

**1.3 580 SPRINGVALE ROAD, WHEELERS HILL (BRANDON PARK SHOPPING CENTRE)  
CONSTRUCTION OF A SEVEN (7) STOREY MIXED USE BUILDING INCLUDING THE  
USE OF THE LAND FOR ACCOMMODATION (SERVICED APARTMENTS)  
(TPA/52240)**

**EXECUTIVE SUMMARY:**

This application proposes part demolition of the existing building and the construction of a seven (7) storey building including medical centre/retail, office and serviced apartments at the Brandon Park Shopping Centre.

The application was subject to public notification. Twenty six (26) objections and one (1) letter of support has been received.

Key issues to be considered relate to built form and scale, urban design, amenity impacts, traffic and car parking generation.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework and issues raised by objectors.

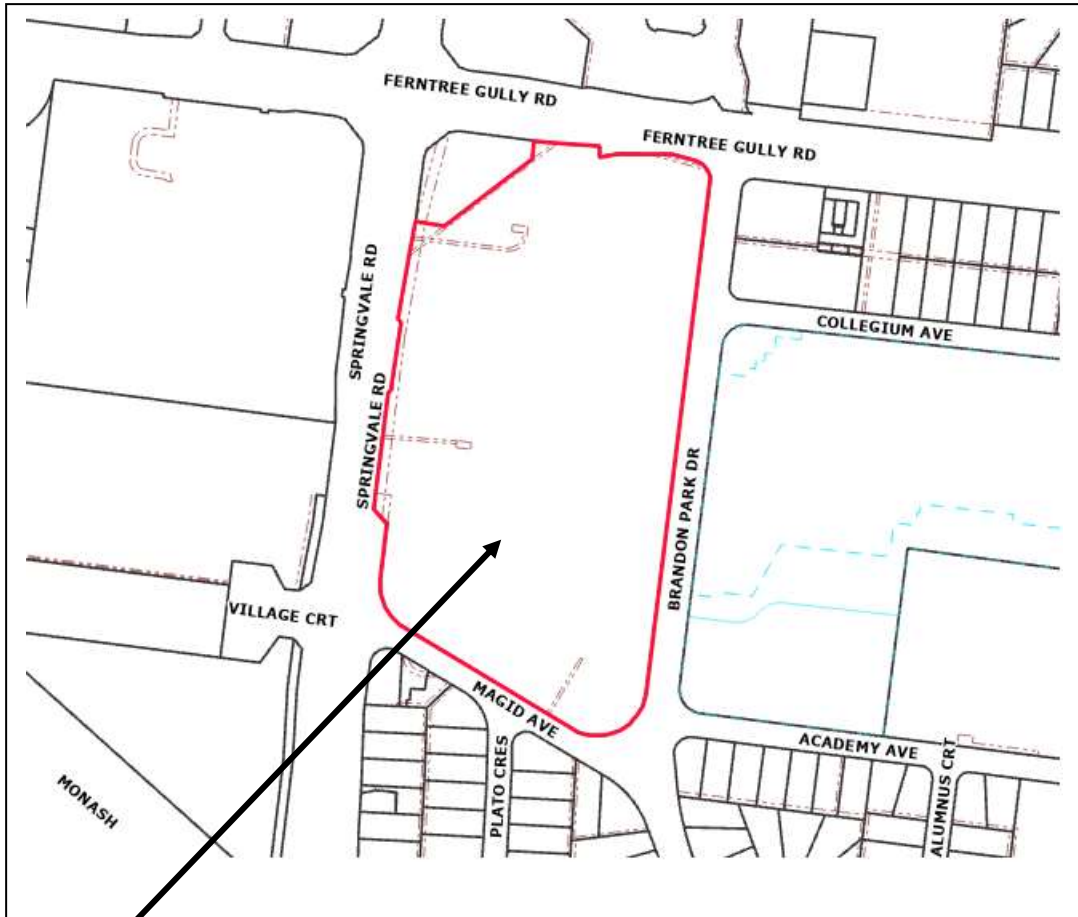
**The reason for presenting this report to Council is the proposed development cost is greater than \$3.5 Million.**

**The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit, subject to conditions.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Catherine Sherwin</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Anne Maree Roberts</b>
<b>WARD:</b>	<b>Glen Waverley</b>
<b>PROPERTY ADDRESS:</b>	<b>580 Springvale Road, Wheelers Hill</b>
<b>EXISTING LAND USE:</b>	<b>Brandon Park Shopping Centre</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Twenty-Six (26)</b>
<b>ZONING:</b>	<b>Commercial 1 Zone</b>
<b>OVERLAY:</b>	<b>Design and Development Overlay, Schedule 8</b>

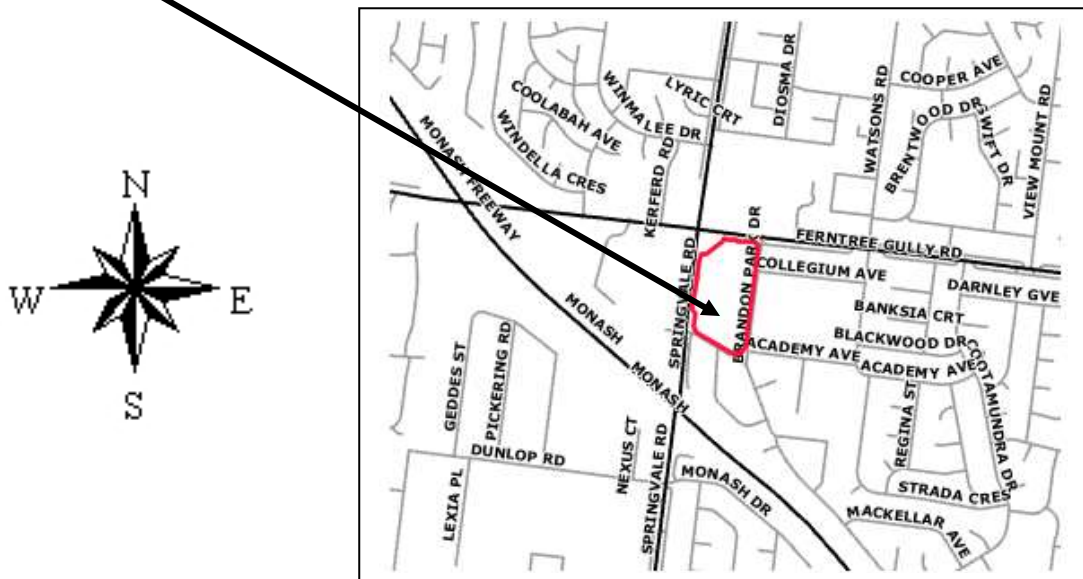
<p><b>RELEVANT CLAUSES:</b></p> <p><b><u>Planning Policy Framework</u></b></p> <p>Clause 11.01-1R- Settlement – Metropolitan Melbourne</p> <p>Clause 11.02-1S- Supply of Urban Land</p> <p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15.01-1S&amp;R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S &amp; R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &amp;R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 17.01-1S&amp;R- Diversified Economy</p> <p>Clause 17.02-1S- Business</p> <p>Clause 18 - Transport</p> <p>Clause 18.01-1S- Land Use and Transport Integration</p> <p>Clause 18.02—Movement Networks</p> <p>Clause 18.02-3R– Principal Public Transport Network</p> <p>Clause 18.02-4S- Roads</p> <p>Clause 19.03-3S- Integrated Water Management</p>	<p><b><u>Local Planning Policy Framework</u></b></p> <p>Clause 21- Municipal Strategic Statement)</p> <p>Clause 21.05 – Economic Development</p> <p>Clause 21.06 – Major Activity and Neighbourhood Centres</p> <p>Clause 21.08- Transport and Traffic</p> <p>Clause 21.13- Sustainability and Environment</p> <p>Clause 21.17 – Brandon Park Major Activity Centre Structure Plan</p> <p>Clause 22.03- Industry and business development and character policy</p> <p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><b><u>Particular Provisions</u></b></p> <p>Clause 52.06- Car Parking</p> <p>Clause 52.29 – Land Adjacent to the Principal Road Network</p> <p>Clause 52.34- Bicycle Facilities</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 65 – Decision Guidelines</p>
<p><b>STATUTORY PROCESSING DATE:</b></p>	<p><b>24 September 2022</b></p>
<p><b>DEVELOPMENT COST:</b></p>	<p><b>\$27 Million</b></p>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/52240) for the construction of a seven (7) storey mixed use building including the use of the land for accommodation (serviced apartments) and a reduction in the standard car parking requirements, at 580 Springvale Road, Wheelers Hill subject to the following conditions:

