

SJB Planning



Town Planning Report

Proposed Mixed Use
Development

42-58 Nelson Street,
Ringwood

June 2015

1.0	Introduction	3
2.0	Subject Site and Surrounds	4
2.1	The Subject Site	4
2.2	The surrounds	5
3.0	The Proposal	10
4.0	Planning Controls	12
4.1	Zoning	12
4.2	Overlays	13
4.2.1	Design and Development Overlay Schedule 3	13
4.2.2	Significant Landscape Overlay Schedule 4	14
4.3	Particular Provisions	15
4.4	General Provisions	16
4.5	Summary of Permit Triggers	16
5.0	Relevant Planning Policies and Controls	18
5.1	State Planning Policy Framework (SPPF)	18
5.2	Local Planning Policy Framework (LPPF)	18
6.0	Planning Assessment	20
6.1	Assessment Against State Planning Policies	20
6.2	Assessment against Clause 15.01-2	20
6.3	Assessment against the Local Planning Policy Framework	21
6.4	Design Development Overlay – Schedule 3 (Design Controls – Ringwood Activity Centre)	22
6.5	Amenity Considerations	24
6.5.1	On-Site Amenity	24
6.5.2	Off-Site Amenity	25
6.6	Other Considerations	26
6.6.1	Tree Assessment	26
6.6.2	Traffic and Car Parking	26
6.6.3	Waste Management	26
6.6.4	Affordable Housing	27
6.6.5	ESD Initiatives	27
6.6.6	Cultural Heritage	27
6.6.7	Flooding	27
7.0	Conclusion	28

1.0 Introduction

This report has been prepared on behalf of Hantang Taifu Pty Ltd, the owner of land at 42-58 Nelson Street, Ringwood. It addresses the proposed redevelopment of existing underutilised residential land within the Ringwood Activity Centre.

Specifically, the application proposes to develop the subject land into 264 high quality dwellings including 255 apartments and 9 town houses, a café, gym, home office and wellness centre. The development will include 296 car parking spaces across two levels of basement.

The land is located within the Residential Growth Zone and affected by Design and Development Overlay 3 (Design Controls – Ringwood Activity Centre) and Significant Landscape Overlay 4 (Landscape Canopy Protection).

This application is the culmination of over 12 months work by a dedicated client and project team with key inputs and feedback provided by officers of the Department of Environment, Land, Water and Planning (DELWP) and Maroondah City Council.

This planning submission describes the site and broader urban context in which it is located, the development proposal, the relevant planning controls and policies and provides an assessment of the planning merits of the proposal against these policies and controls.

The submission should be read in conjunction with the plans of the proposal prepared by CHT Architects, as well as the following:

- *Traffic Engineering Assessment* prepared by Traffix Consultants;
- *Landscape Plans* prepared by Papworth Davies;
- *Tree Assessment Report* prepared by John Patrick Landscape Architects;
- *Waste Management Plan* prepared by Leigh Design;
- *Cultural Heritage management Plan* prepared by Heritage Insights; and
- *Sustainability Management Plan* prepared by Urban Digestor.

2.0 Subject Site and Surrounds

2.1 The Subject Site

The subject site is located on the northern side of Nelson Street in Ringwood, between Acacia Court and New Street. The land abuts the Mullum Mullum Creek and Ringwood Bypass to the north.

The land consists of 9 individual sites consolidated into a single development site of 8,047 square metres. There are a number of single dwellings (six in total) located on some of the lots, sited towards the southern end of the site fronting Nelson Street. The remainder of the other lots are vacant. The site slopes down generally in a north-western direction. There are a number of used and unused crossovers from Nelson Street into the site.



Figure 1: Subject Site

Vegetation on site is generally of poor standard, consisting largely of weedy taxon and poorly structured or low amenity trees. Five trees were assessed of having medium retention value. Full details of the on-site vegetation, and trees within close proximity of the boundaries, are provided within the Tree Assessment Report prepared by John Patrick Landscape Architects.

The site is located in the north-west corner of the Ringwood Activity Centre at its interface with the Ringwood Bypass (largely hidden behind freeway sound walls) and a sensitive interface with the Mullum Mullum Creek. The current boundary interface to the creek corridor is characterised by dilapidated (or no) fences.

