, the upper level setbacks assist in reducing any perception of a tall building to the public plaza.

- The proposed development provides a high level of pedestrian permeability through the precinct as outlined (generally) in the UDF. The improvements proposed to the plaza and future works to occur at the connections to the precinct will enhance the visual link to the precinct from Hampton Street and Willis Street.

- Whilst the building does not achieve spatial separation and visual breaks between buildings at the levels above the street wall, the sense of separation has been achieved with breaks being provided from ground through all levels and the development reads as individual buildings along the streetscape rather than a continuous buildings mass.

- Being within the core of the centre, this precinct is an appropriate location to encourage increased height compared with areas on the edge of the activity centre.

The Design and Development Overlay, Schedule 12 also sets built form provisions as follows:

- A building should not exceed the Preferred Building Heights (in metres and storeys) specified in the built form precinct provisions of this schedule.

- Development on land in a Commercial Zone or Public Use Zone that is adjacent to a Residential Zone should be designed to achieve a transition in height and building form.

- On land within a Residential Zone, design responses including recessed upper most levels and attic style development will be encouraged.

- A building should not be set back from the front or side boundary except at third floor or above, buildings should be set back a minimum of 5 metres from the front street boundary and any street boundary adjacent to a Residential Zone.

- Buildings in a Residential Zone should be set back in accordance with the relevant Clauses 54 and 55 standards except that the second floor should be set back a minimum of 4 metres behind the front wall of the floor immediately below, unless the second floor is an attic.

- On land in a Commercial, Residential Growth Zone or Public Use Zone any new building should be designed to:
  - Present a fine grained, human scale to streets and public open space.
  - Provide active street frontages with shopfronts at street level, particularly in the retail core, where shop fronts should predominate.
  - Provide weather protection, such as verandahs or canopies, within the Weather Protection Areas shown on the map to this schedule, unless that weather protection structure will conflict with the architectural character or of cultural heritage significance of the existing buildings.
  - Provide articulated and well designed facades, fenestration, parapet treatments, other detailing and materials to provide interest at street level and reinforce the human scale.
  - Maintain the vertical and horizontal design rhythm of buildings in the business precincts.
- Ensure corner sites are designed to address both street frontages with shopfront windows at street level.
- Locate the ground floor at natural ground level.
- Minimise the width of driveway entrances and the impact of garage doors on the building frontages and utilise rear access wherever possible.

In relation to the Willis Street Precinct DDO12 sub-precinct A1 and E1 sets the following:

- Precinct A1 – a preferred building height 18.5m (6 storeys); and
- Precinct E1 - a preferred building height 11m (3 storeys) or 12m on a sloping site.

In considering a request to vary the preferred building heights within the DDO12, proposals must comply with the following:

- Identify the design objectives, design requirements and outcomes to be achieved for the proposal as specified in the DDO12.
- Include an assessment of how any departure from a preferred building height or building setback specified in this schedule assists in achieving the design objectives and built form outcomes to be achieved for the proposal as specified in the DDO12.
- Demonstrate that the proposal will achieve the following outcomes (as appropriate):
  - A high standard of architectural design;
  - Innovative environmental design;
  - Minimal overshadowing of adjoining streets, public spaces and residential properties;
  - Minimal impact on the amenity of adjoining residential precincts;
  - Respect for places within the Heritage Overlay; and
  - Transition in scale to lower building forms.
- Whether the site has any particular characteristics or features that warrant the variation and an alternative design response.

In considering the acceptability of the proposed built form the street rhythm, spatial separation, height and massing form the principal considerations and are discussed below.
Street Rhythm and Spatial Separation

The UDF advocates for a separation in the built form at the upper floors. Due to the long and linear site profile it is inherently difficult for any development to realise a high degree of visual separation, particularly when viewed from several vantage points. The question then arises about how best to provide street rhythm, maintain a medium grain and a human scale to the building.

The design approach used to provide visual separation to the linear form is proposed through modularising the building into five distinct blocks. The blocks are separated by recessed glazed apartment entry cores. This design approach is considered to be a more superior outcome than that sought by the UDF. The reason being is the UDF seeks a continuous three storey street wall which on a site of this length will present a very visually bulky building to Koolkuna Lane.

The positioning of the lift cores which are recessed approximately 5 metres from the façade provides generous residential entrance lobbies while the continued glazing to upper levels enables natural cross ventilation and daylight to be received into the internal circulation corridor areas of the building, enhancing the on-site amenity for future residents. This design response is further consistent with the Willis Street UDF in relation to upper level setbacks which states to ‘allow lobbies and vertical circulation cores to articulate each elevation and parapet at the upper levels’.

The OVGA notes that the approach adopted here is acceptable but, “…could be enhanced by further differentiating each facade to complement and relate to the distinctive interfaces of the railway, public plaza and car park. The integration of vertical glazing to lift lobbies on the north facade improves the previously reviewed scheme and we encourage replication on the southern / railway side to enable ventilation, natural light and capacity for views from corridors, which will contribute to a better level of amenity inside the building.” The draft amended plans (Attachment 8) now address these concerns through thinning of external frame banding which reduces the feeling of mass in responding to previous concerns raised. Increased space between individual facades and refining the design of each building frame and balustrade treatment has improved separation and creates a greater sense of individuality.

The development involves clear and legible spatial separation and visual breaks between the buildings in their presentation to the Koolkuna Lane and railway corridor, consistent with that shown in the Willis Street UDF. This is accentuated at a pedestrian scale through well considered public spaces and interactive buildings and will be clearly evident from perspective views. This design response provides an articulated and separated built form as distinct from a long and unbroken street wall edge treatment which could again be interpreted from the Willis Street UDF.

Each building has been designed to present its own unique architectural identity in presenting to the streetscape. The proposal responds appropriately to the intent of the Willis Street UDF, aside for the continued 4-5 storey building stretch, and breaks in the built form to be achieved at the upper levels. Moreover, the proposed buildings provide for modulation which results in the creation of different forms and components at all levels. This approach provides visual interest and an improved pedestrian experience when viewed from the public realm and constitutes a civic contribution in relation to improving the pedestrian experience associated with the Hampton Station precinct.

Notwithstanding the positive draft amendments (refer Attachment 8), a condition has been included to require greater texture and colour changes to further refine the building. These concerns have been reiterated by the OVGA.

It is further noted that the inclusion of green walls and façade landscaping to the southern building frontage also provides visual relief to the built form. Conditions relating to the maintenance are included in the recommendation.

Advice from Council’s Urban Designer raises concerns regarding the ground plane
presentation to Koolkuna Lane. The proposed arrangement provides an approximately 100m length of inactive services including substations, fire pumps etc. to the northern end of Koolkuna Lane. It is recommend that further activation and opportunities for passive surveillance is provided along this interface. Draft amended plans (refer Attachment 8) showing the western portion of Koolkuna Lane to be significantly improved as a result of the design response and the proposed public realm improvements and road realignment in this location. While it is recognised that building services are an integral part of buildings, their presence is somewhat mitigated through residential and visitor bicycle storage spaces. Activating the street through the material glazing as well as bicycle users frequently entering/exiting these two locations will improve this interface.

The development provides an acceptable treatment to Koolkuna Lane and is considered generally consistent with the approach envisaged by the UDF and Council's subsequent decision relating to traffic direction. The proposed streetscape works are consistent with the UDF, noting the relocation of the bus interchange to the northern side of Koolkuna Lane. As a result, additional landscaping and improvement works are required to facilitate the relocation of the bus interchange. A planning permit condition ensures works in this area will have no adverse impacts on the existing trees within the traffic islands along Koolkuna Lane. Conditions also ensure that the basement car park at the northern side of the development does not impede the ability to plant mature street trees within the existing road reserve along Willis Street.

**Height and Massing**

The proposed development stands to a maximum height of 25.39 metres including the rooftop plant. This exceeds the preferred height of six storeys and (18.5 metres) by one storey and 6.89 metres within Precinct A1. Within Precinct E1 the development exceeds the preferred height of 3 storeys (11 metres) by two storeys and 6.55 metres.

Council’s Urban Designer is generally supportive of the overall height of the proposal at 7 storeys, noting that it is one storey higher than what is recommended for sub-precinct A1 within the DDO. Council’s Urban Designer states, “We consider that the variation in height is acceptable given that the upper level is setback from the level below and is read as a more recessive element. However, we consider that the contrast in architectural expression to be too great and therefore this additional level appears at odds with the levels below. Whilst this is not an issue in the immediate context, from more distant views this additional structure on the solid and organic base is incongruent with the main building. Accordingly, whilst we are supportive of a 7 storey element that is lightweight and recessive, we consider there should be a clearer relationship between this recessive level and the primary form of the building”.

The proposed change in architectural design at the upper floor level and introduction of lighter weight materials such as glazing is considered an acceptable response and assists in reducing any perception of bulk from localised and distant focal points.

Council’s Urban Designer has also raised concerns regarding the building being an overly horizontal form. This horizontal form broken up by the organic edges of the forms but it is recommended that additional vertical expression would further assist in ‘breaking up’ the mass of the proposal. The draft amended plans submitted to Council now show revised treatments to balconies and suggested material finishes that assist in breaking up the horizontal emphasis of the facades and introduce visual interest to address these concerns.

The DDO boundary cuts through the northern end of the site on a diagonal axis so as to provide a consistent pattern of development fronting Willis Street. As currently proposed, there is a six storey intrusion within Precinct E1 where a three storey form is preferred. Council’s Urban Designer considered the proposal should have a greater regard in how it is perceived in the Willis Street context (Precinct E1) and from within the railway context (Precinct A1).
The site results from the consolidation of allotments across two (2) precincts of Schedule 12 to the Design and Development Overlay (DDO12). The design response adopts a gradual stepping down in scale which is informed by a transition in height across the length of the site. This design rationale responds to the design objectives for the Willis Street Precinct within DDO12 which seeks ‘to provide an increase of building heights from the edges of the Precinct to the centre provided that higher buildings are not visually dominant or obtrusive’ and is consistent with the built form outcome where development on land adjacent to Residential Zone transition in height and built form. The proposal is not considered to result in an unreasonable level of visual bulk to the secluded private open space areas associated with properties fronting Willis Street as the transition of built form is provided in a terracing form rather than a flat, unarticulated form. This approach is balanced with the fact that no adverse amenity impacts result and aids the homogenous form provided at the western end of the proposed development. The proposed high level of architectural design presents a well-articulated built form.

Presently there are numerous examples of apartment and mixed use development of 3 or more storeys emerging in the area where the level of change anticipated within the Activity Centre as guided by, DDO12.

Immediately to the south east of the subject site at 10A Railway Walk is the Anchorage development which is currently under construction. This development, when completed, will comprise 7 levels and a basement level carpark. The approval of this development was granted by VCAT and sets a precedent where construction of a seven storey building is acceptable within this area and having regard to the broader criteria within the DDO12. It is considered reasonable for the additional storey subject to conditions requiring additional separation and articulation to required visual breaks. Draft amendments submitted by the application (refer Attachment 8) show this has been achieved by:

- Thinning the external frame banding which reduces the feeling of mass in responding to previous concerns raised;
- Increased space between individual facades and refining the design of each building frame and balustrade treatment to improve separation and create a greater sense of individuality; and
- The inclusion of greater texture and colour to further refine to find the correct balance to the satisfaction of Council.

The design has been reviewed by the OVGA and determined to be a high quality design. The standard of architectural design is undisputedly high and will be important to ensure that any future potential amendments to any permit granted do not compromise the quality of the design. There are however opportunities to improve the treatment having regard to policy objectives and it is recommended that the amendments referred to throughout this assessment be included.

A number of environmentally sustainable design initiatives have been included within the development. These include but are not limited to rainwater harvesting, green roof, walls and facades, high performance building fabric including double glazing and Low VOC paints and carpets. The recommendations of the Umow Lai ESD Sustainable Management Plan provided has been included as a planning permit condition. It is noted Council requires additional amendments that would increase the sustainable measures and improve environment performance.

Broadly, there are minimal impacts in terms of overshadowing of the public realm and residential properties. The suitability of the overshadowing impacts on the plaza and the development at 10A Railway Walk is considered acceptable for reasons discussed later in this report.

In summary, based on the analysis of the policy and character context of this area, a higher building which varies the preferred built form provisions can be accommodated
on the site and form an appropriate transition to surrounding lower scale built form.

8.4 **Does the proposal provide appropriate internal amenity?**

Overall the proposal provides a high level of internal amenity for future occupants of the development as discussed below. The requirements of the Guidelines for Higher Residential Development Assessment noting that Clause 58 does not technically apply are included at **Attachments 12** and **13** respectively. It is noted that an assessment of Clause 58 demonstrates a high level of compliance with new standards.

**Sense of address**

The proposal comprises four pedestrian entries for the residential component, which are spread out along the Koolkuna Lane frontage. While the general distribution of these entrances is supported it is consider that their sense of address can be improved and emphasised. A condition has been included requiring appropriate labelling to the entry foyers and wayfinding cues throughout the site to address this concern.

**Natural Light and Ventilation**

The internal corridors are provided with natural daylight which is a positive and sustainable design response. This ensures that these corridors will reduce reliance on fossil fuels.

All habitable room windows are provided with natural light and ventilation and provides appropriate amenity for future occupants. Some dwellings have kitchens sited behind walls without direct sunlight access which creates poor internal amenity and as such conditions of permit have been included for those dwellings to be reconfigured and ensure adequate access to natural light and ventilation. An amended daylight assessment provided showing acceptable levels of solar access to these areas.

**Private Open Space**

All dwellings have been provided with a minimum area of 8 square metres but some balcony dimensions are non-compliant and a condition has been included requiring them to comply with the relevant standards to ensure accessibility and usability.

A roof top garden is proposed on the 7th floor which includes barbeque facilities, seating areas, a sports and games lawn. These areas supplement the balconies of the future residents and are accessible to all future private occupants.

The OVGA suggested that the roof top garden would be better located further to the east of the 7th floor level as it may provide for further activation to the public plaza. Subject to the changes incorporated in the amended plans submitted, officers are comfortable that the rooftop garden is appropriately located and provides visual relief and softening of the built form when viewed from 8 and 10 Willis Street.

It is noted that whilst the DHHS housing units do not have access to their own communal open spaces, generous terrace areas or balconies have been provided to each dwelling.

**Noise**

The proximity of balconies to the rail corridor and Hampton train station platforms are impacted by noise. Whilst the provision of passive surveillance of the rail corridor and the station platform is a positive design response, this needs to be balanced with the south facing dwellings being provided with an acceptable level of amenity in terms of noise impact and in turn the usability of this space. It is acknowledged that a reduced level of amenity is to be expected to the south facing balconies and these balconies will only be affected by intermittent train services and for short periods of time.

An Acoustic Report has been prepared to ensure the proposed development's acoustic performance achieves compliance with all relevant policies / standards, particularly for future residents adjacent to a high frequency train line. A condition has been included in the recommendation requiring all recommendations of the Vipac Engineering and
Scientists Report to be integrated into the amended plans. This includes thicker laminated glazing, a double glazed system with high quality window perimeter seals and noise tempering measures to building services. It is noted that a condition has also been included to ensure that the amended materials schedule must incorporate any such recommendations.

Accessibility (DDA)

All common areas of the development are accessible by all people. This is achieved by the provision of a lift and appropriate width corridors and transition spaces. It is noted that steps have been minimised in the development.

A review of the proposed plans indicates that all 18 DHHS dwellings are fully accessible (8.7% of the overall development). The assessment criteria as applied to the application do not require the private dwellings to be fully accessible (DDA compliant) but it is likely that people with disabilities will buy or rent these dwellings.

The new Clause 58, Standard D17, Accessibility, requires 50% of all dwellings to be accessible however given this standard does not technically apply, an Accessibility Report requiring a minimum of 20% of all dwellings to be accessible has been included as a condition of permit.

8.5 Does the development result in unreasonable off site amenity impacts?

The proposed development is noted to be strongly compliant with policy considerations apart from the departure of the height controls discussed in Section 6.3. The Office of the Victorian Government Architect notes that, "The proposal presents as a highly considered design response to the values of the local area and rail corridor, however the appropriateness of the height is subject to the advice of the Bayside City Council. We generally support the architectural approach that builds mass towards the Hampton Street end of the linear site, however we propose it is critical that the built form proposition has no adverse impacts on local amenity, such as overshadowing and wind impacts. It is important that the City consider the contribution and impact of the building within its local context when evaluating the appropriateness of the height."

Overlooking

The site does not abut any sensitive interfaces and will not overlook areas of secluded private open space or any habitable room window within 9 metres of the site. The proposal complies with Clause 55 of the Bayside Planning Scheme, Standard B22 Overlooking. Views within 9 metres of the subject site are generally limited to the rail corridor or roadways that result in the development requiring screening. Notwithstanding this, long distant views will be had by the development but these comply with Standard B22, Overlooking, and will provide increased surveillance and safety over the public car park. It is noted that proposed landscaping treatments will likely restrict long distant views.

Overshadowing

The proposal will not overshadow private properties areas of secluded private open space or habitable room windows.

The public plaza area will be likely in shadow throughout much of the day. In the morning the abutting 7 storey development at 10A Railway Walk will overshadow the space while the 5 storey development to the north at 2-4 Willis Lane and the proposed building subject to this report will overshadow the plaza area. This outcome is inevitable in areas of higher density development. However due to the open nature of the space and the plaza’s primary function of being a largely transitional space this outcome is considered acceptable.

