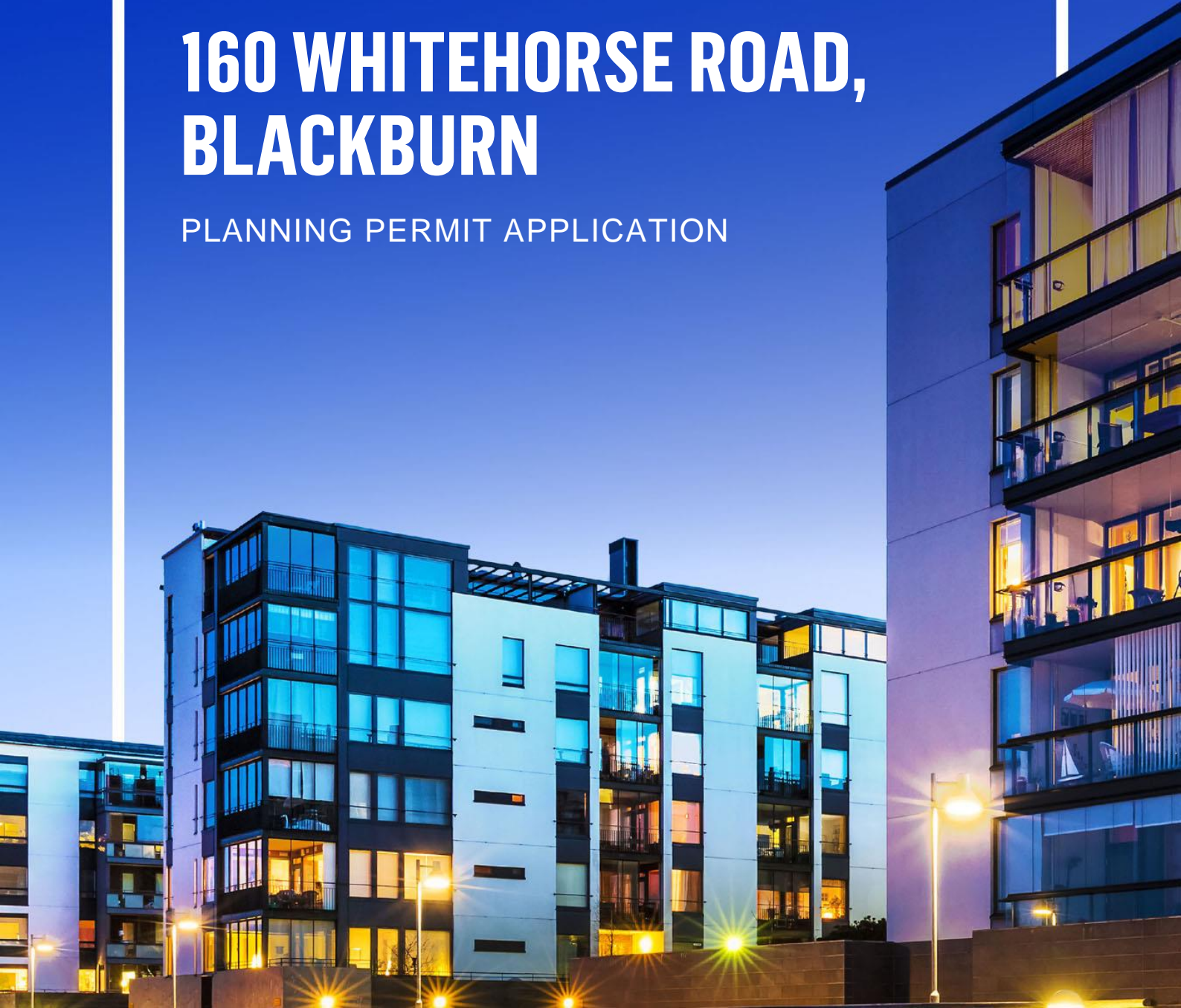


# 160 WHITEHORSE ROAD, BLACKBURN

## PLANNING PERMIT APPLICATION



PLANNING AND ENVIRONMENT ACT 1987  
WHITEHORSE PLANNING SCHEME

31/07/2019

ADVERTISED MATERIAL

CITY OF WHITEHORSE

'This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning permit under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach copyright.'

MAY 2019  
P0002983  
PREPARED FOR PACE DEVELOPMENT GROUP PTY LTD

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Associate Director	Tarquin Leaver
Project Code	P0002983
Report Number	02

# EXECUTIVE SUMMARY

This report has been prepared on behalf of Pace Development Group in support of an application to the City of Whitehorse for a planning permit to allow four towers of up to 8 storeys in height and five basement levels, to be used for dwellings, retail, office and supermarket.

The application generally seeks to rework the current planning approval (WH/2017/277), with the building form remaining largely unchanged for the eastern three building, while the westernmost building will be expanded and changed in use to an office. A supermarket is also proposed to be added fronting onto Railway Road. The design continues to show internal changes, minor building form changes and an altered architectural response as recently applied for in relation to the eastern two buildings.

The site is contained within a Commercial 1 Zone and is subject to the Design and Development Overlay (Schedule 8).

A planning permit is required for the following:

- For the use of the land for accommodation within the Commercial 1 Zone (Clause 34.01-1);
- To construct a building or carry out works within the Commercial 1 Zone (Clause 34.01-4);
- To construct or carry out works under Schedules 8 to the Design and Development Overlay (Clause 43.02-2);
- To construct or put up for display a major promotion sign pursuant to Clause 52.05-11; and
- A reduction in the car parking requirement for the office and supermarket uses pursuant to Clause 52.06-3.

The planning report is supported by the following:

- Architectural Plans prepared by Ascui Architects;
- Town Planning Report prepared by Urbis Pty Ltd;
- Survey Plan prepared by Land Dimensions;
- Traffic Impact Assessment prepared by Ratio Consultants;
- Waste Management Plan prepared by Leigh Design;
- Landscaping and Public Realm Improvement Plans prepared by MDG Landscape Architects;
- Arborist report prepared by Carney and Stone Arboricultural Consultants;
- ESD report prepared by Sustainable Development Consultants;
- Green Travel Plan prepared by Sustainable Development Consultants;
- Daylight Modelling Assessment prepared by Sustainable Development Consultants;
- Lighting Strategy prepared by MAC Associates Consultants;
- Acoustic Report prepared by VIPAC; and
- Wind Report prepared by VIPAC.