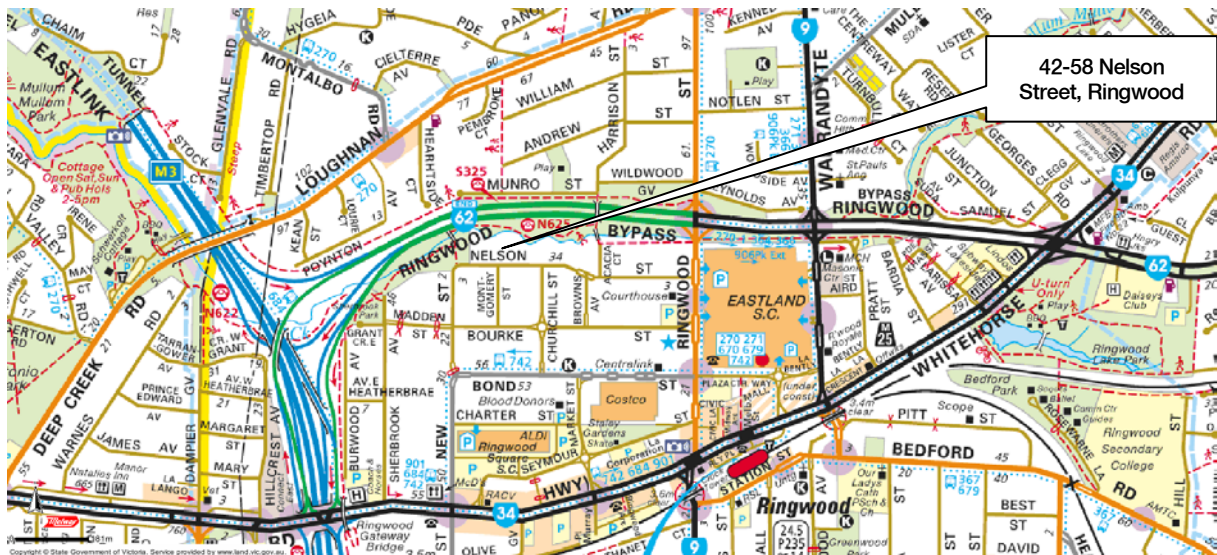


Figure 2: Map of Surrounding Locality

2.2 The surrounds

To the east of the site is a development comprising three (3) single storey villa townhouses. The site is accessed via a crossover from Nelson Street. The villas townhouses are sited in a linear fashion in a north-south direction. There is a similar development of three (3) single storey villas in the adjoining property to the east, with single dwelling residences occupying the lots further east.



Figure 3: Interface with the property to the east, 40 Nelson Street



Figure 4: 40 Nelson Street to the east of the subject site

To the south of the subject site is Nelson Street. The opposite (southern) side of Nelson Street is characterised by a regular subdivision pattern. The blocks opposite the subject site are occupied by a mixture of single dwellings and some infill medium-density development. The lots opposite the subject site are divided by Montgomery Street which runs in a north-south direction perpendicular to Nelson Street.



Figure 5: Property on the southern side of Nelson Street



Figure 6: Another property on the south side of Nelson Street

To the west of the subject site is park linking with the Mullum Mullum Creek, with the creek and creek trail / shared path beyond.



Figure 7: Parkland to the west and interface with the subject site



Figure 8: Parkland to the west of the subject site

To the north of the subject site is the Mullum Mullum Creek with vegetated banks on either side of the Creek. The Creek and its banks were, in parts, modified and re-landscaped at the time that the Ringwood Bypass was constructed. On the south side of the Creek (between the waterway and the northern boundary of the subject site) is some inaccessible scrub and trees (currently no direct public access). On the north side of the Creek is a cycle/walking trail (the Mullum Mullum Creek Trail). Further north is the Ringwood Bypass and its associated sound walls and further north again (on the opposite side of the freeway) is some very elevated residential land within the Neighbourhood Residential Zone.



Figure 9: Mullum Mullum Creek to the north of the subject site



Figure 10: Mullum Mullum Creek Walking & Cycle Trail

The subject site is located in an area identified as the 'North West Residential Precinct' of the Ringwood Activity Centre. The Precinct forms a large residential component of the Ringwood Centre.

3.0 The Proposal

It is proposed to demolish the remaining existing dwellings on the site and develop the subject land into 264 high quality dwellings including 255 apartments and 9 town houses, a café, gym, home office and wellness centre. The development will include 296 car parking spaces across two levels of basement.

The proposed dwellings will provide a variety of housing options, each provided with open plan living areas and open space provided in the form of balconies or ground floor terraces/courtyards. The development takes advantage of its unique context with dwellings sited to overlook Mullum Mullum Creek where possible.

The development is landscaped to respond to the parkland / creek setting of the site, while transitioning to the more urbanised environment to the west and south. The layout of the development allows for substantial deep canopy tree planting.

Basement levels

Two levels of basement car parking are provided:

- Basement Level 2 – 207 car parking spaces, services
- Basement Level 1 – 89 car parking spaces including 57 visitor and staff car parking spaces (including 1 DDA space), services

Each basement level is accessible via vehicle ramp, stairways and lifts.

Above Ground

The development is broken into four distinct elements, being three apartment buildings and a set of townhouses. The proposed built form concepts seek to respond to the unique setting of the site with the Mullum Mullum Creek and parkland to the west and north and a more conventional urban / residential subdivision context to the east and south.

A variety of uses are to be located on the ground floor within each of the apartment buildings, including home office, gym, wellness centre, café, communal areas and residential.

The upper levels comprise a variety of one, two and three bedroom dwellings, including 16 affordable housing apartments. The dwelling mix can be broken down as follows:

- | | | | |
|---|-----|---|-------------------------------|
| ▪ | 46 | x | 1 bed apartments |
| ▪ | 185 | x | 2 bed apartments |
| ▪ | 7 | x | 3 bed apartments |
| ▪ | 16 | x | affordable housing apartments |
| ▪ | 1 | x | penthouse |
| ▪ | 9 | x | 3 bed townhouses |

Building Facades

The design, siting and materiality of the each of the buildings have been specifically chosen to respond to its individual locational context.

The westernmost building has been designed to respond to its double abuttal to parkland (to the west and north). This building is lower in scale to the other apartment buildings on the site in order to provide a transition between the natural and urban environment. The use of natural materials and features in the façade soften the relationship of the building with the adjoining natural landscape.

The central building is an amalgam of an environmental response towards the western end of the building, transitioning to a more urbanised form towards the eastern side of the site. The Nelson Street elevation incorporates vertical articulation to respond to the fine grain subdivision pattern on the opposite side of Nelson Street.

The eastern building provides a more urbanised built form design outcome. The materiality, articulation and setbacks have been provided to complete the transition from the natural to the urban environment. For more information of the architectural response, refer to the Urban Context Report June 2015 by CHT Architects.

4.0 Planning Controls

4.1 Zoning

The subject site is located in the Residential Growth Zone – Schedule 1 (RGZ1) pursuant to the Maroondah Planning Scheme.

