

0.0 Planning Application PL17/027403 at Stockland The Pines - 181 Reynolds Road, Doncaster East for the use and development of the land for a retirement village incorporating associated communal facilities, a medical centre and retail spaces, a reduction in car parking requirements and to create and alter access

File Number: IN18/147
Responsible Director: Director City Planning
Applicant: Stockland The Pines Retirement Village Pty.Ltd.
Planning Controls: Commercial 1 Zone (C1Z)
Ward: Mullum Mullum
Attachments: 1 Decision Plans
2 Legislative Requirements
3 Map of Objector Properties

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for land at 181 Reynolds Road, Doncaster East (Stockland, The Pines Shopping Centre). This report recommends refusal of the submitted proposal for the reasons outlined within the recommendation. The application is being reported to Council given that it is a Major Application (with a development cost of more than \$5 million).

Proposal

2. The proposal is for the use and development of the existing open air car park to the south and west of the shopping centre building, for the purpose of a retirement village. The development comprises 283 retirement living apartments and communal facilities within four, five-storey building modules. This sits above three levels of partial basement and at-grade car parking for shared use by centre patrons and residents. In addition to car parking, these levels incorporate further residential communal areas, a medical centre suite, and a number of small retail spaces facing the main internal road.
3. Modifications to the internal road connection and pedestrian treatments are proposed, in addition to the creation of a new access to Reynolds Road, involving the introduction of a deceleration lane.
4. A total of 835 car spaces is proposed, comprising 370 resident and visitor spaces and 465 car spaces allocated to the retail component. A reduction to the retirement living visitor parking is sought (28 spaces provided in place of the required 56), and the retail car spaces available to the shopping centre overall will be reduced.
5. The four building modules vary in height, with the maximum reaching 28.8 metres, or approximately 35 metres above the street level.

Key issues in considering the application

6. The key issues for Council in considering the proposal relate to:
 - policy (consistency with state and local planning policy);
 - design and built form;
 - car parking, access and circulation;
 - amenity; and
 - objector concerns.

Objector concerns

7. Objections have been received from the thirty-two (32) properties in response to the advertised application. One (1) letter of support has also been received. The main grounds of objection are summarised as:
 - overdevelopment, building height, density and character;
 - inadequate car parking provision;
 - traffic impacts;
 - impacts on bus services;
 - overshadowing and overlooking;
 - impacts during construction;
 - noise; and
 - reduction in property values.

Assessment

8. The proposal fails to achieve the objectives of relevant policy and the overall vision as identified in The Pines Activity Centre Structure Plan, including the 14 metre height recommendation. The intended increase of retail and office uses with street activation is not achieved, and the residential component is prioritised as the focal point, with little connection and benefit to its primary commercial purpose.
9. There is insufficient community benefit and architectural excellence demonstrated to support the height and scale proposed (reaching double the preferred height). The built form responds poorly to the key intersection, with a highly dominant built form treatment to the main street frontages. Landscape softening and improved pedestrian linkages are missed opportunities, and the centre identity and mixed use precinct poorly expressed.
10. The siting and design of the building gives inadequate protection of internal amenity, and the potential expansion of the shopping centre and bus interchange are also compromised as result. The available on-site car parking is not commensurate to the demand and intensity of use, and is arranged in a manner which offers poor commuter circulation and a compromised functioning of the internal road and bus interchange. The proposed vehicle dominated “plaza” also fails to provide high quality pedestrian amenity and improved connectivity between the centre and street edge.

Conclusion

11. The report concludes that proposal does not provide a cohesive development approach to the entire site, and fundamentally fails to achieve the overarching vision and key actions of the Structure Plan and supporting policy. The proposal fails to fundamentally protect and enhance the core commercial function of the centre, and for the reasons aforementioned, refusal of the submitted proposal is recommended.

RECOMMENDATION**That Council:**

Having considered all objections, issues a NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT in relation to Planning Application PL17/027403 at The Pines - 181 Reynolds Road, Doncaster East for the use and development of the land for a retirement village within four, five-storey building modules above three levels of car parking incorporating associated communal facilities, a medical centre and retail spaces, a reduction in the standard car parking requirements and to alter and create access to a road in a Road Zone Category 1, for the following reasons

1. **The development is inconsistent with the vision and key actions identified in the pines activity centre structure plan (september 2011), failing to appropriately promote and increase the core commercial function and preferred built form outcomes, or provide for a net community benefit with improved transport and pedestrian connectivity, and is therefore contrary to the overarching state of local policy objectives of the manningham planning scheme.**
2. **The use and development fails to protect and enhance the site's vibrancy with an appropriate mix of uses and active street frontages, and is of an intensity which is at odds the role and scale of the shopping centre, therefore not meeting the purpose of the commercial 1 zone.**
3. **The design response does not appropriately respond to the key intersection or site interfaces with regard to the intensity of built form, building heights, lack of setback and landscape treatment.**
4. **The proposal is contrary to the purpose and requirements of clause 52.06 of the manningham planning scheme as it fails to provide adequate on-site car parking for the retirement village use or anticipated demand generated by the combined activities on the land, and does not provide for safe or efficient access and circulation arrangements.**
5. **The siting and design of built form provides for a compromised level of residential amenity, as it has insufficient regard to the impacts associated with the commercial operation of the site and associated activities, poor levels of internal and external connectivity, and deficiencies with regard to access, room depths and ventilation.**

1. BACKGROUND

- 1.1 The planning permit application was lodged on 8 June 2017. Prior to this, pre-application advice was provided in February 2017, following a presentation to the Sustainable Design Taskforce.
- 1.2 A further information request was sought on 5 July 2017 and essentially reiterated the issues identified at the pre-application stage. These broadly related to fundamental inconsistencies with the local policy and Structure Plan applicable to The Pines Activity Centre, and vision to create an 'outward' focus which activates and engages the street edge, provides high quality urban plazas and pedestrian linkages, and enhances of the Centre's viability and Activity Centre function. More specific matters included the building height, inappropriate built form and setbacks, amenity and functionality issues, and lack of cohesion with the existing shopping centre.
- 1.3 The information lodged was deemed satisfactory in accompaniment of an amendment under Section 50A of the *Planning and Environment Act 1987* on 17 January 2018. The design response was not substantially altered in terms of built form composition and layout, however incorporated new retail/office floor space and plaza improvements.
- 1.4 The application was advertised on 23 January 2018 over a course of three weeks, in addition to a notice being placed in the local Leader newspaper for a week commencing 12 February 2018. A total of thirty-three (33) objections have been received to date from the surrounding properties identified on the attached map.
- 1.5 The statutory time for considering a planning application is 60 days, which is 20 April 2018.

