



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda – Volume 2

**to be held on Wednesday 12 December 2018 at
6.30pm in Meeting Rooms 1 & 2
at the Richmond Town Hall**

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Mike McEvoy
Councillor James Searle

- I. ATTENDANCE**
Mary Osman (Manager Statutory Planning)
Vicky Grillakis (Co-ordinator Statutory Planning)
Ally Huynh (Senior Co-ordinator Statutory Planning)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch
2008**

1. Committee business reports

Item		Page	Rec. Page
1.5	PLN18/0239 - 12 - 20 Victoria Crescent Abbotsford - Use and development of the land for the construction of two office buildings (six and nine storeys in height, hours of operation 8am to 6pm Monday to Friday, 1200 staff) with two ground floor food and drinks premises (maximum 100 patrons and hours of operation 7am to 6pm, seven days per week), a reduction in car parking requirements and part demolition.	5	59
1.6	PLN17/0251 - 1090-1092 Lygon Street, North Carlton - Demolition of the existing building (walk-up-flats) to allow for the construction of eight dwellings.	72	103
1.7	271 Bridge Road, 208, 224,228,230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Section 72 Amendment to the endorsed plans and permit conditions including: incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit, amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design and increase in car parking, motorcycle and bike parking provision.	109	196
1.8	PLN17/0535 - 20 - 30 Mollison Street, Abbotsford - Use and development of the land for the construction of a mixed use building (with offices, food and drinks premises (cafe), arts and craft centres and restricted recreation facility) and a reduction in car parking requirements. [CONFIDENTIAL ITEM]		

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- 1.5** **PLN18/0239 - 12 - 20 Victoria Crescent Abbotsford - Use and development of the land for the construction of two office buildings (six and nine storeys in height, hours of operation 8am to 6pm Monday to Friday, 1200 staff) with two ground floor food and drinks premises (maximum 100 patrons and hours of operation 7am to 6pm, seven days per week), a reduction in car parking requirements and part demolition.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN18/0239 which affects land at 12 – 20 Victoria Crescent, Abbotsford and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Land Use (Clause 33.01);
 - (b) Interfaces uses policy (Clause 22.05);
 - (c) Built form and Heritage (Clauses 15.01, 15.03, 21.05, 22.02, 33.01 and 43.01); and
 - (d) Car Parking and Bicycle Provision (Clauses 52.06 and 52.34) of the Yarra Planning Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic context;
 - (b) Land use;
 - (c) Built form and Heritage;
 - (d) Environmentally Sustainable Development (ESD);
 - (e) Off-site amenity impacts;
 - (f) Car parking, traffic, access and bicycle provision;
 - (g) Waste management; and
 - (h) Objector concerns.

Submissions Received

4. Fifteen objections were received to the application, these can be summarised as:
 - (a) Traffic impact;
 - (b) Lack of car parking;
 - (c) Neighbourhood character/Heritage;
 - (d) Height/Massing/Scale;
 - (e) Amenity impacts (access to daylight, overlooking); and
 - (f) Overdevelopment (built form, people coming to the area and use).

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) an additional setback along the western boundary which widens Little Nicholson Street to a minimum width of 6.5m and provides a minimum ground clearance height of 4.7m;

- (b) a minimum 4.5m setback from the centreline of Little Nicholson Street and the southern laneway from the fifth floor and above of Building 2 with a commensurate area of net office floor area relocated to the first floor of Building 1 facing Victoria Crescent in lieu of car parking spaces and any changes in floor to ceiling heights to be adjusted internally;
- (c) a more visually permeable material used for the front façade of the first floor of Building 1;
- (d) deletion of the vehicle access from Victoria Crescent (including the ramp) and replaced with an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
- (e) deletion of all mezzanine level car parking spaces (with the mezzanine car parking area to either be deleted or replaced with non-net floor area uses);
- (f) reduction in the car parking provision rate to be no more than 1 space per 100sqm of net office floor area;

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TEL: 92055124

PLN18/0239 - 12 - 20 Victoria Crescent Abbotsford - Use and development of the land for the construction of two office buildings (six and nine storeys in height, hours of operation 8am to 6pm Monday to Friday, 1200 staff) with two ground floor food and drinks premises (maximum 100 patrons and hours of operation 7am to 6pm, seven days per week), a reduction in car parking requirements and part demolition.