The provision of landscape and informal recreation areas will ensure the space has an appropriate level of amenity and enjoyed by pedestrians. Conditions are included to
ensure the space is constructed of suitable materials and appropriate standard.

**Wind Impacts**

The application material submitted to Council does not include a Wind Assessment or Microclimate Report. This comment was raised with the permit applicant in the request for further information and the applicant noted that it is not anticipated that any unreasonable impacts would occur result. Further clarification regarding this matter was sought by an objector at the consultation meeting where the architect indicated that wind analysis work had been undertaken and the development required minimal refinements to mitigate against any wind effects. Notwithstanding this, a condition has been included requiring a report to be prepared by a suitably qualified professional demonstrating a comfortable microclimate will be achieved.

### 8.6 Has adequate car parking been provided?

The below table summarises the statutory car parking requirements as set out at Table 1 at Clause 52.06-5 of the Bayside Planning Scheme:

<table>
<thead>
<tr>
<th>Component</th>
<th>Rate</th>
<th>Required</th>
<th>Proposed</th>
<th>Shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed</td>
<td>1 space</td>
<td>38</td>
<td>38</td>
<td>0</td>
</tr>
<tr>
<td>2 Bed</td>
<td>1 space</td>
<td>139</td>
<td>139</td>
<td>0</td>
</tr>
<tr>
<td>3 bed</td>
<td>2 spaces</td>
<td>24</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td>1 bed DHHS</td>
<td>1 space</td>
<td>13</td>
<td>16</td>
<td>-2</td>
</tr>
<tr>
<td>2 bed DHHS</td>
<td>1 space</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Visitor</td>
<td>1 per 5 dwellings</td>
<td>41</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial (Food and drink premises, convenience store, shop, office)</td>
<td>4 spaces per 100m². It is noted that some rates for these uses are 3.5 spaces per 100m² but the higher value to considered as part of this assessment,</td>
<td>68</td>
<td>18</td>
<td>-91</td>
</tr>
<tr>
<td>9 tenancies totally an area of 1,716m²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>328</strong></td>
<td><strong>235</strong></td>
<td><strong>-93</strong></td>
</tr>
</tbody>
</table>

A total of 328 car parking spaces are required to be provided for the proposed development. A total of 235 spaces are provided on site resulting in a shortfall of 93 spaces. It is noted the above table takes account of the deletion of two on-street car parking spaces to facilitate improved access to 8 Willis Street discussed at Section 8.8 of this report.

Policy directs that any decision to waive or reduce car parking requirements must be justified in terms of considering its acceptability against the provision of public transport in the area, the variation in parking demand of the likely uses on the site over time, the likelihood of multi-purpose trips within the area and the availability of parking in the locality.

The proposal sees the development of State Government land to provide a significant increase in housing in the Hampton Street Major Activity Centre. This provides future residents with excellent access to services and public transport given the bus routes servicing the centre and the Hampton Railway Station. All private residences of the proposal are provided with at least one car parking space, complying with the statutory
car parking requirement contained at clause 52.06 of the Bayside Planning Scheme.

It is further noted that the Public Housing component is unlikely to generate the requirement for 18 car parking spaces, or indeed the 16 proposed to be provided. Car ownership patterns as identified in the GTA Consultant report for the City of Port Phillip and Department of Health and Human Services, “Review of Social Housing Car Parking Demands, Inner Melbourne” are generally much lower and the car parking provided for this component of the development could be considered to be an over-supply.

It is noted that the proposed shortfall of car parking spaces is largely associated with the residential visitor and commercial uses. Whilst the uses within these commercial properties have not yet been clarified, it is noted that a food and drink premises and office would likely occupy these tenancies which are generally not considered to be ‘destination’ services which would alone generate significant traffic. Rather, these uses would complement existing services with the area and form part of multi-purpose trips to the activity centre. Parking demand brought to the area by visitors/customers is expected to be much lower than would be expected if the proposed uses were not located within an activity centre. Further it is noted that the various uses would likely generate different peak demand times with office uses vacating commercial area in the evening when demand for residential visitor spaces will likely peak.

Objections received from residents raised concerns with the parking availability within the area concerned it is already low, and the proposed waiver would result in residential, visitor and staff car parking spreading into adjacent residential streets. Surveys were carried out by Nationwide Traffic Surveys on 13 April 2016, between 7am and 8pm, covered the nearby area including Willis Street, Willis Lane, Railway Crescent and the off-street car parks adjacent to those roads. The traffic report identified:

- The commuter parking was highly utilised, but vacancies increased after 4pm with 81 spaces available at 6pm;
- The demand for parking in the off-street car parks that were surveyed varied throughout the day with a peak at 11am when 15 spaces were available, and, thereafter it steadily reduced with 99 spaces vacant at 8pm; and
- At least 76 spaces were available at 11am in the entire survey area, with over 100 available after midday and over 200 after 5pm.

The available survey data, collected over the past 3 years (including surveys undertaken by Cardno and Traffix Group) indicates that there is a supply of on and off-street parking available at the different times of the day when an overflow could be expected from the site.

A total of 105 commuter spaces are to be provided to the north of the existing car park accessed off Orlando Street, resulting in a net increase of 28 commuter spaces above that previously accommodated to the northern side of the rail corridor. The additional spaces include five accessible spaces and spaces nominated for short term parking for drop-off and pick-ups. The additional spaces are considered to remove some of the long term commuter parking within the area and increase the availability of short-term parking for visitors to the area. Thus the availability of car parking is increased because there is a higher turnover due to these short-term restrictions.

A reduction of car parking for this development is considered to be acceptable because of:

- Availability to public transport;
- The over-supply and encouragement of more sustainable mode of transport (i.e. bicycle parking);
- Each dwelling provided with the required car parking space;
Each commercial area tenancy provided with parking for owner/operator;

The additional commuter car parking spaces (net gain of 28 spaces);

The availability of on-street public car parking during different periods of the day;

The commercial uses proposed are unlikely to be ‘destination’ uses and will result in multiple trips by users of the activity centre; and

The applicant's agreement to a Green Travel Plan for future residents (pre-paid Myki cards and the provision of a ‘Car Share’ facility on the development site.

8.7 Will the proposal create excessive traffic impacts?

The Chris Maragos & Associates Report dated February 2017 report quantifies the increase in traffic with the surrounding road networks. The work undertaken by Cardno and its analysis of the Hampton Street / Willis Street intersection shows similar results to those summarised in the CMA report of February 2017, indicating that the anticipated development traffic is not expected to have an adverse impact on passing traffic or result in additional traffic that the road network cannot accommodate.

Specifically, objectors have raised concerns regarding the relocation of commuter car parking to a single location and increases in traffic in Railway Crescent. This traffic would be distributed between the intersections of Railway Crescent with Small Street and to a lesser degree with Orlando Street. Data collected by Cardno in July 2015, and summarised in their additional report for VicTrack of 4 August 2015 confirms the additional traffic diverted to Small Street can be accommodated given the capacity at the Small Street / Railway Crescent intersection. Once on Small Street the extra traffic would be divided between Hampton Street and Beach Road and therefore there will be no unreasonable effects on passing traffic or intersection operating conditions at either Hampton Street/ Small Street or the Beach Road intersection.

Further to this, VicRoads has reviewed the proposed development and has no objection. It is also noted that VicRoads did not raise any concerns with regard to impacts on the intersection of Willis and Hampton Street or the surrounding road network. In contrast, VicRoads objected to the traffic impacts associated with the eight storey development proposed at 427-461 Hampton Street and 82 Holyrood Street, Hampton, a decision which VCAT has yet to make.

This all leads to supporting the reduction in parking proposed and that the increase in traffic can be supported by the existing road network.

8.8 Has adequate access been provided to the site, commuter parking and 8 Willis Street?

Proposed access to the subject site

The layout of the proposed access to the ground and mezzanine car parks is illustrated on CMA drawings CM15013 CS100 and CS100-1.

The proposed access arrangements are expected to operate satisfactorily in terms of capacity and safety due to the one-way traffic control and delineation of priority through Koolkuna Lane. The estimated flows equate to a car approximately every 2 minutes at the ground access and a car every 4 minutes at the mezzanine access with no more than 2 cars are expected to use the access ramps simultaneously.

The low development traffic flows result in a low probability of pedestrian/vehicle conflict at the access points. Notwithstanding this a sign giving pedestrians right of way over cars at the driveway crossings is included as a recommend permit condition.

Traffic flows along Koolkuna Lane are proposed to be controlled anti-clockwise, while traffic flows within the public car park opposite the development site are also subject to one-way restrictions. Traffic flows along Koolkuna Lane have priority over both the traffic exiting the northernmost public carpark aisle and traffic exiting the proposed
development accesses therefore the proposed location of the access ramp is considered satisfactory. It is further noted the access off Koolkuna Lane provides for a total of 109 spaces with the remainder of the on-site spaces provided at the basement level accessed off Willis Street. The proposed access arrangements at this location are therefore acceptable.

Proposed access to 8 Willis Street

Concerns regarding the proposed access to the basement of 8 Willis Street have been considered by the applicant who has nominated three design responses detailed at Attachment 9. The preferred design response provides for a direct left turn into the basement ramp and exit via the car park and Koolkuna Lane as detailed in Option 2. This design response requires the removal of two parallel car spaces adjacent to the vehicular entry to the proposed development. Whilst the proposed access arrangement to 8 Willis Street results in a junction with the car park and opposite the proposed entry to the ground and mezzanine level car park, this is considered to provide the most effective and convenient access to 8 Willis Street in accordance with the right of carriageway registered on the property title of Council’s car park.

Proposed access to Railway Crescent

No additional car access point to this car park is proposed. The commuter car park arrangement requires some additional refinement in terms of access and egress arrangements (provision of sufficient turn around opportunities), signage (detailing number of available spaces), traffic calming devices and lighting. A Car Parking Management Plan is included as a recommend condition addressing these issues. The proposed changes required will not result in the reduction of any car parking spaces on Orlando Street.

8.9 Has adequate loading/unloading area been provided?

The application does not nominate dedicated loading / unloading facilities in accordance with the requirements of Clause 52.07.

Concerns regarding the lack of such facilities were raised by Council. The applicant has provided an indicative location along Koolkuna Lane (refer Attachment 14). The proposed location is satisfactory subject to conditions relating to a detailed design and will not result in any safety or conflicts with traffic or the bus zones to the north of Koolkuna Lane. It is noted that the frequency of the buses and the number of deliveries to the commercial tenancies will not result in any congestion within this area.

8.10 Has adequate bicycle parking been provided?

Pursuant to Clause 53.34-2 a total of 68 bicycle parking spaces are required to be provided for the development as follows:

- 41 for residents;
- 21 for residential visitors;
- 3 for shop employees; and
- 3 for shoppers.

A total of 91 bicycle spaces are provided at ground floor level which is 23 more than what is required. A further 26 commuter bicycle spaces in the parkiteer cage for commuters. It is noted that shower or change room facilities are not required as there are less than five employee bicycle spaces required.

The bicycle spaces are located with convenient access off roadways and the informal bike route along Willis Street and do not interfere with any services or create hazards. A condition has been included requiring the bicycle parking areas to be designed in accordance with Clause 52.34-4 and appropriate signage to be installed as per the requirements of Clause 52.34-5.
The oversupply of bicycle parking for residents, visitors, employees and shoppers in addition to the complementary commuter bicycle parking is considered consistent with State Government's strategy to promote cycling as an alternative mode of travel.

8.11 Has adequate waste management been provided?

Waste collection from the development is planned to be provided and managed by a private contractor which is supported by Council subject to conditions confirming the size and capacity of the waste collection vehicle, frequency of collections and designation of propping areas in the basement during collections.

Council does not support the collection of waste by a private contractor on Willis Street.

The proposed development provides three separate bin areas within the basement car park, adjacent to the lift and access stair cores. It is noted that there is no internal access provided between the nine commercial tenancies and the waste storage areas at basement level. As proposed any waste would need to be taken out the front door of the commercial premise, along the footpath on Koolkuna Lane and into the nearest residential building lobby and down to basement level. This arrangement is not supported and a condition has been included requiring an alternative arrangement to the satisfaction of Council which will include a dedicated corridor from the commercial tenancies to the lift cores and dedicated bays in the basement for truck parking while collecting garbage.

8.12 Is the site potentially contaminated?

The site is not affected by an Environmental Audit Overlay (EAO). The Environmental Protection Agency (EPA) has formed the view that the site is potentially contaminated. This view is based on EPA’s knowledge that contaminated soil is present along many of Victoria’s railway corridors.

Table 1 of the General Practice Note on Potentially Contaminated Land (Department of Sustainability and Environment, 2005) also identifies ‘railway yards’ as having a high potential for contamination. Ministerial Direction No. 1 provides further explicit instruction on how a planning authority must satisfy itself with regards to sensitive uses. A certificate of environmental audit or a statement from an environmental auditor in accordance with Part IXD of the Environment Protection Act 1970 is a required.

Whilst not formally submitted with the application material, a preliminary report sighted by Council notes that identified soil tests do not pose an unacceptable risk to future occupants. The recommendation has included conditions to ensure a full audit is undertaken to ensure the site is suitably treated for contaminants.

8.13 Is the proposed development acceptable from a Heritage and Cultural Heritage perspective?

Heritage

The development sites are not included in the Heritage Overlay (HO); however, they are in proximity to two nearby heritage precincts:

- HO664 Orlando Street precinct. This applies to the residential areas immediately to the south of Hampton Railway Station along the north side of Orlando Street and the south side of Railway Crescent, as well as the small group of Edwardian era shops adjacent to Railway Walk and the footbridge across the railway line near the station.

- HO758 Hampton Street precinct. This precinct applies to the Hampton Street commercial centre generally between Crisp Street and Grenville Street.

Independent heritage advice does not raise any concerns with the proposed development as the development does not propose any changes to the only heritage feature associated with the railway station, being the footbridge. Due to the distance of
the development from Hampton Street, the existing two storey commercial development along the west side of Hampton Street, and more recent five and six level buildings that have been constructed adjacent to Wills Lane will restrict any views of the proposed development. For similar reasons the development will be of limited visibility from within Orlando Street and, where it is visible, it will read as a recessive and distant element that will not adversely affect the streetscape.

The development will be visible when standing in Railway Crescent and looking north. However, it will not be visible when looking to the southeast toward the houses that form the heritage streetscape along the south side, and will only appear in peripheral view when looking along the street to the northwest. Views in this direction already include the recent multi-level developments at the rear of the Hampton Street and as such the proposed development will not significantly impact upon this streetscape. The land on the north side of Railway Crescent is already a car parking area, and the proposed extension will occur on land that is largely hidden between the rear of residences on the north side of Orlando Street and the railway line.

Cultural Heritage

An Area of Cultural Heritage Sensitivity (CHS) is located to the north-east corner of the proposed extension to the Orlando Street Commuter Car Park. As the area has been subject to Significant Ground Disturbance (SGD) as defined by the Aboriginal Heritage regulations 2007 due to tennis court constructions, rail works and road construction this exempts the requirements for a Cultural Heritage Management Plan under the Aboriginal Heritage Act 1987.

As there will be no heritage impacts, no changes are required to the development and no specific conditions are required having regard to heritage or cultural heritage issues.

8.14 Is the proposed landscaping and tree removal appropriate?

To the northern rail corridor:

A number of trees are required to be removed to accommodate works associated with the construction of the building to the northern side of the rail corridor. Many of the trees proposed for removal do not require permits or permission. Further, most of the trees proposed to be removed are in a poor condition.

The development proposal includes improvement to public open space including four Banksia integrifolia trees and one Araucaria cunninghamiana tree which offsets the loss along with other landscaping elements. The greenwalls and roof top garden proposed will set a design standard precedent that will, in the long term, provide for green space in a highly developed urban environment and continues to replicate the design inspiration from the vegetation on top of the ‘bluff’.

The landscape proposal includes indigenous sandbelt vegetation and indigenous coastal vegetation that accords with coastal vegetation within the area.

Landscaping Maintenance Plans to ensure that all vegetation proposed is suitably maintained are included as permit conditions. Details of service agreements will also be required to ensure ease of accesses, particularly to the southern / railway side façade. The relevant permit conditions includes flexibility for a small setback to the built form along the rail corridor interface (within the subject site) to enable separation between the rail corridor and abutting built form. Such a setback may be required to ensure future access to light and air as well as to provide access for maintenance of the building façade and its proposed greenwalls.

To the southern side of the railway line (extended commuter car park):

Native vegetation has been identified within the area of the proposed car park extension and as such is required to be considered under the below legislations:

- Planning and Environment Act 1987: The Flora and Fauna assessment detailed in
the Biosis Pty Ltd Report dated 6 December 2016 notes that six scattered remnant trees are contained within the subject site including three Eucalyptus ovata (Swamp Gum), two Acacia melanoxylon (Blackwood) and one Acacia implexa (Lightwood).

- Victoria’s Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines: Removal of two scattered Gum trees in the site required an assessment under these Guidelines and requires the land owner (VicTrack) to provide associated offsets. Under the Guidelines the impacts on biodiversity are assessed under the designated risk-based pathways, i.e. location risk and extent risk. DELWP has nominated the site as a low-risk based pathway. The ecologist’s report identifies three scattered trees, Swamp Gum (Eucalyptus ovata) #32, 37 and 141. Later, the report (p.5) states that 0.005 general Biodiversity Equivalence Units (BEU) have been calculated for two Swamp Gums, located within the study area. It is uncertain why the BEU calculation was undertaken for only two of the three scattered trees identified on the subject site. A condition of permit has been included to require the appropriate offsets.