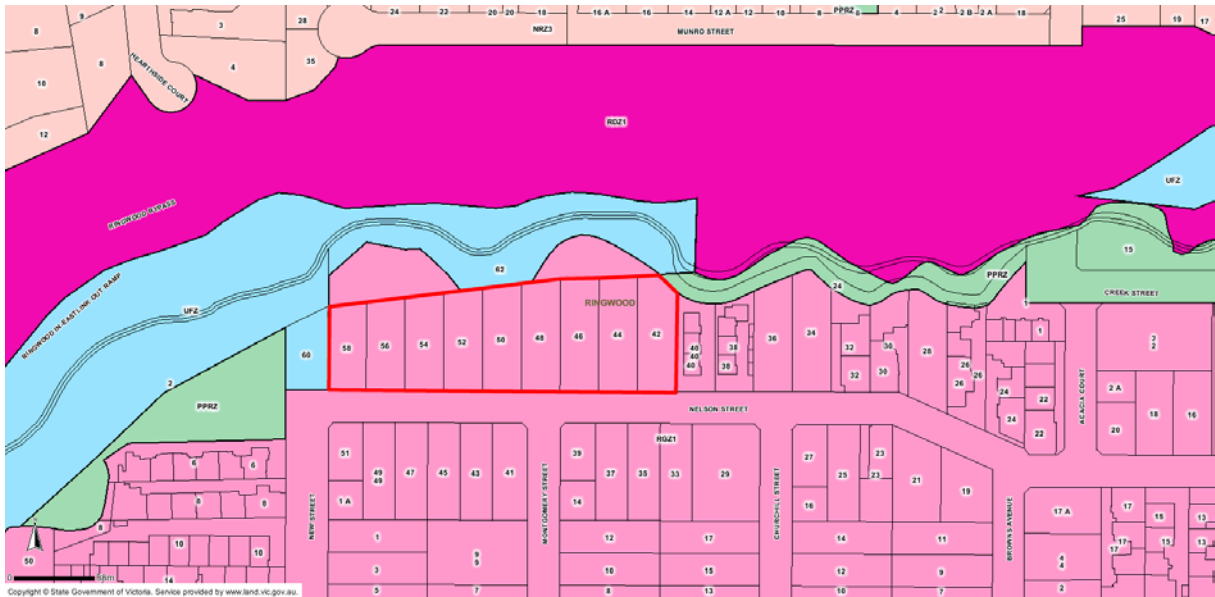


Figure 11: Zone Map

The purpose of the RGZ1 is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.07-4 of the Scheme, a permit is required:

- For use of the land as a gym and wellness centre;

- To construct two or more dwellings on a lot; and
- To construct or extend a fence within 3 metres of a street if:
 - The fence is associated with 2 or more dwellings on a lot or a residential building, and
 - The fence exceeds the maximum height specified in Clause 55.06-2.

4.2 Overlays

4.2.1 Design and Development Overlay Schedule 3

The subject land is affected by Schedule 3 to the Design and Development Overlay.

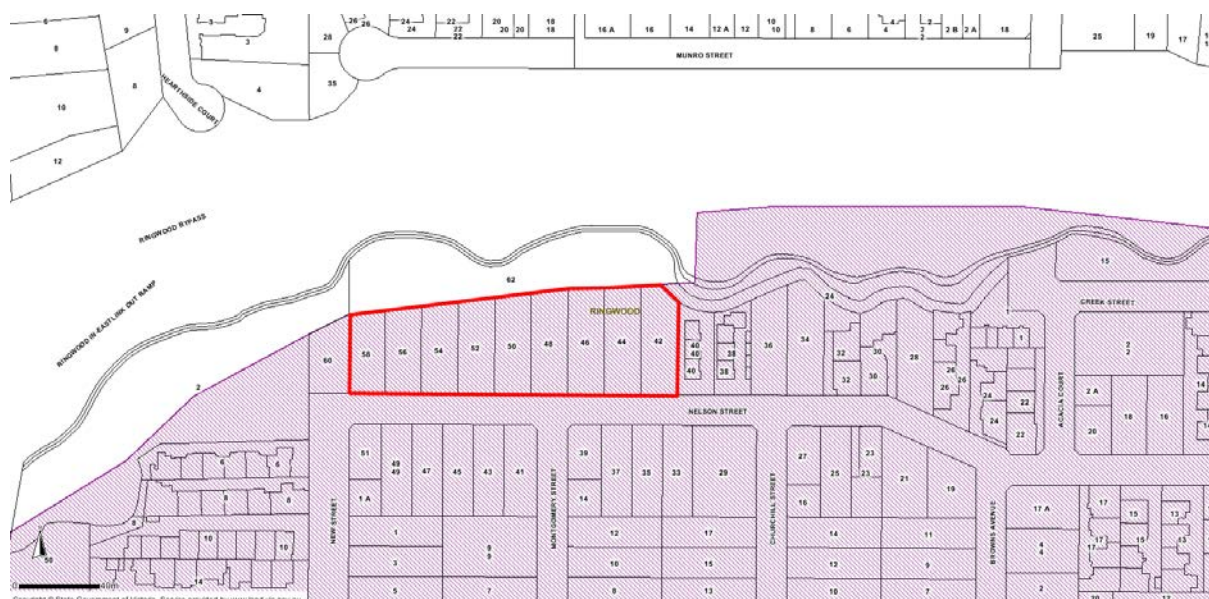


Figure 12: DDO3 Map

The purpose of the DDO is as follows:

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

DDO3 contains various design objectives and policy for the Ringwood Activity Centre. Design objectives include, amongst other things, to encourage the development of landmark and feature buildings that, by exceeding the general building scale, strongly define key junctions, topographical high points and gateways to and within the Activity Centre and to encourage multi-level apartment style residential housing opportunities to complement and enhance the form and transit city role of the Ringwood Activity Centre.