Trim Record Number: D18/200886
Responsible Officer: Manager Statutory Planning

[Help](#)

Proposal: Use and development of the land for the construction of two office buildings (six and nine storeys in height, hours of operation 8am to 6pm Monday to Friday, 1200 staff) with two ground floor food and drinks premises (maximum 100 patrons and hours of operation 7am to 6pm, seven days per week), a reduction in car parking requirements and part demolition.

Existing use: Vacant laundry

Applicant: CPG Office 1 Pty Ltd c/o ProUrban

Zoning / Overlays: Industrial 1 Zone/Heritage Overlay (Schedule 51 – Former Hatchers Laundry)

Date of Application: 10 April 2018

Application Number: PLN18/0239

Ward: Langridge

Planning History

1. No relevant planning applications.

Background

2. The application was lodged on 10 April 2018 and further information subsequently requested in May 2018. The information was received in July 2018 and the application was then advertised with 15 objections being received. A consultation meeting was held on 25 September 2018. The Permit Applicant, Planning Officers and objectors were present however none of the Ward Councillors attended the meeting.
3. Whilst this process was occurring, Council had sought and received advice from Transport for Victoria, external urban design and traffic consultants as well as Council internal units including Urban Design, Heritage, Waste Management, Engineering, Open Space, Streetscape and Natural Values Unit, Strategic Transport and Environmental Sustainable Development (ESD). Referral advice is an attachment to this report.

Planning Scheme Amendments

Amendment VC148

4. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.
5. The introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).

6. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application which means that instead of the office car parking being provided at 3.5 spaces per 100sqm, the requirement is 3 spaces per 100sqm and the food and drinks premises is 3.5 spaces per 100sqm, instead of 4.

Aboriginal Cultural Heritage Significance

7. The subject site is located within 200m of the Yarra River as defined in Division 3 of the *Aboriginal Heritage Regulations 2007* and therefore triggers the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.
8. The Permit Applicant engaged Ecology and Heritage Partners to prepare a CHMP with the applicant applying for Certification of a Preliminary Aboriginal Heritage Test for the purposes of the *Aboriginal Heritage Act 2006*. This was provided to and approved by the Department of Premier and Cabinet on 19 July 2018, and therefore the requirements of this clause have been met.

The Proposal

9. The development will retain the front façade of the existing building with the two lower levels (with two mezzanines) constructed over the majority of the site (with the exception of the southern and south-eastern corners). From the second floor and above, two buildings are evident, with the front building being lower, at a total of six storeys, and the rear building being taller, at nine storeys. The proposal has a rectilinear and angular form, with metal and glazing the primary materials behind the red brick front façade. The renders below show the proposal (the top image is from along Victoria Crescent – looking from the south-east towards the proposal, the image below is an elevated view from directly above the proposal):





10. The image below is a birds eye view of the proposal:



11. The proposal is for the demolition of all buildings on site, save for the front façade and its northern and southern returns.

Ground floor plan

- (a) The ground floor will be built behind the retained façade, as well as to the northern and western boundaries, and part of the southern boundary. The western end of the southern elevation will include a setback of 2.5m from the southern boundary to allow for vehicular access from the southern laneway. The proposal is setback from the south-eastern corner of the site to allow for vehicle access from Victoria Crescent.
- (b) The ground floor will be occupied by car parking spaces in the western end (all accessed via the southern laneway onto Little Nicholson Street), centrally located services (including two lifts cores and their associated lobbies), end-of-trip facilities along the southern portion of the site and office/cafés and lobby areas facing Victoria Crescent.
- (c) The south-eastern corner setback allows for vehicular access, bike access and a small landscaped area.
- (d) A smaller office is located facing Victoria Crescent, immediately behind the retained heritage wall, and two small cafes flank the front lobby area.
- (e) Restoration works to the front façade include:
 - (i) Removal of later additions and reverse visible alterations like for like;
 - (ii) Removal of paint to all masonry and render surfaces;
 - (iii) Repair and restore brickwork and render detailing;
 - (iv) Tuck-point arches over windows;
 - (v) Retain and repair windows; and
 - (vi) Reconstruction of altered windows/doors.