- The Blackwood trees are considered scattered and under-storey plants and do not require any offsets on removal. A condition requiring offset replanting has been included as a condition of permit.

- Commonwealth Environment Protection and Biodiversity Conservation Act: The removal of planted vegetation proposed does not constitute a significant impact as defined under the EPBC Act for either the Grey-headed Flying-fox or the EPBC-listed Swift Parrot as the works are unlikely to lead to a significant decline in or loss of habitat and similar habitat is widespread throughout the area.

  It is noted that no listed vegetation communities or flora species were identified or are likely to occur on site while the project is not considered to have a significant impact on a Matter of National Environment Significance (as defined under the Act).

- Flora and Fauna Guarantee Act: No species listed under the FFG Act were detected within the study area and a permit is not required for the proposed works.

- Catchment and Land Protection Act: One listed noxious weed was detected within the subject site, Suursob pes-caprae. This weed is listed as ‘Restricted’ under the Act in the Port Phillip and Westernport Bioregion however there are no requirements to control this species during construction works. Red Fox is an Established Pest Animal as defined under the Catchment and Land Protection Act that is likely to be found within the site boundaries. Landowners have a responsibility to take all reasonable steps to prevent the spread of, and as far as eradicate, established pest animals on their land.

  A landscaping plan has been included as a recommended condition requiring a landscape strategy to soften the edged of the car park and mitigate the impact of the new car park and includes replacement replanting where possible. It is further noted that a condition has been included requiring a lighting strategy to the commuter car park for security reasons with all lighting to be designed so as to not impact on the amenity of current residents through being appropriately located and baffled.

8.15 Other Objector Concerns

Concerns raised by objectors that have not been discussed in the body of the report are discussed below:

Lack of community benefit from proposed works

The proposal includes a public plaza which connects Willis Lane and Koolkuna Lane to the Hampton Station forecourt. Details regarding the design response in respect of the
DDO12 are discussed in Section 6.3 of this report. The public plaza will form one of the key entry / exit points to the wider Hampton area.

The proposed building’s relationship with the station platform through the plaza and the narrowing towards the platform is proposed at a human scale that creates a space for individuals and larger gatherings and act as a focal point for the precinct. There is equally a positive interface with the public realm along the eastern half of the north elevation at ground floor level due to the activation of the edge. These connections improve the legibility within the areas, result in a clear separation between the development site and adjoining properties will ultimately improve pedestrian movements within the area which make for more vibrant and economically viable communities. This is in keeping with the objectives of the UDF.

The materiality of the public realm and proposed brick paved footpaths is generally not supported and as such materials such as timber in walking areas of particularly with high use will not be supported. A condition has been included in the recommendation that requires a Public Works Plan to be provided to Council’s satisfaction and a Section 173 Agreement to be entered into requiring all areas to be constructed and maintained to the Satisfaction of the Responsible Authority.

Due to the increased population within the precinct, pedestrian links with Hampton Street are likely to utilised more heavily which will require further consideration as to the public realm works within these areas. Council’s Strategic Planning Team are currently liaising with the VicTrack to agree a framework for future upgrades. It is further noted that an increased population within an established area raises questions about whether there are sufficient community facilities such as schools in order to support the additional population. Whilst these are not planning considerations, government reporting does however acknowledge that its direction to encourage higher density developments needs to be met with an improvements in infrastructure and services to realise the benefits. Equally, the additional population will assist in maintaining the economic viability within the area, with populations supporting local business.

Construction Management

Concern has been raised in relation to impacts (i.e. damage to property, road closures, noise, etc…) during construction. The following statues ad regulations require consideration of protection of adjoining property during construction, including:

- Council’s Local Laws requires an Asset Protection Permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged.
- The Owners of the land proposing to build have obligations under the Building Act 1993 to protect adjoining property from potential damage. It is to the discretion of the relevant Building Surveyor to require protection work.

Council Local Laws regulate some of the potential amenity impacts during construction and require provision of site hoardings, notwithstanding this a Construction Management Plan is included as a recommended condition. Details of construction management and controlling any contaminants on the land are also included.

Drainage

The application has been referred to Council’s City Assets and Projects Department that requires specific drainage and stormwater conditions be included on any planning permit that is issued.

Further the site owner will be required to address infrastructure servicing demands of the additional dwellings as required by the various service agencies at the time of subdivision or connection of the development, including any service authorities’ requirements to contribute to the cost of upgrading trunk infrastructure.

Property Values
The Victorian Civil and Administrative Tribunal (VCAT) and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

**Use of the ground floor commercial tenancies for community facilities**

The proposed development does not outline details of the end occupiers of the proposed tenancies. Suggestions that this facility can be used for the relocation of Hampton Library and a community health centre are some suggestions that have been put forward in correspondence received by Council and relayed in the consultation meetings. Whilst it is not proposed as part of this development and indeed discussions relating to such end users may be viewed as premature prior to any planning permit being issued, these are options which the permit applicant could explore with Council in the future.

In respect of this the OVGA states, “Incorporating community facilities in the ground floor has great potential for generating extensive community benefit. We support the idea for integrating an important and well-used community facility such as the library on the ground floor given the connections with Hampton Station, the bus interchange and Hampton Street. We believe this will have a positive impact on the experience and activation of the edge of the plaza. We encourage further discussions with Bayside City Council regarding their planning for community infrastructure in the local area.”

It is noted there are also other sites and opportunities for community uses in the precinct.

**Support Attachments**

1. Site Context, Site Analysis and Design Responses (Pages 3-26)
2. 3D Visualisations
3. Floor Plans
4. Elevations
5. Sections and Apartment Designs
6. Car Parking, Landscaping and Façade Design
7. Site and Surrounds Imagery
8. Draft Amendments in Response to Community Engagement
9. 8 Willis Street Access Options
10. Hampton Willis Street Precinct - Traffic Management
11. Strengthening Discretionary Height Controls in Activity Centres
12. Guidelines for Higher Residential Development Assessment
13. Clause 58 Apartment Developments
14. Loading Bay Location
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Item 4.1 – Matters of Decision
### Item 4.1 – Matters of Decision

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### Note

- The data represents the development schedule and town planning for the week of 1 to 9, with a focus on commercial and residential areas, and reserved cars and bikes.
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Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
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A.1 - KOOLKUNA LANE ELEVATION

LEGEND

TOWN PLANNING
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision

D.1 - KOOLKUNA LANE ELEVATION

Legend:
- [Diagram details]

4.2 Proposed Elevations
Hamilton Station Precinct
Scale 1:200

JAM Architects
Item 4.1 – Matters of Decision

A.2 - RAILSIDE ELEVATION
Bayside City Council
Planning & Amenity Committee Meeting - 22 June 2017

Attachment 4

Item 4.1 – Matters of Decision

B.2 - RAILSIDE ELEVATION

LEGEND

TOWN PLANNING
Item 4.1 – Matters of Decision
URBAN DESIGN & CONTEXT

The site for the project has many positive features, not least of which is proximity to public transport, retail, schools and other services.

A key issue for the immediate and medium term will be the address to the Council car park, and how this can be a quality living environment can be created alongside this use until it is redeveloped. A retail and robust street landscape along the project and the redeveloped Koolana Lane will remedy much of this in the short term.

Local connections are many and overall urban permeability, legibility and access are all excellent, with a number of existing and possible future laneway and other walking connection straight back to Hampton Street. The overall ambience is residential, with the existing and relatively new apartment project adjacent already proving the value and potential of this new village neighbourhood. The nearby gymnasium site is also under construction, at time of writing this report. This can only be a positive for this Victrack proposal and the improvement of the public realm.

Nearly all the needs of daily life are already present within walking distance, and the proposal consolidates pedestrian links to the west, the east, and to the north. The southernmost linkage to the Station and the walk back to Hampton Street are also strengthened and distinguished as pedestrian priority in the public realm design.

Car control and the need for clear definition of pedestrian only zones is critical here, in order to continue the process of turning a carpark into a new part of Hampton village.

Similarly the way in which cars, buses and people all interact has been closely studied and the design clearly defines how these interact both for public transport and daily living on the site. An opportunity exists to centralise the bus movements away from the project and this is shown as a masterplan opportunity we would like to explore in partnership with Victrack and Public Transport Victoria.
HAMPTON: THE PLACE

Hampton is a very fine example of Melbourne’s coastal urbanism. A very successful and well-scaled north-south shopping street leads down past the station, Hampton Beach, Beach Road foreshore and even a busy boat harbour and pier. These open grassed recreation areas, small patches of local native vegetation and evidence of the local sandstone/sand belt geology and flora that characterise the ecology of the foreshore.

Hampton started as a small settlement focussed on market gardening, supplying fruit and vegetables to Melbourne markets from as early as the 1850s. Between the 1860s and 1880 the railway line was extended as far as Sandringham, with the local station called ‘Retreat’ after the Retreat Hotel at Picnic Point. The area was later renamed after Dyer Hampton, a local successful market gardener. The Hampton Post Office opened in 1903, and post WWI war commission homes contributed to rapid expansion which continued through the 1920s when market gardens were rapidly subdivided. This period sets the tone, scale and urban character of much of the suburb as it stands today.

Development has since largely been incremental and ‘fill in’ in nature, except large scale post-WWII developments and the era of vehicle-based projects and mega malls. This is mainly due to the very successful urban pattern that creates much of the value we see today. The current proposal treats delicately in this mix, creating a project of higher density, but of careful scale that remains legible as high quality residential. Tucked away, almost ‘retreating’ from the main commercial activities and residential street grain, the design succeeds ininserting a respectful way of building and residential living into the existing Hampton scene.

The proximity of the coast is a key asset to Hampton, and its reason for being. The design for the public realm picks up many cues from the coastal landscape, both natural and constructed. Key ingredients include the warm colours of local sandstone, the robust details of timber piers and wharves, the shiny detail of yachts and rigging, and the ‘light hand’ that seems to be needed when designing near the coast. The beach is central to the Australian experience and character, and this idea is central to the design of the public realm at Hampton.

This is a fabulous site and there is a chance to set a new urban benchmark here.

EXISTING CONDITIONS
DESIGN INTENT

The design proposal extends the sense of urban quality and amenity that distinguishes Hampton. There is a very evident sense of local place and pride in the commercial strip and its environs. Local traders have their own organised forum, and there is a strong sense of local community pride and value. It is hoped to complement and extend this. In addition, transport and public transport users are key stakeholders, with the interchange between station, bus, taxi, and drop-off all central to the design of the public realm.

A key factor is the evening and night time use. The project is located on the ‘frontbound’ side of the rail, meaning that there will necessarily be a strong evening pattern of use of the space, with people returning from work, going home, shopping, possibly eating out, or just re-creating after work.

The eastern plaza design strongly emphasises the quality of experience on site for evening use, with ambient lighting foregrounded as a primary design ingredient. Lighting design and the night time quality are also key success factors in socially responsible design that maximises safety and security in the public realm at dark. As this site is always going to be deeply embedded in the urban fabric, with laneways and other secondary road connections, safety and security at all times of day is paramount.

For reasons of good design and scale, the public realm adopts a street or ‘laneway’ typology throughout. A generously scaled, well-lit zone is the centrepiece, forming a new station forecourt and community meeting place at the east end of the project. This is where most design intensity is focussed and this space satisfies the briefed requirement for a public plaza in the proposal.
DESIGN ELEMENTS

STATION FORECOURT
In our view the key success factor for this space is the quality of the night time experience for users. The design places lighting design front and centre in the concept, promoting active use into the evening when commuters are returning from work, and local residents are out and about shopping, walking, taking the air or going out for coffee or dinner.

A safe and secure urban environment is created from many things, Lighting and the feeling of security is important to encourage use. This use needs to be protected by either means such as CCTV, but real urban activity needs to be encouraged in the first place. We feel a design that foregrounds the evening use is a key ingredient of a successful public realm for this project and we have shown the space with some suggestive lighting to test this idea at concept level.

The design proposal for the public realm intends to set a new quality benchmark for urban design in the local area, establishing a sense of durability and longevity.

With many more residents living nearby, a small and well-designed space could become a vital part of rail and bus user experience, as well as adding value to the local residential public realm and the wider urban space network of Hampton. Existing trees across the site are retained where possible with the proposed design including a net gain in tree cover.

WILLIS STREET.
There is an opportunity to enhance the streetscape at the west end of the development. We propose a wider nature strip with public footpath access to the ground floor apartments fronting Willis Street. The kerb line is extended north and making a deeper grass area and additional space for large tree planting. This tree planting will assist in mediating the scale of the new development at the west end. Parallel parking is retained on the north and south sides.

KOOKURNA LANE.
Along the north edge of the project a simple streetscape to Kookurna Lane is proposed with new kerbs, footpaths, and street trees (fastigate form such as Olearia phillyrea "Dobrius Upright") growing from passively irrigated tree pits. The bus stop, located on the north side of the lane includes a sign post pedestrian crossing, lighting, furniture and paving elements which tie together the new public realm spaces with parking, public transport and station spaces (see plan for details).

CARPARK.
A rectilinear layout with carpark islands retains the current eucalyptus specimen and provides new islands to be planted out with new trees such as Angophora costata local coastal understorey and clean trunked eucalypt specimens. The proposed plantings and island treatments will provide additional shade and ameliorate the visual impact of large asphalt parking areas with a net gain in tree cover.

SOUTH / RAILWAY FRONTAGE.
There will be no fencing between the southern building edge and the railway tracks. This is consistent with the condition of the railway edge further west where tracks are publicly accessible. The space between will be planted out with coastal groundcover species, Self-clinging climbers - native and exotic (e.g. Ficus pumila) will be planted against the south facing ground floor façade (car park wall). This achieves a "green wall" effect as well as a sustainable anti-graffiti treatment. A maintenance path easement to the railway edge will assist in overall planting establishment and management of weeds along the rail corridor.

HAMPTON STATION PROJECT LANDSCAPE | TOWN PLANNING | LAND
PREPARED BY RUSH | WRIGHT ASSOCIATES 17 FEBRUARY 2017

LANDSCAPE PLAN - OVERALL_1:500

PAGE 6 OF 30
EXISTING TREES

An arboricultural assessment of the existing trees on site was undertaken to assess the value, species and condition of the existing trees on site. Refer Arborist Report Summary and Arborist Report Tree Matrix prepared by Galbraith & Associates (October 2013) as well as the November 2016 update to include trees along the southern area of the railway corridor.

Note: all trees within 3 metres of boundary have been assessed and included on the adjacent drawing.

KEY

- Trees to be retained (includes trees of low to high retention value)
- Trees to be removed (most trees occur within the proposed building footprint and proposed commuter car park)
- Trees to be removed of LOW retention value
- Trees to be removed of MEDIUM retention value
- Trees to be removed of HIGH retention value

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Extent of Works

Note:
The design proposes a net gain in trees for both the commuter car park site and proposed building site. Refer detail plans.
**ARBORICAL ASSESSMENT**

Following is an extracted and recompiled list from Galbraith & Associates arboricultural assessment. Refer Arborist Report Summary and Arborist Report Tree Matrix prepared by Galbraith & Associates (October 2013) as well as the November 2016 update to include trees along the southern area of the railway corridor.