2. THE SITE AND SURROUNDS

The Site

- 2.1 The overall site is known as Stockland The Pines, which is a free-standing shopping centre on the north-eastern corner of Blackburn Road and Reynolds Road, Doncaster East. It is commercially zoned, and identified as a Major Activity Centre as described in Clause 21.09 *Activity Centres and Commercial Areas* of the Manningham Planning Scheme. The overall site area is approximately 77,633 square metres, and has a street frontage to Reynolds Road of 196 metres, and to Blackburn Road of 165 metres.
- 2.2 The shopping centre is centrally located and largely "internalised" in a traditional mall arrangement. The centre comprises over 100 retail stores, a library, medical centre and community centre (operated by Council). The centre underwent a major extension in 2004, with the additional floor area extending to the north of the original building. Overall, it generally comprises:

• Shops	15,086m ²
• Supermarkets	8401m ²
• Food Premises	870m ²
• Fitness Centre	355m ²

- 2.3 There is a total of 1,316 car spaces on-site, many of which are provided to the south and west of the original centre building, and at the northern end of the site. Supplementary under-building and roof-deck car parking is also available.
- 2.4 There are two, well-spaced, points of vehicular access from Blackburn Road and a single point of access from Reynolds Road. A two-way "internal road" adjacent to the building provides connection between the southern entry/exit to Blackburn Road and the entry/exit to Reynolds Road. This route also provides access to the external parking areas and car spaces located under the building. It additionally serves as a bus interchange, incorporating ten, parallel bus bays generally confined to the southern section in front of the main centre entry.
- 2.5 The internal road provides a linking accessway to the northern section of car parking, which also connects with a 141 space car park associated with The Pines Living and Learning Centre (Council owned facility) located immediately to the north. There are reciprocal parking rights over the Council owned land and the shopping centre land which were established through a Section 173 Agreement.
- 2.6 The "development site" which is subject to this application is the open air car park to the south and west of the centre, comprising a total of 515 car spaces. This area is at a relative level to the centre entry, and raised substantially above the key intersection to the south-west, as defined by the partially exposed "crib-wall".
- 2.7 Stockland The Pines is the only Major Activity Centre located within the municipality. Under Council's Municipal Strategic Statement (MSS), the centre is defined as a Sub-Regional Retail Centre.

The Surrounds

- 2.8 The site has various abuttals, however those relevant to the "development site" are described as follows:

Direction	Address	Description
East	183-185 Reynolds Road	This lot is directly to the east of the accessway from Reynolds Road and is developed with a petrol station/convenience shop, a car wash and a small food and drink premises. The property is on higher ground and has no physical relationship with the shopping centre. It is noted that land further east at 187-191 Reynolds Road has been development with an apartment building over five levels and with a landscaped setback to the frontage.
South	180-200 Reynolds Road	This land on the southern side of Reynolds Road is directly opposite both the site and the adjoining petrol station. A planning permit has been granted for a multi-storey development across four buildings. As part of the development,

	484 Reynolds Road	VicRoads has approved of a fourth leg (south approach) to the existing signalised intersection of the Reynolds Road centre entry, in addition to other mitigation works. It is understood that construction is soon to commence. This land is located opposite the western section of the site frontage, and is developed with a petrol station which addresses the main intersection.
West	Vivaldi Court	These properties share their rear interface with Blackburn Road to address their Vivaldi Court street frontages. Views to the dwellings are generally well screened by high fencing and road reserve planting.

- 2.9 The site and land in its vicinity form part of “The Pines Activity Centre”, which was identified as a Major Activity Centre in *Melbourne 2030*. The Activity Centre area includes the land along Reynolds Road to the east of the site, extending just beyond and inclusive of parts of Andersons Creek Road. There are a number of significant construction projects underway or recently completed, including the apartment building at corner of the Andersons Creek Road and Reynolds Road intersection (7 Red Hill Terrace). As such, the character of the Activity Centre is undergoing a substantial level of change.
- 2.10 The land on the western side of Blackburn Road falls outside of the Activity Centre area, and is developed in a typical residential manner. These properties (opposite to the west and south-west of the site) generally share their rear interface with Blackburn Road and address their respective local street frontages.
- 2.11 Blackburn Road is a major arterial road, and Reynolds Road is classified as a Primary State Arterial Road, both of which are under the jurisdiction of VicRoads.

3. THE PROPOSAL

- 3.1 A summary of the key development aspects include:

Development site area:		21,478sqm	
Site coverage of development area:		66%	
Permeability of development area:		9%	
Total Dwellings:		283	
	1 bedroom	2 bedroom	3 bedroom
	20	205	58
Total car spaces :		835	
	Resident	Visitor	Retail
Basement:	120	14	-

Lower ground:	222	14	95
Ground Level:	-	-	370
Total	342	28	465
Proposed commercial areas:		Two medical suites	
Retail:	7 premises	Total Floor Space	1,003sqm
Medical centre:	10 practitioners	Total Floor Space	500sqm
Building height:		28.8 metres	
Avg. minimum setback to Reynolds Road:	0-3metres	Avg. minimum setbacks to Blackburn Road:	3.3 metres

Design Layout

- 3.2 The retirement village apartments are proposed within Levels 1 to 5 of the building, above a podium of three car parking levels. The apartments are spread across four main building modules (identified as Buildings A through to D) which are spaced to follow the alignment of L-shaped development area. Building C is situated in the south-west corner of the site, adjacent to the key intersection of Reynolds and Blackburn Road. Buildings A and B are located to the east (fronting Reynolds Road) and Building D to its north (facing Blackburn Road).
- 3.3 The podium treatment of the main site frontages is generally characterised by building heights of up to 25 metres, with average setbacks of 3.5 metres. Some elements are located hard up to the Title boundaries. The tower elements of Buildings C and D reach building heights (excluding roof services) of over 28 metres, and are setback a minimum of 9 metres from Blackburn Road. The overall tower heights of Buildings A and B range between 20 to 25 metres, and are setback an average of 5 metres from Reynolds Road. An exception to this is Building B (the focal architectural feature) which has balcony projections setback 1 metre from Reynolds Road, for a height of up to 27 metres.
- 3.4 Level 1 incorporates four shared courtyards, in addition to a communal “clubhouse” which is inclusive of a games area, café/restaurant, lounge/bar and outdoor seating. Further clubhouse facilities (pool and gym) are located within the basement footprint.
- 3.5 Interconnectivity between the clubhouse and each building module is provided in the form of a covered walkway which is accessible at Level 1, with multiple lift cores providing access between apartments and the residential car parking at the lower ground and basement levels. It is assumed that visitors would access the apartments in this same manner, or alternatively via the main entrance lobby which is accessed from Blackburn Road, adjacent to the basement level car park.
- 3.6 New office and retail floor space is incorporated into the lower three levels of the building. This includes a medical centre for ten practitioners in the south-west corner of the basement level, and a series of small retail spaces (seven shops between 90sqm and 211sqm) adjacent to the ground and lower level car park, and facing onto the main internal road.

- 3.7 Upgrades to the internal road include shelter additions over the main pedestrian crossing and bus waiting bays, and inclusion of a “plaza” area in this vicinity. A new overhead pedestrian bridge is proposed to provide connectivity between Building D and the centre.