The following report provides an assessment of how the development will sit within, and interact with, the immediate and broader context, taking into account the relevant State and Local level policy. It concludes that the development is appropriate for the context and should be supported.

# 1. BACKGROUND

Planning Permit No. WH/2017/277 was issued on 22 February 2018 at the direction of the Tribunal for “buildings and works to construct a building comprising four towers and three levels of basement parking; use of land for accommodation where the frontage at ground floor exceeds 2 metres and the use of land for a Leisure and recreation facility; and a reduction in the car parking requirements”.

The VCAT decision which led to the permit being issued (Blackburn Blossoms Pty Ltd v Whitehorse CC [2018] VCAT 164) includes relevant commentary on the site as follows:

Regarding the strategic support for the development:

20. *We find that the proposal is not inherently inconsistent with the strategic context set out in the planning scheme. Increased development is encouraged by State and Local Planning Policy in activity centres, including the Blackburn Neighbourhood Centre. Future mixed use development of the type sought here is consistent with the centre also providing a supporting role to the Whitehorse Road MegaMile Activity Centre (Clause 22.06).*
- 36 *We do not consider that the overall objectives and built form outcomes of the DDO can be dismissed on the basis that they are too old or out of date. We agree with the findings of the Tribunal in See Pickle Pty Ltd v Bayside CC [2017] VCAT 1581 that the Tribunal’s role is to apply the scheme as we find it. The preferred heights and setbacks within the DDO are not mandatory and provide scope for the changes occurring to be considered. In addition, the DDO is not the only consideration relevant to determining appropriate built form.*
- 37 *We find that the question of what constitutes an acceptable design response requires an assessment of the built form having regard to the balance of policy for this activity centre, the zone, overlay and other planning scheme provisions and the site’s physical context. We have done this below.*

Regarding the building form:

- 42 *We agree that the concept of a broad podium with towers above is a good way to manage the mass of building form across the review site and to provide increased visual permeability. We find that generally, the built form is contextually a reasonable solution, has an appropriate shape and form, and makes good use of its orientation by maximizing views and daylight into apartments.*
- 56 *We also agree with the evidence of Mr Sheppard that a better design outcome is achieved by a series of towers across this site rather than a development that may seek a consistent scale across the whole of the site. We also find that the height of Tower 4 is clearly within the realm of the preferred height of 21m. We are also satisfied that the slight increase to Tower 3 will not impact on the preferred character of the centre.*
- 57 *We do not agree with the evidence of Mr Sheppard that the building form needs to be significantly higher towards the corner in order to achieve a visually prominent landmark. In our view, given the physical context, and having regard to the objectives of the DDO and the role of this centre identified in local policy, the heights of Towers 1 and 2 do not adequately respond.*
- 58 *We find that Tower 1 should be reduced by two levels (but maintaining the architectural capping/parapet treatment), and a similar reduction of two levels to Tower 2 to maintain a visual differentiation between them. This would bring the total height of Tower 1 to in the order of 30 metres but maintain its visual prominence. It would also reduce overshadowing to the public realm (discussed below). We find that with this height reduction the proposal would achieve a more acceptable response to both the strategic directions of the policy and DDO, and the aspirations for more intensive redevelopment of this large gateway site.*
- 59 *Our primary concern regarding the visual presentation is not driven by the views along Whitehorse Road, but rather along Railway Road when viewed rising up from the neighbourhood centre (where the proposal is at its highest). We consider that views from within the Blackburn Neighbourhood*

*Centre taken for example from the southern footpath at the intersection of Chapel Street and Railway Road (the N.E. corner of Blackburn Station Village- refer to the UDF Precinct B2 map) are important.*

- 67 *Conceptually, the central passway/ mid-block link takes reference from the UDF, which indicated diagrammatically a vehicular connection between Whitehorse Road and Railway Road. The applicant has taken this and reinterpreted it as a pedestrian passage. We find that this mid-block link is a positive outcome that will service both future residents and existing users of the activity centre. We consider that the pedestrian access is supported by the Urban Design Guidelines for Victoria and the objectives that support Urban and Activity Centre Structure.*

Ultimately the Tribunal chose to approve the building, with some reduction in height and subject to a broad range of conditions. This application largely replicates the approved building envelopes.



## 2. SUBJECT SITE AND SURROUNDS

### 2.1. APPLICATION SITE

The subject site is located to the south-west of the junction of Whitehorse Road and Railway Road. It has an irregular triangle shape, with a 162.28 metre frontage to Whitehorse Road, and a 133.58 metre frontage to Railway Road. The cumulative site area is 8,766.61 square metres. The site falls approximately 5.44 metres from the north-east corner to the south-west corner. A concrete retaining wall with a maximum height of approximately 3.8 metres is set back approximately 5 metres from the northern boundary and extends for a portion of the site's Whitehorse Road frontage. A pedestrian overpass over Whitehorse Road is located to the north-east of the site.

The site currently operates as an at-grade car park accessed from Railway Road.





## 2.2. IMMEDIATE SURROUNDS

### 2.2.1. Northern Interface

To the north is Whitehorse Road, a six lane highway with central median strip and restricted on-street car parking. Further to the north of Whitehorse Road are one and two storey commercial developments and a vacant site (to the north-west), the intersection of Surrey Road and Whitehorse Road, and the Blackburn Primary School (to the north-east).



### 2.2.2. Eastern Interface

To the east is the intersection of Whitehorse Road and Railway Road. Further to the east (on Whitehorse Road) is commercial development accommodating business activities and bulky goods retail, generally in the order of one and two commercial storeys.