**Amended Plans Required**

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Buchan, dated 14 July 2022 but modified to show:
  - a) The existing conditions plan to depict all extent of works to existing car park entries including numbering of all existing car spaces to be removed and retained.
  - b) The Level 1 car park provided with a minimum setback of 10 metres from Brandon Park Drive and to provide a minimum of 131 car spaces.
  - c) The framing structure surrounding the podium levels to be setback a minimum of 10 metres from Brandon Park Drive.
  - d) Redesign of the southern accessway into the site to be reduced to three lanes and include details of associated reconfiguration of the footpath.
  - e) Redesign of the pathway and associated kerb in the foreground of the building to ensure all vehicle movements are within the designated area and clear of the footpath.
  - f) Provision of a 1.6 metre wide pedestrian connection through the front landscaped setback along Brandon Park Drive.
  - g) Relocation of the trolley bay out of the landscaped setback.
  - h) Details of the upgrade to the existing height bar and associated signage to the entry to the car park located at the northern access point to Brandon Park Drive.
  - i) Details of the protection fencing to be shown and provided to all existing trees including the Council street trees to be retained with the development.
  - j) All car spaces in the Level 1 car park to be provided with a minimum 300mm clearance from obstructions.
  - k) All columns within the Level 1 car park should be set back 250mm from the aisle.
  - l) Details of the metal frame surrounding the podium to include the width and material finishes to be used.

- m) A schedule of construction materials, external finishes and colours (including swatch samples) including details of the colour of the tinted glazing to the windows to the ground floor tenancies along Brandon Park Drive.
- n) Details of external lighting installed to provide safe entry and exit for occupants and visitors of the building.
- o) The location of any air-conditioning or cooling units, condensers and the like located on roofs, external walls or on balconies and appropriately screened to the satisfaction of the Responsible Authority.
- p) Any required fire services, electricity supply, gas and water meter boxes to be discreetly located and/or screened to complement the development. Any required services must be clearly detailed.
- q) All Apartment 1B Types to include a window to the bedroom where the bedroom has an external wall.
- r) All Apartment 1B Types to be revised so that the wash basin is located within the bathroom.
- s) Ground floor plan to provide designated retail and medical tenancies including any external changes to provide for door and window openings to the façade.
- t) The plans to correctly reference Level 5 to have a total of 36 apartments.
- u) A revised Landscape Plan in accordance with condition 4 of this Permit.
- v) A Tree Management Plan in accordance with Condition 5 of this permit
- w) A revised Waste Management Plan required by condition 6 of this Permit and any changes required to be reflected.
- x) A revised Sustainable Management Plan in accordance with condition 7 of this permit.
- y) A revised Wind Impact Assessment in accordance with condition 8 of this permit and any changes required to be reflected.
- z) A Loading Dock Management Plan in accordance with Condition 11 of this permit.

All to the satisfaction of the Responsible Authority.

**Layout not to be Altered**

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

**Satisfactory Continuation and Completion**

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Landscape Plan**

4. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Landscape Plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plans prepared by SLS Designs, dated 27 June 2022 except that the plan must be modified to show all changes to the layout of the development required by Condition 1.

**Tree Management Plan**

5. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of to be maintained as identified as Trees 57, 58, 59 and 60 in the Arborist Report submitted with the application, prepared by Tree Logic dated March 2021.

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
  - i. Tree protection zones and structural root zones of all trees to be retained,
  - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
  - iii. The type of footings within any tree protection zones;
  - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and

- v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

6. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular private waste (including recyclables) collection service for the subject land and be prepared in accordance with the Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:
- a) The method of collection of all waste from the land;
  - b) Waste volume calculation and total waste generated per waste stream;
  - c) Frequency of Waste collection and permitted collection times;
  - d) Plans showing the location of bin storage areas, required bin storage equipment and features, number of bins and location of temporary bin storage at collection point(s);
  - e) Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area;
  - f) Details regarding the removal of medical waste.

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

#### **Sustainable Management Plan**

7. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and

approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Design Assessment prepared by Norman Disney & Young Dated 26 July 2021, except that the plan must be modified to show:

- a. Any changes as a result of the amended plans prepared by Buchan, dated 14 July 2022;
- b. Any changes as a result of Condition 1 of this Permit; and
- c. Demonstrates compliance with Clause 22.13 Environmentally Sustainable Development Policy.

Upon approval the Sustainable Management Plan will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority.

#### **Wind Impact Assessment**

8. Concurrent with the endorsement of any plan requested pursuant to Condition 1, a Wind Impact Assessment prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority to ensure no unreasonable wind effects occur around and between buildings on and adjacent to the site. The report must be generally in accordance with the assessment provided by Windtech Consultants dated November 2021 except revised to assess:

- a. Any changes as a result of the amended plans prepared by Buchan, dated 14 July 2022; and
- b. Any changes as a result of Condition 1 of this Permit.

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

#### **Carparking Management Plan**

9. Prior to occupation of premises approved by this permit a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.

The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including designated allocation of car spaces for staff of retail and office use of the car park within rooftop car parking areas at peak times. The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements within public parking areas introduced and implemented in consultation with and to the satisfaction of the Responsible Authority.



Once approved the Car Parking Management Plan will be endorsed to form part of this permit. Car parking is to be provided in accordance with the endorsed Car Parking Management Plan and implemented to the satisfaction of the Responsible Authority.

#### **Green Travel Plan**

10. Prior to the commencement of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this Permit. The Green Travel Plan is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and carpooling) available to occupants and visitors. The Green Travel Plan should include, but not be limited to the following:
- (a) A description of the location in the context of alternative modes of transport;
  - (b) Details of end of trip facilities provided;
  - (c) Education and awareness initiatives and incentives for occupants and visitors to encourage more sustainable modes of travel to/from the site;
  - (d) Management practices identifying sustainable transport alternatives;
  - (e) Consider the provision of electric vehicle charging facilities;
  - (f) Lobby areas of building to include real time information of train, tram and bus services;
  - (g) Details of bicycle spaces for staff;
  - (h) Employee packs (ie myki cards for new workers); and
  - (i) An obligation to update the plan not less than every 5 years;
  - (j) Details of when and how this travel plan will be available for new staff;
  - (k) Any other relevant matters.

#### **Loading Dock Management Plan**

11. Concurrent with the endorsement of Condition 1, a Loading Dock Management Plan must be submitted and approved by the Responsible Authority. The plan must provide for the operation of:
- a) The existing loading dock (adjacent to the Level 01 car park ramp) associated with the Aldi Supermarket, which schedules loading activity to occur outside the proposed development and the Shopping Centre's peak hours, as far as practicable.

- b) The new mixed use development, which includes redistribution of existing loading movements associated with the removal of Loading Dock C, and management of vehicles that exceed the headroom of the proposed mixed use loading dock.

Upon approval the Loading Dock Management Plan will be endorsed as part of the planning permit and the development must incorporate the initiatives outlined in the LDMP to the satisfaction of the Responsible Authority

#### **Construction Management Plan**

12. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
  - a) Hours for construction activity in accordance with any other condition of this permit;
  - b) Appropriate measures to control noise, dust and water and sediment laden runoff;
  - c) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - d) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
  - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
  - f) A program for the cleaning and maintaining surrounding road surfaces;
  - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
  - h) Measures to provide for public Safety and site security;
  - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;

- j) A Traffic Management Plan showing truck routes to and from the site;
- k) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- m) The provision of contact details of key construction site staff; and
- n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:
  - Monday to Friday (inclusive) – 7.00am to 6.00pm;
  - Saturday – 9.00am to 1.00pm;
  - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
  - No works are permitted on Sundays or Public Holidays.

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

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

#### **Landscaping Conditions**

14. Before the occupation of any of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.
15. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.
16. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

**Amenity**

17. The amenity of the area must not be detrimentally affected by the use or development, through the:
- a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin;
  - e) others as appropriate
- to the satisfaction of the Responsible Authority.
18. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
19. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

**Car Parking and Accessways**

20. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- a) constructed to the satisfaction of the Responsible Authority;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
  - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
- Parking areas and access lanes must be kept available for these purposes at all times.
21. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme to the satisfaction of the Responsible Authority.