Car parking and access arrangements

- 3.8 The three car parking levels (ground level, lower ground level and basement) provide for a total of 835 car spaces for both the residential and retail components.
- 3.9 A reduced number of visitor car spaces is proposed, with only 28 spaces provided on-site in place of the 56 spaces required by the Scheme. The 465 retail spaces will result in a physical loss of 50 car space from 515 spaces currently provided by development site area (without consideration of demand generated by the new retail floor areas).
- 3.10 The lower ground level car park is divided in a secured manner to accommodate both residential and retail car parking, whilst the ground and basement level are dedicated solely to retail and resident car parking respectively.
- 3.11 The creation of a new accessway to the site from Reynolds Road is proposed, approximately 60 metres west of the existing signalised entrance. This access is defined by a porte cochere area that incorporates a drop-off zone adjacent to the residential lobby, and a turnaround facility to enable the short-stay vehicles and the four visitor spaces located on the return aisle, to exit the site onto Reynolds Road. For the residents and majority of visitors, a one way linkage into the secured car parking area restricts the use of this access for “entry only”.
- 3.12 Vehicular circulation will otherwise operate in a very similar manner to present, providing access points to and from the internal road at north-eastern and northern-most ends of the ground and lower car parking levels respectively. In light of the above restriction with residential egress, both residents and visitors will need to navigate through retail car parking to exit the site via the internal road.

Design Detail

- 3.13 The building is contemporary in its architectural design, and with a colour palette based on whites and blacks, along with glazing and other finer grain detailing. Like the development layout, the architecture is quite “modular” in appearance. The design is partly reliant on vertical planting in the treatment of the exposed walls beneath the car parking levels. The internal-facing built form expression is differently treated to the external, providing more substantial glazing at the pedestrian level. Building B incorporates a curved balcony tower as the “signature” feature to Reynolds Road.

Staging

- 3.14 The development is proposed in two stages. Stage 1 seeks to construct Buildings C and D, with the construction of Buildings A and B to follow in Stage 2. The construction of the car parking levels directly below the buildings in each respective stage would be included. The area of the existing car park which is designed on plan as “stage 2” would remain open for use during the construction

of stage 1. Similarly, the area of constructed car parking beneath Buildings C and D would be made available for retail use during the construction of Stage 2.

4. LEGISLATIVE REQUIREMENTS

- 4.1 Refer to Attachment 2.
- 4.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 34.01 (Commercial 1 Zone), to construct a building or construct or carry out works, and for the use of the land for “accommodation”.
 - Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), to create or alter access to a road in a Road Zone, Category 1.

5. REFERRALS

External

- 5.1 Given the proposal involves the alteration and creation of access to Reynolds Road, including creation of a deceleration lane, it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 5.2 VicRoads have not yet provided any formal referral response to the application, and are now outside of their Statutory timeframe.
- 5.3 It is noted that VicRoads did object to the application upon initial referral at the time of lodgement. The access arrangements, however, have been formally amended since, and the applicant has indicated that the current arrangements have been designed in conjunction with, and to the satisfaction of VicRoads. VicRoads has provided Council with a verbal indication to that affect, however no formal response.
- 5.4 As the proposal involves a retirement village comprising 60 or more dwellings, proposes more than 1,000sqm of retail floor area, and the alteration of public transport stops, it is a statutory requirement to refer the application to the Head of Transport Victoria as a determining referral authority.
- 5.5 Public Transport Victoria has no objection subject to a number of conditional requirements.

Internal

- 5.6 The application was referred to a number of Service Units within Council. The following table summarises their responses:

<u>Service Unit</u>	<u>Comments</u>
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> • Site was subject to proposed Special Building Overlay, Schedule 2. • The proposed entrances/exit to the retail car parking must be protected by at least 250mm level separation from the access road.

Service Unit	Comments
	<ul style="list-style-type: none"> • By developing this area the overland runoff path is blocked and will promote flooding of the existing shopping centre and the proposed car parking in the 1 % AEP rainstorm events. • An on-site storm water detention system is required. It must be demonstrated how the overland runoff in the 1 % AEP events can be diverted to Reynolds Road or Blackburn Road, alternatively the overland runoff for the 1 % AEP rainstorm event may be stored and released at the 20 % AEP rainstorm event rate.
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> • Existing crossovers unaltered. • Proposed crossover/access under jurisdiction of VicRoads.
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> • Accessway design is satisfactory, however further swept path diagrams are required to further demonstrate how waste collection vehicles can manoeuvre and exit ground level car park in forward direction.
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • Access to the residential car park is proposed via the retail customer car park (from the lower ground floor) or the Porte Cochere located at the basement level. The requirement for residents to navigate through the retail car park to access the residential car park is not considered a satisfactory outcome from an overall functionality of the car park. The proposal is impractical and poses an inconvenience to residents, particularly if they have to contend with queueing and delays experienced at the northern access to the retail car park. • The northern access to the retail car park introduces a new point of conflict close to two other intersections within the internal road. • A level of congestion can be expected at the northern access to the retail car park arising from the significant number of vehicular movements and potential conflict points due to: <ul style="list-style-type: none"> - traffic approaching the access from the car park to the internal road from a few directions (up/down the ramps and traffic exiting from the lower ground floor), turning movements from the internal road, traffic approaching from the north along the internal road; - bus movements along the internal road; and - the proximity of the access point to the underground car park located on the opposite side and resultant vehicular movements at this location. • Introducing a further access point to the retail car park within the internal road so close to existing intersections at Blackburn Road and the road leading to Coles supermarket, the access to the

<u>Service Unit</u>	<u>Comments</u>
	<p>underground car park on the eastern side of the internal road and the bus terminus, will result in increased points of vehicular conflict and likely operational issues such as local congestion, queueing and delays.</p> <ul style="list-style-type: none"> The intersection of Blackburn Road and the access into the shopping precinct will need to be reconfigured to formalise the 'Give Way' arrangement. A re-design of the intersection is required, so that traffic priorities at the intersection are clear.
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> Require the submission of a Construction Management Plan as a condition of any approval.
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> The Waste Management Plan requires amending to demonstrate: <ul style="list-style-type: none"> Swept paths / turning movements from Reynolds Road and through entire basement. Locations where waste vehicles prop for collection Height clearance from garage door through basement area and also within basement to ensure waste truck is clear of overhead services
City Strategy – Urban Design	<ul style="list-style-type: none"> The proposal is not consistent with the vision identified for the site or the Activity Centre, as defined by the Planning Scheme and supporting documents. The development offers little benefit or improvement to the retail function of the site, and would remove any future opportunity to improve or expand the centre. Any development of the at-grade car park needs to see a more integrated and rounded approach, ensuring that the envisaged improvement opportunities for the existing centre are incorporated into such proposal, rather than compromised. <p><u>Centre identity & mix of uses</u></p> <ul style="list-style-type: none"> Any development on the main road corner and at the vehicular entrances to the precinct should strengthen the identity of the centre as a mixed use hub. This proposal does not deliver this. <p><u>Building arrangement and expression</u></p> <ul style="list-style-type: none"> The architecture of the building above podium level in general terms is a campus of buildings and provides satisfactory breaks between built form. The inclusion of curvilinear residential towers midway along the southern boundary is