DDO3 includes a series of discretionary (recommended) height and setback provisions.

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

4.2.2 Significant Landscape Overlay Schedule 4

The subject site is affected by Schedule 4 to the Significant Landscape Overlay.



Figure 13: SLO4 Map

The purpose of the SLO is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

SLO4 specifically relates to Landscape Canopy Protection. The landscape character objectives to be achieved include conserving the existing pattern of vegetation, landscape quality and ecosystems within the area, to encourage re-generation of vegetation, to maintain a dense vegetation canopy that contributes to the special environmental character of Maroondah and to maintain the overall scenic beauty of the municipality.

Pursuant to Clause 3.0 of SLO4, a permit is required to remove, destroy or lop vegetation. This does not apply to:

- A tree that is less than 5 metres in height and has a single trunk circumference of less than 0.5 metre at a height of one metre above ground level.
- The pruning of a tree for regeneration or ornamental shaping.

- A tree which is dead or dying or has become dangerous as declared by a suitable qualified person.
- A tree within 3 metres of an existing dwelling (excluding outbuildings).
- Removal of the vegetation listed in Clause 3.0 of SLO4.

On that basis, a permit is required to remove the majority of trees from the site.

4.3 Particular Provisions

The following particular provisions are relevant to the proposed development:

- **Clause 52.06 (Car Parking)** aims to:
 - To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
 - To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
 - To support sustainable transport alternatives to the motor car.
 - To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
 - To ensure that car parking does not adversely affect the amenity of the locality.
 - To ensure that the design and location of car parking is of a high standard, creates a new safe environment for users and enables easy and efficient use.

The Traffic Engineering Assessment prepared by Traffix Group confirms that the car parking requirement for the development is 348 car spaces, including 282 resident spaces, 53 residential visitor spaces and 13 spaces for the commercial uses. The allocation of the 297 spaces proposed results in an overall shortfall of 51 spaces, comprising 16 resident spaces, 27 visitor spaces and 8 spaces for the commercial tenancies. Accordingly, a car parking reduction under Clause 52.06-6 is sought by the development.

- **Clause 52.17 (Native Vegetation)** aims to:
 - To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is through the following approach:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
 - Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
 - To manage native vegetation to minimise land and water degradation.

- To manage vegetation near buildings to reduce the threat to life and property from wildfire.

Pursuant to Clause 52.17-2, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation (native to Victoria).

- **Clause 52.34 (Bicycle Facilities)** aims to:

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Tables 1, 2 and 3 set out the number and type of bicycle facilities required.

- **Clause 52.35 (Urban Context report and Design Response for Residential development of Five or More Storeys)** aims to:

An application for a residential development of five or more storeys in any zone must be accompanied by:

- An urban context report.
- A design response.

An Urban Context Report has been prepared by CHT Architects (June 2015) and forms part of this application.

- **Clause 52.36 (Integrated Public Transport Planning)** aims to:

An application for a residential development of 60 or more dwellings must be referred in accordance with Section 55 of the Act to Public Transport Victoria.

4.4 General Provisions

Clause 65 (Decision Guidelines) sets out the decision guidelines which should be considered by a responsible authority when determining an application. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

4.5 Summary of Permit Triggers

The proposed development seeks planning permission in respect of:

- Pursuant to Clause 32.07-4 of the Scheme, a permit is required:
 - To construct two or more dwellings on a lot (with ancillary café, gym and wellness centre); and
 - To construct or extend a fence within 3 metres of a street if:
 - The fence is associated with 2 or more dwellings on a lot or a residential building, and
 - The fence exceeds the maximum height specified in Clause 55.06-2.
- Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 3.0 of SLO4, a permit is required to remove, destroy or lop vegetation.
- Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

- Pursuant to Clause 52.17-2, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

5.0 Relevant Planning Policies and Controls

5.1 State Planning Policy Framework (SPPF)

The State Planning Policy Framework is set out in clauses 11 to 19 of the Maroondah Planning Scheme and is required to be taken into account in the consideration of this development proposal. The following clauses are relevant to this application:

- Clause 11 - Settlement
- Clause 15 - Built Environment and Heritage
- Clause 17 - Commercial
- Clause 18 - Transport
- Clause 19 - Infrastructure

These policies seek to ensure that a sufficient supply of land is available for the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation, open space, commercial facilities and infrastructure. These policies also seek to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities and facilitate the orderly development of urban areas.

Specifically, in relation to housing, the SPPF encourages the provision of new housing, including in the form of medium and higher density housing, to meet the demand generated by Victoria's growing population, in existing urban areas and designated growth areas. New housing is to be accommodated in a manner which respects the quality and character of existing neighbourhoods. It also encourages the provision of affordable housing, particularly in locations proximate to activity centres and public transport.