Refer page 6 of October 2013 arborist report, Worthiness of Retention (WORTH) ratings are as follows:

- **1-3 Low Retention Value**
- **4-6 Medium Retention Value**
- **7-10 High Retention Value**

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Item 4.1 – Matters of Decision

Page 152 of 263
**key plant schedule - station forecourt**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Req.</th>
<th>Comments / Location</th>
<th>Pot size</th>
<th>Size at maturity</th>
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<tr>
<td><strong>Main Plaza Trees</strong></td>
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<tr>
<td>Araucaria cunninghamiana</td>
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<tr>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
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<td>Min 100L</td>
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<td><strong>Rhs Type A - Sim2</strong></td>
<td>Mixed understorey planting to edge of station platform</td>
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<tr>
<td>Banksia integrifolia</td>
<td>Sentinel Banksia</td>
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<td>Banksia integrifolia</td>
<td>Coastal Cushion Banksia</td>
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<td>Clematis montana</td>
<td>Dry Leaf Clematis</td>
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<td>Grevillea brachyandra</td>
<td>Coast Flax Lily</td>
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<td>140mm</td>
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<tr>
<td>Melaleuca 'Green Globe'</td>
<td>Mat Rush</td>
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<td>140mm</td>
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<tr>
<td>Myoporum Insulare prostrata</td>
<td>Greenbottle Dwarf Shrub</td>
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<td>Pyxidium</td>
<td>Coastal Pine</td>
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**Araucaria cunninghamiana**

**Banksia integrifolia**

**Araucaria cunninghamiana detail**

**Banksia integrifolia**

**Banksia integrifolia detail**
Item 4.1 – Matters of Decision

- Timber decking in chevron pattern: unstained ironbark with rough sawn top and anti-slip treatment at installation with gaps and tree grates to allow for tree planting.
- Variagated brick paving: laid in stretcher bond with the broad face of brick exposed (shiner) mortared to concrete slab.
- Local stone hues.
- 450mm high stone block deck edge for informal seating with large blocks with split face and deeply recessed mortar joints.
- LED strip lighting in paving.
- Indicative feature lighting in deck edge.
- Design intent render views.
Item 4.1 – Matters of Decision

- Vehicular grade standard asphalt paving thickness to council standards with linemarking
- Exposed aggregate concrete paving warm colour to paving dark colour to vehicular crossovers
- Broom finish concrete paving to match existing footpath to council standards
- Permeable paving granite gravel with low profile to skate over existing tree root zone
- Plastic decking low profile paving to skate over existing tree root zone

Indicative site lighting: multi-headed mast to pedestrian and street lighting scale with aiming and shielding to minimise glare to apartments and neighbouring properties

Attached typical bus shelter

Note: Indicative shelter elevations. Final design subject to PTV approval

HARDSCAPE FINISHES - PROJECT WIDE

Page 15 of 30
Item 4.1 – Matters of Decision
STREET AND CARPARK TREES

Angophora costata

COASTAL UNDERSTOREY

Bentisia cerniflora

Brachyscome mutabilis (mauve)

Carpobrotus modestus

Grevillea ovata 'Gold Cover'

Leucadendron 'bronze'

Lomandra 'coffin leaf' 'Sharkskin'

Washingia stenophylla

Mix Type Dii - 4m2

Boundary screen planting, north side of Koelkuna Lane

- Banksia ericifolia 'Giant Canister'
- Brachyscome mutabilis (mauve)
- Carpobrotus modestus
- Grevillea ovata 'Gold Cover'
- Leucadendron 'bronze'
- Lomandra 'coffin leaf' 'Sharkskin'
- Washingia stenophylla

Project No: 94.02
Project Name: Hampton Station Precinct
Client: RPCB, Pacific
Issue Date: 12/01/2017
Renewal: P4

Plant schedule - Koelkuna lane, bus stop and carpark

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>No.</th>
<th>Comment</th>
<th>Location</th>
<th>Pot size</th>
<th>Size at maturity</th>
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<tr>
<td><strong>Street and Carpark Trees</strong></td>
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<tr>
<td>Angophora costata</td>
<td>Smooth Barked</td>
<td>17</td>
<td></td>
<td>17 in large tree pits</td>
<td>45L</td>
<td>15 x 5m</td>
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<td><strong>Mix Type Dii - 4m2</strong></td>
<td>Boundary screen</td>
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<td>planting, north</td>
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<td></td>
<td>side of Koelkuna</td>
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<td>Brachyscome mutabilis (mauve)</td>
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<td>Carpobrotus modestus</td>
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<td>Grevillea ovata 'Gold Cover'</td>
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<td>Leucadendron 'bronze'</td>
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<td>Lomandra 'coffin leaf' 'Sharkskin'</td>
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<td>Washingia stenophylla</td>
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KEY PLANT SPECIES - BUS INTERCHANGE
### Plant Schedule - Koolkuna Lane, Bus Stop and Carpark

**Project Name:** 04.92

**Project Location:** Hampton Station Precinct

**Client:** MLC, Pacific

**Issue Date:** 13/06/2017

**Revision:** P4

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<tr>
<th>Street and Carpark Trees</th>
<th>Common Name</th>
<th>No.</th>
<th>Comments</th>
<th>Location</th>
<th>Pot Size</th>
<th>Size at Maturity</th>
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<tr>
<td>Angophora costata</td>
<td>Smooth Bark Apple</td>
<td>17</td>
<td>In large tree pits</td>
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<th>Mix Type E2 - 4m2</th>
<th>Boundary screen planting, northside of Koolkuna Lane</th>
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<tr>
<td>Eucalyptus obesa * Giant Canaries*</td>
<td>Giant Canaries Banksia</td>
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<tr>
<td>Eucalyptus maculata (mauve)</td>
<td>Call Leaf Daisy</td>
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<td>Casuarina equisetifolia</td>
<td>Inland Pig Face</td>
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<td>Grevillea robusta (Star Shower)</td>
<td>Presbyte White Corps</td>
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<td>Goodenia ovata (Gold Cover)</td>
<td>Hap Goodenia</td>
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<td>Vachellia ovalis</td>
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<td>Myopんな calycina ‘Nesocarpa’</td>
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<td>Shores Warrugia</td>
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<th>New understorey to tree pits in Koolkuna Lane</th>
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<td>Goodenia ovata (Gold Cover)</td>
<td>Hap Goodenia</td>
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Item 4.1 – Matters of Decision
### Key Plant Schedule - Willis Street

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<th>No.</th>
<th>Comments</th>
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<td>Acacia fimbriata</td>
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<td>Giant Banksia</td>
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<td>Cut Leaf Tallow</td>
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<td>Grevillea rosmarinus</td>
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<td>Hakea albida</td>
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<td>Tea Tree 'Starry Night'</td>
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</tr>
<tr>
<td>Zieria sp.</td>
<td>Snowy Zieria</td>
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<tr>
<td><strong>Mix Type F - 6m²</strong></td>
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<tr>
<td>Callicoma sargens 'Black Rose'</td>
<td>Black Rose</td>
<td>100mL</td>
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<td>200mm</td>
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<tr>
<td>Clematis montana 'Schooner's Star'</td>
<td>Clematis</td>
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<td>Hakea laurina</td>
<td>Purple Coral Pea</td>
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<td>Hoya carnosa</td>
<td>Porcelain Flower</td>
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<td>Loropetalum chinense 'Pink'</td>
<td>Leonora</td>
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<tr>
<td>Leucadendron 'Blackbird'</td>
<td>Parrot's Beak</td>
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<td>Xylosma 'Drapaque'</td>
<td>Drapaque Cabinet</td>
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<tr>
<td>Rhamnus cinerea 'Stairway'</td>
<td>Snowberry</td>
<td></td>
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</tr>
</tbody>
</table>

---

**Bayside City Council**

**Planning & Amenity Committee Meeting**

**Hampton Station Precinct Landscape / Town Planning**

**Page 21 of 30**

**Prepared by RUSHTON WRIGHT ASSOCIATES 17 February 2017**
plant schedule - south railway frontage

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Project Name</th>
<th>Client</th>
<th>Issue Date</th>
<th>Release</th>
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<tr>
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<td>Hampton Station Precinct</td>
<td>YPS, Pacific</td>
<td>12/06/2017</td>
<td>P4</td>
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<thead>
<tr>
<th>Variety</th>
<th>Taxonomy</th>
<th>Comments</th>
<th>No. Comments</th>
<th>Size</th>
<th>Size at maturity</th>
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<tr>
<td><strong>Mix Type B - 1m2</strong></td>
<td></td>
<td>Green wall climbers</td>
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<tr>
<td>Cissus antarctica</td>
<td></td>
<td>Kangaroo Vine</td>
<td>Southern wall</td>
<td>140mm</td>
<td></td>
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<tr>
<td>Clematis montana</td>
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<td>Bramble Leaf Clematis</td>
<td>Southern wall</td>
<td>140mm</td>
<td></td>
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<tr>
<td>Fuchsia magellanica var. maritima</td>
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<td>Climbing Fig</td>
<td>Southern wall</td>
<td>140mm</td>
<td></td>
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<tr>
<td>Pandorea jasminoides (deep purpurs)</td>
<td></td>
<td>Bower of Beauty</td>
<td>Southern wall</td>
<td>140mm</td>
<td></td>
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<tr>
<td><strong>Mix Type C - 3m2</strong></td>
<td></td>
<td>Railway embankment</td>
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<tr>
<td>Arctostaphylos uva-ursi</td>
<td></td>
<td>Old man's beards</td>
<td></td>
<td>140mm</td>
<td></td>
</tr>
<tr>
<td>Berberis japonica</td>
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<td>Berberis</td>
<td></td>
<td>140mm</td>
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<td>Ceanothus americanus</td>
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<td>Bluebells</td>
<td></td>
<td>140mm</td>
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<td>Corokia cotoneaster</td>
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<td>Silver star</td>
<td></td>
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<td>Dianthus revolutus</td>
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<td>Blanket flower</td>
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<td>Dodecatheon meadia</td>
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<td>Dodecathen meadia</td>
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<td>Neriocum incanum</td>
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<td>Blanket flower</td>
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<tr>
<td>Leptospermum scoparium</td>
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<td>Drooping violet bush</td>
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<tr>
<td>Leptospermum rotundifolium prostrate</td>
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<td>Tea tree</td>
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<td>140mm</td>
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<td>Pyrrosia japonica</td>
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<td>Ground Cover</td>
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<td>Rhododendron sp</td>
<td></td>
<td>Aussie Plant</td>
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<td>140mm</td>
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### Item 4.1 – Matters of Decision

#### Project No.
0482

#### Project Name
Hampton Station Precinct

#### Client
epc, Pacific

#### Issue Date
15/02/2017

#### Revision

---

**Plant Schedule - Commuter Carpark**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>No.</th>
<th>Comments</th>
<th>Size</th>
<th>Size at Maturity</th>
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<tbody>
<tr>
<td>Allocasuarina verticillata</td>
<td>Drooping she-oak</td>
<td>11</td>
<td></td>
<td>300mm</td>
<td>9 x 5m</td>
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<tr>
<td>Boronia skjoldiae ssp. macrantha</td>
<td>Sweet boronia</td>
<td>3</td>
<td></td>
<td>45L</td>
<td>9 x 4m</td>
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<tr>
<td>Eucalyptus adhaerens</td>
<td>Red-flame banksia</td>
<td>10</td>
<td></td>
<td>45L</td>
<td>15 x 6-10m</td>
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<tr>
<td>Eucalyptus erythronypha</td>
<td>Erythronium</td>
<td>25</td>
<td></td>
<td>45L</td>
<td>6 x 4m</td>
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<tr>
<td>Corymbia citrina</td>
<td>Lemon-scented gum</td>
<td>14</td>
<td></td>
<td>45L</td>
<td>15 x 8m</td>
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<tr>
<td>Corymbia ficifolia “Wildfire”</td>
<td>Flame flowering gum - cultivar</td>
<td>5</td>
<td></td>
<td>45L</td>
<td>7 x 9m</td>
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<tr>
<td>Populus nigra “Italica”</td>
<td>Lombardy poplar</td>
<td>1</td>
<td></td>
<td>45L</td>
<td>15 x 9m</td>
</tr>
</tbody>
</table>

---

**Trees/Large Shrubs**

- Allocasuarina verticillata
- Corymbia citrina
- Corymbia ficifolia
- Eucalyptus sideroxylon

---

**Key Plant Species - Commuter Car Park**
**Item 4.1 – Matters of Decision**

1. Paved terrace in variegated granite pavers to compliment local sandstone. Fit-out to include heavy cafe furniture, barbecue equipment, and umbrellas set into planters to stalk.
2. 450mm sandstone black wall with split face and sawn top.
3. 300mm hob to balustrade.
4. Wrought iron deck to provide access to lawn, with timber poles and handrail.
5. Open air kitchen, bbq, and bar space.
6. Enclosed executive work space, naturally ventilated with supplementary split system (refer architect’s documents).
7. Outdoor seating pods as fitted.
8. Play area sand pit with rubber soft fall margins. Synthetic turf zone with open pergola above. Storage tucked into lift core structure.
10. Sports and games lawn. Flexible and zoned for large-scale and small-scale events such as Tai Chi, yoga, lawn bowls, croquet.
11. Feature coastal planting in swales along margins to define programmatic zones.
12. Entry court with cafe furniture and low planting to enhance views and provide partial enclosure and privacy.

**HARSCAPE AND SOFTSCAPE KEY**

- Proposed trees
- Sandstone lead walls
- Timber decking
- Rubber soft fall paving
- Sand pit play area
- Synthetic turf
- Proposed shrubs
- Native coastal planting
- Lawn

**LANDSCAPE PLAN - LEVEL 6 1:200**

*Prepared by Rush Wright Associates, 17 February 2017*
Item 4.1 – Matters of Decision
**Item 4.1 – Matters of Decision**

**Attachment 6**

---

**Trees/Large Shrubs**

- Brachyotum diaco
- Cestus europaeus

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**Understorey/Succulents/Grasses (Coastal Themes)**

- Agave geminiflora
- Mesembryanthemum sp.
- Pto poaffinis

---

**Trailing Plants**

- Banksia integrifolia
- Myoporum parvifolium

---

**Climbers to Arbours**

- Kenilworth rubicunda
- Trachelospermum asiaticum

---

**Key Plant Schedule - Roof Garden**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Comments</th>
<th>Location</th>
<th>Pot size</th>
<th>Size at maturity</th>
</tr>
</thead>
</table>
| Trees/Large Shrubs
| Agave geminiflora | Devil's Tongue | Feature plant | 300mm | 200mm |
| Banksia serrata | Golden Coast Banksia | Feature plant | 200mm | 200mm |
| Banksia serrata “Red Cluster” | Red Cluster Banksia | Feature plant | 200mm | 200mm |
| Brachyotum diaco | Brachyotum “Golden Saddle” | Feature plant | 200mm | 200mm |
| Calocephalum quadrifidum | One-sided bottlebrush | 140mm | 140mm |
| Carpodetus medius | Indoor Pig Face | 140mm | 140mm |
| Ceanothus pentandrus “Star Shimmer” | Prestige White Ceanothus | 140mm | 140mm |
| Diamor lycioides | Land Nova Island Wedding Lily | Feature plant | 200mm | 200mm |
| Dracaena marginata “Cane” | Firefly tube | 140mm | 140mm |
| Disphyma crepidioides ssp elevatum | Round-leaved pig face | 140mm | 140mm |
| Fuchsia magellanica “Vulcan” | Fuchsia evening | 140mm | 140mm |
| Acanthopanax helmonius | Acanthopanax helmonius | 140mm | 140mm |
| Lomandra cordifolia “Beard” | Mat Bunch | Forestry tube | 140mm | 140mm |
| Lysia berberis | Trailing Liner | 140mm | 140mm |
| Myoporum parvifolium | Ice plant | 140mm | 140mm |
| Nepeta “Six Hills Giant” | Six Hills Giant Catmint | 140mm | 140mm |
| Pea gowansii | Coastal Pea | Forestry tube | 140mm | 140mm |
| Rosmarinus officinalis “Prostratus” | Creeping Rosemary | 140mm | 140mm |
| Sideroxylon formosum “Lemon Monarch” | Everlasting | 140mm | 140mm |

**Trailing Plants between Lift Core Buildings**

- Banksia integrifolia “Roter caudate” | prostrate form | 140mm | 140mm |
- Carpodetus medius | Pig Face | Forestry tube | 140mm | 140mm |
- Hibbertia acermata | Climbing Cala alar Flower | 140mm | 140mm |
- Rhus cotinus | Burntwood Potentia | 140mm | 140mm |
- Myoporum parvifolium | Creeping bosallia (Broad leaf form) | 140mm | 140mm |

**Climbers to Arbours**

- Alpinophyllum resupinatum | Bugle Flower | Evergreen screen to outdoor kitchen bar | 140mm | 140mm |
- Balatnica scoparia | Apple Berry | Evergreen screen to outdoor kitchen bar | 140mm | 140mm |
- Clerodendrum trichostictum | Dusky Coral Pea | Evergreen screen to outdoor kitchen bar | 140mm | 140mm |
- Mandevilla “Des Peres’ Giant White” | Mandevilla Vine white cultivar | Evergreen screen to outdoor kitchen bar | 140mm | 140mm |
- Tecelospermum asiaticum | Aseatic Jasmine | Evergreen screen to outdoor kitchen bar | 140mm | 140mm |

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**HAMPTON STATION PRECINCT LANDSCAPE \\ TOWN PLANNING [PM] PREPARED BY RUSH \ WRIGHT ASSOCIATES 17 FEBRUARY 2017**

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**KEY PLANT SPECIES - LEVEL 6**

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**PAGE 28 OF 30**
A.1 - FACADE & BALCONY

KOOLKUNA LANE FRONTAGE

A.2 FACADE

BAL-A.1/ Balcony Type
01/ Glass & perforated concrete (SFC) off-white colour
02/ Solid aluminium paneling, off-white colour to match GEC
03/ Apartment Glazing - living room full height double glazing & double glazed sliding doors to access balcony, bathroom full height double glazed glass
04/ Aluminium Frame, black anodized finish
05/ Aluminium Clad black anodized finish
06/ Joints, full height double glazing, Plant trellis system, Refer to Plant Trellis System Sheet
07/ Sheer fabric, full height glass glazing

BALCONY TYPE (BAL-A.2)
1/ Composite panel - off-white finish to match GEC
2/ Glazing, Wheat-sheaf
3/ Balustrade, black anodized finish
4/1/ Metal handrail, black anodized finish
5/ Perforated concrete interim balcony screen, with dark grey paint finish
6/ Concrete sofli, off-white paint finish to match GEC
A.2 - FACADE & BALCONY

RAILWAY FRONTAGE

A.2 FACADE

BAL-A.2/1阳台类型
01/  钢制耐火混凝土（BFC）, 白色
02/  铝制面板，白色
03/  混凝土墙体，灰色
04/  玻璃栏杆 - 生活区
05/  玻璃栏杆 - 卧室
06/  铝制面板
07/  铝制栏杆

BALCONY TYPE (BAL-A.2)

1/  钢制耐火混凝土（BFC）, 白色
2/  铝制面板
3/  混凝土墙体，灰色
4/  玻璃栏杆 - 生活区
5/  玻璃栏杆 - 卧室
6/  铝制面板
7/  铝制栏杆