<u>Service Unit</u>	<u>Comments</u>
	<p>unnecessary and confusing.</p> <ul style="list-style-type: none"> The inclusion of north-south oriented open space has the potential to provide high amenity areas for the residents that can be shared across the development and with the broader community. <p><u>'Plaza' space</u></p> <ul style="list-style-type: none"> The 'plaza space' shown on the plans provided appears to be narrow, "leftover" footpath space between the circulation road and the at-grade carpark and residential towers, rather than a genuine civic space. The Structure Plan seeks to make this zone of higher transit intensity and a zone of high urban amenity. Recently executed town centre precinct areas such as Ringwood are evidence of how, with care, these shared zones can deliver considerable opportunities for enhanced engagement of the centre and public transport in response to the changing needs of the community. The proposal is treated as a car-dominated area when, as the plans would suggest, a key role for this area in both the Structure Plan and in the current configuration is as a major bus station for this Major Activity Centre. As such, logically, the development should include improvements to the Centre and additionally provide enhanced provision for how the residents of the development should interconnect with the Activity Centre, with this new internal street as an urban street that can create many more main street opportunities than currently proposed. For example, the waste holding area incorporated in the plan has the potential to be an activated interface. <p><u>Main road setbacks</u></p> <ul style="list-style-type: none"> This development proposes, in places, a sheer 34 metre building wall within 3-5 metres of the narrow public footpath zone and road edge, which would result in the creation of a poor footpath-user experience.
<p>Strategic Projects Unit – Sustainability</p>	<ul style="list-style-type: none"> The application does not meet Council's current expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. Items to be addressed include: <p><u>Unclear Sustainable Design Commitments</u></p> <ul style="list-style-type: none"> The report indicates that is a "review the preliminary design potential of sustainable design

<u>Service Unit</u>	<u>Comments</u>
	<p>initiatives to be incorporated within the proposed mixed use development” and that a 4-star Green Star rating is achievable. It is, however, unclear what sustainable design initiatives the developer is committing to achieving as it also notes that “all final ESD initiatives and targeted credits are subject to design development”. This could potentially result in no ESD initiatives being incorporated in the design after planning approval.</p> <ul style="list-style-type: none"> • There is a need to revise the report to state what sustainable design initiatives that have been incorporated into the design, these measures should be appropriately reflected on relevant application drawings. Alternatively, indicate a clear commitment to achieving a 4-star Green Star rating. <p><u>Stormwater</u></p> <ul style="list-style-type: none"> • The stormwater strategy includes the installation of proprietary stormwater products (namely SPEL stormsacks), reason given that “lack of green space (makes) traditional WSUD initiatives are not appropriate or viable”. This can be problematic as it would require product specific maintenance. Furthermore, the report does not contain sufficient independent verification in relation to the stormwater quality outcomes from the use of these pits. • There are alternative space-effective WSUD treatment types that could be maintained in perpetuity, regardless of the availability of product types. (Refer https://www.melbournewater.com.au/planning-and-building/stormwater-management/options-treating-stormwater). The stormwater strategy therefore requires amending. Additional notes are also required on the application drawings to indicate size and location of stormwater treatment types and connections. <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> • For a development of this size, there is an expectation of achieving a commitment to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements (e.g. 6.6-stars average for dwellings and 10% improvement on section J requirements for non-residential areas). • No on-site renewable energy generation is proposed. Considering the roof space and solar access available, a solar PV system is recommended to reduce energy use and costs. This will significantly improve the environmental

<u>Service Unit</u>	<u>Comments</u>
	<p>performance of the development.</p> <p><u>Electric Vehicle Infrastructure</u></p> <ul style="list-style-type: none"> The development has the opportunity to include some facilities to EV charging. <p><u>Urban Ecology</u></p> <ul style="list-style-type: none"> As the development has limited green space, provide each dwelling's private open space with an external tap and floor waste to allow residents to grow plants on their balconies as well.
Economic Development – Business and Events	<ul style="list-style-type: none"> Overall, the Economic Report is within the parameters of a development of this nature. The overwhelming benefit to employment (and the local economy) is for the construction phase with minimal ongoing employment directly from the development. The retail/commercial space provided in the proposed plans are minimal and limited to the interface edge to the existing shopping centre. The redevelopment of the bus interchange does create some opportunity for enhancement of the public space nearby. The "Plaza" as identified on the Lower Ground Floor and adjacent retail space is a needed addition. Within the allocation of communal space there is some activity that could be considered commercial in nature (club house, health and beauty), however it is minimal. The proposed medical suites have been identified in response to a need in Manningham and a welcome addition. Overall, from an economic development perspective the project has some merit, but will have minimal direct impact on jobs and employment opportunities. It would be beneficial to see some additional commercial space included as there is currently demand for commercial (office) style accommodation. Currently there is minimal supply in the nearby vicinity of the proposal site.

6. NOTIFICATION

- 6.1 The application was advertised by way of placing notices along the site frontages and entry points, upon the centre building entries, and through notice the local Leader newspaper for a week commencing 12 February 2018. One (1) letter of support, and thirty-two (32) objections have been received to date from the properties identified on the map at Attachment 3.

7. ASSESSMENT

State and Local planning policy and The Pines Activity Centre Structure Plan.

- 7.1 The subject site is the core of what is known as The Pines Activity Centre, which was identified as a Major Activity Centre in *Melbourne 2030*. Under the provisions of the adopted "The Pines Activity Centre Structure Plan" (September 2011), there are a series of identified opportunities, objectives and actions which are applied to the various precincts of the Activity Centre catchment to direct a cohesive outcome that achieves the overarching vision of Clause 21.09 *Activity Centres and commercial areas*.
- 7.2 The common theme of all policy relevant to the Activity Centre area is the intent to provide mixed use development, higher density housing, and a wider range of arts, community, cultural and entertainment facilities. Consistent with the State directions of *Melbourne 2030, Plan Melbourne* and Clause 11, the residential land surrounding the site has been earmarked for increased housing densities, in a similar manner to what surrounds Doncaster Hill (a Principal Activity Centre), however at a scale which is more sensitive to its urban fringe location, and proximity to the green wedge and lower density character.
- 7.3 The shopping centre is contained in "Precinct 1 - Retail and Commercial Core" of the Structure Plan. The associated Framework Plan shows the southern car park as a preferred location for multi-level commercial development (office and retail), with a preferred maximum building height of 14.0m. Underground parking is envisaged in relation to such a development. Other preferred outcomes are for enhanced connectivity between the centre and surrounding areas, creation of high quality urban plazas, an expanded bus interchange (doubling spaces) and improved pedestrian amenity.
- 7.4 The proposal fundamentally fails to adopt any of the preferred outcomes identified in the Structure Plan, and key objectives of relevant policy. The most obvious deviation is the failure to provide for the preferred office and retail uses. Whilst a medical centre and some small retail tenancies are sleeved into the peripheries of the car parking levels, these are considered to be tokenistic and secondary to the primary retirement living use.
- 7.5 The logic to specifically earmark the subject site for commercial growth is sound, as it seeks to preserve the viability of the main "shopping centre hub" and envisages expansions in response to the growing population within the surrounding Activity Centre catchment area. The vision of increased housing densities is already well underway (many multi-storey apartment buildings having been, or soon to be constructed) and is fundamentally reliant on a successful and vibrant shopping centre and high functioning public transport hub.
- 7.6 The proposed medical centre is suitably located in the vicinity of the Reynolds Road frontage, however this element is limited and doesn't achieve sufficient outward focus to better activate and engage the street. It is further bound by the residential car park and with no direct connection to any other commercial or community spaces without need to navigate through to a higher level, and across to the northern side of the car park. This overall is an ad-hoc approach that does not meet the Structure Plan's intent.
- 7.7 Improving the connectivity between the centre and surrounding areas is a further missed opportunity. The introduction of a pedestrian ramp between Reynolds