5.2 Local Planning Policy Framework (LPPF)

Clause 21 and 22 of the Maroondah Planning Scheme contain Council's Municipal Strategic Statement (MSS) and local policies. The Municipal Strategic Statement (MSS) guides future development within the municipality and is a relevant consideration for any permit application. Of particular note in relation to this proposal are:

- **Clause 21.06 – Built Form and Urban Design**, which seeks to ensure the ongoing development of a high quality and attractive built environment based on sound planning and consistent urban design principles.
- **Clause 21.07 – Housing and residential Land Use**, which seeks to maintain and enhance the mix of housing types and residential densities to cater for the changing profile of the population, to provide housing opportunities which complement the environmental character of Maroondah and to encourage the development of additional dwellings within Ringwood Central Activities Area.
- **Clause 22.01 – Waterways Protection Policy**, outlines objectives and policy to ensure that all development contributes to the long term sustainability of waterways and to minimise adverse impacts of development on local and metropolitan waterways. It is policy that **vegetated buffer zones at least 20 metres wide** be retained along permanent waterways to provide habitat and achieve a

corridor effect for the movement of flora and fauna along waterways. It is noted that the proposed built form is located in excess of 20 metres from Mullum Mullum Creek waterway.

- **Clause 22.06 – Ringwood Activity Centre**, applies to all land in the 'Activity Centre', the 'Western Gateway Precinct' or in a 'Residential Development Area', as shown on the Ringwood Activity Centre locality plan that forms part of this policy. It contains a number of policies and objectives that seek to consolidate small fragmented allotments and encourage well designed high density apartment style housing. The subject site is located in the 'Residential Development Area'. Policy encourages the development of multi-level, multi occupancy apartment style residential buildings.

6.0 Planning Assessment

6.1 Assessment Against State Planning Policies

The proposed development achieves the objectives and implements the relevant strategies of the State Planning Policy Framework. The following observations are made in relation to the application against planning policy and planning scheme requirements:

The proposal locates a significant residential development within the Ringwood activity centre in accordance with Clause 11.01 of the planning scheme. The project will increase housing density in an area already well serviced by social, economic, and physical infrastructure. It locates new development within walking distance of a substantial and well-established public transport network, reducing demand for private transport.

In accordance with Clause 11.02 of the planning scheme, the development provides an opportunity for consolidation and intensification of nine existing urban sites, increasing the extent of floor space available for residential use.

Clause 15, Built Environment and Heritage, seeks development that contributes positively to the local urban character, enhances liveability and safety of the public realm. The development's compliance with the urban design principles of Clause 15.01-2 are specifically discussed in Section 6.2 below.

In accordance with the objectives of Clause 16, Housing, the development provides dwellings in an existing urban area on a currently under-utilised site. The dwellings are located within a well-established principal activity centre with good access to services and transport, as sought by Clause 16.01-2. The dwellings offer a number of layouts and sizes, adding to the housing diversity (including affordable housing apartments) in the immediate area, as sought at Clause 16.01-4.

In relation to Economic Development at Clause 17, the development will be located within an existing activity centre. This location allows future residents to be within walking distances of services and facilities to meet day-to-day needs, reducing dependence on car use, in an area with readily available public transport. The base building design minimises impacts on the environment through its higher density and in the future will seek to include environmentally sustainable design features that will improve the amenity and operation of the building.

Provision for bicycle spaces has also been made which furthers the objectives of Clause 18.02-2. In relation to car parking, at 18.02-5, adequate off-street car parking has been provided for the future occupants of the development.

In general terms therefore, it is considered that this proposal is consistent with broad policy objectives set out in the Planning Scheme, as they relate to activity centres, housing and urban consolidation. The specific aspects of the proposal are discussed in more detail below.

6.2 Assessment against Clause 15.01-2

The proposed development has been carefully considered against the urban design principles listed with Clause 15.01-2, as demonstrated below.

Context	A comprehensive site survey was undertaken for the site, which includes documenting and assessing the surrounding context. The site survey formed the starting point for
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resolving this design.

The public realm	The development will improve the public realm by introducing a cohesive and active ground level treatment, inviting pedestrians to interact with the adjoining Mullum Mullum Creek. The pedestrian walkways provide connectivity between the site and the Creek and activate both frontages. The proposal also reduces the number of crossovers to Nelson Street, enhancing pedestrian and vehicular safety.
Safety	As noted above, active interfaces are provided at ground level to both all frontages, which, combined with upper level balconies provide excellent passive surveillance of the public realm. Vehicular access is consolidated to a single point from Nelson which limits the points of interference with pedestrians.
Landmarks, view and vistas	The building envelope will not unduly impact upon key local view lines.
Pedestrian spaces	The site has been designed to allow for a very positive pedestrian experience. Pedestrians will be invited onto the site to enjoy views of the Mullum Mullum Creek and utilise the proposed café.
Heritage	The site is not located within a Heritage Overlay, nor are any of the abutting sites. A CHMP has been prepared given the site's proximity to the Mullum Mullum Creek.
Consolidation of sites and empty sites	The proposed development will consolidate nine (9) lots, resulting in an infill development of under-utilised land in the Ringwood Activity Centre, and the new building will add to the complexity and rhythm of the street.
Light and shade	The proposed development will not unduly overshadow public open space.
Energy and resource efficiency	The project will address ESD initiatives as outlined in the accompanying report prepared by Urban Digestor.
Architectural quality	The proposed development achieves a high standard of environmentally sustainable architecture and an urban design outcome that will add to the urban context and be respectful of adjoining development. These details are discussed further below.
Landscape architecture	Substantial landscaping is proposed throughout the site, including the provision of canopy trees, providing an appropriate response to the siting of the proposal adjacent to the Mullum Mullum Creek.

6.3 Assessment against the Local Planning Policy Framework

Council's **Built Form Urban Design Policy** at Clause 21.06 seeks to ensure the ongoing development of a high quality and attractive built environment based on sound planning and consistent urban design principles. The development is consistent with the objectives and strategies of Clause 21.06 by providing a development that appropriately integrates with the landscape / natural environment to the north and west and the urban environment to the south and east.