22. Outdoor lighting including the car parking areas must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

#### **Loading and Unloading**

23. All loading and unloading of vehicles must be carried out within the boundaries of the land and designated loading bay and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

#### **Ongoing Architect Involvement**

24. As part of the ongoing consultant team, Buchan or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
- a) Oversee design and construction of the development; and
  - b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Services and Plant Equipment**

25. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.
26. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

#### **Drainage & Stormwater**

27. The site must be drained to the satisfaction of the Responsible Authority.
28. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority

#### **Department of Transport Conditions (Reference PPR:35131/21-A)**

29. Within 6 months of the development operating, a post development Transport Impact Assessment report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Transport Impact Assessment must include the following:

- a. An assessment on the operation of the road network post development.
  - b. Identify any mitigation measures that may be required to improve operation of the intersection of Ferntree Gully Road and Brandon Park Drive, Wheelers Hill.
30. Within 12 months of the development operating, or any such time as agreed with the Head, Transport for Victoria, the mitigation measures outlined in the post development Transport Impact Assessment must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.
31. Prior to the commencement of the use, the bus stops on Brandon Park Drive must be upgraded to include a new shelter and public information display as per Department of Transport's requirements. Please consult [maintenance@transport.vic.gov.au](mailto:maintenance@transport.vic.gov.au) who can advise the exact specifications of the public information displays.
32. The demolition and construction of the development must not disrupt bus operations on Brandon Park Drive without the prior written consent of the Head, Transport for Victoria.
33. Any request for written consent to disrupt bus operations on Brandon Park Drive during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption
34. No work must be commenced in, on, under or over a road reserve without having first obtained all necessary approval under the Road Management Act 2004, the Road Safety Act 2017 and any other relevant Acts or Regulations created under those Acts.

**Time for Starting and Completion**

35. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- (a) The development is not started before three (3) years from the date of issue.
  - (b) The development is not completed before six (6) years from the date of issue.
  - (c) The use is not started before six (6) years from the date of issue.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame

#### **NOTES**

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
- C. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of
- D. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
- E. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- F. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.
- G. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- H. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

#### **Department of Transport**

- I. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

**BACKGROUND:****History**

The shopping centre was originally constructed and opened in 1970. Circa 1990 the centre expanded in size to encompass the site it does today.

A number of applications on this site followed, including applications for signage, use applications for various tenancies, vegetation removal and minor buildings and works.

There is another current application that has been lodged with Council (TPA/52260) for the use and development of the land for the purpose of dwellings within a nine (storey) building containing 149 apartments. Notification of the application occurred in November/ December 2021 (at the same time as application that is being considered in this report). The application has received 18 objections and is currently placed on hold whilst the applicant investigates preparing amended plans. The two planning applications are independent of each other and a decision for the current application can proceed.

A further application was lodged concurrently with this application (TPA/52241) which sought buildings and works including reconfiguration of car parking, loading and the display of business identification signage. The application has since lapsed.

**The Site and Surrounds**

The site is located on the south-eastern corner of Ferntree Gully Road and Springvale Road, Wheelers Hill. The site does not encompass the property on the corner known as 602-606 Ferntree Gully Road and which is currently used as a petrol station. The site is an irregular shape with a total area of approximately 5.18 hectares.

The topographic profile of the site comprises a gradual downward north-south slope of approximately 13.5 metres from the higher Ferntree Gully Road interface (+96.52m AHD) to the lower Magid Avenue interface (+83.03m AHD).

The site has a frontage of approximately 236 metres to Springvale Road, 112 metres to Ferntree Gully Road, 322.58 metres to Brandon Park Drive and 123.22 metres to Magid Avenue.

A number of drainage and sewerage easements are located on the property.

The site is currently occupied by Brandon Park Shopping Centre which comprises approximately 22,743sqm of net leasable retail space including major retailers, specialty stores and a restaurant/food court. There are a total of 1,361 car parking spaces provided within at grade, rooftop and undercroft parking areas across the site.



The centre can be currently accessed by Springvale Road (two vehicle ingress points and one egress point), Ferntree Gully Road (one vehicle ingress point), Brandon Park Drive (three vehicle access/egress points) and Magid Avenue (one vehicle access/egress point).

Landscaping is interspersed throughout the site, with most of the landscaping and tree planting existing along the street frontages, with some tree planting and low-level landscaping integrated within the car parking areas within the Springvale Road setback.

The proposed works site is positioned in a mid-block location along the centre's rear frontage to Brandon Park Drive (approximately 78 metres south of Ferntree Gully Road). The proposed works area is generally rectangular in shape with a frontage of approximately 62m to the street, and a depth of approximately 60m from Brandon Park Drive into the existing floorplate of the centre. The proposed works areas contains a building that comprises a single level of retail floor space, an aisle of car parking along the street frontage, and a vehicle access ramp up to the decked car park to the centre's Ferntree Gully Road frontage. The existing building is setback approximately 22m from Brandon Park Drive, with an inset loading dock and an eastern pedestrian entrance, which comprises ANZ and NAB bank branches. The frontage also comprises 6 mature gum trees, between the surface car park strip and footpath. There is a 'bank' of external Post Office boxes positioned underneath the vehicle ramp and an existing fire hydrant booster cabinet within the site's frontage.



The key site interface conditions are as follows:

- To the immediate north is the northern decked car park, fronting Ferntree Gully Road. This portion of the Shopping Centre, is currently subject to an application for a multi storey mixed use development (TPA/52260). Further to the north is Ferntree Gully Road, a 34m wide arterial road reserve which comprises 6 lanes of two-way traffic plus turning lanes. Across Ferntree Gully Road is 530-540 Springvale Road which comprises the Brandon Business Park. The Brandon Business Park contains a 3 storey office building setback approximately 42m from the frontage and includes surface car parking and canopy trees. Diagonally, across Ferntree Gully Road is the Glen Waverley Police Station and Fire Station.
- To the immediate east is Brandon Park Drive a 20m wide road, comprising one lane of traffic in each direction, plus a central painted median. Across Brandon Park Drive is 2 Brandon Park Drive on the corner of Collegium Avenue, which also comprises a 3 storey mixed office building with an 8.5m landscaped front setback. Also to the east is the recently constructed Nellie Melba Retirement Village, on part of the former Brandon Park Secondary College. It comprises 4 to 5 storey buildings and is subject to a Development Plan. The westerly most building of the retirement village is yet to be constructed and will ultimately be located where the existing temporary car park is located and will have a frontage to Brandon Park Drive. This building will be 5-6 storeys in height (due to the slope of the land) and is proposed to be setback approximately 6.0m-7.0m from Brandon Park Drive. The north-west corner of the retirement village has been set aside as a public reserve, retaining mature canopy trees and open space.
- To the immediate south is a vehicle ramp which provides access to car parking on the Shopping Centre's roof, above the Aldi supermarket and other speciality stores that are positioned within the upper level of the mall. Further south of the site on the opposite side of Magid Avenue is a residential area which typically accommodates single and double storey dwellings.
- To the immediate west is the remainder of the Brandon Park Shopping Centre – upper level, which comprises a Coles supermarket and other speciality shops on the western side of the north-south aligned internal mall corridor. Further, west is Springvale Road a major north-south arterial road with a 37m wide road reserve. Across Springvale Road is the Village Green Hotel, a single storey premise surrounded by surface car parks with interspersed canopy trees.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

#### **PROPOSAL:**

The proposal is for the construction of a seven storey mixed use building located within the site, fronting Brandon Park Drive. It is noted that demolition will only

occur in the location of the proposed building, and the remainder of the shopping centre will be retained.

The proposal can be summarised in detail as follows:

### Use

The proposed uses are summarised in the below table:

Level	Use	Floor Area / Number of Rooms / Car Spaces
Ground Floor (First storey)	Medical Centre / Retail premises Office and residential foyer areas	804sqm
First Floor (Second storey)	Car Parking (connecting to Level 1 car park in existing centre)	110 new car parking spaces
Second Floor (Third storey)	Office	2618sqm of Net Leasable Area (NLA)
Third Floor (Fourth storey)	Office	2622sqm of Net Leasable Area (NLA)
Fourth Floor (Fifth Storey)	Serviced Apartments Conference Room Gymnasium Communal Open Space	34 Apartments 118.8sqm (NLA) 45.1sqm (NLA) 298sqm
Fifth Floor (Sixth storey)	Serviced Apartments	35 Apartments
Sixth Floor (Seventh storey)	Serviced Apartments	33 Apartments

### Built Form

- The proposed setbacks to Brandon Park Drive are summarised in the table below. The building provides for a three storey podium above the ground floor and recessed setbacks to Levels 4 to 6 above. A central landscaped terrace area is provided at Level 4 which provides a visual break in the building from levels 4 through 6.