Road and the medical centre does facilitate some connection to the street, however as aforementioned, results in a circuitous route through the car parking levels before arriving at the primary shopping hub. Pedestrian access otherwise remains via standard footpaths shared with the two vehicular entries, however with an altered built form interface, and a likely intensification of vehicular movements associated with the retirement living residents/visitors. The retention of this arrangement, which is residual of the centre's traditionally high vehicle-reliant patronage, is disappointing and inconsistent with the walkable cities both state and local policy encourage.

- 7.8 The proposed footpath extension between the Blackburn Road centre entrance and proposed foot bridge is also inappropriately designed, having pinch points of only a metre between the building and busy internal road, and an indirect lift access to the pedestrian bridge above. There also remains no ability for pedestrians approaching north to cross the linking internal road to the northern arm of the centre.
- 7.9 The proposal makes an attempt to achieve the envisaged "urban plaza" and bus interchange upgrades by way of providing new shelters, and introducing a series of small retail spaces along the inner side of the ground and lower level car parks. This makes some improvement to the existing waiting space alongside the bus bays, however the plaza area is an awkwardly formed "left over" space behind the main bus passenger zone. The retail floor areas are also restricted in their size and layouts, with most placed in locations which have no meaningful nexus to the shopping centre or plaza. Whilst the bus interchange maintains the current number of bus bays, the ability to increase bays (or double, as the Structure Plan envisages) could not conceivably occur in this location with the development sited as it is.
- 7.10 One solution could be the creation of an arrival plaza and commercial presence which sufficiently builds the core internal road and public transport hub, and is visible and accessible from a main road to strengthen the identity of the centre and announce it as a mixed use hub. The development, in its current form and proposed car parking arrangement, cannot achieve this, and fails to apply the urban design principles of Clause 15.01-2 in protecting and enhancing the public realm, and enhancing the visual and social experience of users in the arrangement and design of building and public space interfaces.
- 7.11 It is for these reason that the proposal is inconsistent with the objectives for this Activity Centre precinct, as directed by State and Local Planning Policy framework, and visions of The Pines Activity Centre Structure Plan.

Zoning and use considerations

- 7.12 The proposal requires a permit for both use and development, due to the "accommodation" occupying more than 2 metres of a frontage, and inability to provide at least 80% of the building façade at ground floor level maintained as an entry or window with clear glazing. Both of these permit requirements imply a preference for commercially active street frontages.
- 7.13 One of zone's purposes is *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. In addition to the nominal gain in commercial floor space, entertainment uses are a current deficiency which would be a welcomed addition for use of the nearby community, and more responsive to the spirit of the site's commercial zoning.

- 7.14 The residential component is designed in a manner that occupies the majority of the site's street frontages and essentially conceals the centre building to its rear. The opportunity to improve the "vibrancy" is lost in this arrangement, and has little regard to the decision guidelines requiring consideration of access from the street front, and protection of active frontages to pedestrian areas. The vision of the Structure Plan discussed above further re-enforces these same principles.
- 7.15 Another purpose of the zone *is to provide for residential uses at densities complementary to the role and scale of the commercial centre*. The level of built form and density proposed is comparable to a much larger scale commercial centre, rather than the low height and mid-sized retail area of the existing shopping centre building.
- 7.16 The potential for the site to accommodate some form of residential accommodation is not inconceivable, and the need for retirement living is acknowledged given the demographics of the municipality, however, it should not be at the expense of the core commercial function of the site. The decision guidelines require consideration of the effect of any proposed use upon the existing uses of the land. There is potential conflict and amenity implications between the proposed residential use and existing/future commercial operations of the centre, as described in further detail within the amenity section of this report.
- 7.17 The Structure Plan is silent with regard to what future uses may occur above the existing centre building, and this may suggest that this location offers more flexibility in the potential uses it could accommodate. However, the Structure Plan more pointedly directs residential uses to the surrounding residentially zoned land, where a higher amenity can be best provided.
- 7.18 It is therefore considered that the proposed location and form in which the residential use is proposed are not consistent with the purpose and decision guidelines of the zone.

Design and Built Form

- 7.19 There is not a substantial level of prescriptive policy requirements relevant to the proposal, however, Clause 15.01-2 *Urban Design Principles*, in conjunction with the Structure Plan, provides sufficient guidance in relation to the integrity of the built-form outcome for the site. Some consideration of the Design and Development Overlay, Schedule 9 (residential areas within The Pines Activity Centre) is also useful to fully appreciate the preferred future character and built form which will evolve in the immediate surrounds (including land immediately north, south and to the west).
- 7.20 The vision for Precinct 1 of the Structure Plan is for *continued high-quality retail and commercial development that has an address to Reynolds and Blackburn Road*, in addition to the already mentioned provision of underground or rooftop parking, creation of an urban plaza with surrounding urban space, and an improving to the landscape character presented to the street frontages.
- 7.21 A preferred scale of 14 metres above the car park level is identified for the development area. The area of the site occupied by the existing shopping centre building is nominated to have a height of 16 metres, as does the land directly opposite and to the east of the site. When accounting for the rise of the car park being up to 7 metres above the street level from the lowest south-west corner,

the recommended 14 metres could realistically allow for building heights of up to 21 metres as measured from this point.

- 7.22 The building consists of three levels of car parking, with a further five levels of residential levels above which are separated into four building modules, nominated as Buildings A to D. Buildings A and C have a U-shape configuration, with the remaining being of a more traditional double-loaded arrangement with a north-south axis. The separated tower elements above the two u-shaped buildings result in six towers above the main podiums.
- 7.23 The podium and tower of each building module varies in its height, naturally in response to the sloping topography. Whilst all sharing a consistent overall height of 107.1 AHD as viewed across the skyline, Building C has the greatest building heights as measured above the natural ground level, due to its location in the lowest, south-west corner of the site (in the vicinity of the Reynolds and Blackburn Road key intersection). The building has a podium height reaching approximately 24 metres and tower element in the order of 28.8 metres, or 35 metres above the lower street level. Heights are lowest at the eastern end of the site (Building A) where the land rises. The building modules are generally quite similar in their architectural styling and use of a podium and tower element, with exception of the southern elevation of Building B, which presents a more robust, curvilinear tower feature to Reynolds Road and reaches some 25 metres in height.