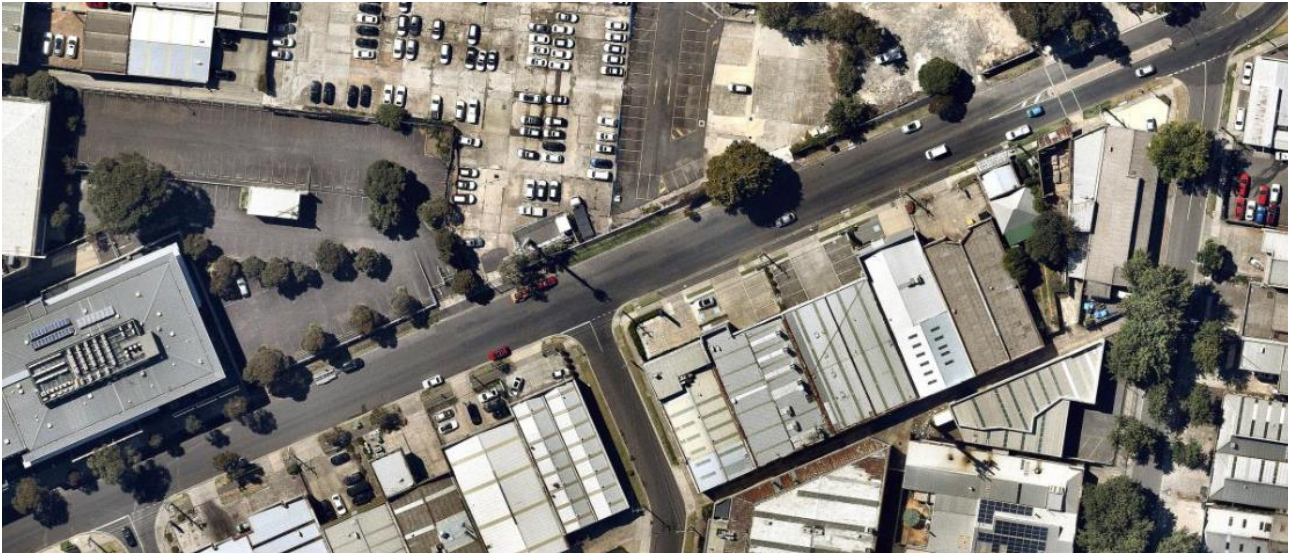




### 2.2.3. Southern Interface

To the south-east of the site is Railway Road, a two way local road accommodating on-street car parking and providing connection between Whitehorse Road and the Blackburn Railway Station. Further to the south-east are commercial developments, generally in the order of one and two storeys, generally accommodating business and light industry uses.

To the south-west of the site (fronting Railway Road) is a car park and three storey building accommodating the Salvation Army Australia Southern Territory headquarters. The development in part incorporates a heritage façade to Railway Road, with the remainder of the building adopting a contemporary architectural style.



### 2.2.4. Western Interface

To the west of the site (fronting Whitehorse Road) is a single storey commercial building partially constructed to the site boundary. Further to the west is a single storey car show room, and commercial developments in the order of one and two storeys.



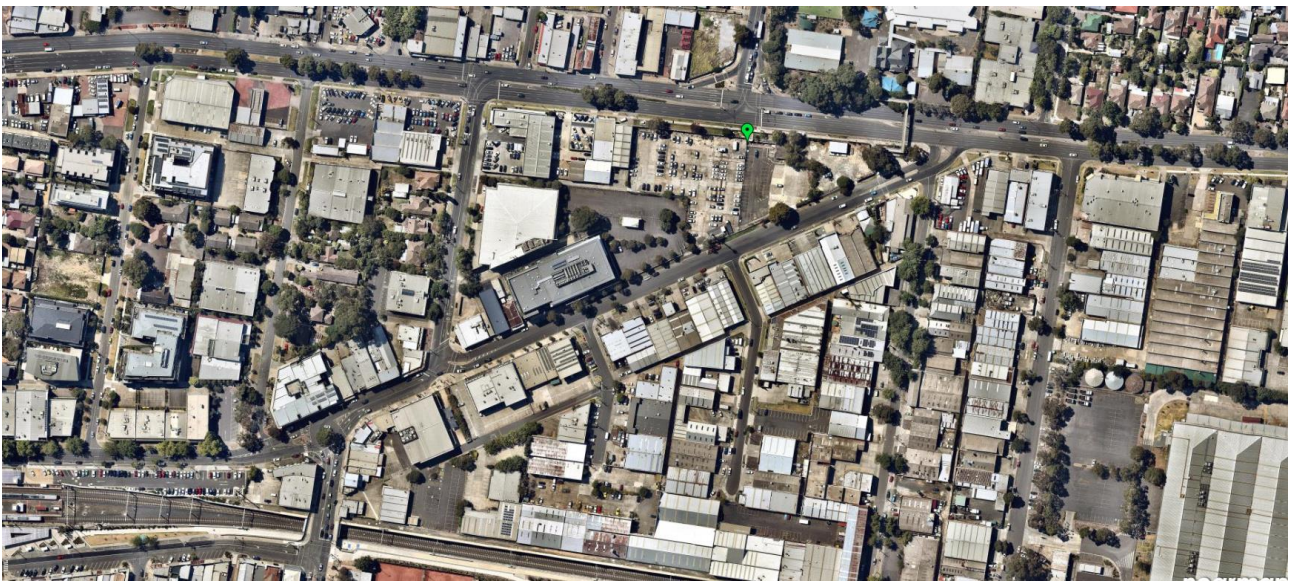


## 2.3. THE BROADER AREA

The site is located in the Blackburn Neighbourhood Activity Centre, a middle-ring suburban centre primarily offering retail, office and community services. The activity centre is focused around the Blackburn Railway Station (approximately 450m to the south-west), which acts as a transport hub providing connection to the Belgrave/Lilydale train line, and several bus routes.

The centre's existing built form is characterised by low-scale commercial development (generally in the order of one to three storeys) with high site coverage and limited front setback landscaping. The centre has undergone a moderate degree of urban renewal in recent years, with the establishment of large office/commercial developments and multi-dwelling developments of up to six storeys, generally located south of Whitehorse Road and north of Railway Road.

The review site's context is also informed by the Nunawading Megamile Activity Centre, which is located east of the subject site along Whitehorse Road. The built form in this precinct is generally characterised by one to three storey commercial built form, with pockets of low-scale residential development to the north of Whitehorse Road.