Level	Street Setback (minimum)
Ground Floor (First storey)	13.9 metres
First Floor (Second storey)	9.6 metres (8.4 metres to extended weather protection canopy)
Second Floor (Third storey)	11.9 metres
Third Floor (Fourth storey)	11.8 metres
Fourth Floor (Fifth Storey)	13.4 metres
Fifth Floor (Sixth storey)	16.8 metres
Sixth Floor (Seventh storey)	18.5 metres

- A projecting frame is proposed around the podium (lower) levels supporting climbing plants and providing an architectural feature.
- The existing four (4) canopy trees within the frontage of the site which straddles the Brandon Park title boundary are to be retained.

- The maximum overall building height proposed is 25.74 metres 27.9 metres measured to the top of services.
- The proposed building is of a contemporary design with the use of metal and concrete wall panels. The framing supporting the planting is proposed to be constructed with a galvanised finish with stainless steel planting wire.

#### **Car Parking, loading and bicycle parking**

- A total of 62 car parking spaces are proposed to be removed from the site (at the ground and first floors). A total of 133 new car parking spaces are proposed at Level 1, which results in a net increase of 71 car parking spaces.
- Two accessible spaces at ground floor near the existing retail access will be retained.
- The Aldi loading bay which is accessed via Brandon Park Drive is proposed to be removed. A new loading bay is proposed to the rear of the ground floor retail medical tenancies with access from the northern access and via the driveway to the existing car park. The existing truck manoeuvre zone for the larger retailers is to be modified but maintained to the front of the site where it currently is.
- The two existing vehicle crossings from Brandon Park Drive to the site will be maintained and no changes are proposed to the location of these access points. No additional access points to the site are proposed.
- A total of 48 bicycle parking spaces are proposed including 18 visitor bicycle spaces at the ground floor.



Attachment 1 details plans forming part of the application.

#### **PERMIT TRIGGERS:**

##### Zoning

The site is located within the Commercial 1 Zone. Pursuant to Clause 34.01-4 a permit is required to construct a building or construct or carry out works.

Pursuant to Clause 34.01-1, a permit is required for the use of the land for accommodation (serviced apartments) if any frontage at the ground level exceeds 2 metres. As the frontage at ground level exceeds 2 meters, a planning permit is required. The use of the land for a medical centre or retail premises does not require a Permit.

#### Overlay

The site is affected by the Design and Development Overlay, Schedule 8. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

#### Particular & General Provisions

Pursuant to Clause 52.06 (Car Parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5. A total of 246 spaces are required with a total of 71 spaces proposed and therefore a car parking reduction of 175 spaces is sought.

Pursuant to Clause 32.34 (Bicycle Facilities) a permit is required to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6. A total of 47 spaces are required (30 spaces for employees and residents and 17 spaces for visitors). Forty-Eight (48) bicycle spaces have been provided and therefore a permit requirement is not triggered.

Clause 52.29 (Land Adjacent to the Principal Road Network) applies to all applications to create or alter access for land adjacent to a Transport Zone 2. Although the existing vehicle crossovers to Springvale Road and Ferntree Gully Road will remain unaltered by this proposal, the requirements of Clause 52.29 still apply as the proposal is to alter access with the intensification of vehicle movements on the site. The application was therefore referred to the Department of Transport.

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

#### **CONSULTATION:**

The initial application lodged proposed a 10 storey building for the use of offices, serviced apartments and a medical centre. The proposal also included a rooftop deck area. The maximum overall height proposed was 35.84 metres (38.84 metres measured to the top of rooftop services). The building was proposed to be set back a minimum of 4 metres from Brandon Park Drive.

Further information was requested of the Permit Applicant on 18 January 2021. In this letter, officers also raised the following preliminary concerns:

- The proposal relies on works and car parking associated with TPA/52241 & TPA/52260. The method of applying for three separate applications results in a disjointed approach for the centre. It is strongly recommended that the applications be combined, improving the centre as a whole and providing a cohesive design approach.
- The proposed building height significantly exceeds the recommended building height as outlined within Schedule 8 of the Design and Development Overlay and the Brandon Park Major Activity Centre Structure Plan. The documents provided have not provided sufficient justification for this height to be exceeded, and the height proposed is not supported. The height of the building should be reduced, and should be located more central to the site reducing impacts on the residential area on the eastern side of Brandon Park Drive.
- Setbacks proposed fail to meet the setback provisions within Schedule 8 of the Design and Development Overlay. The setbacks sought seek to allow for an appropriate response to residential properties to the west, provide sufficient opportunities for landscaping and to sufficiently articulate the building form. The setbacks proposed are not appropriate.
- The proposal fails to represent a high quality architecture of ‘contemporary excellence that is energy efficient and sustainable’ as sought within Schedule 8 of the Design and Development Overlay in terms of design and materials utilised.
- The proposed waste room is not sufficient in size to accommodate the waste generated from the building. Plans show space for 4 bins proposed, whilst the WMP indicates that a minimum of 8 bins are required.
- It is advised that the Waste Management Plan include the provision of food and organics waste, given the proposed uses within the development.
- It is recommended that an indoor communal area be proposed for residents, located to have direct access to the outdoor podium space.
- The SIDRA analysis provided highlights existing issues with Ferntree Gully Road /Brandon Park Drive (DOS 1.08) & Springvale Road/Magid Avenue (DOS 0.97) intersections. It appears that minor signal phase changes are required. This will require approval from the Department of Transport.
- The proposed vehicle access (Porte cohere) appears to be located directly opposite Collegium Avenue) which is likely to result in traffic safety concerns. It will also result in additional vehicle crossings on Brandon Park Drive. It is recommended that access along this street interface be rationalised as a whole and crossings be reduced rather than increased.
- The need for the two long corridors running north-south adjacent to the medical centre tenancy is queried as appears unnecessary.
- It is queried if the size of the loading space is necessary, and will be utilised for other purposes. It is recommended that further detail of the need and utilisation of loading within this portion of the site be detailed. Loading spaces within the site should be rationalised and reduced where possible.

- It is recommended that disabled car spaces be proposed adjacent to the lift core at the first floor car parking area.
- The serviced apartments appear to be small and provide for poor internal amenity. This will be further reviewed once the additional information requested has been provided.
- It is recommended that existing vegetation on the land be retained where possible.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this letter on 8 October 2021 by providing the requested information. In relation to the preliminary concerns, the application was amended by reducing the number of storeys from ten (10) to seven (7) and the setback of the building to Brandon Park Drive was increased to 10 metres. These plans were advertised to the community.

Following notification, plans were amended on 1 July 2022 via Section 57A of the Planning and Environment Act, seeking to increase the setback from Brandon Park Drive to 13.88 metres and provide increased landscaping. The design of the building was also reconfigured and the port cohere along the frontage was deleted. These plans form the basis of the officer's recommendation and were re-advertised, as discussed below.

The Applicant has been formally advised that this application is coming to the September Council meeting and a letter has been sent advising them of the details of the Council meeting. The Applicant has been advised that this application is recommended for approval subject to conditions, and an outline of the conditions on the proposal has been explained.

### **Public Notice**

In December 2021 the application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by sending notices to surrounding property owners/occupiers and displaying nine (9) signs on all street frontages. The application was advertised at the same time as application TPA/52260.

Twenty-six (26) objections were received. Objectors raised the following concerns:

- Building height and scale;
- Noise impacts from construction;
- Increase in traffic and impact on pedestrian safety;
- Insufficient car parking provision;
- Lack of provision of additional public transport;
- Impact on existing loading spaces for retail premises;

- Concern that development is going to commence but not be completed to a high standard;
- Impact on house prices;
- Loss of vegetation;
- Impact on drainage/potential flooding in the area;
- Reduction in retail space;
- Lack of demand for serviced apartments;
- Overshadowing to existing residential dwellings; and
- Size of the serviced apartments (too small).

Following the receipt of Section 57A amended Plans, notification of the amended plans was undertaken.