TOWN PLANNING

6.0 FACADE DESIGN REPORT

Bayside City Council
Planning & Amenity Committee Meeting - 22 June 2017
Attachment 6
B.1 - FACADE & BALCONY

KOOLKUNA LANE FRONTAGE

**B.1 FACADE**

1. Exterior Finish:
   - 0.1: Block Bandeau: Concrete (SFC), off white colour
   - 0.2: Solid aluminium paneling, off white to match SFC
   - 0.4: Aluminium frame, block panel and finish
   - 0.5: Aluminium door, block panel and finish
   - 0.6: Aluminium, full height double glazing, plant trellis system. Refer to Plant Trellis System Sheet
   - 0.7: Steel panel, full height clear glazing

**BALCONY TYPE (BAL-B.1)**

1/ Powder coated metal fix. Allow for six colours
2/ Panel sconce in tan wall screen with sand, grey, panel finish
3/ Concrete unit; off white paint finish to match SFC
Bayside City Council
Planning & Amenity Committee Meeting - 22 June 2017

Attachment 6

Item 4.1 - Matters of Decision

B.2 - FACADE & BALCONY

RAILWAY FRONTAGE

B.2 FACADE

01. Powder coated aluminium cladding - green (GEC), white colour
02. Solid aluminium cladding - white - refers to Green Wall Sheet
03. Glazed wall - refers to Green Wall Sheet
04. Apartment Glazing - living room full height double glazing & double glazed sliding doors to access balcony, bedroom full height double glazed laminated glass
05. Aluminium frame, black anodised finish
06. Anti-slip, full height double glazing, Plant traffic system
07. Green roof, green wall

BALCONY TYPE (B.2.2)

11. Steel C-section, powder coated finish
12. Masonry and framing balustrade, powder coated colour to match steel C-section
13. Precast concrete outer balcony screen with dark grey point finish
14. Geometric waffle, off-white / white finish to match GEC
15. Floor to ceiling, manually operated sliding doors, laminated glass, aluminium frame, black anodised finish

TOWN PLANNING

6.0 FACADE DESIGN REPORT

Facade Design Report / Bayside City Council
Attachment 6
Page 177 of 263
C.1 - FACADE & BALCONY

KOOLKUNA LANE FRONTAGE

C.1 FACADE

BALCONY TYPE (BAL-C.1)
21/ Metal frame, black anodized finish
22/ Metal structure, black anodized finish
23/ Glazing, Grey
24/ Pressed concrete inner balcony screen, with dark grey joint finish
25/ Concrete soffit, off-white paint finish to match GREC

BALCONY TYPE (BAL-C.1)

[Diagram of facade and balcony details]
C.2 - FACADE & BALCONY

C.2 FACADE

BA2-C.1: Balcony Type
01/ Glass balustrades: Courtyard (SFC), off white colour
02/ Solid aluminium paneling: off white colour to match SFC
03/ Green wall: seperate to Green Wall Shear
04/ Apart from Glazing - Living room: full height double glazed & double glazed sliding doors to access balcony, bedroom: full height double glazed laminated glass
05/ Aluminium frame: black anodized finish
06/ Aluminium door (black): smooth lacquer finish
07/ Aluminium window (black): smooth lacquer finish
08/ Aluminium window (black): smooth lacquer finish
09/ Plant trellis system
10/ Plant trellis growing system: separate from Plant Trellis system

TOWN PLANNING

BALCONY TYPE (BA2-C.1)
11/ Solid aluminium panel: powder coated finish, allow for 12 colours
12/ Precedent concrete colour balcony screen: dark grey pavé finish
13/ Concrete panel: off white paint finish to match SFC
14/ Architectural vertical panel system: laminated glass, aluminium frame, anodized finish, allow for 12 colours, levels 1 & 2 only

6.0 FACADE DESIGN REPORT

Page 179 of 263
D.1 - FACADE & BALCONY

KOOLKUNA LANE FRONTAGE

D.2 FACADE

D1.1.1. Balcony Type
01/ Glass Balcony balustrade, sandblasted white finish
02/ Solid aluminium panel, off-white finish to match GEC
03/ Apartment 1/2 - Swing room full-height double glazing & double-glazed sliding doors to access balcony, bedroom full-height double-glazed glass
04/ Aluminium frame, black anodised finish
05/ Aluminium frame, black anodised finish
06/ Aluminium frame, black anodised finish
07/ Full-height, full-height double glazing
08/ 1540 x 1540 mm window frame

D.3.1.1. Balcony Type (D1.3.1)
2/ Stained concrete balustrade with off-white paint finish
3/ Stained panel, grey
6/ Metal panel with off-white powdercoat finish
4/ Stained concrete inter balcony screen off-white paint finish
5/ Concrete build-up, off-white paint finish
D.2 - FACADE & BALCONY

RAILWAY FRONTAGE

D.2 FACADE

D.2.1/ Balcony Type

01/ Glass balustrade, concrete (GRE) off-white colour
02/ Solid aluminium paneling, off-white colour to match GRE
03/ Apartment Glazing - Swing door/full height double glazing & double glazed sliding doors to access balcony, bedroom full height double glazed laminated glass
04/ Aluminium Frame, black anodized finish
05/ Aluminium Door Frame, black anodized finish
06/ Aluminium, full height double glazing
07/ Green wall, refer to Green Wall Sheet
08/ Paint reality glazing system, refer to Paint Reality System Sheet

TOWN PLANNING

MACONOTY TYPE (BAL-C-2)

1/ Precast concrete balustrade with painted finish allow for 2 colours
2/ Metal balustrade steel white powdercoat finish
3/ Precast concrete panel balustrade screen off white paint finish
4/ Concrete wall, off white paint finish
5/ Actuallty screen system, laminated glass, aluminium frame, black anodized finish, Small 1 & 2 only

6.0 FACADE DESIGN REPORT

FACADE DESIGN REPORT / ARCHITECTURAL DESIGN PROPOSAL / DEVELOPMENT APPLICATION / CITY OF BAYSIDE / May 2017

Attachment 6
E.1 - FACADE & BALCONY

WILLIS STREET FRONTAGE

**E.1 FACADE**

- **Baycloak 1**
  - Balcony Type
  - 01/ Glass balustrade, G450, off-white colour
  - 02/ Steel, aluminium panelsing off-white to match G450
  - 03/ Apartment Glazing - swing room full-height double-glazing & double glazed sliding doors to access balcony
  - 04/ Aluminium frame, black anodised finish
  - 05/ Aluminium door, black anodised finish
  - 06/ All trim, full-height double-glazing

**BALCONY TYPE (E.1)**

- 21/ Metal handrail, black anodised finish
- 22/ Stairwell, brown, black anodised finish
- 23/ Glazing, Grey
- 24/ Frame to frame free balcony screen, white powder coat finish
- 25/ Concrete spigots, white powder coat to match G450
E.2 - FACADE & BALCONY

E2 FACADE
- Balcony Type
  - 01/L: Skins rendered; Concrete (Dur-Crete) off white colour
  - 02/L: Solid aluminium purlin, off white colour to match SEC
  - 03/L: Apartment Glazing - using room full-height double-glazing & double-glazed sliding doors to access balcony, bedroom full-height double-glazed laminated glass
  - 04/L: Aluminium Frame, black anodised finish
  - 05/L: Aluminium Door; black anodised finish
  - 06/L: Plant trellis growing system; refer to Plant Trellis System Sheet

BALCONY TYPE (E2.2)
- 01/L: Pre-cast concrete balustrade with paint finish allow for种植
- 02/L: Pre-cast concrete inter-balcony screen, off white paint finish
- 03/L: Concrete soffit, off-white paint finish
- 04/L: Acoustically sealed infill panel: laminated glass/aluminium frame, black anodised finish

6.0 FACADE DESIGN REPORT

Bayside City Council
Planning & Amenity Committee Meeting - 22 June 2017
Attachment 6

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Item 4.1 – Matters of Decision
Figure 1. Aerial Overview of subject with site boundaries shown.

Source: Architectural package
Figure 2. Aerial Overview of Willis Street Precinct

Source: NearMaps

Southern Side of Railway Line

View looking north-east to Hampton Station with 7 Railway Crescent to the right.
View looking north-east along Railway Crescent

View looking north east from Platform 1(city bound) to 10A Railway Walk. Seven Storey gym and residential
View looking north-west from the entry to Platform 1 (City Bound) to the existing commuter car park accessed off Railway Crescent

View looking south-east to Hampton Railway Station in the commuter car park
View looking north-east from the commuter car park to 2-4 Willis Lane with 10A Railway Walk to the right

View looking to the north-west from the edge of the current commuter car park towards the area proposed to accommodate the commuter car park extension
View looking east along Railway Crescent to the entry to the commuter car park
View looking south-west towards the rear boundaries of 5 Railway Crescent and 52 Orlando Street
View looking north-east towards the pedestrian crossing from Orlando Street to Hastings and Grenville Street

View looking south-east from the intersection of Railway Crescent and Orlando Street (Heritage Precinct)

Northern Side of Railway Line
View looking south-east along Willis Street

View looking west from the intersection of Willis Lane and Willis Street
View looking South along Willis Lane with the Hampton Community Centre to the left.
View looking west along Willis Street with the Scout Hall in the foreground

View looking south towards the Scout Hall with DHHS housing to the right of the photograph.
View looking south-west along Willis Street to 2-6 Willis Street (northern boundary of the subject site and current CHHS housing to be demolished)

View looking north-west along KoolKuna Lane with the subject site boundary to the left of the photograph.
View looking south-east along Koolkuna Lane with DHHS housing to be demolished to the right of the picture.

View looking east towards the Council car park as 1A Willis Lane. The subject site is located to the right of the photograph.
View looking east across the Council car park toward the rear of Woolworths.

View looking from Koolkuna Lane east across the Council car park with the rear facades of 10 Willis Street to the left of the photograph.
The basement access to the rear of 8 Willis Street.

View further south-east along Koolkuna Lane looking towards the current bus interchange with 10A Railway Walk and 2-4 Willis Lane in the background. The foreground is the general area where the public plaza is proposed.
View looking east towards 2-4 Willis Lane

View looking north-west toward the subject site from the entry to Platform 2 (Sandringham bound).
10A Railway Walk currently under construction.
Pedestrian footbridge over the Sandringham Line railway tracks

View looking north-west towards the subject site with 10A Railway Walk in the foreground.

View looking east along Railway Walk towards Hampton Street.
Item 4.1 – Matters of Decision
10.1 Hampton Willis Street Precinct Urban Design Framework Implementation – Koolkuna Lane Alignment Options

City Strategy – Urban Strategy
File No: P3014/040

It is recorded that Mr Terry Burke, Mr Neville Ashdown, Mr Simon Gipson, Mrs Sheila Howell, Mr Robert Blair, Mr David Osborn, Mrs Janice Cock, Mr Robert Grinter, Mr Stephen Ellis and Ms Jill Bennett spoke in relation to this matter.

It is recorded that Cr Stewart entered the meeting at 8.26pm.

Moved: Cr Long
Seconded: Cr Heffernan

That Council:
1. reaffirms Option C as the preferred Koolkuna Lane alignment option;
2. undertakes detailed design of Option C to facilitate the road realignment;
3. commences the statutory processes to discontinue the redundant section of Koolkuna Lane and proclaim a road over the new alignment;
4. writes to all submitters thanking them for their involvement and advising of the outcome;
5. receives a further report regarding management of amenity impacts for affected residents such as noise attenuation or screening measures, identifying properties directly and indirectly affected and any potential financial implications;
6. receives a further report investigating the options regarding the future use of the Willis Street Scout Hall site;
7. requests VicTrack to investigate opportunities to increase the supply of commuter car parking around Hampton Station; and
8. continues engaging with community members and key stakeholders.

The Motion was Put and a DIVISION was called.

DIVISION: FOR: Crs Long, Heffernan and Frederico (3)
AGAINST: Crs Stewart, Evans and del Porto (3)

The Chairperson used her casting vote in favour of the motion and the motion was CARRIED
Option C

Option C realigns Koolkuna Lane and allows two way traffic at the northern end, to provide access to the VicTrack development site and 8 Willis Street from Koolkuna Lane.

Option C includes:

- 3 additional car parking spaces;
- Potential 500m² net loss of land from Council to accommodate realignment;
- Minimum 8.8 metre pavement width plus 7 metre width for footpaths (15.8 metres overall);
- Allows for most traffic to avoid travelling through bus interchange improving safety for pedestrians and commuters;
- Approximately 2,000 vehicles per day travelling through the top end of Koolkuna Lane associated with VicTrack, DHS and Council developments entering and exiting the precinct (assuming the development and commuter parking are accessed from Koolkuna Lane); and
- A minimum of 84 bus movements per day, and potential for a total of 126 bus movements per day to travel along an additional 90 metre length of Willis Street.
10.3 STRENGTHENING DISCRETIONARY HEIGHT CONTROLS IN ACTIVITY CENTRES

City Planning & Community Services - City Planning & Community Services
File No: PSF/17/2961 – Doc No: DOC/17/70610

Executive summary

Purpose and background

To advise Council of the decision made by the Minister for Planning in relation to Planning Scheme Amendments C113, C114 and C115 proposing to introduce mandatory height controls in the commercial areas of activity centres and report on progress made in pursuing alternative means of strengthening discretionary height controls within activity centres.

Background

Council has advocated for many years to obtain mandatory height controls within the commercial precincts of its activity centres. Following many years of negotiation, and extended periods without controls, the Minister for Planning in 2013 approved permanent discretionary controls for the four Major Activity Centres (MACs) of Bay and Church Streets, Brighton, Hampton and Sandringham.

In 2012/13 Council commenced a process to obtain permanent mandatory height controls for the MAC commercial precincts, reflecting the same heights as discretionary controls. Council in 2014 proceeded with planning scheme amendment proposals for the Church Street (C115), Bay Street (C114) and Sandringham (C113) MACs. Hampton (C116) did not proceed as the Minister of the day refused authorisation because Council’s previous, but recent, request for 6 storey mandatory controls in the Hampton Willis Street precinct had already been denied by the Minister.

Amendments C113 – C115 were presented to a Planning Panel in 2015 which recommended against supporting the approval of these amendments, citing that there to be insufficient strategic basis to justify the application of mandatory height controls within the commercial areas of the activity centres. The Panel was of the view “that the Victoria Planning Provisions (VPPs) continue to be performance based and that there is a role for mandatory provisions in exceptional circumstances where justified and necessary,... preferred maximum heights are not to be exceeded unless the proposal provides an exemplary response to the site, its context, design objectives and other policy in the planning scheme.”

Council adopted the Amendments in October 2015 and submitted them to the Minister for Planning for approval in February 2016. The Minister wrote to the Mayor in March 2017 advising that he has decided not to approve the three amendments, supporting the recommendation of the Planning Panel. These amendments will now lapse. A copy of the Minister’s letter is attached to this report.

Despite the Panel suggesting discretionary heights should not be exceeded except for exemplary proposals, Council is increasingly presented with proposals in activity centres that seek to exceed discretionary controls of varying degrees. In addition, the response of the Victorian Civil and Administrative Tribunal (VCAT) to such proposals and the role of discretionary controls can be variable. The recent proposal for the corner of Hampton and Holyrood Streets sought approval for a multi-storey building double the height of the
discretionary height control (8 storeys within a 4 storey precinct, one hundred per cent greater).

Understandably, the community is dissatisfied by the growing disregard shown by some applicants towards discretionary height controls, of which the community and Council have invested significant time and resources through structure planning and planning scheme amendment processes to establish. This is a growing trend across Melbourne and puts community confidence in the Planning System at risk, lacking the certainty of built form outcomes in activity centres the community expects. Experience has shown, reinforced by the Minister’s recent decision, that it is extremely difficult to secure mandatory height controls in commercial areas from successive governments.

Key issues

- Council wrote to the Minister for Planning in February seeking an urgent meeting to address growing concerns with the manner in which discretionary height controls are being exploited. Cognisant that Council was awaiting a response for its requested mandatory height controls, an alternative approach was taken seeking a partnership approach in working with the Minister to identify and pilot improvements to how discretionary controls are implemented in the planning system.

- The Minister resolved not to support Council’s Amendments C113 – C115, advising however of a pilot project initiated at his direction between the Department of Environment, Land, Water and Planning (DELWP) and the City of Moonee Valley to review the role of height controls within the Moonee Ponds Activity Centre. The Minister is seeking to apply the lessons learnt from this pilot to other activity centres across Melbourne and encouraged Bayside to engage in this project.

- In March this year, the Minister for Planning released Plan Melbourne 2017-2050, the Victorian Government’s new metropolitan strategy. The revised plan includes a specific policy (2.1.4) to ‘Provide certainty about the scale of growth in the suburbs’ which acknowledges that local government and communities require greater confidence that built form objectives will be adhered to and proposes, in areas of change such as activity centres, to strengthen requirements to ensure adherence to discretionary height controls.

- Council wrote to the Minister’s office in March, putting forward a package of interventions with the purpose of strengthening the role and function of discretionary height controls within the planning system, including a number of inter-related elements to strengthen discretionary height controls, such as:
  - A percentage maximum height limit, in which discretionary controls can only be exceeded by a set percentage and height beyond that is prohibited;
  - Strengthening of criteria/test that must be addressed by applications seeking to exceed a preferred (discretionary) height control;
  - Clarification of State Policy as it relates to ‘Strategic Redevelopment Sites’;
  - Improvements to Application Requirements and Decision Guidelines within the Planning Scheme; and
  - A value capture mechanism for additional height above the preferred height control, with a requirement for applicants to make financial contributions towards additional open space, streetscape improvements, public art or setting aside floor space for community uses, social housing or office space, with similar provisions in place at the City of Melbourne.