Mezzanine level

- (f) Two mezzanine levels are proposed, one is located in the north-western portion of the site for car park spaces (accessed from the southern laneway) and the other is in the eastern end for end-of-trip facilities.
- (g) The former is located beneath the peak of the vehicle access ramp as shown on Section 5 on TP320 however it would be accessed internally from the ground floor bike storage area.

First floor

- (h) This floor is built along the northern and western boundaries, is setback from the southern boundary between 2.6m and 7.8m, and between 6.6m and 16.55m from Victoria Crescent.
- (i) The floor is occupied by car parking spaces with access from both the southern laneway entrance, and via the Victoria Crescent access. Landscaping is proposed behind the retained heritage wall.

Second to fifth floors

- (j) From the second floor and above, the proposal is separated into two buildings, the front building being Building 1, and the rear building being Building 2. Both are occupied solely by offices.
- (k) Each of these floors are setback 10.6m from the northern boundary.
- (l) Building 1 is setback between 6.76m and 12.7m from Victoria Crescent and is setback between 5.1m and 5.4m from the southern boundary. Building 1 is six storeys in height (including the mezzanine level).
- (m) Building 2 is built to its western and southern boundaries. Building 2 is nine storeys in height (including the mezzanine level).
- (n) These buildings are centrally separated by a distance of at least 7.6m, with this widening in the northern extent to 19.47m.
- (o) At the second floor there is an outdoor terrace along the northern boundary and between the two buildings.
- (p) The fifth floor shows the plant and equipment on the roof of Building 1.

Sixth to seventh floors

- (q) Building 2 is constructed similarly to the levels below, with the exception of a reduction in its northern setback, to 4.9m.
- (r) The roof plan shows the plant and equipment

General

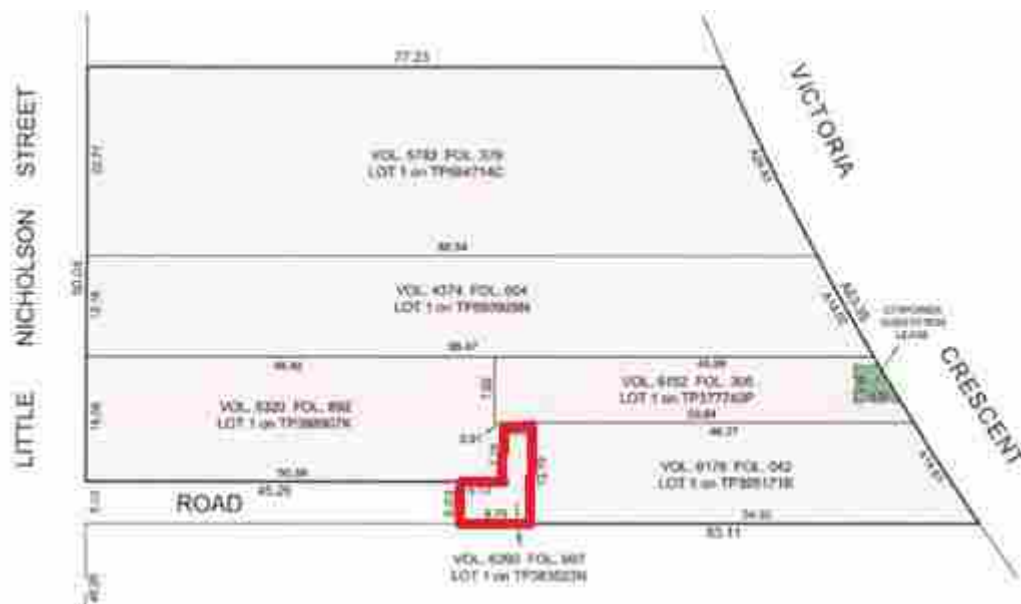
- (s) The overall height of Building 1 is between 21.4m and 21.95m plus a lift core/services structure of an additional 3.4m in height.
- (t) The overall height of Building 2 is 34.4m plus a lift core/services structure of an additional 3.4m in height.
- (u) The proposed materials are primarily metal and glazing. Specifically they include metal mesh in dark and light grey, glazing, metal cladding in dark and light grey, concrete, red brick and metal shading devices in light grey.