A total of six (6) objections were received to the amended application. The objections principally raise the same concerns with several objections stating that the revised plans did not address the previous issues. Of these 6 objections all had already provided an objection and were providing additional comments to their original objection.

One (1) letter of support was also received expressing that the proposal will improve the general amenity of the area and tidy up an unsightly aspect of the shopping centre.

#### **Public information session**

Two online information sessions were held on Monday 6th December and Thursday 9th December 2021. A total of twelve (12) residents attended over the two sessions.

The main concerns raised at the information sessions related to the impact on car parking, particularly during construction and the issues experienced with other large developments in the area, as well as queries surrounding the length and timing of construction and the potential impacts to current tenants within the building.

Information sessions were not held for the notification of the Section 57A plans second as the proposed amendments to the plans included reducing the building scale.

Attachment 4 details the location of objector properties.

#### **Referrals**

##### **External Referral**

Department of Transport – Ref PPR 35130/21



The application was required to be referred to the Department of Transport pursuant to Clause 52.29 for alteration (intensification) to the vehicle access to a Transport Zone 2 and pursuant to Clause 66.02-11 due to the proposed residential building comprising of more than 60 dwellings.

In response to the original development proposal, the Department requested further information to provide analysis of the proposed impacts to vehicle queue lengths at the intersections Ferntree Gully Road /Brandon Park Drive, Ferntree Gully Road/ Springvale Road and Springvale Road/ Magid Avenue. The applicant provided the additional analysis and information to the Department in April 2022 however, no further comments were received.

Following the referral of the Section 57A Amendment plans, the Department has advised they have no objection subject to detailed conditions including the requirement for a post development “Transport Impact Assessment” to identify the need for any mitigation measures at the intersection of Ferntree Gully Road and Brandon Park Drive. Other conditions include requiring an upgrading of the existing bus stops and shelters on Brandon Park Drive.

### **Internal Referral**

#### Strategic Planning

The Strategic Planning Department had advised that the initial built form proposing 10 storeys and in excess of 35 metres well exceeds the maximum preferred building height for the site of 4 storeys or 17 metres and the Brandon Park Structure Plan and was not supported. Also, the proposed 4 metre setback as well as 2 new additional crossovers to Brandon Park Drive in a Porte cochere arrangement did not satisfy the required setback of 10 metres. This setback was considered inadequate and together with the proposed height of the building results in a poor outcome that is not consistent with policy direction.

Revised comments were provided assessing the revised Section 57 amended plans. It is noted that whilst the height still exceeds the preferred maximum height within the Structure Plan, the height relates far better to the heights of buildings in the vicinity such as the Ryman Aged Care Facility and office building in Brandon Park Drive. The proposed setbacks from the Brandon Park Drive frontage have also improved with changes to the access and parking in this location. The setting back of upper levels and the U-shaped nature of the serviced apartments on the upper 3 levels reduces the appearance of building bulk from the Brandon Park Drive elevation.

#### Urban Design

Council’s Urban Design consultant provided a detailed review of the application and are supportive of the amended Section 57A plans. The Urban Designer notes the following:

- The revised plans appropriately responds to DDO8 requirements through the reduction of its overall building height. We note that this is still above

the preferred height however given the site's prominent position within the Activity Centre the lack of immediate sensitive (conventional) residential abuttals, an overall height that exceeds the preferred 4 storey (17m) maximum has merit.

- The revised vehicle access arrangement has significantly improved since the previous iteration of the proposal, with improved circulation that is safe and efficient for vehicles entering and leaving Brandon Park Drive (via existing crossovers) and accessing the car parking area. We also note improved pedestrian access and the addition of soft landscape provision provides a sufficient buffer between pedestrians and vehicle traffic. Landscape provision will also allow for the retention of the existing street trees which is a successful urban design outcome.

The urban designer noted that there is an emerging pattern of medium to high rise developments across Monash. As such, they are supportive of the height that does not meet the preferred height guidance in the DDO and structure plan.

#### Traffic Engineer

Council's Traffic Engineers have advised of no concerns to the proposal with the recommendation of detailed conditions including the need to provide improved pedestrian and vehicle separation along Brandon Park Drive. The Engineers are satisfied that the existing shopping centre has the capacity to absorb the shortfall of the required 175 car spaces and it is likely that the predicted traffic generation will have a minor impact on the local street network. This is due to the location of the development, in close proximity to signalised intersections at Brandon Park Drive/Ferntree Gully Road and Magid Drive/Springvale Road and access to the Level 1 car park is directly off Ferntree Gully Road.

#### Horticulture

Recommendations have been provided for protection of the existing street trees along Brandon Park Drive that have been identified as significant.

#### Drainage Engineer

No concerns subject to standard conditions including submission of a drainage plan for approval.

#### Waste Services

Council's Waste Services reviewed the submitted Waste Management Plan (WMP) relating to the original development and flagged concern over the inadequate size of the bin room to cater for the scale of the development.

The Section 57A plans have primarily addressed these concerns and Waste Services has advised that the location and size of the bin room and proposed management is satisfactory in principal and would be subject to a detailed plan being submitted.

A revised WMP will be required by condition to be updated to match the amended plans.

**DISCUSSION:**

**Planning Policy Framework (PPF)**

There is general support in both the State, Regional and Local Planning Policy Frameworks for the proposed uses of commercial facilities and serviced apartments.

Clause 11.03-1S (Activity Centres) and 11.03-1R (Activity Centres – Metropolitan Melbourne) seeks to provide for different types of housing located within close proximity to public transport and is within walking distance to shopping, working, leisure and community facilities whilst also providing a range of goods and services for the community. Economic activity and business synergies are encouraged.

Clause 11.02-1S (Supply of Urban Land) seeks to ensure sufficient supply of land available to meet forecast demand for different uses including community uses.

Clause 15 (Built Environment and Heritage) requires development to respond to its context in terms of character and landscape. Development should achieve architectural and urban design outcomes that contribute positively to a local urban character and enhance the public realm and minimise detrimental impacts on neighbouring properties.

Clause 15.01-4R (Healthy Neighbourhoods - Metropolitan Melbourne) seeks to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

Clause 16.01-1S (Housing Supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs. Strategies include encouragement of well-designed housing that provides a high level of internal and external amenity. 16.01-2S (Housing Affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Clause 17 (Economic Development) encourages development that meets the community's needs for retail, entertainment, office and other commercial services. Strategies include ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure. Clause 17.04 also notes that well design accommodation should be provided to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Clause 18.02-1S, 2S & 3S (Walking, Cycling & Public Transport) encourages to facilitate an efficient and safe walking, bicycle & public transport network and

increase the proportion of trips made by walking, cycling and public transport. The site is also located in a Principal Public Transport Network (PPTN) with public transport within the vicinity of the site readily available as bus services along Springvale Road, Ferntree Gully Road and Brandon Park Drive providing access to Dandenong, Glen Waverley, Chadstone as well as further access across metropolitan Melbourne.

Plan Melbourne 2017-2050, a reference document to the Monash Planning Scheme also encourages housing growth in and around activity centres. This plan identifies the Brandon Park Activity Centre as a Major Activity Centre.

#### **Local Planning Policy Framework (LPPF)**

Brandon Park is designated as a Major Activity Centre within Monash's hierarchy of centres and sits just outside of the Monash National Employment and Innovation Cluster (NEIC). Other major centres within Monash are Glen Waverley, Oakleigh, Mount Waverley and Clayton, all of which are located along rail corridors with train stations.

Clause 21.06 identifies that Glen Waverley and Oakleigh are the preferred locations within Monash for high rise residential development and seeks to maintain the existing hierarchy of Activity Centres across the municipality.

For Brandon Park, Clause 21.06 seeks to:

- *Encourage redevelopment and concentration of activity as well as maintain the existing historical/cultural resources of the Centre.*
- *Encourage a wide range of arts, cultural and entertainment facilities.*
- *Encourage restaurant uses.*
- *Encourage office uses where contiguous retail frontage is not compromised.*
- *Encourage medium rise residential development within the Centre.*
- *Ensure pedestrian and cycling linkages are enhanced.*
- *Encourage greater public transport linkages and service.*
- *Ensure parking is provided to meet the needs of the Centre.*

Clause 21.17 (Brandon Park Major Activity Centre Structure Plan) seeks to (among other things) '*update the free standing shopping centre so that it consolidates its function as the retail core of the Activity Centre. Inclusion of other services including medical centre facilities is appropriate*'. The vision of the centre is to be an attractive, accessible place where people can access a range of services and employment opportunities.