### 3. THE PROPOSAL

The proposed development is for four towers of between 6 and 8 storeys in height. The eastern three buildings will be predominantly residential, with ground level retail and will include a central public pedestrian link through the site, while the westernmost building will be used for offices (also with ground level retail). A supermarket will be provided fronting Railway Road and the central pedestrian link. Further details are:

#### Use

- 187 dwellings across three buildings, made up of 53 x 1 bedroom units, 122 x 2 bed room units and 12 x 3 bedroom units.
- A total of 2323sqm of retail space at ground level, spread across the four building.
- A 1686sqm supermarket fronting the central pedestrian link and Railway Road.
- A total of 11,798sqm of office floor space.
- A total of five basement levels are to be provided, incorporating a total of:
  - 725 car parking spaces (204 resident, 13 resident visitors, 353 office, 90 retail and 69 supermarket);
  - 12 motorbike spaces;
  - 213 bicycle spaces;
  - 187 storage cages of 5-10 cubic metres each; and
  - Services, access and waste storage.

#### Construction

- The easternmost building (Building D) will be 8 storeys high, the two central buildings (Building B and C) will be 7 storeys high, and the westernmost building (Building A) will be 6 storeys high.
- Building separation is provided as follows:
  - Clear separation of 15-17.5m between the eastern two building above ground level retail and a first floor communal area;
  - Clear separation of 15-17.5m between the two central buildings other than for a raised pedestrian link between the two buildings. This separation is utilised as a plaza and pedestrian link through the site between Whitehorse Road to the north and Railway Road to the south;
  - A recess between the two western buildings along the Whitehorse Road frontage to provide a visual break between the building forms.
- Setbacks along all property frontages to provide pedestrian spaces and landscaping.
- The provision of a 440sqm communal space at Level 1 between the two eastern buildings. Immediately adjacent to this space is a 94sqm internal residential lounge. This space will be directly accessible by all residents, including those of building B via the raised pedestrian link. A open communal space of 75sqm will be provided on the top level of Building B.

## 4. PLANNING POLICY CONTEXT

### 4.1 ZONE CONTROLS

#### Commercial 1 Zone

The subject site is located within the Commercial 1 Zone (C1Z). The purpose of the zone is:

- 'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre'.

In accordance with the Commercial 1 Zone:

- Pursuant to Clause 34.01-1:
  - A planning permit is required for accommodation (including a dwelling) where any frontage at ground level exceeds 2 metres. Given the ground level frontage for Building D exceeds 2 metres, a planning permit is required; and
  - No planning permit is required for the remaining office and retail (including supermarket) uses.
- A permit is required for buildings and works pursuant to Clause 34.01-4.



## 4.2 Overlay Controls

### 4.2.1 Design and Development Overlay (Schedule 8)

The subject site is affected by the Design and Development Overlay (Schedules 26 and 63). The purpose of the Design and Development Overlay is

- 'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.'

Pursuant to Clause 43.02-2 a planning permit is required to construct a building or construct or carry out works.

**Schedule 8** is for the "Blackburn Neighbourhood Activity Centre and Megamile (West) Major Activity Centre" and has the following design objectives:

- To ensure development is consistent with the MegaMile [west] and Blackburn Activity Centres Urban Design Framework 2010 (the UDF) and Clause 22.09 Blackburn and MegaMile (west) Activity Centres.
- To create a strong and distinct image for both the MegaMile (west) and Blackburn Activity Centres. To facilitate the redevelopment of potential opportunity sites and key gateway sites.
- To encourage high quality design and modest built form accentuation on key gateway sites as defined by the UDF.
- To ensure that new development is sensitively designed and complements or enhances the existing character of the area including the protection of heritage buildings.
- To encourage an appropriate transition in building heights to the residential areas adjoining the activity centres.
- To ensure that Environmentally Sustainable Development principles are incorporated into the design of new development.
- To ensure that buildings within core retail areas and along key pedestrian streets create a well defined and 'active' street edge.
- To ensure the new development makes best use of available space, achieving a more compact and sustainable urban form.
- To ensure access for all levels of mobility and for all forms of travel.
- To create a high quality pedestrian environment to encourage walking around the centres.
- To encourage high quality landscaped frontages and avoiding car parking in front setbacks where setbacks are preferred.
- To ensure an acceptable interface is achieved between new development and the railway corridor.

Clause 3.0 includes the following requirements specifically for the subject site:

- A preferred 21 metre height;
- 3-5 metre landscaped front and side street setbacks;

Additionally, built form outcomes for the site are described as follows:

- *160 Whitehorse Road is a gateway site to the Blackburn Neighbourhood Activity Centre and MegaMile, and its built form should reflect this status as a visually prominent landmark.*
- *Create a high quality design of the public and private realms to provide a strong and consistent image for the MegaMile, including landscaping.*
- *Avoid subdivision and support consolidation of sites to accommodate larger format buildings. These sites should have customer and delivery vehicular access, landscaping, and car parking that is not visually obtrusive when viewed from the street (preferably underground).*

## 4.3 Particular Provisions

### 4.3.1 Clause 52.05 – Signs

Pursuant to Clause 52.05-11, a planning permit is required to construct or put up for display the major promotion sign on the western wall of the westernmost building.

### 4.3.2 Clause 52.06 – Car Parking

Pursuant to Clause 52.06-1, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority. Given the location of the site, the Column B rates apply. The following table shows the Clause 52.06-5 requirement and the development provision:

Use	Clause 52.06-5 Requirement	Development Provision	Shortfall/Excess
Dwelling resident	1 space per 1 or 2 bedroom apartment & 2 spaces per 3+ bedroom apartment  175 x 1 or 2 bedroom apartment = 175 car parking spaces required  12 x 3+ bedroom apartment = 24 car parking spaces required  Total=199 required	204	+4
Dwelling visitor	No requirement	13	+13
Office	3 spaces per 100sqm of net floor area  11,798sqm = 353 spaces	353	-
Retail	3.5 spaces per 100sqm of leasable floor area.  2,323sq.m = 81 car parking spaces	90	+9
Supermarket	5 spaces per 100sqm of leasable floor area  1,686sqm = 84 spaces	69 spaces	-15

While the number of car parking spaces meets the statutory requirement, the allocation is such that a reduction is required for the supermarket. A permit is therefore requested to reduce the car parking requirements for these two uses pursuant to Clause 52.06-3.