Building height and setback

- 7.24 The heights aforementioned are quite a significant departure from the recommended Structure Plan height. Whilst the site context and large site area may justify some capacity for a variation to the recommended maximum height, the non-responsive nature of the building's design to the topography and context of the site significantly undermines the proposal's ability to provide an appropriate built form outcome for this prominent key site.
- 7.25 One of the most significant shortcomings is the lack of building setback (to frontages), so as to offset the sheer building heights proposed. This is most evident along Reynolds Road, where proposed setbacks are between 0 to 5 metres. These setbacks are even less to the pedestrian footpath, which is proposed to be partially reconstructed within the title boundary to accommodate a declaration lane.
- 7.26 The resulting outcome will be a high intensity of continuous built form towering above a narrow footpath area, with the balconies of Building B also overhanging the footpath to come as close as 1.2 metres to the declaration lane. There are no building recesses to offset this, nor any space available for landscape softening.
- 7.27 When looking at the context of built form approved on the land directly opposite (and all residential land within the Activity Centre as prescribed by the built form requirements of the Design and Development Overlay, Schedule 9) there is a general consistency of generous front (and side) setbacks to enable street separation and landscape softening to occur. It is noted that No. 180-200 Reynolds Road has allowed exceptions for building height to exceed the recommended 16 metres, however, these small and centralised elements are suitably justified by substantial setbacks. The proposal, on the other hand, provides no attempt to recess or soften the significant sheer height and massing.

- 7.28 In addition to the streetscape impacts and inconsistency with the general building profiles of surrounding development, insufficient consideration has been given to pedestrian access, leaving narrow spaces of as little as 1.6 metres between the proposed ramp to the medical centre and vehicles travelling in the deceleration lane. Whilst Westfield Doncaster exhibits a similar ramped approach between the footpath and food court area, it is appropriately complemented by a wider boulevard style and pedestrian friendly area.
- 7.29 Some hard edge treatment can be generally anticipated in a Commercial 1 Zone however, there is usually also expectation for commercial buildings to accommodate some greenery where not adjacent to commercial entries. In this case, the connection to the footpath level is largely of elevated basement walls, which should be customarily removed from the public domain, and/or screened with greenery to improve the pedestrian experience. The setbacks to the Blackburn Road frontage are more generous at an average of 3.5 metres, however, pedestrians are once again exposed to blank walls associated with the raised car park.

Relationship to main intersection

- 7.30 Building C presents to the key intersection, with a podium element consisting of three levels of car parking, and two residential levels above. Levels 3 to 5 above this separate into two tower elements which are pulled back from the south-west corner. The height of the podium is in the order of 25 metres above the street level, however not significantly above the 14 metre height recommendation when measured from the average height of the existing raised car park level.
- 7.31 The lower level of the car park is fully exposed above the ground level, owing to the continued desire to maintain a retail car park at grade to the shopping centre entry level. This essentially results in the car parking podium alone reaching some 20 metres in height and being built virtually hard up to the title boundary. The lowest car parking level is raised approximately 8 metres above the footpath level at the intersection, with the exposed blank walls beneath being the main element visible to the key intersection at eye level. The three car parking levels above in the southern leg of the building are somewhat concealed by the placement of a lobby area in the south-western corner, however the main presentation is of a glazed lobby space comprising service stairs and lift shaft. The incorporation of the medical centre into the northern leg of the basement car park does offer some visual connectivity to an active space, however no real point of architectural interest or street activation is provided for the majority of the proposal.
- 7.32 The significant deficiency in the design and podium treatment is the lack of response to the curvilinear nature of the south-wester corner of the site. As viewed from the intersection, Building C is characterised by an amalgam of two side walls which results in an angular void with no integrated design synergy with the south-west boundary. This approach is seen as a product of a rigid, rectangular building form which squanders the fantastic opportunity offered by this prominent corner. This failing has been persistently pointed out to the applicant, with strong encouragement for a high grade "signature" presentation to the intersection.
- 7.33 An architectural statement, or visible retail/community focussed space (such as the curved glazed placement of the food court of Westfield Doncaster toward the key intersection), is the type of response envisaged. Such treatment would

address the lack of centre identification and street integration issues discussed in the earlier policy assessment. Whilst acknowledged that Building B provides the focal feature in its curved balcony design, it is considered poorly placed in that it is not legible from the key intersection, and is assumedly in this location to highlight the main residential entry point.

Relationship with centre entries and residential interfaces

- 7.34 The northern elevation of Building D extends virtually hard up to the footpath, or 6.4 metres from the main centre access from Blackburn Road for a continued podium height of 19 metres. The presentation to the west is similar, with addition to the tower elements reaching some 27 metres in height. The proposal fails to provide for any sense of transitioning down (through both setbacks and height) to the more sensitive housing and lower density character to the west and beyond to the north. A more responsive design response would have been to step the building down as it moves further away from the key intersection and establish a landscape setting to its north, which would also provide transitional space to appropriately announce the centre entry in a more open and apparent manner.
- 7.35 The interface between Building A and the Reynolds Road centre entrance is similarly treated with a very “hard-edge” approach. Whilst the adjoining petrol station lends itself to a perceived sense of spacing around the centre entry, it is anticipated that future development on this prominent site would alter this domain and further limit the presence of the centre.
- 7.36 The built form would have a reduced direct impact on the residential perspectives to the south and east, however the overall treatment of the built form remains largely inconsistent with what will occur along the remaining Reynolds Road streetscape, where more generous setbacks offer separation and landscaping to mitigate increased building heights. And whilst some distance from the backyards of dwellings to the west and south-west, their outlook will also be notably altered.
- 7.37 As viewed from the internal road, the architecture is generally well considered in its campus of buildings and satisfactory horizontal breaks. However, the effectiveness of these breaks is lost in the verticality of the internally-facing elevations, which present sheer 20 metre high elevations (Buildings A and B in particular) with no recessive elements, or articulation other than in the form of a projecting pedestrian canopy at ground level. The built form ratio is at odds with the existing centre building height, and limited proposed footpath/plaza area adjoining.

Landscaping

- 7.38 The Structure Plan suggests that a “Red Box” planting theme be incorporated into any new development. The landscape plan confirms the inability to plant within the Reynolds Road setback, relying on wire mesh to support climbing natives for wall heights of up to 7 metres. There will be a substantial “loss” of landscape currently offered by the heavily planted crib wall and embankment established along this interface.
- 7.39 Planting within the Blackburn Road frontage heavily relies on smaller tree species, with large trees such as a Narrow-Leaved Peppermint referenced at intermittent location where “space permits”. This species, like a Red Box, anticipates a canopy spread of 6 metres at a minimum, therefore it is unclear how

the 3.5 metre setback area would accommodate such planting without a high reliance on public footpath overhang and significant lopping to protect the building and balconies.