Clause 22.03 (Industry and Business Development and Character Policy) applies to all land within the Commercial 1 Zone. The site is identified as being located within Business Character Type 3. The Brandon Park Activity Centre is summarised as:

*Brandon Park, also situated on Springvale Road at the intersection of Ferntree Gully Road, is split into two precincts by Springvale Road. On the western side of the road are a number of retail and commercial outlets such as Freedom*

*Furniture and Carpet Call and car dealers. These are well set back from the road but due to the requirement for prominent exposure to the road, there is little planting. This lack of planting tends to emphasise the scale of the intersection.*

*On the east side of Springvale Road is the Brandon Park Shopping Centre. This is set in a car-dominated parking area with a number of large and mature trees. The building is architecturally non-descript of 2-3 storeys in height. It does not visually relate to its surroundings in any way and is surrounded by a sea of car parking which dominates the pedestrian experience of approaching the building. The building is orientated towards the internal spaces.*

The desired future character statement is as follows (as relevant):

*New development within this Character Type will respect the scale and form of development of the relevant Activity Centre, while providing for appropriate change.*

*Development in the Brandon Park Major Activity Centre and the Waverley Gardens and Wheelers Hill Neighbourhood Centres should generally be compatible with the strategic directions detailed in table 1 of Clause 21.06-3, except where an adopted Structure Plan, or some other mechanism, has identified an alternate direction.*

*In determining appropriate design parameters, reference should be made to all relevant studies, reports and any structure plan adopted for the Activity Centres.*

Clause 22.04 (Stormwater Management Policy) requires all designs have consideration of increases in hard surface areas and consequential impacts on the drainage system and water quality. Developments are to be designed and managed to minimise the impact of urban stormwater runoff on waterways.

Clause 22.05 (Tree Conservation Policy) applies to all land in Monash with key objectives in maintaining and enhancing the Garden City Character of Monash and ensuring new development provides for new canopy trees with spreading crowns.

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. A Sustainability Design Assessment was prepared and submitted with the original application which demonstrated the proposal achieves best practice. A revised Sustainable Management Plan will be required to be submitted to reflect the revised design in the event a permit is to issue.

### **Commercial 1 Zone**

The purpose of the Commercial 1 Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

- *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.*

### **Brandon Park Activity Centre Structure Plan and Design and Development Overlay, Schedule 8 (DDO8)**

The Brandon Park Structure Plan and associated DDO8, identifies preferred maximum heights for the Activity Centre, ranging from 4 to 6 storeys. The subject site is located within Precinct 1 which is identified for 4 storey development up to 17m in overall height. The tallest buildings within Brandon Park are sought to the north-east corner of Springvale and Ferntree Gully Roads at 6 storeys and 25m in overall height. While properties fronting the western side of Springvale Road are identified for 5 storeys and a 20m overall height.



A broad analysis of the current development trajectory across Monash and abutting areas confirms that Glen Waverley is Monash's highest functioning Activity Centre, experiencing notable high rise developments ranging in height from 10 to 20 storeys in height. While developments in the other (lesser) Major Activity Centres range from 3 to a maximum of 10 storeys. An anomaly to this pattern is the M-City development at the corner of Blackburn Road and

Dandenong Road and within the Monash National Employment & Innovation Cluster, which rises to a maximum height of 14 storeys.

Recent strategic work within Monash further confirms this development height pattern, within the Clayton Precinct Plan (2020) comprising a preferred maximum height of 10 storeys (32m-35m), the Mount Waverley Structure Plan (2021) comprising preferred maximum heights 5-8 storeys (max 29m) on key strategic sites and the Huntingdale Precinct Plan (2020) comprising maximum heights up to 8 storeys.

The Brandon Park Structure Plan was adopted by Council in 2013 (Gazetted August 2018). It represents an older piece of strategic work and would warrant further review in the coming years. Part of its stated objective is *'to accommodate the projected growth and change for a 10-15 year period'*. Effectively, from its adopted date this would be between 2 to 7 years. The recommendations within the DDO are not mandatory. The Structure Plan represents thinking at the point in time and we have seen development proposed and constructed that if the work were done today may yield different outcomes on some sites including this one. Furthermore, the recent work on the Boulevards (which includes Springvale Road) arising from Council's housing strategy have identified the opportunity for increased heights in certain locations along Springvale Road including near the subject site, with heights of 4 to 6 storeys proposed in residential zones along these main roads.

As an Activity Centre, and in effect an island site, it is open to Council whilst having regard to the DDO8, and the built form provisions of the Monash Planning Scheme to consider on a case by case scenario what may be appropriate in a given location having regard to a specific application. The non- mandatory nature of the controls reinforces that they provide guidance beyond just a consideration of whether it complies or not with a numerical standard in considering an application. All applications must be considered on merit, including within a changing context, and whilst different outcomes may be proposed and supported, does not mean that it would offend the intent of the control. This is particularly evident when considering that a structure plan is developed in an arbitrary nature in the absence of a specific proposal, and a proposal of a high standard that meets the intent of a control (whilst not necessarily adhering to it) can still be considered appropriate. This is particularly so when considering this development in the context of what has been developed on the former Brandon Park Secondary College site, that was not present or a consideration when the structure plan was undertaken.

The DDO8 seeks to ensure development is in keeping with and contributes to the Garden City Character and ensure that building scale and form is compatible with the character of the Activity Centre and has minimal impact on the amenity of adjacent and nearby residential areas. It also seeks to ensure that car parking and vehicle access do not visually impinge on setbacks or adversely affect streetscapes. The DDO8 also specifies preferred front boundary setback of 10m for buildings and car parks to both the site's Ferntree Gully Road and Brandon Park Drive

frontages and that development to the Brandon Park Shopping Centre should provide a minimum 3m (wide) landscape area to all street boundaries.

### **Building Height and Scale**

The Section 57 amended plans have responded to the preliminary issues raised with the 10 storey height of the development as originally submitted by reducing the scale to 7 storeys.

The Design and Development Overlay (DDO) has a preferred maximum height of 4 storeys, 17 metres for the subject site. The proposal exceeds this preferred height by 8.74 metres with a proposed overall building height of 25.74 metres.

The development site is without any direct sensitive interfaces and is amongst a diverse range of existing land use and built form that includes commercial, office, aged care and residential use and this is reflective of the location within a designated Activity Centre. The site fronts four roads including Springvale Road, Ferntree Gully Road, Brandon Park Drive and Magid Avenue.

The building will sit immediately opposite the five storey development at 2 Collegium Avenue that supports the Dame Nellie Melba Retirement Village, which has a maximum height of 5 storeys (18.8 metres) and is guided by an approved Development Plan. This site is located within the GRZ10 and is not affected by the Design and Development Overlay (DDO8). It makes sense that the development potential on the subject site, being a commercial operation, would and should exceed the heights (in a numerical sense) of more recent abutting developments that sit within a more sensitive residential zone.

The rest of the residential hinterland surrounding Brandon Park (to the south of the site) is zoned GRZ2 – Monash Residential Areas, which has a maximum building height of 3 storeys or 11m. The GRZ2 is approximately 226 metres from the proposed development and the interface is considered appropriate as discussed further below.

The combination of the location of the building on the site, diversity of land uses and building typologies within the immediate area is where more intense development could be expected to be located on a large commercial site and allows more flexibility when considering new development outcomes.

The proposed building scale and form is considered compatible with the future character of the Activity Centre. It will have minimal impact on the amenity of adjacent and nearby residential areas. Given the site does not have any direct abutments, the proposed built form will not result in any unreasonable amenity impacts such as overlooking or overshadowing to adjacent properties. This is discussed in more detail later in this report.

The size of the site and the distance between the development area and the southern property boundary is significant at approximately 226 metres. This



would allow transition space for future development of the site to step down to the preferred 4 storey height limit in the DDO, or less, depending on offsite amenity impacts, such as overshadowing, to the residential properties to the south where the land is zoned GRZ2. Furthermore, the slope of the land lends itself to transition and scale down southward bound towards the GRZ2 which allows for development up to 3 storeys high.

The proposed height combined with generous setbacks, high quality built form and landscaping is considered appropriate. This proposal will improve the streetscape and is not repeating the mistakes of the past with a sea of car parking dominating the streetscape as highlighted in the Structure Plan.