### 4.3.3 Clause 52.34 Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The development requires 125 bicycle spaces and is providing 213 bicycle spaces. This requirement is therefore met.

### 4.3.4 Clause 53.18 Stormwater Management in Urban development

Pursuant to Clause 53.18-3 and application to construct a building or construct or carry out works must meet all of the objectives and should meet all of the standards of Clauses 53.18-5 and 53.18-6.

### 4.3.5 Clause 58 Apartment Developments

Clause 58 applies to apartment developments in the Commercial 1 Zone. A development must meet all of the objectives and should meet all of the standards. An assessment against Clause 58 is contained at **Appendix A**.

## 4.4 PLANNING POLICY FRAMEWORK

The following provisions of the Bayside Planning Scheme apply:

State Planning Policies	<p>Clause 11 Settlement</p> <p>Clause 12 Environment and Landscape Values</p> <p>Clause 13 Environmental Risks and Amenity</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 17 Economic Development</p> <p>Clause 18 Transport</p> <p>Clause 19 Infrastructure</p>
Municipal Strategic Statement	<p>Clause 21.01 Municipal Profile</p> <p>Clause 21.02 Key Issues</p> <p>Clause 21.03 A Vision for the City of Whitehorse</p> <p>Clause 21.04 Strategic Directions</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 21.07 Economic Development</p>
Local Planning Policies	<p>Clause 22.02 Visual Amenity and Advertising Signs</p> <p>Clause 22.06 Activity Centres</p> <p>Clause 22.09 Blackburn and Megamile (west) Activity Centres</p> <p>Clause 22.19 Energy, Water and Waste Efficiency</p> <p>Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p> <p>Clause 22.26 Public Open Space Contributions</p>
Other Relevant Documents	<p>Plan Melbourne</p> <p>The 'MegaMile [west] &amp; Blackburn Activity Centres Urban Design Framework, July 2010'</p>

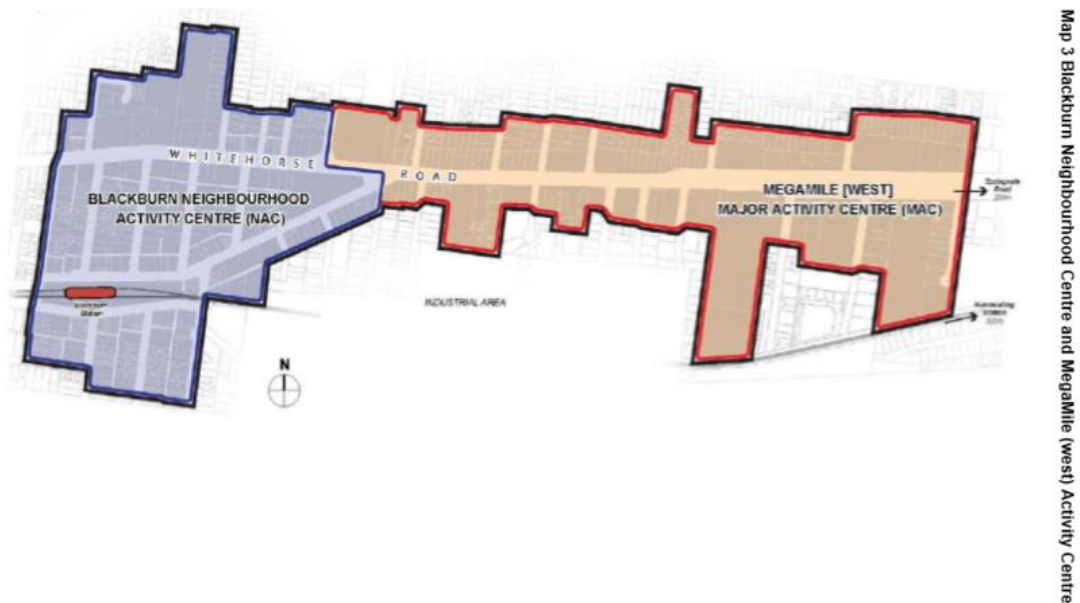


# 5 PLANNING CONSIDERATIONS

## 5.1 STRATEGIC SUPPORT FOR THE DEVELOPMENT

The strategic support for increased density of development on the site, as articulated through Plan Melbourne and Clauses 11, 16 and 17, has been discussed and agreed to as part of the original approval on the site. In short, the site is well positioned to take advantage of its locational characteristics to contribute to urban consolidation imperatives related to the provision of retail and housing uses.

These imperatives are expanded upon at a local level at Clauses 22.06 and 22.09 with respect to this site, being part of the Blackburn Neighbourhood Activity Centre (and immediately to the west of the Nunawading Major Activity Centre including the Megamile precincts).



The building form and density outcome for the site has been the subject of a VCAT hearing and a planning permit approval. This application largely replicates these outcomes, but alters the westernmost building to an office use and incorporates a supermarket fronting Railway Road. These land use outcomes are discussed in detail below, as is the change in the form of the westernmost building.

Overall it is submitted that the development maintains a high level of compliance with State and Local Planning Policies and should therefore be supported.

## 5.2 MIX OF USES

The proposal includes ground level retail and upper level dwellings which were included within the previously approved scheme. The strategic support for these uses has been established by this previous approval.