The proposed development will provide additional dwellings in the Ringwood Central Activities Area providing a mixture of residential development at higher density in a consolidated lot, in accordance with Clause 21.07 **Housing and Residential Land Use**.

The proposal is consistent with Clause 22.01 **Waterways Protection Policy** in that the proposed built form has been designed to ensure that there is no adverse impact on the Mullum Mullum Creek to the north of the subject site. The proposal also retains a 20 metre vegetated buffer to the Mullum Mullum Creek water body.

The subject site is located in the 'Residential Development Area' of Clause 22.06 **Ringwood Activity Centre**. Policy encourages the development of multi-level, multi occupancy apartment style residential buildings.

6.4 Design Development Overlay – Schedule 3 (Design Controls – Ringwood Activity Centre)

Pursuant to the provisions of Schedule 3 to the Design and Development Overlay (DDO3), the subject site is located within Precinct DDO3 – J which is within the North West Residential Precinct.

The proposal is consistent with the design objectives of DDO3 as follows:

- The development consolidates a total of nine (9) lots optimising the full potential of the sites and providing a development appropriate for the Ringwood activity area.
- The development creates a sense of address and responds to the existing rhythm of the street. Active street frontages are provided to enhance the pedestrian experience in and around the site.
- The development is architecturally designed by the highly regarded CHT Architects which has provided an excellent architectural design.
- The development has been designed to transition from the natural / creek environment of the north and west to the more urban form to the east and south (and the parts of the activity centre that will be subject to more intensive development).
- The multi-level apartment style residential component of the development complements and enhances the form and transit city role of the Ringwood Activity Centre.
- The development integrates a number of environmentally sustainable initiatives as outlined in the Sustainable Management Plan (SMP) prepared by Urban Digestor.

Built form considerations

As indicated above, the subject site is located within Precinct DDO3 – J. Although the proposed development exceeds the preferred building height of DDO3 – J, the scale of the development is considered to satisfy the objectives of the DDO (and Clause 22.06 Ringwood Activity Centre) in providing high intensity development of residential uses.

We note that the preferred heights outlined in DDO3 are **discretionary** limits. This fact, coupled with policy supporting development of land at higher densities in principle activity centres (in both local and state policy) reasonably supports optimal development of the subject site.

Recent developments have sought to take greater advantage of the opportunities presented in this location more in keeping with the substantial change envisaged by policy and some instances, where the preferred height has been exceeded.

Accordingly, the built form context in this area is changing and will continue to change in response to its designation as an area where more intensive development is envisaged. The unique characteristics of this site in particular, make it an ideal candidate for a landmark (and a catalyst) development in the Ringwood area.

It is important that the design of this proposed development references the emerging scales in the street and the activity centre more broadly, responds to the Creek environs and appropriately marks the location of the site, optimising the strategic imperatives of the existing policy settings.

Whilst the approach proposed is consistent with the objectives of the DDO, and planning policy more broadly, it is worth discussing some aspects of the proposal in more detail. These are:

a) Overall Building Height

The proposed development seeks a higher built form than other approved developments in the immediate locality (noting recent approvals for buildings in the activity centre that are higher than what is proposed here). However, the height and overall form has been determined via a rigorous urban design and site analysis by the project team, as well as from third party/per review urban design inputs (Rob McGauran of MGS) that has considered a range of key factors such as:

- The strategic vision for key redevelopment sites;
- The strategic vision for the Ringwood Principal Activity Centre more broadly;
- Limited 'sensitive' direct residential interfaces (ie, only to the east);
- The significant and dense canopy tree planting along both side of the creek corridor and at the western end of the site;
- The major physical barrier that is the Ringwood Bypass and the associated freeway sound walls;
- The significantly elevated residentially zoned land to the west and the significant cutting on the north side of the bypass;
- The transitioning from each of these elements (organic to urban).
-

The increase in height is accompanied by a distinctly different architectural composition and expression of the buildings that respond to many of these key characteristics (and other contextual factors).

It is submitted that the height propose is an acceptable urban design outcome.

Given the location of the site, other recently approved / constructed developments and the sloping nature of the land, whilst the proposed buildings are higher than the existing built form around it the overall heights are within the realms of that envisaged by the discretionary DDO and directly respond to the urban and strategic context of such a key site in a Principal Activity Centre.

The development has been designed to transition in height from west to east, stepping from the creek environs of the west and north to the urban environment to the south and east. The use of materials, landscaping and setbacks reduces the perception of height providing a gentle and respectful transition rather than an abrupt change.

It is therefore submitted that the proposed height of the building complies with the policy direction of the Maroondah Planning Scheme and will be an appropriate fit for the emerging built form character, as well as making very good use of a large and strategically important site.

b) Siting and Massing

The proposed development is set back from all boundaries at ground floor level, stepping back from the boundaries as the built form rises.

The proposed built form includes vertical elements in the façade design to respond to the existing rhythm of the streetscape and the lot layout on the opposite side of Nelson Street (particularly at lower/streetscape levels).

The development also steps away from the western and eastern property boundaries, providing a transition from the parkland and lower built form at these interfaces.

The built form is set back in excess of 20 metres from the Mullum Mullum Creek waterway at all locations. This reduces the built form impacts when viewed from the north and also allows for a natural corridor to be retained.

The careful attention given to the architectural expression of the building, in particular, the articulation of, materials and finishes, ensure the building will not be an unreasonable imposition on the local environs. It will sit comfortably in its unique built form context.