Pilot Program

Item 10.3 – Reports by the Organisation
• Senior Council officers met with the Minister’s advisor and senior DELWP officials in March to advocate for greater strengthening of discretionary controls, to present the package of interventions and seek support for a pilot program.

• DELWP has offered Bayside the opportunity to nominate to be part of a further pilot program, similar to that being conducted with the City of Moonee Valley for Moonee Ponds. Possibly between 2 to 4 additional councils may participate in a pilot program.

• A pilot program would involve, in partnership with DELWP, a review of existing strategic planning work and its integrity, development feasibility and capacity, infrastructure requirements and current height and built form controls; leading to the development of planning provisions to better manage proposals that seek to exceed discretionary heights.

Conclusion

• Considering the Minister has again reinforced that he is not prepared to apply mandatory height controls in the commercial areas of the activity centres, an alternative approach is warranted. Participation in the DELWP pilot program provides Council with a feasible opportunity to strengthen discretionary height controls within activity centres. As a limited number of candidate councils will be selected for participation, it is appropriate that Council put forward a nomination to DELWP seeking selection.

• With the Hampton Activity Centre being Bayside’s largest, in addition to it experiencing greater development activity with a number of proposals seeking to exceed the discretionary controls, it is recommended that Council put forward Hampton as the candidate activity centre for the pilot.

• To elevate Council’s nomination with the Department, and to address current capacity constraints, it is recommended that Council fund a temporary project manager to facilitate its participation in the pilot program, if selected.

• Without confirmation of participation in the pilot program, or knowing the potential duration of such a pilot, Council should submit an application to the Minister for Planning seeking interim mandatory height controls for the commercial areas of the Hampton Activity Centre. This is an appropriate request when coupled with the pilot, considering the nature of multi-storey building proposals Council is currently receiving. Council can request the Minister, pursuant to Section 20(4) of the Planning and Environment Act 1987, to exchange the current preferred (discretionary) height controls with mandatory controls for a period of up to 9 months.

Recommendation

That Council:

1. Notes the Minister’s decision not to approve Amendments C113, C114 and C115, which will now lapse;

2. Nominates the Hampton Activity Centre with the Department of Environment, Land, Water and Planning (DELWP) to form part of an activity centre height control pilot program; and

3. Writes to the Minister for Planning pursuant to Section 20(4) of the Planning and Environment Act 1987 seeking the Minister prepare and approve an amendment to the Bayside Planning Scheme to introduce interim mandatory height controls to all commercial zoned land within a discretionary height control precinct within the Hampton Activity Centre for a minimum period of nine (9) months.
Support Attachments

1. Letter from the Minister for Planning, Hon Richard Wynne MP to the Mayor - Bayside Planning Scheme Amendments C113, C114, C115 - Sandringham Village, Bay Street And Church Street Activity Centres
10.3 STRENGTHENING DISCRETIONARY HEIGHT CONTROLS IN ACTIVITY CENTRES

City Planning & Community Services - City Planning & Community Services
File No: PSF/17/2951 – Doc No: DOC/17/70610

It is recorded that Mr Tony Blatt spoke for three minutes to this item.

Moved: Cr Grinner
Seconded: Cr Martin

That Council:

1. Notes the Minister’s decision not to approve Amendments C113, C114 and C115, which will now lapse;

2. Nominates the Hampton Activity Centre with the Department of Environment, Land, Water and Planning (DELWP) to form part of an activity centre height control pilot program; and

3. Writes to the Minister for Planning pursuant to Section 20(4) of the Planning and Environment Act 1987 seeking the Minister prepare and approve an amendment to the Bayside Planning Scheme to introduce interim mandatory height controls to all commercial zoned land within a discretionary height control precinct within the Hampton Activity Centre for a minimum period of nine (9) months.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs del Porto (Mayor), Evans, Heffeman, Martin, Grinner and Castelli (6)
AGAINST: Cr Long (1)

CARRIED
Guidelines for Higher Density Residential Development

<table>
<thead>
<tr>
<th>Objective</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element 1 - Neighbourhood Character and Strategic Context</strong></td>
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</tbody>
</table>
| Objective 1.1 - To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area. | **Complies**
The proposed building is located in an area designated for change with policy objectives seeking a high density development which includes housing complemented by a new public space, car parking facilities for commuter and residents. The proposed development achieves all of these objectives for the reasons outlined in the body of the report. |
| Objective 1.2 - To provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character. | **Complies**
The proposal appropriately responds to the urban context and neighbourhood character, particularly the design aspirations of Design and Development Overlay, Schedule 12 and the Hampton Willis Street Precinct Urban Design Framework. The proposal receives a high level of support from the Office of the Victorian Government Architect and Council's Urban Designer subject to changes which are included as permit conditions. Refer to discussion in body of report. |
| **Element 2 – Building Envelope** |
| Objective 2.1 - To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area. | **Complies**
The proposal being three to seven storeys in height exceeds the preferred building heights set out in Design and Development Overlay, Schedule 12. A variation is considered acceptable as the development responds appropriately to the requirements to vary the preferred building heights and provides a satisfactory transition from higher built form adjacent to Hampton station to the finer grain development fronting Willis Street. |
| Objective 2.2 - To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings. | **Complies**
The proposed development appropriately responds to its site context and appropriately transitions to its most sensitive interfaces to minimise any perception of visual bulk. The new development has been designed to provide an appropriate sense of enclosure to the public plaza with setbacks at the six and seventh floors being in excess of 20 metres from the abutting seven storey development at 10A Railway Walk. Further details regarding the acceptability of the built form is discussed in Section 8.3 of the report. |
| Objective 2.3 - To protect sunlight access to public spaces. | **Complies.** |
The proposal will not impact sunlight access to any existing public open spaces.

The proposal combined with the adjacent developments to the north and east will impact the proposed forecourt plaza, but this is inevitable in a high density environment. The proposed forecourt plaza has been appropriately designed to maximise benefit for the public by providing an inviting space which manages the intended through traffic from public transport users to the Council public car park.

<table>
<thead>
<tr>
<th>Objective 2.4 - To respond to existing or preferred street character.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The development presents as individual buildings with a medium grain development patterns which will provide a high level of visual interest to Koolkuna Lane and the public plaza. The buildings present their own distinct character and creates an acceptable human scale.</td>
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<tr>
<td>It is considered that the development provides appropriate landscaping which will be further enhanced subject to conditions.</td>
<td></td>
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<table>
<thead>
<tr>
<th>Objective 2.5 - To ensure building separation supports private amenity and reinforces neighbourhood character.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>As noted within the body of the report, the development maintains an acceptable level of amenity to residential properties in close proximity to the site. It is noted that the proposal is appropriately setback from adjoining properties to minimise overlooking and overshadowing.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 2.6 - To ensure areas can develop with an equitable access to outlook and sunlight.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development to the northern portion of the site does not share any title boundaries with any other development sites, only roadways. Notwithstanding this, the development is appropriately sited to ensure that any development sites abutting common roadways will be able to develop with equitable access to outlook and sunlight.</td>
<td></td>
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<tr>
<td>The extension of the commuter car park to the southern side of the rail corridor is not considered to raise any equitable development concerns.</td>
<td></td>
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<table>
<thead>
<tr>
<th>Objective 2.7 –To ensure visual impacts to dwellings at the rear are appropriate to the context.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed built form is bound by a rail corridor, roadway abutting a car park and pedestrian and vehicular accesses. Whilst the developments fronting Willis Street are technically not considered to be to the rear of the development, the proposed built form is considered to be highly articulated so as to avoid any unreasonable visual impacts.</td>
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<thead>
<tr>
<th>Objective 2.8 - To maximise informal or passive surveillance of streets and other public open spaces.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windows and balconies are proposed to provide a high level of passive surveillance to Willis Street,</td>
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</table>
**Koolkuna Lane, the proposed public plaza and the railway corridor and associated commuter car park.**

### Objective 2.9 - To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.

**Complies**

The proposed development affords future residents with a high level outlook, with the nearest built form being at 10A Railway Walk and a 2-4 Willis Lane where the proposed built form is appropriately setback. Details regarding the acceptability of the setback to residential properties fronting Wills Street are discussed in Section 8.3 of the report. It is considered that the development will not result in any unreasonable overlooking internally between dwellings.

### Objective 2.10 - To ensure new tall buildings do not create adverse wind effects.

**Addressed through condition of permit.**

See Section 8.5 for further discussion.

### Objective 2.11 - To treat roof spaces and forms as a considered aspect of the overall building design.

**Complies**

The provision of a generous roof garden emphasises a site responsive design approach has been adopted for this development site and the design draws upon the wider site context and references the bluff found within the area.

Plant, equipment and services have been centrally located on the roof therefore views of these elements will be limited. Notwithstanding this, conditions of permit have been included to ensure screening of all services is provided.

**Element 3 – Street Pattern and Street Edge Quality**

### Objective 3.1 - To create walkable areas within a safe and interesting public setting.

**Complies**

One of the main objectives of the Hampton Willis Street Urban Design Framework is to ensure a highly legible environment for pedestrians. The proposed location and design of the central public plaza, adjacent to the station, provides a high level of connectivity within the southern area of the activity centre. Further, the development will result in agreements for further public realm works within the area. As indicated in Objective 2.8 above, the built form has been designed to provide a high level of passive surveillance and no redundant spaces are created that would result in safety concerns.

### Objective 3.2 - To closely integrate the layout and occupation patterns of new development with the street.

**Acceptable, subject to conditions**

The proposed residential entries are generally appropriately integrated with the streetscape of Koolkuna Lane. Conditions to assist in wayfinding around the site are included in the recommendation of this report. Retail tenancies front Koolkuna Lane and Willis Lane reflect occupation patterns found within the activity centre, and provides for a high level of street activation.
| Objective 3.3 - To ensure car parking does not dominate the street frontage. | **Complies**  
Car parking is located at basement, ground and mezzanine levels with access from Willis Street and Koolkuna Lane. Some at grade car parking is provided along Willis Street and Koolkuna Lane, these are considered acceptable and not of a quantity that would dominate the street frontage.  
The proposed extension to the commuter car park is located behind existing residential properties and as such will largely be hidden by dwellings in Orlando Street. |
|---|---|
| Objective 3.4 - To create street entrances with a strong identity that provide a transition from the street to residential interiors. | **Acceptable, subject to conditions**  
The entrances to the building are in appropriate locations that will provide a transition from the street to residential interiors. The entrances are included in recessed glazed cores ‘linking’ the various built forms. Conditions requiring wayfinding signs have been included as conditions of permit to facilitate ease of navigation. |
| Objective 3.5 - To ensure car park entries do not detract from the street. | **Complies**  
Car parking is located at basement, ground and mezzanine levels with access from Willis Street and Koolkuna Lane. The double width access ramps off Koolkuna Lane are considered appropriate, subject to conditions, and will not dominate Koolkuna Lane. The level of articulation to the built form at ground floor level and the inclusion of soft landscaping towards the Willis Street intersection will soften any perception of vehicular accesses dominating the streetscape of Koolkuna Lane. |
| Objective 3.6 - To avoid creating inactive frontages as a result of fencing private open spaces. | **Complies**  
The frontage to Koolkuna Lane is considered to be appropriately planned so at to avoid any ‘dead’ areas of activity. It is acknowledged that a number of service and bicycle parking areas are proposed closest to the Willis Street end which are inherently difficult to activate. Notwithstanding this, the distances between the residential entry lobbies is considered to be sufficient so as to avoid any discernible inactive frontage. Conditions are included to ensure that some glazing is introduced to the bicycle parking areas and the service walls are articulated to provide interest in the façade to Koolkuna Lane.  
No fencing is proposed to Koolkuna Lane whilst low level fencing to the front terraced areas of residential properties fronting Willis Street ensures an outlook and an active frontage is proposed to this streetscape. |
| Objective 3.7 - To ensure that front fences respect and contribute to the neighbourhood character. | **Complies** |
No fencing is proposed to Koolkuna Lane whilst low level fencing to the front terraced areas of residential properties fronting Willis Street ensures an outlook and an active frontage is proposed to this streetscape. The proposed fencing responds appropriately to the varied fencing heights and styles within the streetscape and the contemporary nature of the proposed development.

### Element 4 – Circulation and Services

| Objective 4.1 - To provide adequate, safe and efficiently designed parking layouts. | **Complies subject to conditions** |
| Council’s Traffic Department have raised a number of concerns in relation to the layout of the basement car park. This has been addressed in the Traffic and Parking section of the report. |

| Objective 4.2 - To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings. | **Complies** |
| 91 bicycle spaces are located within the proposed basement for residents, visitors and employees with a further 26 commuter bicycle spaces provided. All bicycle spaces are easily accessible and convenient from pedestrian lobby areas and onsite car parking areas. Further discussion is outlined at Section 8.10 of this report. |

| Objective 4.3 - To create shared internal spaces that contribute positively to the experience of living in higher density development. | **Complies** |
| Internal hallways have an appropriate width and lift services are sufficient in size allowing the delivery or removal of large furniture items. Hallway spaces have access to natural light and windows/doors to the communal lobby areas provide for sufficient daylight. |

| Objective 4.4 – To minimise running and maintenance costs. | **Complies** |
| There is nothing to suggest within the proposal that the building will have excessive running costs. Conditions of permit have been included to require the installation and maintenance of the items described in the Sustainability Management Plan. |

| Objective 4.5 – To minimise water use. | **Complies, subject to conditions** |
| Stormwater and drainage conditions have been included in the recommendation to ensure water use is minimised. |

| Objective 4.6 - To incorporate provision for site services in the building design to ensure good function and ease of service and maintenance. | **Complies, subject to conditions** |
| A Waste Management Plan has been prepared with the application and Council is generally supportive of the proposed private waste collection, subject to conditions. Refer to Section 8.11 for further discussion. |

### Element 5 – Building layout and Design

| Objective 5.1 - To provide a range of dwelling sizes and types in higher density residential developments. | **Complies** |
The development provides for a mixture of dwellings sizes and layouts, including one, two and three bedroom dwellings.

<table>
<thead>
<tr>
<th>Objective 5.2 – To optimise the layout of buildings in response to occupants’ needs as well as identified external influences and characteristics of a site.</th>
<th>Complies</th>
<th>Dwellings are typically orientated to the three street frontages and the rail corridor and as a result there is limited need for screening of balconies and windows. Further details regarding the internal amenity are discussed in Section 8.4 of the report.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 5.3 - To create functional, flexible, efficient and comfortable residential apartments.</td>
<td>Complies</td>
<td>Dwellings proposed provide for a variety of layouts and bedroom sizes. All dwellings are functional and flexible. Recommended conditions have been included to demonstrate compliance with accessibility, natural light and ventilation and noise conditions discussed at Section 8.4 of this report.</td>
</tr>
<tr>
<td>Objective 5.4 - To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.</td>
<td>Complies, subject to conditions</td>
<td>Conditions of permit have been included to require a number of two-bed dwellings to be re-designed to demonstrate an adequate level of access to natural light. Further details are discussed at Section 8.4 of this report.</td>
</tr>
<tr>
<td>Objective 5.5 - To provide adequate storage space for household items</td>
<td>Complies</td>
<td>Dwellings are provided with a mixture of storage facilities including storage cages in the basement level which have a minimum volume of 6 cubic metres. Further, the dwellings have been provided with internal storage facilities in the form of built-in robes, it is further noted the floor plans show kitchen and bathroom cabinetry. The proposed DHHS units have been designed to the specifications of the Department and are confirmed as meeting their intended purpose. Conditions are included to ensure the DHHS housing is provided with appropriate storage.</td>
</tr>
<tr>
<td>Objective 5.6 - To promote buildings of high architectural quality and visual interest.</td>
<td>Complies</td>
<td>The proposed development represents an exceptionally high level of architecture and creates a landmark building for Hampton. Details discussion regarding why the building is considered to be of high quality is detailed in Section 8.3 of this report which includes commentary confirming the same from the Office of the Victorian Government Architect and Council’s Urban Designer.</td>
</tr>
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</table>

Element 6 – Open space and Landscape Design

| Objective 6.1 - To ensure access to adequate open space for all residents. | Complies, subject to conditions | All dwellings are provided with an area of private open space. A condition has been included to improve comply with minimum width and ensure |
| Objective 6.2 - To ensure common or shared spaces are functional and attractive for their intended users. | Complies |
| A rooftop garden is provided which includes facilities which can be utilised by a wide variety of users. This area is easily accessible to all private residents. |
| The rooftop garden provides a soft backdrop to the upper level of the built form from distance views of the development and continues the architectural theme and organic references utilised. A Landscape Plan and Landscape Maintenance Plan are required as conditions of permit to ensure appropriate landscaping and maintenance. |
| The proposed public plaza is discussed in greater detail at Objective 8.6 below and in the body of the report. |

| Objective 6.3 - To allow solar access to the private and shared open spaces of new high density residential units. | Complies |
| The proposed open space area in the form of a rooftop garden is considered to achieve a high level of solar access. |
| Overshadowing in relation to the public plaza is discussed in Section 8.5 of the main report. |

| Objective 6.4 - To integrate the design of shared and private open space into the overall building design and façade composition. | Complies |
| Balconies have been designed to ensure adequate privacy provisions are partially or fully covered for weather protection. |

| Objective 6.5 - To provide for greenery within open spaces. | Complies |
| The proposed development is considered to include an acceptable level of landscaping within open spaces within the subject site, particularly within the public plaza and the incorporating to a wall gardens assists in softening the built form. Further discussion regarding the proposed landscaping and tree removal is outlined at Clause 8.14 of the report. |

| Objective 6.6 - To create public open space appropriate to its context. | Complies |
| The improvements proposed to the plaza, and future works to occur at the connections to the precinct will enhance the visual link to the precinct from Hampton Street and Willis Street. The development will provide an active ground floor frontage to the public plaza and Koolkuna Lane. The upper floors of the development provide passive surveillance over the public realm surrounding the development including the railway station and City-bound platform. |
| The proposal will improve the quality of public spaces around the site and significantly improves the quality of the interface between private development and the public realm. The plaza is well |
designed, creates a space which is accessible, safe, enjoyable, easy to move around and accommodates all abilities. The width of the plaza is considered acceptable to maintain a human scale and sense of enclosure within this transitional area leading from the station to Willis Lane and surrounding pedestrian networks.