However this new application also includes the conversion and expansion of the westernmost building to an office and the provision of a supermarket fronting Railway Road. This mix of uses provides an increased variety of uses on the site, which is supported by the following policies:

- *Nunawading MegaMile, Burwood Heights, Tally Ho, and Forest Hill Chase are key Activity Centres in the City of Whitehorse. These centres are generally expected to become the preferred locations for further retail, commercial and cultural activities, and accommodate a significant proportion of the new dwellings that may be developed in the City (Clause 21.07-1)*
- *Council's commitment to balanced growth is demonstrated in a number of local policies. Clause 21.06 Housing seeks an appropriate and sustainable distribution of housing within the municipality, promoting a range of housing types and directing higher density housing to specific areas and in a form consistent with the character of neighbourhoods. Clause 21.07 Economic Development outlines Council's aims for a thriving and sustainable local economy, natural environment and quality of life for existing and future residents, as well as enabling appropriate growth within the municipality. Clause 21.07 Economic Development reinforces Council's desire to ensure that there is a range of opportunities for various types of office development in the municipality to meet market demand. Clause 22.06 Activity Centres reinforces the role that each of Whitehorse's activity centres plays in contributing to the City's economy and meeting the needs of the community. (Clause 22.09-1)*
- *The Blackburn Neighbourhood Centre (NC), in close proximity to the MegaMile Activity Centre (AC) and the Belgrave/Lilydale train line, has been identified as an appropriate location for residential and commercial development. (Clause 22.09-1)*
- *The Blackburn NC will strengthen its role as an urban village focused around the Blackburn Railway Station and Blackburn Station Shopping Centre, with its strong sense of place and identity as a local shopping village and community meeting place. A suitable mix of retail, office, community and higher density residential uses will add to its vibrancy and activity, as will improved connections between the north and south sides of the railway line and surrounding areas. (Clause 22.09-1)*

Similarly, the objectives at Clause 22.09-2 seeks:

- *To strengthen the local neighbourhood role and continue to support a mix of activities within the Blackburn Neighbourhood Centre as an urban village.*
- *To most efficiently use the limited retail space within the Blackburn Neighbourhood Centre, encouraging the clustering of retail and community services at ground floor on the south side of the railway line, and encouraging office and supporting businesses on the north side of the railway line. 22.09-2 obj*

Given the above, it is submitted that the proposed mix of uses has strong policy support.

## 5.3 NEIGHBOURHOOD CHARACTER AND ARCHITECTURAL QUALITY

The site sits within a context that is expected to evolve in the coming years in response to Council's vision for the area, generally articulated through Clause 22.09, Schedule 8 to the Design and Development Overlay and the MegaMile [west] & Blackburn Activity Centres Urban Design Framework.

The built form outcome, having regard to these policies, has been assessed and approved as part of the original application on the site. This application alters this approval in the following ways:

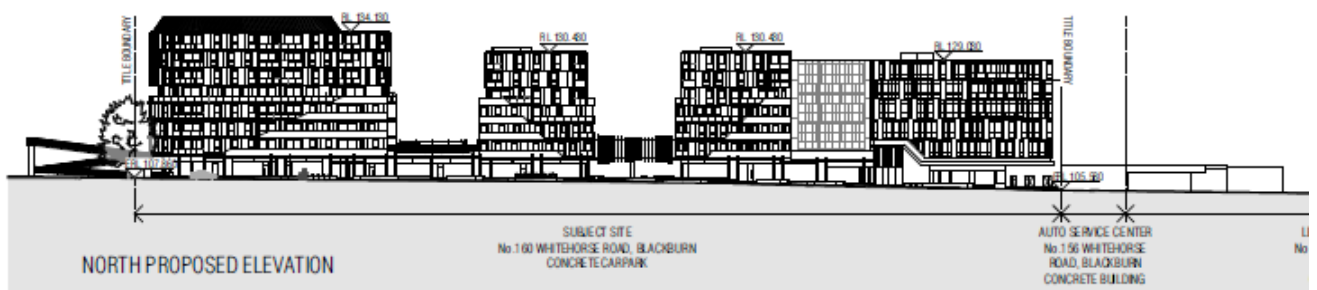
- Updated architecture;
- Minor changes to the building footprints of the eastern three buildings; and
- Reworking of the westernmost building, including its connection to the neighbouring building, to allow for the office use.

Despite these changes, the proposal continues to provide an appropriate built form outcome which responds to the future character of the area in the following ways:

- Updated high quality architecture, including a clear differentiation between the podium and upper levels:



- The provision of a graduation in building height from the highest point to the east to the lowest point to the west.





- The provision of substantially improved, landscaped, public spaces around the site periphery as well as the continued provision of a public pedestrian link through the centre of the site, connecting Whitehorse Road to Railway Road;
- The provision of active frontages to public areas, including retail uses and residential lobby spaces;



The massing and design of the proposal is a direct response to Clause 22.09 and the design objectives of Schedule 8 to the Design and Development Overlay, which (relevantly) seek:

- To ensure development is consistent with the MegaMile [west] and Blackburn Activity Centres Urban Design Framework 2010 (the UDF) and Clause 22.09 Blackburn and MegaMile (west) Activity Centres.
- To create a strong and distinct image for both the MegaMile (west) and Blackburn Activity Centres.
- To facilitate the redevelopment of potential opportunity sites and key gateway sites.
- To encourage high quality design and modest built form accentuation on key gateway sites as defined by the UDF.
- To ensure that buildings within core retail areas and along key pedestrian streets create a well defined and 'active' street edge.
- To ensure the new development makes best use of available space, achieving a more compact and sustainable urban form.
- To create a high quality pedestrian environment to encourage walking around the centres.
- To encourage high quality landscaped frontages and avoiding car parking in front setbacks where setbacks are preferred.

It is acknowledged that the proposal exceeds the preferred building heights set out at Clause 3.0 Precinct D (160 Whitehorse Road, Blackburn and sites over 10,000sqm) of Schedule 8 to the Design and Development Overlay, however the acceptability of the building scale and massing has been considered as part of the previous application and found to be acceptable for the eastern three buildings, with the relevant Tribunal commentary on these points set out at Section 1 of this report. The additional height is considered to be acceptable in accordance with Clause 2.0 of DDO8 as the development:

- Achieves high quality architecture;
- Produces a high quality ESD outcome;
- Results in no unreasonable amenity impacts;
- Responds to the site context, including by acting as a gateway development to the Blackburn NAC and then scaling down to the west;

The primary change when compared to the previous design is an increased height associated with Building A and its expansion to connect to Building B. With respect to this change:

- The additional height of approximately 2 metres results from the altered use to office rather than the addition of an extra level. Office is a use which is encouraged within the area and helps provide a greater variety of uses and activity on the site. Given the relatively minor non-compliance of the building compared to the preferred 21m height, and the role the height plays in facilitating an important use, it is submitted that the building height is acceptable;
- Building A remains the shortest of the four buildings, ensuring the principle set out in the VCAT decision of transitioning down in height to the west remains; and
- The principle of breaking up the buildings as viewed from Whitehorse Road is continued by the provision of a landscaped recess between Building A and Building B.