Whilst the DDO provides a preferred height limit this is not mandatory and allows for discretion to have a development exceed this height subject to design and site context. For the reasons outlined above the proposed development is considered appropriate.

It should be noted that that consideration of heights and development across the site will differ. Whilst the height proposed as part of this application are not considered inappropriate, this may not be the case if development was proposed closer to Magid Avenue where the residential interface is more sensitive, understanding that this too may change when the outcome of the Boulevards work is completed.

#### **Neighbourhood Character and Built Form**

The DDO8 seeks to ensure development is in keeping with and contributes to the Garden City Character and ensure that building scale and form is compatible with the character of the Activity Centre and has minimal impact on the amenity of adjacent and nearby residential areas. It also seeks to ensure that car parking and vehicle access do not visually impinge on setbacks or adversely affect streetscapes. The DDO8 also specifies preferred front boundary setback of 10m for buildings and car parks to both the site's Ferntree Gully Road and Brandon Park Drive frontages and that development to the Brandon Park Shopping Centre should provide a minimum 3m (wide) landscape area to all street boundaries.

A four storey podium (16.8 metres) is proposed with levels above recessed. The podium height matches the preferred height of the DDO and relates to the built form at Dame Nellie Melba Retirement Village and office buildings on Brandon Park Drive.

The podium is to be surrounded by a galvanised steel framing structure containing stainless steel planting wires which will facilitate guided growth of creeper plants throughout the podium façade creating a landscaped cascade effect. This framing treatment wraps around all interfaces of the building podium with a significant break on the front elevation for added articulation. Beyond this screen feature is a glazed façade to the office levels and car parking. This response will provide an

attractive green screen and visual interest to the podium levels of the façade in addition to an improved outlook for occupants of the offices.

This framing, combined with the variation of materials at the upper level, also assists in allowing for the podium to sit more proud to the streetscape allowing for the upper levels to be viewed as more recessive.

The ground floor setback of 13.88 metres and the glazed façade will provide for an active street frontage to the retail and medical tenancies. A canopy is provided at first floor which will project 1.5 metres from the building to provide additional weather protection.

Levels 5 to 7 are to be recessed from the podium and provided with a substantial central break on the Brandon Park Drive elevation of 21.6 metres in width. The central break results in the building to present as two wings to the frontage to better respond to the pattern of development in the area and reducing the massing of the building.

The setbacks along the western elevation have not been provided with the same level of articulation, however, this is internal to the site and well removed from the public realm.

The amended plans have reconfigured the layout of the development to remove a number of intrusions in the frontage and provide for a larger dedicated landscaping setback. This has been achieved by the following changes to original plans:

- The ground floor of the building has a front setback from Brandon Park Drive of 13.88 metres and allows for a footpath along the frontage of the building without intruding in the 10 metre setback required by the DDO.
- Deleting the porte cohere lane in the front of the building and relocating the pedestrian drop off areas and taxi bays to the side of the building has removed hard surfacing.
- The new loading area has been located at the rear of the new building and will utilise the existing vehicle access and driveway to the north. However, an existing truck manoeuvring area associated with the loading bay dedicated to the Aldi supermarket has been retained and is unable to be relocated.

In the discussion plans recently provided, the applicant has clarified that the first floor and framing structure are to be setback 10 metres to comply with the DDO. This can be addressed as permit conditions. The projecting canopy intruding into the front setback is a suitable response as it provides weather protection to pedestrians and additional variation to the presentation of the façade.

### **Landscaping**

The Design and Development Overlay seeks a setback of 10 metres to buildings and car parking areas, and the provision of a minimum 3 metre wide landscaping area.

The proposal exceeds these setback requirements with a landscaping buffer of approximately 8.4 metres in width (with the exception of the area allocated to the existing truck manoeuvring area toward the southern end of the frontage that is set back 7.02m from the title boundary).

The proposed landscaping plan provides for variation in the alignment of the landscaping beds adjoining the footpath including a landscaped forecourt that will provide a softer edge and more engaging frontage. The proposed landscaping areas will provide for the retention of establishment canopy trees, additional canopy tree planting and other landscaping to complement the existing trees to be retained. The proposed design will improve the current presentation of the property which currently includes car parking and a vehicle ramp within the front setback of the site.

Following more recent discussions with the applicant, a further set of without prejudice “discussion” plans have been submitted providing additional details that were not included on the advertised plans to show the following:

- Provision of a 1.6 metre wide pedestrian connection through the landscaped setback to facilitate ease of access between Brandon Park Drive and the development site.
- Redesign of the pathway and associated kerb toward the southern end of the building to facilitate access to the service area and ensuring that truck movements within the designated manoeuvring area to be clear of the footpath.

A condition will also seek the removal of the existing trolley bay within the front setback of the site.

Subject to the above, it is considered the front setback and landscaping treatment satisfies the following design objective of the DDO:

*“To ensure that development, including setbacks and landscape treatment, is in keeping with and contributes to the Garden City Character.”*

### **Land Use**

The mixed-use nature of the proposal is considered suitable within a Major Activity Centre context, in that the uses will facilitate increased activity within the centre. It responds well to the broad policy objectives applicable to the Brandon Park Activity Centre.

The proposed land uses are aligned with the objectives of the Commercial 1 Zone, with medical and retail use being as of right within the zone. The introduction of medical centre tenancies will contribute to local health services, whilst the offices and short term accommodation in the form of serviced apartments will support

local businesses and contribute to the commercial vitality of the Activity Centre and other business within the nearby Monash National Employment and Innovation Cluster (NEIC). The development provides for pedestrian engagement and will revitalise the Brandon Park Drive streetscape, which is currently dominated by hard standing areas for car parking and loading and is seen as the 'back end' of the shopping centre.

It is noted that the applicant has not nominated allocated floor areas to particular retail or medical tenancies and is wishing to have the flexibility in the use whilst sourcing future tenants. Dependant on the tenant, this may result in design changes to the façade to accommodate individual entries and requirements of the tenancy. This is considered to be minor and would require further approval at a later stage.

Overall the mixed use of the proposal satisfies the policy objectives found in Clause 21.17 of the Planning Scheme that specifically relate to Brandon Park Shopping Centre including:

- *“Continue to develop the activity centre as a mixed use activity centre incorporating retail, commercial, cultural, civic, residential, office and industrial uses.*
- *Update the free-standing shopping centre so that it consolidates its function as the retail core of the Activity Centre. Inclusion of other services including medical centre facilities is appropriate’.*

### **External Amenity Impacts**

#### **Visual Bulk**

The location of the proposed building within the shopping centre and the site being in a commercial zone without any direct sensitive residential interfaces minimises any off site impacts from the development. The closest residentially zoned land is to the east at 2 Collegium Avenue that supports the Dame Nellie Melba Retirement Village. The closest building on this property will be located approximately 36 metres from the edge of the proposed building (noting that building 5 which is yet to be constructed within the Retirement Village will be set back 6.5 metres from Brandon Park Drive). Other established residential land is to the south of Magid Avenue approximately 200 metres from the works area. Land to the north and west is not within a residential zone.

#### **Overshadowing**

The submitted shadow diagrams, based between 9am and 3pm on the 22 June equinox, indicate that the proposed building will cast shadows within the shopping centre site during the morning hours (i.e. 9am – 12 noon). Shadows will fall across the car park and frontage of the retirement village at 2 Collegium Place at 3 pm. There will be no shadow cast across the buildings, open space or balconies at the retirement village. There is no overshadowing to any residential properties. It is

considered this level of overshadowing cast for winter does not cause any amenity concern.

#### Overlooking

The location and setbacks of the building provides distance and separation to ensure that residential properties in the wider area are not adversely affected by overlooking. All residential interfaces are greater than 9 metres from the proposed building.

#### Wind Impacts

Buildings of the scale proposed need to be designed to reduce wind effects at street level and not generate unacceptable wind impacts within the site or on surrounding land. Standard D17 of Clause 58 (Wind Impacts) requires developments of more than five storeys require a wind assessment. Although the development is not strictly subject to these provisions, it can be used as guide as best practice. A report helps assess the local wind environment at the critical outdoor areas within and around the subject site.

A desktop assessment was prepared by Windtech dated November 2021 which was based on the original advertised plans. The assessment identifies that the wind impacts to the site are not expected to be significant with a range of design features incorporated into the proposed design to mitigate wind impacts.