Overall, the proposal is consistent with DDO3 on the basis of the following:

- The building's scale and form is generally consistent with the intentions of DDO3 and respectful to the existing and preferred future built form context.
- The built form is innovative, high quality and well designed and will complement the existing urban fabric and emerging character of the activity centre (it 'raises the bar' in terms of architectural and building quality).
- The proposal will introduce new ancillary commercial offerings within the development. Ground level activity will include a café, yoga/wellness centre and home offices which will activate the public realm, provide passive surveillance and more generally enhance the pedestrian experience.
- The development positively responds to the existing and future desired character of the area by providing a more intensive residential development that responds appropriately to its environmental and urban context.
- The proposal facilitates the redevelopment of a strategically identified area and takes advantage of an under-developed parcel of land within a Principal Activity Centre.
- The development is activated at ground level through the provision of pedestrian links through to the Mullum Mullum Creek and the provision of active uses such as the café and yoga centre and gym.

6.5 Amenity Considerations

The proposed development will deliver a high standard of residential amenity to future occupants, whilst avoiding unreasonable impacts on adjoining residents, through a carefully crafted and resolved design response. These considerations are framed in the context of Clause 15.01 of the Planning Scheme, in particular, the *Guidelines for Higher Density Residential Development*.

6.5.1 On-Site Amenity

It is submitted that a very high standard of amenity is provided for each dwelling within the development. In this respect, it is submitted that the proposed development complies with the Guidelines for Higher Density Residential Development, as they relate to on-site amenity.

All dwellings are provided with an open floor plan featuring a combined living/dining and kitchen area, with direct access to balconies or ground floor terraces, of appropriate size and dimensions. The design response has maximised north facing orientation for dwellings and their private open spaces, providing excellent solar access, outlook over the Mullum Mullum Creek, and access to natural daylight and ventilation. The orientation of apartments ensures that the dwellings have an appropriate external aspect.

All bedrooms will have direct access to natural light and ventilation. Cross ventilation is provided where possible.

All apartments have a total area of greater than 50 square metres, inclusive of balcony and there is a genuine mix of 1, 2 and 3+ bedroom apartments and 3 bedroom townhouses to provide for a range of household types. The vast majority of the apartments have balconies with a minimum of 8 square metres, with most having considerably in excess of 8 square metres. This is supplemented by the on-site gym, yoga / wellness centre, café and proximity to the Mullum Mullum Creek cycle & walking trail.

Appropriate levels of screening are provided to ensure inappropriate 'inter-looking' between apartments is minimised.

Clearly defined and visible pedestrian entry points are provided to the development. These form a recessed and generous foyer area to each building at ground floor level. Lifts provide direct access to the basement car and bicycle parking areas.

Generous and publically accessible common/communal areas are provided through and around the development, enabling public access to an aspect of the creek that has been restricted since the time the original subdivision of the land was undertaken.

The internal corridor design has taken into account the various requirements of future residents. They are sufficiently wide enough to manoeuvre furniture. Dark and secluded entrapment points are avoided throughout.

These features, coupled with the amenity offered by the site's location and proximity Ringwood commercial precinct, and the entertainment/recreation opportunities the surrounding precinct offers, serve to provide future residents with a high level of amenity.

Having regard to the above, it is submitted that the proposed development will offer its future occupants with a very high level of amenity, providing privacy, functionality, convenience, and an attractive place to live.

6.5.2 Off-Site Amenity

In considering the development's potential off site amenity impacts, it must be recognised that the application site is within a precinct earmarked for more intensive residential development. It is also significant that the site and the surrounding properties are located in the heart of the Ringwood Activity Centre, where more intensive development is expressly supported.

It is generally accepted that residents who live in and around these higher order activity centres cannot reasonably expect the same degree of protection from overlooking, visual bulk and overshadowing as could be expected if the site was in a traditional suburban residential setting and zoned Neighbourhood Residential, or even General Residential. This view is supported by the fact that ResCode provisions (Clause 55 of the Planning Scheme) do not apply to development of four or more storeys (as is the case here for the apartment buildings).

Nonetheless, the building has been designed to ensure unreasonable impacts on the amenity of the nearby dwellings are avoided. As the development is greater than five (5) storeys in height, the *Guidelines for Higher Density Residential Development* provide various objectives and design guidelines to guide the interface between existing development and new higher density ones, such as the proposed development.

In section 6.4 of this submission, it has been demonstrated that the height, scale and massing of the building is appropriate to the site's activity centre location and the policies established to effect change and an increase in density, in these preferred locations.

The proposal will not unreasonably compromise the amenity of any future development of adjoining or nearby properties.

It is therefore submitted that, having regard to the above considerations, the proposed development will not have an unreasonable impact on the amenity of surrounding properties. Its careful design and siting will ensure that the proposed development is an appropriate response to the site's context and provides an appropriate response to neighbouring properties. This, it is submitted, underscores the need to optimise the opportunity this site presents, where development at a greater scale and density can be accommodated without impacting on the amenity of adjoining residents.

6.6 Other Considerations

6.6.1 Tree Assessment

A Tree Assessment Report was prepared by John Patrick Pty Ltd to assess the trees within and adjacent to the subject site. A total of 86 trees were assessed comprising 69 trees within the subject site itself and 17 trees within neighbouring sites. An Additional 6 trees outside the site were assessed for impact only.

Vegetation on site is generally of a poor standard, consisting largely of weedy taxon and poorly structured or low amenity trees. No trees were assessed as having a high retention value. None of the five trees assessed as having a medium retention value can be retained under the current proposal. These trees however are not of such a high standard as to require changes to the proposed design to ensure their retention.

Please refer to the Tree Assessment Report prepared by John Patrick Pty Ltd for further information.