In summary, it is submitted that the proposal responds appropriately to the local character and the applicable building form policies, particularly Schedule 8 to the Design and Development Overlay and Clause 22.09.

## 5.4 AMENITY IMPACTS ON NEIGHBOURING PROPERTIES

Clause 22.09-2 includes an objective “to ensure that built form is compatible with the function, scale, environmental values and character of the respective centres and that it does not detract from the amenity of nearby residential areas”.

The site is surrounded to the north, east and south by roads. Beyond these roads are commercial properties to the south and east, with a school and a vacant property to the north. To the west are commercial buildings and car parks.

With this in mind, potential amenity impacts to neighbouring properties are discussed below.

### Building Bulk

Given the context described above, there are no sensitive spaces in close proximity from which the buildings will appear unreasonably bulky. The Schools and vacant property to the north and north-west are separated by approximately 30 metres, while the commercial properties to the south and east are separated by at least 20 metres.

In all instances, it is considered that the proposed development will not result in unreasonable building bulk given the use and development of surrounding land, or the separation distance. Further, the built form outcome (in terms of heights and setbacks) has already been considered and approved.

### Overlooking

All habitable spaces within the development would be in excess of 9 metres from surrounding sensitive spaces.

### Overshadowing

Overshadowing impacts are limited to surrounding roads and car parking areas of commercial properties. The previously proposed building form was reduced, in part to reduce shadowing impacts to the southern footpath of Railway Road. The previously approved building envelope is to be largely retained, ensuring that any change to the extent of shadowing is minor and acceptable.

### Noise

Possible noise sources are assessed by VIPAC in their acoustic report. These are well separated from nearby sensitive spaces (as described above) and noise impacts will therefore be minimal and compliant with SEPPN-1.

## 5.5 INTERNAL AMENITY AND ENVIRONMENTALLY SUSTAINABLE DESIGN

Clause 58 requires a detailed assessment of the internals of the building to ensure a high quality outcome. A full Clause 58 assessment is contained at A. The internal quality of the building is summarised below.

### Apartment Quality

The quality of the internal spaces has been assessed using Clauses 58 and generally meets these provisions. In particular, the proposal provides:

- Provision of high-quality communal space with good access to sunlight, in excess of the requirements of Standards D7 and D8;
- Safe and convenient access to apartments by foot, bike or car;
- Building setbacks which allow for good access to daylight in accordance with Standard D14;
- Protection from overlooking between apartments in compliance with Standard D15;
- Generous circulation spaces both internal and external to the apartments;
- Open space provision generally in excess of the requirements of Standard D19;
- Storage generally in excess of the requirements of Standard D20; and
- High quality layouts with appropriately dimensioned bedrooms and living rooms and good access to daylight and ventilation.

The development is therefore considered to achieve a high level of compliance with the requirements of Clause 58. This will ensure that future occupants will live in high quality spaces.

### Noise Protection

The site sits within a harsh and noisy environment. In such a context, it is important the development consider its context and respond in a way which protects future occupants from these impacts. Surrounding noise generators include Whitehorse Road to the north and the commercial properties to the east, south and west.

The application is supported by an acoustic report prepared by VIPAC which assesses all potential noise sources relevant to the development and provides recommendations to ensure noise levels within the apartments comply with the recommended limits.

### Environmentally Sustainable Design

The proposal responds to the direction provided in Clauses 22.10 of the Whitehorse Planning Scheme. The proposal has been designed to demonstrate:

- 'Best Practice' with a benchmark 4 Star rating in Green Star Design & As Built v1.2;
- a thermal efficiency score of a weighted average of 6.7 stars for sample apartments;
- Achievement of a 7% improvement on BCA minimum energy efficiency requirements for building fabric and overall improvement on total energy use when compared to the reference building of over 30%; and
- Best practice Stormwater Management.

The quality of the ESD outcome of the development is more completely described in the Sustainability Management Plan prepared by Sustainability Development Consultants.



## 5.6 LANDSCAPING

The application is supported by a landscape concept plan prepared by MDG Landscape Architects. This includes:

- Streetscape upgrades and planting within Whitehorse Road and Railway Road;
- The provision of a new publicly accessible pedestrian link between Whitehorse Road and Railway Road; and



- Planting and landscaping within the communal spaces.



This planting will contribute to the provision of high quality public and communal spaces, a substantial improvements on existing conditions.

## WASTE MANAGEMENT

The application is supported by a Waste Management Plan prepared by Leigh Design. This details that the waste storage areas are appropriately size for the expected waste generation from the development.

Waste will be collected by a private contractor within basement 1 a maximum of thrice weekly in accordance with the table below:

**Table 2: Bin Schedule and Collection Frequency**

Waste Source	Waste Stream	Bin Qty	Bin Litres	Collections per Week	Net Area m <sup>2</sup>
Building D Residential (shared bins)	Garbage	2	1,100	2	3.2
	Recycling	3	1,100	2	4.8
Building C Residential (shared bins)	Garbage	2	1,100	2	3.2
	Recycling	2	1,100	2	3.2
Building B Residential (shared bins)	Garbage	2	1,100	2	3.2
	Recycling	3	1,100	2	4.8
Supermarket (shared bins)	Garbage	3	1,100	3	4.8
	Cardboard (baler and 5 pallets)			3	13.5
	Mixed Containers	1	240	3	0.5
Offices / Retail (shared bins)	Garbage	5	1,100	3	8.0
	Recycling	5	1,100	3	8.0
Whole development	Hard Waste	-	-	At Call	8.0
<b>Net Waste Storage Area (excludes circulation), m<sup>2</sup>:</b>					<b>65.2</b>

## 5.7 WIND

The implications of the development on local wind conditions has been considered in the Wind Impact Assessment undertaken by VIPAC. It recommends that the development be designed to achieve walking, standing and sitting criteria as set out below.