Existing ConditionsSubject Site

- 12. The subject site is located on the western side of Victoria Crescent, Abbotsford, to the north of its intersection with Mollison Street and to the south of its intersection with Gipps Street.
- 13. The site is irregularly shaped due to the curve associated with Victoria Crescent. The site has a frontage to Victoria Crescent of approximately 64m and a northern boundary length of 77.1m. The rear boundary length is approximately 49m, with a splayed south-western corner of the site. The southern boundary is 108.85m in length with a 'kink' where the site widens half way. The overall site area is 4861.8sqm.
- 14. The site is occupied by a vacant building, the site formally used by Spotless Laundry which was an industrial laundry. The building is single storey, with a large car park area accessed from Victoria Crescent.
- 15. The building had originally been constructed as a laundry in 1908.
- 16. The subject site is shown below:

*Title*

- 17. The image below shows the various lots which make up the subject site:



18. The subject site is made up of six lots:
 - (a) TP684714C
 - (b) TP893929N
 - (c) TP398907K
 - (d) TP377740P
 - (e) TP395171B
 - (f) TP383523N
19. A review of the titles shows that Title Plan 383523N (outlined in red above) is a 'right of carriageway'. This is shown on Title Plans 377740P and 395171B. On those titles it is shown in 'brown' as is the road to its west.
20. The title plan for that piece of land (TP383523N) shows it as an easement. Nevertheless, a road reservation is dominant over an easement.
21. The land is vested in Council as it is a road. Council's Valuations Coordinator confirmed that the applicant will need to purchase the land from Council and pursue a discontinuance process to obtain title to the land prior to the commencement of works. This will be required by way of condition.
22. Council planning officers note that there is currently built form over this portion of land.

Surrounding Land

23. The surrounding area is characterised by a mixture of uses and architectural styles including industrial and commercial buildings of various types and eras as well as older style dwellings and recently constructed apartment developments. This is also depicted within the zoning of the land, which in the general area near the subject site includes Industrial 1, Industrial 3, Commercial 2, Neighbourhood Residential, General Residential and Mixed Use Zones. The image below depicts the various zones, with the subject site being the blue circle:



24. The area contains a range of businesses including light industry, manufacturing, warehousing and other commercial uses as well as residential. The area comprises of a mix of allotment sizes and building types ranging from industrial to warehouses, office and commercial reflecting the historic industrial nature of the area. Over recent years, the industrial base of the area has declined as manufacturing processes have changed and plants have closed. Some sites are now vacant or underutilised. Other sites have been redeveloped for residential and commercial uses.

25. The aerial image below depicts the surrounds:



North

26. To the north of the site are a group of single and double storey commercial buildings, some with a front setback area for at-grade car parking/loading and also rear car park access areas (either at-grade or on upper floors). All have rear access to Little Nicholson Street. To the north of these properties is Gipps Street.
27. To the north-east is a large double storey building associated with the Salvation Army, which includes an 'opportunity shop' and associated delivery areas. To its rear is the Yarra River.
28. To the north of the Salvation Army building is the Gipps Street bike steps which provides access to the Main Yarra Trail.
29. Further to the north is a large light industrial area with the residential land associated with Abbotsford. The Johnston Street Neighbourhood Activity Centre (NAC) and its associated commercial uses are located 623m north of the subject site.

East

30. To the east of the site is Victoria Crescent with single and double storey, hard-edged buildings along its eastern side. The buildings are used as offices with some light industrial uses. Some also have a centralised car parking areas. The Yarra River is to their east and the Carlton United Brewery along Church Street is to the south-east.
31. The Abbotsford Primary School is located approximately 200m south-east of the subject site.