6.6.2 Traffic and Car Parking

A Traffic Engineering Assessment has been prepared by Traffix Group for the proposed assessment. The report provides a detailed traffic engineering assessment of the parking and traffic issues associated with the proposed development. It concluded that:

- a) The development has a statutory car parking requirement of 349 car spaces (including 283 resident spaces, 53 visitor spaces and 13 commercial spaces).
- b) Based on the proposed allocation of the 295 on-site car spaces proposed, the development requires a car parking reduction of 70 spaces (including 35 resident spaces, 27 visitor spaces and 8 commercial spaces).
- c) The Car Park Demand Assessment indicates that the demands associated with staff and residents will be accommodated on-site, with maximum expected overflow parking of 6 car spaces during the evening and weekend (residential visitors).
- d) The car parking reduction sought by the development under Clause 52.06-6 is appropriate for the following reasons:
 - i. Adequate support for dwelling without car parking within the Regional Activity Centre,
 - ii. An empirical assessment of parking demand,
 - iii. The availability of on-street parking in the nearby area, and
 - iv. The availability of alternative transport modes to the site.
- e) Bicycle is provided in accordance with the requirements set out in Clause 52.34 of the Planning Scheme.
- f) The proposed parking layout and access arrangements accord with the requirements of the Planning Scheme, AS2890.1:2004 (where relevant) and current practice,
- g) The level of traffic generated as a result of this proposal is acceptable, residential in nature, generally spread throughout the day and will not have a detrimental impact on the surrounding road network.
- h) Waste collection can be adequately accommodated on the site and managed via a suitable Waste Management Plan.
- i) There are adequate grounds to waive the requirement for a formal loading bay under Clause 52.07 of the Planning Scheme, in favour of using on-street parking in the nearby area given the small size of the commercial tenancies and likely demand for loading activity, and
- j) There are no traffic engineering reasons why a planning permit for the proposed mixed use development at 42-58 Nelson Street, Ringwood should be refused, subject to appropriate conditions.

6.6.3 Waste Management

A Waste Management Plan has been prepared by Leigh Design Pty Ltd for the proposed development. In summary, the proposed Waste Management Plan proposes that:

- A private contractor shall be engaged to collect waste due to the insufficient kerbside length for 548 dedicated wheelie bins.

- Apartment's residents shall dispose sorted garbage and recyclables via dedicated chutes (available at each apartment level).
- Townhouse residents shall dispose sorted waste into collection bins located within the easternmost Basement Level 1 Bin Store.
- Commercial tenants shall dispose sorted waste into their respective collections bins located within the westernmost Basement Level 1 Bin Store.

6.6.4 Affordable Housing

In line with part of the Minister's (and Council's) original 'vision' for this site, a total of 16 affordable housing apartments have been provided within the development.

Each of these is mixed through development, is more modest in size (one bedroom) and will be offered to the market at a price that is below the median unit price for Ringwood.

6.6.5 ESD Initiatives

A Sustainability Management plan (SMP) was prepared by Urban Digestor for the proposed 255 apartment and 9 townhouse development at 42-58 Nelson Street, Ringwood. The purpose of the report is to convey to Council how the project has considered, evaluated and incorporated a range of sustainability initiatives that combined create a development that goes beyond a minimum compliance approach to sustainability.

The key ESD outcomes for the development are listed below:

- Overall predicted energy & emissions reductions compared to benchmark development of 36% (STEPS).
- Commitment to a 6.6 star average energy-rating.
- Cross and/or single sided ventilation to apartments through operable windows.
- High-efficiency centralised gas instantaneous domestic hot water system.
- High-efficiency lighting to all apartments & common areas, with motion sensor & daylight control to common areas.
- Spatial allowance for clotheslines on balconies of all apartments.
- Sub-metering of main body-corporate electricity loads.
- High water-efficient fixtures & fittings.
- Low-VOC & formaldehyde interiors to deliver healthy living.
- Ample room for bicycle storage.
- Good access to public transport & walkable neighbourhood.
- Construction & Waste Management & Environment Management Plan to be created by contractor.
- Re-development of prime site in close proximity to a growing activity centre and as such contributes to reducing urban sprawl.

6.6.6 Cultural Heritage

A Cultural Heritage Management Plan (CHMP) was prepared by Heritage Insight Pty Ltd. The CHMP comprises desktop, standard and complex assessments.

6.6.7 Flooding

Engeny Water Management has compared the 1% Annual Exceedance Probability (AEP) peak flood levels for the Mullum Mullum Creek with the ground levels of the subject site. The comparison shows that none of the properties between and including 42 and 58 Nelson Street will be subject to flooding during a 1% AEP flood event.

7.0 Conclusion

The subject site has the potential to accommodate a development which makes a makes a substantial positive contribution to the achievement of State and local planning policies, as well as the emerging character of development in the Ringwood Activity Centre.

The proposal facilitates the intensive and efficient utilisation of a strategically located redevelopment site, which achieves various State and local planning policy objectives.

The permit applicant has a vision for the site; a vision which has evolved from a comprehensive examination of the sites' opportunities and constraints and the land use and development framework established by the existing and proposed parameters of the extensive statutory requirements of the Maroondah Planning Scheme.

The revised architectural approach will deliver a building of design excellence, as well as the high quality urban design and public realm outcomes sought by policy.

The development will not result in any unreasonable off-site amenity impacts and the new development will provide a high level on on-site amenity.

Sufficient car and bicycle parking is provided, as are appropriately designed access arrangement. Traffic impacts are within acceptable limits.

For the reasons outlined in the proceeding sections of this submission, it is submitted that the development is worthy of a planning permit, subject to standard planning permit conditions.