Solar access to the plaza is constrained by the seven storey building under construction at 10 Railway Walk North. The proposal provides appropriate transitional setbacks to the plaza which allows for solar access into this public space.
Clause 58: Apartment Development

<table>
<thead>
<tr>
<th>Clause 58.02 Urban context objectives</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard D1 Urban context objectives</strong></td>
<td>Yes</td>
<td>The design appropriately responds to its site context and the future development aspirations of the area set out in the Bayside Planning Scheme and guidance documents such as the Bayside Housing Strategy and the Hampton Willis Street Precinct Urban Design Framework. Details on the acceptability of the development are discussed in detail in Section 8 of the report.</td>
</tr>
<tr>
<td><strong>Title and Objective</strong></td>
<td><strong>Complies with Standard?</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</td>
<td>Yes</td>
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<tr>
<td>To ensure that development responds to the features of the site and the surrounding area.</td>
<td>Yes</td>
<td></td>
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<tr>
<td><strong>Standard D2 Residential policy</strong></td>
<td>Yes</td>
<td>The proposed development complies with the overarching strategic policy and local polices which supports higher density residential development within this location well served by a variety of public transport. Refer to Section 8.1 of the main body of the report for further discussion.</td>
</tr>
<tr>
<td>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</td>
<td>Yes</td>
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<tr>
<td>To support higher density residential development where development can take advantage of public and community infrastructure and services</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Standard D3 Dwelling diversity</strong></td>
<td>Yes</td>
<td>The development consists of a total of 207 apartments including 18 apartments designated for Social Housing. A range of apartment sizes and layouts have been provided.</td>
</tr>
<tr>
<td>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td>Yes</td>
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<tr>
<td><strong>Standard D4 Infrastructure</strong></td>
<td>Yes</td>
<td>Conditions of permit require the development to be connected to all reticulated services as appropriate. Any upgrades required will be the responsibility of the developer. It is noted the development itself will result in a significant upgrade in infrastructure associated with public transport services.</td>
</tr>
<tr>
<td>To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
### Standard D5 Integration with the street
To integrate the layout of development with the street.

<table>
<thead>
<tr>
<th>Item 4.1 – Matters of Decision</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>The development provides a significant upgrade to the public realm with a high level of street activation to the public plaza and pedestrian walking routes, all of these elements contribute to creating a sense of place. Conditions have been included to improve the sense of address to the residential lobbies and street level activation of the façade where access to the service areas is provided. This element is further discussed in Section 8.3 and 8.4 of the report.</td>
<td></td>
</tr>
</tbody>
</table>

### Clause 58.02 Site Layout

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard D6 Energy efficiency**
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency | Yes | The site orientation and setbacks from adjacent properties ensure no unreasonable impacts to the energy efficiency of adjoining properties and provides the site with a high level of solar access being provided to the apartments and internal corridors. Conditions of permit recommend amendments to some apartments to further improve solar access.
Conditions of permit have been included requiring the recommendation and of the ESD Sustainable Management Plan prepared by Umow Lau Consulting Engineers to be adopted and further sustainable energy efficiency measures to be adopted. |
| **Standard D7 Communal open space**
To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. | Yes | The proposed development complies with the standard through the provision of a generous rooftop garden which has a high level of functionality for a wide range of users. Further details are discussed in the body of the report. |
| **Standard D8 Solar access to communal outdoor open space**
To allow solar access into communal outdoor open space. | Yes | The rooftop garden is open to the sky and will receive a high level of solar access.
A condition of permit has been including to detail any proposed shading devices to be detailed on the plans. |
| **Standard D9 Safety**
To ensure the layout of development provides for the safety and security of residents and property. | Yes | The public plaza, transport hubs and surrounding pedestrian footpath networks will benefit from a high level of passive surveillance from the commercial tenancies and upper floor windows / balconies.
The proposed scale and massing further ensures an appropriate sense of enclosure and a public lighting plan and site specific lighting plan form |
<table>
<thead>
<tr>
<th>Item 4.1 – Matters of Decision</th>
<th>Page 236 of 263</th>
</tr>
</thead>
</table>

| Standard D10 Landscaping | Yes | The proposed development provides a well-considered landscaping strategy which includes suitable planting within the public plaza and streetscapes, contributing to the public realm and sense of place. It is noted the proposed landscaping strategy significantly improves the current character and conditions of permit require tree protection measures for existing trees considered to be of retention value. Deep-soil trees are to be planted within with the public plaza, along Koolkane Lane and within the commuter car park which will exceed the 15% requirements. A condition has been included referencing planting to Willis Street to further enhance the canopy cover within the locality. A detailed assessment of the proposed tree removal replacement replanting associated with the commuter car parking is considered at Section 8.14 of this report. This section also discusses the impacts on habitats within this area. |

| Standard D11 Access | Yes | The proposed access arrangements are discussed in detail at Section 8.8 of the report. Subject to conditions, it is considered that safe and convenient access to the site, commuter car park and 8 Willis Street is provided. |

| Standard D12 Parking location | Yes | The proposed development will provide safe and convenient access to parking associated with residential uses and retail tenancies. Ease of access from the commuter car park to the train station and bus interchange is also provided. Lighting Plans form a condition of permit to ensure these areas are sufficiently secured whilst passive surveillance from the proposed built form will contribute to public safety. A condition requiring an appropriate level of ventilation to the basement, ground and mezzanine levels will ensure compliance with this standard. Details on the proposed car parking provision and location is discussed at Sections 8.6 and 8.8 of this report. |

| | | condition of permit to ensure safety is continues at night. A lighting plan is also required for the extension of the commuter car park and will ensure that any lighting will not impact on the amity of abutting residential properties. Conditions relating to vehicular movements and potential for conflicts have been discussed in Sections 8.7 and 8.8 of this report. |
Standard D13 Integrated water and stormwater management
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

<table>
<thead>
<tr>
<th>Item 4.1</th>
<th>Standard D14 Building setback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title and Objective</strong></td>
<td><strong>Complies with Standard?</strong></td>
</tr>
<tr>
<td>Standard D14 Building setback</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Clause 58.04 Amenity Impacts

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard D15 Internal views</td>
<td>Yes</td>
<td>The proposal does not afford any internal views with screening measures to upper level balconies restricting downward views to habitable room windows or areas of secluded private open space below. The screening measures adopted do not impact the architectural integrity of the development have seamlessly been incorporated into the design and continue to afford a good</td>
</tr>
</tbody>
</table>
### Standard D16 Noise impacts

To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.

<table>
<thead>
<tr>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>An Acoustic Report has been prepared which considers the impact of noise associated with the rail corridor and apartments located adjacent to lift cores. Conditions of permit have been included to give effect to the recommendations and attenuation measures recommended. See Section 8.4 for further discussion.</td>
</tr>
</tbody>
</table>

### Clause 58.05 On-Site Amenity and Facilities

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard D17 Accessibility**
To ensure the design of dwellings meets the needs of people with limited mobility. | No | 8.7% of dwellings are considered to meet the accessibility requirements. As this is a transitional standard (refer to discussion at Section 6) it is considered reasonable that a condition requiring a minimum of 20% of all apartments to achieve this standard. Section 8.4 of the report discusses the level of accessibility to the apartments. |
| **Standard D18 Building entry and circulation**
To provide each dwelling and building with its own sense of identity.
To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
To ensure internal communal areas provide adequate access to daylight and natural ventilation. | Yes | Four dedicated entrances are provided for residential apartments along Koolkuna Lane. A condition has been included requiring the sense of address to these areas to be further refined. Notwithstanding this these areas are highly usable and will receive a high level of daylight and ventilation. See Section 8.3 and 8.4 for further discussion. |
| **Standard D19 Private open space**
To provide adequate private open space for the reasonable recreation and service needs of residents. | No | The proposed development complies with the minimum areas for private open space but not all meet the minimum dimensions. A condition of permit has been included to require compliance. Further discussion is outlined at Section 8.4 of this report. |
| **Standard D20 Storage**
To provide adequate storage facilities for each dwelling. | No | All apartments are provided with a minimum of 6 cubic metres for storage and two bed apartments with three bed properties being provided with 10 cubic metres of storage. It is considered the useability, functionality and location of storage are appropriate for the apartments. It is noted that not all DHHS dwellings have the |
requisite storage areas and the applicant has acknowledged this. A condition is included in the recommendation to ensure compliance is achieved.

---

### Clause 58.06 Detailed Design

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard D21 Common property**  
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.  
To avoid future management difficulties in areas of common ownership. | Yes | All common property areas including the entry lobbies, car parking areas and site facilities are easily accessible, functional and are capable of being efficiently managed. |
| **Standard D22 Site services**  
To ensure that site services can be installed and easily maintained.  
To ensure that site facilities are accessible, adequate and attractive. | Yes | Condition of permit ensure all site facilities including letter boxes are conveniently located and are easily accessible by the responsible authorities such as Australia Post. |
| **Standard D23 Waste and recycling**  
To ensure dwellings are designed to encourage waste recycling.  
To ensure that waste and recycling facilities are accessible, adequate and attractive.  
To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. | Yes | Section 8.11 of this report discusses waste management on site.  
Conditions of permit require the Waste Management Plan prepared by Leigh Design and dated 28 November 2016 to be amended to provide dedicated bays in the basement level of waste collection truck, a dedicated corridor for the commercial tenancies to access waste facilities and the provision of convenient waste disposal facilities on leave floor level for future residents. |

---

### Clause 58.07 Internal Amenity

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard D24 Functional</strong></td>
<td>No</td>
<td>A variation to the minimum width and depth</td>
</tr>
<tr>
<td><strong>layout</strong></td>
<td>To ensure dwellings provide functional areas that meet the needs of residents.</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Standard D25 Room depth</strong></td>
<td>To allow adequate daylight into single aspect habitable rooms.</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>The proposed apartments comply with the floor to ceiling height requirements and room depths with all living areas generally within 6.7 metres.</td>
<td></td>
</tr>
<tr>
<td><strong>Standard D26 Windows</strong></td>
<td>To allow adequate daylight into new habitable room windows.</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>All habitable room windows feature a window located on an external wall with some adjacent to voids which further enhances daylight into habitable room windows.</td>
<td></td>
</tr>
<tr>
<td><strong>Standard D27 Natural ventilation</strong></td>
<td>To encourage natural ventilation of dwellings.</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>Less than 40% of dwellings achieve cross ventilation however as the apartments are generally 8 metres in depth it is considered that the objective of the standard can be met in conjunction with the recommendations of the ESD Sustainable Management Plan prepared by Umow Lau Consulting Engineers.</td>
<td></td>
</tr>
</tbody>
</table>
Item 4.1 – Matters of Decision
To inform Council of Victorian Civil and Administrative Tribunal (VCAT) determinations received the previous month and to show the progress of VCAT outcomes for the financial year.

All councils are required to report to the Local Government Performance Reporting Framework (LGPRF) each year on the timeliness (SP1), service standard (SP2), cost per application (SP3) and decision quality of Statutory Planning (SP4).

The current performance on measures SP1, SP2 and SP3 were reported to the Council Meeting of 27 April 2017.

The LGPRF measure SP4 used by the State Government to assess the quality of Council’s decision making is the number of decisions made by Council that were not overturned or ‘set aside’ by VCAT on appeal by either the application or objectors.

Council has a target for 2016/17 that 50% of all Planning & Amenity Committee and Delegated Officer decisions should not be set aside by VCAT. This is comparable with other inner urban Council’s in Melbourne such as Port Phillip and Stonington.

The LGPRF measure does not include applications to amend VCAT issued permits (Section 87A applications) or appeals which are withdrawn by the application or objector prior to a hearing.

To date, Council has received 70 decisions, of which 2 were withdrawn. The total number of LGPRF measured decisions for the year to date is therefore 68. This table below reflects the new 2017 LGPRF reporting requirements for Council.

<table>
<thead>
<tr>
<th>Time period</th>
<th>Decisions where the Council Delegate or Committees decision has been overturned or ‘Set Aside’</th>
<th>Decisions where the Council Delegate or Committees decision has been agreed with, either having been entirely ‘affirmed’ or the conditions of the permit ‘varied’</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/17 Q1</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>2016/17 Q2</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>2016/17 Q3</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>April 2017</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>May 2017</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>June 2017</td>
<td>Not yet reported</td>
<td>Not yet reported</td>
</tr>
<tr>
<td>TOTAL DECISIONS</td>
<td>38</td>
<td>30</td>
</tr>
<tr>
<td>LGPRF Result</td>
<td>56%</td>
<td>44%</td>
</tr>
</tbody>
</table>

The attachment also included a summary of each case identifying the key issues for Council policy and strategy.
The decisions reported in the attached May 2017 VCAT decisions were a combination of those made by the current Planning & Amenity Committee and Delegates (four of the decisions were made prior to the election current Councillor group).

The application’s that were determined prior to the current Councillor group are:

- 15 Jennings Street, Sandringham
- 32 Beaumaris Parade, Highett
- 212 Bay Road, Sandringham
- 382 Bay Road, Cheltenham

1. **Recommendation**
   That the report on the VCAT decisions on the planning applications handed down during the previous month be received and noted.

**Support Attachments**

1. VCAT Decisions May 2017 ↓
VCAT Determined Appeals from 01/05/2017 to 31/05/2017

<table>
<thead>
<tr>
<th>Subject land</th>
<th>15 Jennings ST, SANDRINGHAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2015.588.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P1833/2016</td>
</tr>
<tr>
<td>Applicant</td>
<td>Connie Cohen</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>Keen Planning</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VCAT Member</th>
<th>Mary-Anne Taranto</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of hearing</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>18/05/2017</td>
</tr>
<tr>
<td>Proposal</td>
<td>Development of the land with two dwellings and construction of a front fence greater than 1.2m in height</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Officer recommendation/ Delegate determination</th>
<th>Notice of decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council determination</td>
<td>Notice of decision</td>
</tr>
<tr>
<td>Appeal type</td>
<td>Notice of Decision to Grant a Permit</td>
</tr>
<tr>
<td>Plans substituted (prior to hearing)</td>
<td>No</td>
</tr>
<tr>
<td>VCAT determination</td>
<td>Permit to issue</td>
</tr>
<tr>
<td>LGPRF outcome</td>
<td>AFFIRMED</td>
</tr>
</tbody>
</table>
Comments:

The subject site is located within the Neighbourhood Residential Zone (Schedule 3) and the Design and Development Overlay (Schedule 1).

An objector lodged an appeal against Council’s Notice of Decision to Grant a Planning Permit. No review of the conditions imposed on the Notice of Decision was sought by the Permit Applicant.

The Tribunal noted that a number of aspects of the proposal were not under dispute by any party and therefore confined their assessment to matters relating to the provision of a basement, walls on boundaries and the front fence design.

The Tribunal determined that the architectural detailing and proposed landscape elements would assist in integrating the development within the streetscape, such that the presence of the basement ramps would not be unduly dominating or intrusive.

The member considered the proposed walls on boundaries were acceptable due to the setback form the streetscape, prevalence of boundary walls within the neighbourhood and a recessed first floor.

The Tribunal determined that the height of the fence was acceptable. However, the Tribunal required greater permeability in the fencing style to increase integration with the streetscape, while also enabling greater landscaping opportunities.

Therefore, VCAT affirmed Council’s decision and directed that a Planning Permit be issued.
Subject land 71 - 73 Bay ST, BRIGHTON
Application no. 2016.440.1
VCAT reference no. P2167/2016
Applicant Emje Enterprises Pty Ltd
Referral Authority Public Transport Victoria, Melbourne Water Corporation
Respondents Marion Pennicuik, Robert Lovf, John Shawyer

VCAT Member G Rundell
Date of hearing 03/04/2017
Date of order 12/05/2017
Proposal Construction of a four storey building in a Commercial 1 Zone, Design and Development Overlay Schedule 2 and Special Building Overlay, reduction of the number of car parking spaces and provision of car parking on another site (clause 52.06), and waiver of and provision of a loading bay on another site (clause 52.07)

Officer recommendation/ Not support
Delegate determination
Council determination Not applicable
Appeal type Failure to Grant a Permit
Plans substituted Yes
(prior to hearing)

VCAT determination Permit to issue
LGPRF outcome SET ASIDE
Comments:

The subject site is located within the Commercial 1 Zone and is affected by both the Design and Development Overlay (Schedule 2) and the Special Building Overlay.