- 7.40 The landscape plan indicates limited level of contributory canopy tree within the plaza area or along the general pedestrian paths/bus bays. A landscape theme would be a positive inclusion to the pedestrian spaces, and would provide for an enhanced outlook for the retirement living dwellings.
- 7.41 Overall, the built form is poorly executed and lacking in sufficient setbacks to validate its overall scale and intensity, resulting in a poor streetscape presentation and landscape contribution, and an inconsistency in the building heights and massing of development within the Structure Plan area.

Car parking, access and circulation

Car parking

- 7.42 Pursuant to Clause 52.06 of the Scheme, the proposal development has a statutory requirement of 469 spaces. The retirement living generates a requirement of 341 spaces for residents and 56 spaces for visitors. The proposed retail shops and medical centre (for ten practitioners) require 40 spaces and 32 spaces respectively.
- 7.43 The on-site parking provision of 370 car space for the retirement living apartments does not meet the statutory rate of 397 spaces, and therefore seeks a permit to reduce the visitor parking by 28 spaces.
- 7.44 The Traffic report submitted with the application proposes a rate of 28 visitor spaces based on an empirical assessment which relies on the site's proximity to the bus interchange, and high level of accessibility to the shopping centre and the assumption that it will lead to 'multi-purpose' trips. It also refers back to an indicative parking rate of 0.1 spaces per 5 dwellings as an appropriate rate suggested by research within metropolitan Melbourne. The 28 spaces proposed are estimated to be at 100% occupancy at 8pm on a typical weekend or weekday, and only 25-50% at midday.
- 7.45 In the context of 283 dwellings being introduced to the existing retail base and its current parking demands, the level of reduction sought raises significant concern. The suggested empirical rate is not accepted as an accurate depiction of the likely demand. As a retirement living use (not aged care), visitor parking has no reason to be any less than the standard residential rate. When considering the demographics of retirement village residents, visitor demand is likely to be quite high, and less typical to the peak pm demand which typically occurs.
- 7.46 The other aspect which may influence the rate of visitor parking is the 'clubhouse' component, which is available for use by residents and their guests. This in itself may attract groups of visitors invited to events and celebrations, and whilst a positive feature for residents, the empirical rate proposed does not appear to give any consideration of this aspect.
- 7.47 It is agreed that a percentage of resident visitors are likely to combine their stay with a visit to the shopping centre (when open). It may arguably attract an even greater number of visitors than in a standalone arrangement, due to the convenience of being able to combine usual shopping with an extended stay to

visit residents. The shopping centre may equally find that its patronage increases for the same reason. Providing only half of the required visitor spaces for this number of dwellings suggests that the retail car park will be highly relied upon to accommodate any overflow.

- 7.48 In addition to this aspect, the proposal will result in the loss of 50 retail car spaces from the development area (515 space car park). Despite the development introducing additional retail and medical centre space with a statutory rate of 72 spaces, the traffic report submits that the retail spaces dedicated to the shopping centre, overall, will remain in surplus of the total statutory requirement for 1,140 spaces. One aspect which is not made clear or reported on, is any car parking demands associated with the co-mingled library and other community facilities.
- 7.49 Planning Permit PL02/013974 (issued for the centres last expansion) included a conditional requirement for parking to be provided at an empirical rate of 5.89 spaces per 100sqm. If applying this rate, the total retail component would generate a requirement for 1546 spaces, well above the 1,266 spaces proposed.
- 7.50 The traffic report deems this empirical figure as no longer of relevance, based on the now reduced statutory rates associated with shops and supermarkets, and by using the current demand data of the existing centre, which peaks at a 79% occupancy rate. Based on the above, a rate of 4.19 spaces per 100sqm has been suggested, which equates to a total retail requirement for 1,109 car spaces (inclusive of the 32 medical centre spaces).
- 7.51 Whilst this may be reasonable rate of calculation, the 157 car spaces above the suggested empirical rate for the entire retail component is not an overly large surplus, and gives little flexibility to account for any increased patronage that may occur, either as a result of the proposed re-development, or just in general.
- 7.52 The report also suggests that the proposed retail car park specifically, will expect a peak demand of 433 spaces (based on its current underutilisation and assessed peak occupancy rates). Should this be the case, the small 23 space surplus above the 465 spaces proposed will assumedly accommodate any overflow visitor parking associated with the proposed reduction. What is of more concern is the potential for most residential visitors to simply choose to park in the retail level (which are most conveniently accessed), which can in no way prevented due to the shared nature of the car park and lift connections.
- 7.53 It is therefore assumed that the proposed retail car park will be saturated in its demand from both uses, leaving any vacancies in the less convenient locations at farthest points away from the centre. A strong theme of the objections to the proposal suggest that patrons currently have difficulties in finding vacant car spaces on busy days. The proposed reduction in visitor car parking and loss of overall retail car parking will therefore be to the benefit of the retirement village and will disadvantage the shopping centre and its patrons in terms of the anticipated loss of available and convenient retail car parking.

Circulation

- 7.54 In terms of the development's impact upon nearby roads, the Transport Impact Report indicates that some delays will occur from varying approaches to the site, however suggests they will operate within "acceptable parameters". The post-development traffic generation summary demonstrates a significant increase in movement along the surrounding road network and from the intersecting centre

access points, however provides little analysis as to how traffic movement along the internal ring road will function.

- 7.55 It is proposed to essentially replicate the current circulation through this section of the centre, with two points of car park access onto the internal ring road provided at the northern end and eastern ends. What does change at the northern intersection between the internal road and proposed car park is the increased number of vehicular movements which will occur in this location.
- 7.56 Council's Engineering and Technical Service Unit has raised particular concern with this access point in terms of likely conflicts, congestion and queuing. This is largely accounted to the need for residents to exit the site from this location. Whilst their main point of entry is via the newly proposed Reynolds Road access, the only egress from this location is for the four visitor spaces and limited pick/up-drop offs. The residents are otherwise forced to travel through the retail section of car parking at the lower ground level, to exit via the northern access. This need to contend with retail traffic and queuing on busier trading days is an inconvenient arrangement for residents.
- 7.57 In the vicinity of the exiting intersection onto the internal road, further delays are posed by the intersecting ramp up to the ground level carpark above, which is given priority for right of way. In terms of vehicular egress onto the internal road at this location, there are further points of conflict with the traffic entering into the car park on a northern or southern approach, the buses exiting the interchange, and movements created from the access point to the under-building car park on the opposite side.
- 7.58 It is considered that the impact of this arrangement will cause traffic and congestion for residents and centre patrons, and likely to create significant delays for the buses en route. On this point, the retained ability for vehicles to travel through the internal road and the anticipated increase of persons utilising the pedestrian crossings will likely see further delays for buses. Such delays could also create queuing and blockages of the car park entry/exit point at the eastern end of the site. The retention of the internal road as a car dominated zone is also a disappointing outcome in light the Structure Plans vision for a pedestrian friendly plaza space.
- 7.59 The proposed car parking provision/access arrangement is therefore considered contrary to the purpose of Clause 52.06 of the Scheme, as:
- It does not provide for an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality; and
 - It is not designed to a high standard, does not creates a safe environment for users, or enable easy and efficient use.