The report also recommends that wind tunnel testing be undertaken at a more detailed design stage. Further assessment will need be undertaken to reflect the revised design changes and layout in the current plans and can be addressed as a permit condition.

#### Internal Amenity Impacts

The serviced apartments provide for a mixture of one and two bedroom units and studios. The apartments range in size from 35.1sqm to 77.6sqm and rooms have a minimum width of 3.6 metres. All units are provided with access to light and natural ventilation. Some apartments have access to a balcony or terrace (27 of the 102 apartments). All occupants would have access to the central outdoor terrace area on Level 4 as well as conference facilities and a gymnasium.

A dedicated entry and internal transition space is provided for the serviced apartments at the ground floor.

The bedroom in the typical one bedroom serviced apartment layout is located centrally within the space and requires borrowed light as it does not have a window. Given this is for short term accommodation and the living area has been provided with large windows to maximise light into the apartment this is considered acceptable in this instance.



However, some of these one bedroom serviced apartments have an interface to the external of the building yet still fail to provide a window. A condition will require these apartments to include a window to the bedroom (such as Apartment type 1B which are located on the northern and southern sides of the south wing of the building, and Apartment type 1B on the northern and southern wings facing Brandon Park Drive on Levels 4, 5 and 6). There are currently a total of 40 apartments which have a single bedroom with no direct window. This condition will reduce this number to 29 (out of a total 102 apartments).

It is also noted that the basin associated with the bathroom within Apartment type 1B is located outside of the bathroom. A condition will require this to be reconfigured, which will likely mean that the bedroom will need to be revised to have only one access door rather than two.

**Car Parking, traffic and access**

**Parking Allocation**

The development will provide for an overall net increase of 71 car spaces on the site. A total of 131 new car spaces are proposed at the ground and first floor level and a further 2 accessible spaces at the southern end of the shopping centre entrance that will be retained. The new works requires the removal of 62 car spaces (from the ground and first floors).

The requisite car parking spaces required under Clause 52.06 are shown in the following table:

Existing Retail Land use	Existing No of Spaces	Clause 52.06
22,743 m2	1,361 spaces	6.0 spaces/100m2 NLA

Proposed land Use	Floor Area or Number of Apartments	Clause 52.06 Requirement (PPTN)	Car spaces required	Car spaces provided
Retail or medical	804m <sup>2</sup>	3.5 spaces per 100m <sup>2</sup>	28	0
Office	5,217 m <sup>2</sup>	3.0 spaces per 100m <sup>2</sup>	156	31
Serviced Apartments	103 apartments	0.6 spaces per apartment	62	40
Visitor Parking	0	Not Required	0	0
<b>Total</b>			246	71

The application is seeking a reduction in the parking requirements of Clause 52.06 for 175 spaces on the basis that the spaces can be accommodated across the wider shopping centre.

Council's Traffic Engineers have assessed the submitted Traffic Impact Assessment and requested reduction and consider the shortfall of spaces can be absorbed on the site based on the mix of land use proposed with this development and considering:

- The mix of land use proposed in the development is projected to provide a combination of short-stay and long-stay car parking demand that is expected to be accommodated on the site.
- The ground floor medical and retail component can be treated as an extension of the broader shopping centre with the high likelihood of multi-purpose trips, rather than single purpose visits.
- Based on the generation rates of other serviced apartment developments across Melbourne, parking generated by the use is expected to peak in the evening and early morning when the other uses are either not operating or have low levels of demand.
- The office component across the whole site is relatively minor.
- The site is serviced by multiple bus routes that operate along Springvale Road (2 routes), Ferntree Gully Road (4 routes) and Brandon Park Drive (1 route) including an existing bus stops located on Brandon Park Drive in close proximity to the works area.
- The report identifies traffic generated by the development to be an AM peak volume of 157 vehicles and 172 in the PM peak.

Council's adopted Monash Integrated Transport Strategy seeks to encourage sustainable mobility and reduce reliance on private vehicle use, particularly in areas which have good access to public transport. The report notes that Traffic Impact Assessments across Melbourne are starting to recognise that due to the range of travel choices and options in the area, the previously employed formula and assumptions linking to car parking rates and traffic generation through daily

car usage are rapidly changing, and that The TIA also highlights the journey to work data identifies growth in public transport use in Monash.

A proposed Condition of the Permit will require a Green Travel Plan to be prepared prior to the commencement of the use which includes details of green travel options for staff. This will include a real time public transport update kiosk will also be required to be provided at the ground floor of the building.

#### Traffic Generation

Council's Traffic Engineers have advised that earlier Council records indicate that Brandon Park Drive near Campus Court carries around 5,250 vehicles/day with AM peak hour volume of 738 vehicles and 472 vehicles/hour in the PM peak. Due to the location of the development, in close proximity to signalised intersections at Brandon Park Drive/Ferntree Gully Road and Magid Drive/Springvale Road and Level 1 access directly off Ferntree Gully Road, it is likely that the predicted traffic generation will have only a minor impact on the local street network and there is no objection to the parking provision or traffic generated by the proposal.

#### Vehicle Access

In response to several minor areas raised by the Engineers, the discussion plans have provided the following changes that can be included as permit conditions:

- A reduction in the width of the existing access road (south of the works site) reduced to 3 lanes to allow for safer pedestrian crossing across. This will provide for one ingress lane and two egress lanes and will shorten the span for pedestrians to cross. This also involves reconfiguring the footpath.
- Revised design of the southern section of the footpath in the front of the building to avoid truck manoeuvring mounting the kerb.
- Provision for a dedicated pedestrian path from Brandon Park Drive.

#### Loading

It is proposed to retain the existing loading bay associated with the Aldi supermarket and remove Loading Dock C located in the Brandon Park Drive frontage. A new dedicated loading area is to be provided to the rear of the proposed building that will be accessed from the existing driveway under the Level 1 car park. Due to height constraints within the car park, access to the new dock will be restricted to loading vehicles with a height less than 4.1 metres. The applicant's Traffic Engineer has advised this arrangement is consistent with the existing limitations at the shopping centre and that the Coles loading area caters for larger vehicles (19m semi-trailers). It is envisaged that only smaller vehicles would need to service the new building.

The applicant has advised that the existing Loading Dock C predominantly services the Reject Shop tenancy that is to be relocated within the shopping centre and will be serviced by existing loading facilities. The other tenancies that occasionally use Loading Dock C are mainly service based uses which can be accommodated via other existing loading areas.



Due to the changes to the loading docks, Council's Traffic Engineers have recommended several permit conditions including a Loading Dock Management Plan for the existing Aldi loading bay, and to schedule loading activities outside of operating hours where practical to avoid pedestrian conflict. The plan would also need to include a redistribution of loading arrangement across the whole site. It has also been recommended that existing height bar and associated signage on entry to the car park (northern access point to Brandon Park Drive) are updated.

#### Bicycle Parking

The statutory bicycle parking requirement under Clause 52.34 is for 30 staff/resident and 17 visitor spaces. The plans provide for 30 secure bike spaces to be provided on the ground floor within a dedicated facility and 18 additional bike hoops to be provided within the public realm adjacent to Brandon Park Drive. End of trip facilities providing for four showers have been provided and overall the statutory requirements has been satisfied.

#### Construction Management

Several objectors have raised concerns with potential parking issues associated with construction workers. A permit condition will be required for a detailed Construction Management Plan (CMP) with measure to protect local amenity during the construction process. This would include the parking of construction workers vehicles.

#### **Objections not previously addressed**

All grounds of objections received for the application have been addressed in the above discussion.

#### **CONCLUSION:**

The proposal is appropriate given the zoning of the land and the proposed design response which is generally consistent with the objectives and requirements of the relevant state, regional and local policies of the Monash Planning Scheme.

The mixed-use nature of the proposal is considered suitable within a Major Activity Centre context, in that the uses will facilitate increased activity within the centre. Conceptually, the proposal is strategically justified, responding well to the broad policy objectives applicable to Activity Centre Planning. The setbacks in addition to the provision of a landscaped front setback and recessed upper floors with a large central break allows the height of the building to sit comfortably within the streetscape. The proposed mix of land use in the development has demonstrated that the shortfall of parking can be accommodated on the site.

The proposed building scale and form is considered compatible with the future character of the Activity Centre and will have minimal impact on the amenity of adjacent and nearby residential areas.

It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2022).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.