The Applicant lodged an appeal against Council’s failure to determine the application within the prescribed timeframe. Council formed a position to not support the application under delegation.

Council determined to not support the proposal based on the failure to comply with the objectives of the design and development overlay (height, scale and massing) and unreasonable traffic and car parking impacts.

A compulsory conference was held on 17 February 2017, however no agreement could be reached between the parties.

It is noted that this matter was heard concurrently with the adjoining development at 322-326 Bay Street, Brighton. Many of the issues raised by Council and ultimately determined by the Tribunal were similar.

The Tribunal determined that Schedule 2 of the Design and Development Overlay does not include a preferred height for developments above two storeys and has limited relevance for properties within a commercial centre.

The Tribunal held that significant weight has to be given to utilising a rare opportunity to implement broad planning housing and economic objectives at both a State and Local Government level. The Tribunal held that the site was in need of renewal and found that development within the commercial area already included buildings with a height greater than two storeys.

In terms of parking, traffic, impact on neighbours and future occupants, the Tribunal found the proposal to be acceptable.

On that basis, the Tribunal directed that a Planning Permit be issued.
Subject land: 322 New ST, BRIGHTON
Application no.: 2016.447.1
VCAT reference no.: P2168/2016
Applicant: Resling Pty Ltd and GVE Brighton Pty Ltd
Referral Authority: Public Transport Victoria & Melbourne Water Corp
Respondents: Harlow Trading Pty Ltd, Marion Pennicuik, Robert Lovf, John Shawyer

<table>
<thead>
<tr>
<th>VCAT Member</th>
<th>G Rundell &amp; L Nersega</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of hearing</td>
<td>03/04/2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>12/05/2017</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of a five storey building with two levels of basement parking in a Commercial 1 Zone, Design and Development Overlay and Special Building Overlay, use of the land for accommodation (dwellings) in a Commercial 1 Zone, a reduction in the number car parking spaces required pursuant to clause 52.06, and to vary the requirements of the loading bay (Clause 52.07)</td>
</tr>
</tbody>
</table>

| Officer recommendation/Delegate determination | Not support |
| Council determination | Not support |
| Appeal type            | Failure to Grant a Permit |
| Plans substituted (prior to hearing)           | Yes |
| VCAT determination     | Permit to issue |
| LGPRF outcome          | SET ASIDE |

Item 4.2 – Matters of Decision
Comments:

The subject site is located within the Commercial 1 Zone and is affected by both the Design and Development Overlay (Schedule 2) and the Special Building Overlay.

The Applicant lodged an appeal against Council's failure to determine the application within the prescribed timeframe. Council formed a position to not support the application under delegation.

Council determined to not support the proposal based on the failure to comply with the objectives of the design and development overlay (height, scale and massing) and unreasonable traffic and car parking impacts.

It is noted that Melbourne Water are a determining authority and did not support the original proposal. However, following submission of amended plans, Melbourne Water changed their position to support the proposal, subject to conditions.

A compulsory conference was held on 17 February 2017, however no agreement could be reached between the parties.

It is noted that this matter was heard concurrently with the adjoining development at 71-73 Bay Street, Brighton. Many of the issues raised by Council and ultimately determined by the Tribunal were similar.

The Tribunal determined that Schedule 2 of the Design and Development Overlay does not include a preferred height for developments above two storeys and has limited relevance for properties within a commercial centre.

The Tribunal held that significant weight has to be given to utilising a rare opportunity to implement broad planning housing and economic objectives at both a State and Local Government level. The Tribunal held that the site was in need of renewal and found that development within the commercial area already included buildings with a height greater than two storeys.

In terms of parking, traffic, impact on neighbours and future occupants, the Tribunal found the proposal to be acceptable.

On that basis, the Tribunal directed that a Planning Permit be issued.
**Subject land**
6 Fernhill RD, SANDRINGHAM

**Application no.**
2016.372.1

**VCAT reference no.**
P1867/2016

**Applicant**
Bsidesix

**Referral Authority**
N/A

**Respondents**
Mary and Elizabeth Anderson, Andrew Whltaker

**VCAT Member**
J A Bennett

**Date of hearing**
05/04/2017

**Date of order**
24/05/2017

**Proposal**
Construction of a three storey building containing 22 dwellings and 47 car spaces in the General Residential Zone Schedule 2 and Design and Development Overlay 8

| Officer recommendation/ Delegate determination | Not support |
| Council determination | Not support |
| **Appeal type** | Failure to Grant a Permit |
| **Plans substituted (prior to hearing)** | Yes |
| **VCAT determination** | Permit to issue |
| **LGPRF outcome** | SET ASIDE |
Comments:

The subject site is located within the General Residential Zone (Schedule 2) and is affected by both the Design and Development Overlay (Schedule 8) and the Special Building Overlay.

An Application for Review against Council’s failure to determine the application within the prescribed time was lodged with VCAT.

Council formed a position to not support the application under delegation. This position was based on the applications failure to comply with the purpose of the General Residential Zone and its incompatibility with the neighbourhood character based on the scale, mass and design of the building. Council also identify poor internal amenity for the future occupants as part of its grounds to not support the proposal.

A number of additional ResCode Standards were also identified within Council’s reasoning to not support the proposal.

A Compulsory Conference was held on 14 December 2016, however no agreement could be reached between the parties.

In determining the application, the Tribunal agreed with Council that the site had strategic support for the development typology.

In reviewing the design of application, the Tribunal did not agree with Councils concerns regarding overdevelopment, landscaping, scale, design detail or internal amenity. The Tribunal found that the proposed development was an acceptable outcome and that 11 areas of non-compliance with ResCode could be overcome by conditional changes to the plans and were not fatal to the application.

The Tribunal made note of the reformed zones recently introduced by the State Government diluted the weight given to neighbourhood character policy and guidelines within the General Residential Zone.

On that basis, the Tribunal directed that a Planning Permit be issued.
<table>
<thead>
<tr>
<th>Subject land</th>
<th>32 Beaumaris PDE, HIGHETT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2015-792.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P1986/2016</td>
</tr>
<tr>
<td>Applicant</td>
<td>Anna &amp; Peter Marcellio</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>William Meares, David Rowley, Trish Boase</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>S. Whitney</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>24/04/2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>04/05/2017</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of two dwellings on a lot</td>
</tr>
</tbody>
</table>

| Officer recommendation/Delegate determination | Refusal |
| Council determination                           | Refusal |
| Appeal type                                     | Refusal to Grant a Permit |
| Plans substituted (prior to hearing)            | No |
| VCAT determination                              | Permit to issue |
| LGPRF outcome                                   | SET ASIDE |
Comments:

The subject site is located within the Neighbourhood Residential Zone (Schedule 3) and is affected by the Design and Development Overlay (Schedule 3).

The Applicant lodged an appeal against Council's Refusal to grant a permit. Council officers formed a position to support the application subject to conditions requiring increase side setbacks, retention of vegetation on site, replanting of native vegetation on site and a redesign to the basement access.

The Planning and Amenity Committee determined to refuse the proposal on the basis that it was inconsistent with the neighbourhood character, it enabled overlooking of neighbouring properties and the gradient of the proposed basement was inconsistent with the requirements of the Bayside Planning Scheme.

In determining the application, the Tribunal determined that the proposed design response was generally acceptable, due to the site's location opposite warehouse units and the diversity of the built form within the area. The Tribunal did however require conditions amending a side setback to improve the visual separation with adjoining properties and enable further opportunities for landscaping.

In terms of the basement access the Tribunal found the proposal to be acceptable, subject to conditions requiring minor amendments.

On that basis, the Tribunal directed that a Planning Permit be issued.
<table>
<thead>
<tr>
<th><strong>Subject land</strong></th>
<th>212 - 216 Bay RD, SANDRINGHAM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application no.</strong></td>
<td>2011.357.2</td>
</tr>
<tr>
<td><strong>VCAT reference no.</strong></td>
<td>P2385/2016</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Auvin Property Development Pty Ltd</td>
</tr>
<tr>
<td><strong>Referral Authority</strong></td>
<td>Melbourne Water</td>
</tr>
<tr>
<td><strong>Respondents</strong></td>
<td>Robyn Johnstone Strata Plan No: PS631843C-1, Keith Docking &amp; Ors, Sandy Hill Serviced Apartments</td>
</tr>
<tr>
<td><strong>VCAT Member</strong></td>
<td>L. Hewer</td>
</tr>
<tr>
<td><strong>Date of hearing</strong></td>
<td>01/05/2017</td>
</tr>
<tr>
<td><strong>Date of order</strong></td>
<td>09/05/2017</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>A mixed use development comprising the construction of more than one dwelling on a lot, three (3) buildings ranging from six to eight storeys in height plus basement car parking in a Special Building Overlay, use of land for shop, cafés and office, reduction in the standard requirements for car parking, loading, and bicycle facilities of the Bayside Planning Scheme and creation of new access to a Road zone Category 1</td>
</tr>
</tbody>
</table>

| **Officer recommendation/ Delegate determination** | Amended permit granted |
| **Council determination** | Not applicable |
| **Appeal type** | Amend a Permit |
| **Plans substituted (prior to hearing)** | No |
| **VCAT determination** | Amended Permit allowed |
| **LGPRF outcome** | AFFIRMED |
Comments:

The subject site is located within the Mixed Use Zone and is affected by both a Special Building Overlay and Environment Audit Overlay.

The Applicant lodged a Section 87A application to Amend a Planning Permit previously issued at the direction of VCAT. Council formed a position to not support the application under delegation. The reasons to not support the proposal were:

The additional storeys and composition of the buildings were considered to be visually bulky and badly proportioned.

- The proposal did not provide for a well resolved design and incremental changes overtime resulted in a development where the architectural integrity was eroded.
- The proposed design resulted in the removal of a Red Iron Bark tree which provides a high level of amenity to the streetscape.

A compulsory conference was held on 22 March 2017, an in-principle agreement was reached between all parties in attendance. The outcome was to:

- Reduce the number of dwellings by seven from 309 to 302,
- Retain the existing Red Iron Bark tree in the front setback, and
- Increase the setbacks of the building, particularly the front setbacks of the additional levels proposed to conceal visibility from key vantage points along Bay Road.

The agreement was reported to the Planning and Amenity Committee Meeting on 18 April 2017 and it was determined to refuse the agreed amendments and proceed to a VCAT merits hearing based on the original application plans.

The Tribunal determined that the proposed amendments were acceptable but for the removal of the Red Iron Bark Tree which necessitates minor design changes to the basement car park and the front setback. The Tribunal held that significant weight was to be given to the housing and economic objectives and the proposed amendments were no taller than the Sandy Hill Serviced Apartments thus Council failed to adequately consider the emerging character of the area since the original permit was granted.

In terms of amenity impacts to adjoining properties and future residents the Tribunal found the proposal to be acceptable.

On that basis, the Tribunal directed that a Planning Permit be issued.
<table>
<thead>
<tr>
<th>Subject land</th>
<th>382 Bay RD, CHELTENHAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2015 818.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P2174/2016</td>
</tr>
<tr>
<td>Applicant</td>
<td>Keen Planning</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>N/A</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>Geoffrey Code</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>15/05/2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>11/05/2017</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of a three-storey building</td>
</tr>
<tr>
<td></td>
<td>containing 29 dwellings</td>
</tr>
<tr>
<td>Officer recommendation/</td>
<td></td>
</tr>
<tr>
<td>Delegate determination</td>
<td>Not support</td>
</tr>
<tr>
<td>Council determination</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Appeal type</td>
<td>Failure to Grant a Permit</td>
</tr>
<tr>
<td>Plans substituted</td>
<td>No</td>
</tr>
<tr>
<td>(prior to hearing)</td>
<td></td>
</tr>
<tr>
<td>VCAT determination</td>
<td>Permit to issue</td>
</tr>
<tr>
<td>LGPRF outcome</td>
<td>SET ASIDE</td>
</tr>
</tbody>
</table>
Comments:

Council process

Council first received an application for a three storey building with 29 apartments at 378-382 Bay Road in December 2015. The application was subsequently amended to 30 apartments and advertised in June 2016. 33 objections were received. A consultation meeting was facilitated by Council in August 2016 between the applicant and objectors. 20 objectors attended.

Planning officers indicated to the applicant that Council was going to refuse the application. Knowing that a permit was going to be refused, Keen Planning appealed to VCAT on the basis of Council failing to determine the application within 60 days.

VCAT process

VCAT and the applicant wrote to all objectors to notify them of the appeal and invited them to participate. As a party to the VCAT appeal, Council no longer had any administrative role in an appeal. The applicant declared that they have carried out their administrative role correctly.

Two objectors submitted written statements of grounds to VCAT. Although one objector submitted a petition on behalf of 91 residents, this is counted as one objection by VCAT. Both objectors advised VCAT in writing that they did not wish to attend a hearing. This removed the objectors from the remainder of the planning process.

After lodging the appeal, the applicant provided new plans for discussion which reduced and improved the proposal.

The new plans reduced the number of apartments to 29, included enough parking for all future residents, significantly improved the design of the building and had other improvements including reduced overlooking by incorporating better screening and moved parts of the building further back from the boundaries of the property, reducing the impact on neighbouring homes.

The new proposal met all the objectives of ResCode and the Bayside Planning Scheme.

On the understanding that the two objectors did not want to proceed further with the appeal, Council agreed to a proposed consent order. Senior Legal Member Code reviewed the consent order in light of all matters and notified Council and the applicant that VCAT agreed to grant a conditional permit.
**Item 4.2 – Matters of Decision**

<table>
<thead>
<tr>
<th>Subject land</th>
<th>28 Lawrence ST, BRIGHTON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2016.517.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P2562/2016</td>
</tr>
<tr>
<td>Applicant</td>
<td>Wattsea Pty Ltd</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>Mike Scott; Kathryn Braddon; Margaret Braddon; Robert Edgerton; Andrew Tammesild; Reg Gleeson; David Morgan; John and Irene Fleming</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>E A Bensz</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>15/05/2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>23/05/2017</td>
</tr>
<tr>
<td>Proposal</td>
<td>Demolition of the existing dwelling, the subsequent construction of an apartment building, a waiver of visitor car parking and removal of an easement</td>
</tr>
</tbody>
</table>

| Officer recommendation/ Delegate determination | Refusal |
| Council determination | Refusal |
| Appeal type | Refusal to Grant a Permit |
| Plans substituted (prior to hearing) | Yes |
| VCAT determination | No Permit to issue |
| LGPRF outcome | AFFIRMED |
Comments:

The subject site is located within the General Residential Zone 2, and is affected by both the Design and Development Overlay (Schedule 11) and the Heritage Overlay (HO760).

The Applicant lodged an appeal against Council’s refusal to grant a permit.

Council refused the application on the grounds that the demolition of the existing contributory heritage building was inappropriate, the proposed building failed to respond to the objectives of the Heritage Overlay and Council’s Heritage Policy, the Neighbourhood Character Policy and Clause 55 of the Bayside Planning Scheme, landscaping concerns (tree removal and replacement planting) and loss of an easement.

The Tribunal determined that the demolition of the existing building would not detract from the heritage value and significance of the precinct. Under the Design and Development Overlay, the Tribunal noted that a three storey building with a recessed upper level is possible. However, the Tribunal highlighted that the Heritage Overlay may temper the extent of change that could be expected on this site.

Notwithstanding the above, the Tribunal held that the proposed building failed to respond to the character of Lawrence Street, by virtue of its bulk, large balconies and the scale of the architectural detailing. Further the Tribunal noted that the proposal did not provide a net community benefit.

On the above basis, the Tribunal affirmed Council’s Refusal.
<table>
<thead>
<tr>
<th>Subject land</th>
<th>90 Haldane ST, BEAUMARIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2015.427.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P2194/2016</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr David Docherty</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>N/A</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>A Slattery</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>01/06/2017</td>
</tr>
<tr>
<td>Date of order</td>
<td>05/05/2017</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of two dwellings on a lot and removal of native vegetation</td>
</tr>
</tbody>
</table>

| Officer recommendation/ Delegate determination | Refusal                        |
| Council determination                          | Not applicable                 |
| Appeal type                                    | Refusal to Grant a Permit      |
| Plans substituted (prior to hearing)           | No                             |
| VCAT determination                             | Permit to issue                |
| LGPRF outcome                                  | SET ASIDE                      |
Comments:

The subject site is located within the Neighbourhood Residential Zone (Schedule 3) and is affected by both the Design and Development Overlay (Schedule 3) and a Vegetation Protection Overlay.

Council determined to refuse the application on the grounds of failure to comply with Neighbourhood Character, due to insufficient landscaping, the removal of two significant trees with no arboricultural justification. A number of ResCode issues were also identified in Council’s grounds of Refusal.

After the lodgement of the appeal, additional information was submitted in regards to the health of the existing trees. After a subsequent investigation, Council’s Arborists determined that the removal of one of the trees would be supported. A subsequent VicSmart Application permitted the removal of the tree.

Subsequent to this, the Applicant circulated a revised set of plans to satisfy the remaining grounds of Refusal.

On that basis, a consent order was reached between all parties and the Tribunal directed that a Planning Permit be issued.
5. **Confidential Business**

Nil

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Adrian Robb

Chief Executive Officer