Figure 7: Ground level plan of the proposed development with the recommended comfort criterion overlaid



Figure 8: Level 1 plan of the proposed development with the recommended comfort criterion overlaid

The Wind Impact Assessment concludes that the design is expected to achieve these nominated criterion, but that occupants should be educated about behaviour on open terraces/ balconies in high wind events.

It also recommends that wind tunnel testing occur in the detailed design phase to verify these conclusions. We would submit that this could occur as a condition of any permit.

## 5.8 CAR PARKING AND BICYCLE PROVISION AND ACCESS

Clause 22.09 seeks “to minimise parking and traffic difficulties in the Blackburn Station Shopping Centre and surrounds, while encouraging appropriate development and redevelopment within the Centre, by ensuring that each change of use or new development provides sufficient parking to meet its own demands in appropriate locations”.

It is submitted that the proposal achieves a high level of compliance with this policy direction. An assessment of the car parking, bicycle and access response is contained below and is supported by the Transport Impact Assessment prepared by Ratio.

### Car Parking Provision

The proposal has a statutory requirement for 717 car parking spaces and provides 725 car parking spaces. While the quantum of car parking spaces is met, the spaces have been allocated with a shortfall to the supermarket (19 spaces).

The report prepared by Ratio provides an assessment of the car parking provision and concludes (at Section 4.4) that the proposed level of car parking is suitable for the development.

### Traffic, Access and Loading

The Ratio report comprehensively assesses the traffic, access and loading arrangements in sections 7 and 8 of their report. On the basis of this assessment, it is submitted that the proposed arrangements are appropriate.

### Bicycle Parking Provision

The proposal provides for 213 bicycle spaces, well in excess of the number of spaces which is required by Clause 52.34. These spaces will be provided at ground level or basement level 1 and are accessible and usable.

### Pedestrian access

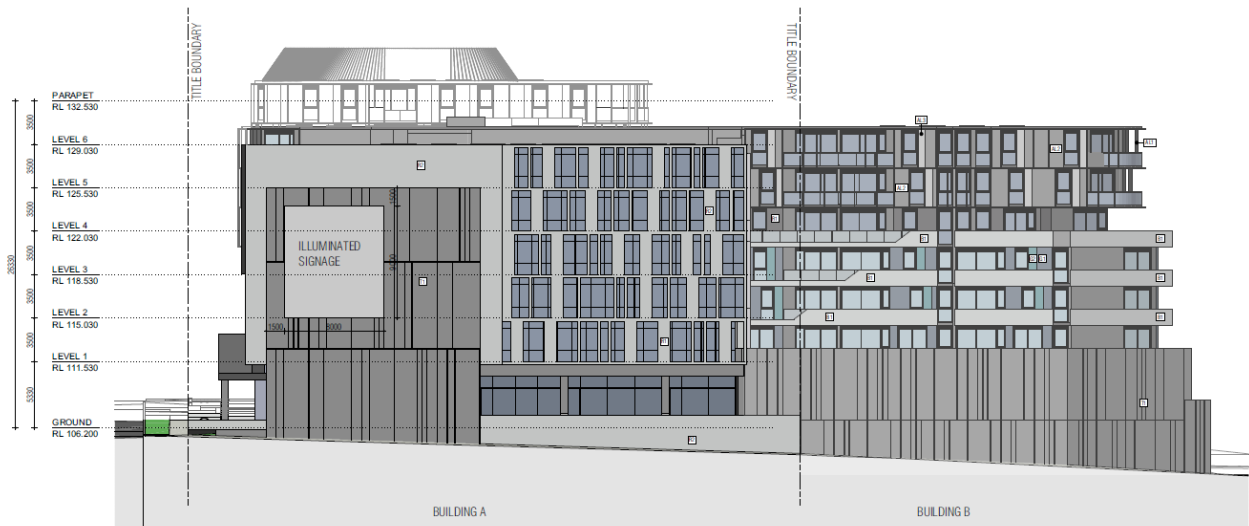
The proposal produces a high quality pedestrian outcome with significant public benefits. This includes improvements to the public spaces around the periphery of the site and the provision of a central pedestrian link. Access to the four towers is provided in a form and manner which is appropriate.



## 5.9 MAJOR PROMOTION SIGN

The proposal includes an illuminated major promotion sign located on the western on-boundary wall. The sign measures 9m by 8m.

Policy at Clause 22.02-3 discourages high wall signs from “dominating the viewable proportion of the wall”. The sign would be designed to integrate into the building design, rather than being a dominant visual component in the street and constitutes an acceptable proportion of the visible wall area. Further, only one sign is proposed (later signage is expected for the retail uses, however this would be at ground level and relatively minor).



WEST ELEVATION - BUILDING A

To that end, it is noted that the local area contains a wide variety of signage, including pole signs and signs located on blank side walls (as is proposed in this instance). The sign would therefore be consistent with the local character and is submitted to be appropriate.

## 5. CONCLUSION

The proposal provides for a high quality built form outcome which will contribute positively to the area. In particular, the development:

- Responds to State and Local Policies by increasing residential, commercial and retail density within an area designated for such growth;
- Provides four buildings of high architectural quality;
- Provides substantial improvements to the local pedestrian network;
- Manages amenity impacts on neighbouring properties;
- Provides for high quality internal amenity and ESD outcomes;
- Manages waste impacts; and
- Provides an appropriate number of car and bicycle spaces and ensures that access to and from the site is safe and efficient.

Given all of the above, it is submitted that the proposal is a high quality urban design outcome which complies with Council policy and therefore should be supported.

# DISCLAIMER

This report is dated 8 February 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Pace Development Group Pty Ltd (**Instructing Party**) for the purpose of Planning Permit Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.





**APPENDIX A      CLAUSE 58 ASSESSMENT**





### **BRISBANE**

Level 7, 123 Albert Street  
Brisbane QLD 4000  
Australia  
T +61 7 3007 3800

### **MELBOURNE**

Level 12, 120 Collins Street  
Melbourne VIC 3000  
Australia  
T +61 3 8663 4888

### **PERTH**

Level 14, The Quadrant  
1 William Street  
Perth WA 6000  
Australia  
T +61 8 9346 0500

### **SYDNEY**

Level 23, Darling Park Tower 2  
201 Sussex Street  
Sydney NSW 2000  
Australia  
T +61 2 8233 9900