Amenity

- 7.60 The intention for commercial land to create a vibrant mix of commercial activity, entertainment and extended trading hours is immediately at odds with the nature of a residential use, where amenity is of highest importance, especially for retired persons seeking a relaxed and comfortable lifestyle. .

- 7.61 The more pertinent consideration in context of the current centre operations is the role of the bus interchange. The bus bays line the north and south sides of the internal road (five buses per side) directly in front of Buildings B through to D. The interchange is home to ten bus routes to date, arriving at the centre as early as 5am in the morning, and as late as 1am the following day. The Structure Plan anticipates a doubling of bus bays, with the introduction of later/earlier timetable a likely possibility.
- 7.62 The siting of the residential buildings as close as 3 metres from the interchange gives little consideration to the internal amenity of residents. Balconies, again at this limited setback, are designed to face onto the interchange area, instead of suitably applying a reverse amenity, or buffer area by way of increased setbacks or placement of less sensitive communal uses along this interface. Residents would experience the continual noise of arriving, departing and idling buses, and associated pollution impacts. Noise from its servicing passengers is a further matter, and one which is not easily controlled or managed. Further noise sources include supermarket deliveries and waste collection. The built form and hard standing are also likely to intensify and channel noise impacts from trucks and buses.
- 7.63 In this same manner, the building design and placement of apartments lacks regard for the commercial functioning of the centre. Whilst the centre does not currently offer much outward trading, restaurant precinct or extended hours, this type of activity is a desired and encouraged outcome, and consistent with the Statewide vision for activity centres to include a range of services over longer hours. The future ability for the centre to evolve in this manner will be hindered by the proposal's lack of regard to its commercial role, and the conflicting right for residents to maintain a reasonable level of amenity. From the perspective of residents, extended trading hours and the intensification of uses in the adjoining retail area may reasonably occur without planning permission. The apartments should therefore be sited and designed in a manner which prioritises amenity protection from both current and future intensities of commercial activity.
- 7.64 Another poorly considered design response is the lack of separation between the apartments and roadways both internal and external to the site. Dwelling balconies and windows are setback as little as 4 metres from the major arterial road, and even less to the primary Blackburn Road and the two centre entrance points which funnel the majority of traffic into and out of the site. These setbacks do not provide sufficient separation for the dwellings from noise and pollution and are not conducive to an attractive and relaxed living.
- 7.65 Whilst this level of amenity may be seen in an inner-urban setting, the designation of the building for a retirement living use would assume a significant amount of time will be spent in the dwellings. A high level of amenity is therefore likely to be of greater importance to future residents.
- 7.66 The overall connectivity of the building modules is not ideal, with Building D particularly removed, and requiring residents to travel a substantial distance to reach the prime hub of communal space. The ability for residents to secure a car space which is conveniently accessible to the core lift of their relative building is also unlikely in the proposed car park layout.
- 7.67 Accessibility to the shopping centre is provided for, however is not particularly convenient, requiring residents to descend into the retail car park via their building lift, and navigate through to a pedestrian crossing point. A more direct lift

provides access to the crossing at the main centre entrance, however is only accessible from the first floor communal courtyard between Buildings A and B. Building D will have access to an overhead pedestrian bridge from Level 1, however with no direct access into the main centre entries.

- 7.68 For apartment developments over four storeys, a proposal is assessed against the *Apartment Design Guidelines for Victoria 2017*, which include standards for internal and external amenity as per Clause 58 of the Scheme. Whilst this clause suggests application is only to apartments (or dwellings in/form part of an apartment buildings), it is arguable that the principles should similarly be applied to a retirement village. Like a dwelling, a retirement village falls within the broader definition of accommodation, and in theory, should be provided an amenity that is equal to, or greater than an apartment.
- 7.69 The relevant apartment standards for on-site amenity include accessibility, building entry and circulation, private open space and storage. The standards for internal amenity include functional layout, room depth, windows and natural ventilation.
- 7.70 The assessment submitted suggest compliance with Clause 58, with exception of the requirements for landscaping, room depth, accessibility and natural ventilation. Externally, the proposal fails the landscaping component, with insufficient deep soil areas due to the span of the basement/car parking footprints. The impacts of this have been discussed in the aforementioned sections.
- 7.71 Internally, 33% of dwellings fail to comply with room depth requirements, some only marginally exceeding the maximum 9 metres, and others by a metre. The two more notable failures are with the 50% non-compliance with accessibility, and 59% with natural ventilation. In a retirement living context, accessibility should be given the upmost priority to ensure residents have the flexibility in staying in their home on long term basis, and catering for changing needs and circumstances. If a standard residential building is expected to provide such amenity, a purpose built retirement village should be required to provide a very high, if not full level of compliance. The compromised ventilation is also of concern, particularly given the context of the buildings being located above a car park, and adjacent to a busy internal road which carries notable amounts of traffic, in addition to buses and trucks.
- 7.72 The development is therefore considered to have insufficient regard to the site conditions and constraints, and will result in a compromised level of amenity for future residents.

Objector concerns

- 7.73 Council officers agree with the concerns raised by objectors namely in relation to the inappropriate building height/density/character/landscaping, car parking deficiencies, impacts on traffic and bus services, and negative impacts upon the centre. These issues have been largely discussed within the assessment section of the report.
- 7.74 Concern with overlooking has been raised from the properties to the south-west (fronting Hayley Court), along with overshadowing/loss of daylight impacts upon the apartment building to the east. The substantial distance between the site and these properties reduces the direct impact of these issues, however, it is agreed

that a better design response would reduce the perceived detriment, particularly through lowered building heights and greater setbacks and planting.

- 7.75 With response to the suggestion that the declared number of existing car spaces is incorrect (540 in place of 515 car spaces), the applicant is relied upon to provide true and accurate information for assessment. A ground of refusal identifies that there is insufficient car parking provided on-site, however, should the application be appealed to the Victorian Civil and Administrative Tribunal, the accuracy of this information will be further reviewed.
- 7.76 In terms of construction impacts upon car parking and trading, the project is proposed to be staged (two parts), as detailed within the proposal section of this report. Until completion of Stage 1, the centre would operate at a reduced rate of 242 spaces within the existing open pair car park. Whilst inevitable for there to be impacts upon the usual functioning of shopping centre during a redevelopment, the applicant has provided little detail with regard to how the loss of car parking would be managed, and therefore the extent of impact upon the centres trade and viability, and car parking management both on and off the site, is unclear.
- 7.77 Concerns relating to the general integrity of building foundations, and property devaluation are not matters which can be considered within the planning jurisdiction.

8. CONCLUSION

- 8.1 It is recommended that the application be refused in its current form.

9. DECLARATION OF CONFLICT OF INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.