South

32. To the south of the site is an open-air, at grade car park with two and three-storey, hard-edged commercial buildings to its east. These buildings extend across the Mollison Street and Victoria Crescent interfaces. The land is known as Nos. 32- 68 Mollison Street. The image below depicts this outlined in red:



33. The buildings are constructed of painted masonry with large industrial windows on each floor level. The corner of the three-storey building (furthest from the car park – No. 68 Mollison Street) is splayed at the south-east corner where Mollison Street intersects with Victoria Crescent. There are several vehicle crossovers and pedestrian entries across the Mollison Street interface.

This land is affected by an Incorporated Plan Overlay (IPO) (Schedule 1 - (32 – 68 Mollison Street, Abbotsford)) which specifies particular built form outcomes for the site. This site is zoned Commercial 2 (also as a result of the IPO).

- 34. The IPO allows for a building height of up to 23m in this location.
- 35. A recent planning permit (PLN17/0679) was approved on 17 May 2018 for the site for the construction of a five-storey buildings and a change of use to office and shop and reduction in the associated car parking requirement. It also included the land at No. 10 Victoria Crescent which is currently a large warehouse (outlined in green in the above image). This built form is in line with the requirements of the IPO. Plans have yet to be endorsed. The proposal includes a five storey side wall along its interface with Little Nicholson Street.
- 36. The image below depicts the approval for the site associated with PLN17/0679 when viewed from the intersection of Mollison Street and Victoria Crescent:



- 37. The image below is of the development along Victoria Crescent (the red star indicates the location of the subject site):



38. This land also has an older planning permit, PLN13/1025, which granted the construction of a seven storey car park building. This permit is still valid.
39. No. 10A Victoria Crescent also abuts the subject site to its south and is occupied by a large, single storey industrial building used for a panel beaters.
40. Further east, along the southern side of Mollison Street are a number of single storey commercial buildings used for warehouses, light industrial and manufacturing as well as some remnant dwellings.
41. To the south-west of the subject site, on the north-eastern intersection of Nicholson and Mollison Streets is a current planning application for a 12 storey mixed use building associated with planning application PLN17/0535. This application is currently before the Victoria Civil and Administrative Tribunal (VCAT) due to the applicant lodging an appeal under section 79 of the *Planning and Environment Act 1987* (the Act) for the failure of Council to determine the application within the statutory time period.
42. On 9 November 2018, the planning application was presented at Council's internal Development Assessment Panel (DAP) meeting where it was determined that had Council been in a position to, it would have issued a Notice of Refusal to Grant a Planning Permit based on the following grounds:
 - (a) The lack of street wall does not respond to the site context nor fit into the emerging built form context and streetscape as envisaged under clauses 15.01-1S, 15.01-2S, 21.05-2, 22.10-3.2 and 22.10-3.3;
 - (b) The scale, height, lack of upper level setbacks and architectural quality and will visually dominate the surrounding streetscape and wider heritage area and is contrary to policy at clauses 15.01-1S, 15.01-2S, 21.05-2, 22.10-3.2 and 22.10-3.3;
 - (c) The proposal does not provide for equitable development opportunities for the sites to the north and east due to insufficient setbacks.
 - (d) The proposal will result in excessive overshadowing of the public realm, and as such does not provide for a pedestrian friendly environment along its street frontages and the proposed northern laneway.
43. A compulsory conference was held on 12 November 2018 with ongoing discussions being held. No decision has been made at the time of this report. The image below is a render of the proposal as per the advertised plans:



Looking from the north,
southward along Nicholson
Street

Looking from the south,
northward along Nicholson
Street

Looking from the east,
westward along Mollison
Street

44. Opposite this site, on the southern side of Mollison Street, at its intersection with Nicholson Street is the three-storey (14m high) former Denton Hat Mills brick building at the intersection of Nicholson and Mollison Streets. This development features both the historic mill building, as well as a new structure along its eastern boundary containing three and four storey apartment buildings. The ground floor is partly occupied by cafes and business uses, with the upper levels containing residential apartments. Pedestrian access to the building is from both Mollison Street and Nicholson Street. Current vehicle access to the site is via Little Nicholson Street. This building is within its own site specific heritage overlay (HO40).
45. To the east of the former Denton Hat Mills is No. 61-69 William Street which also forms part of the IPO previously discussed and has development approval for a four-storey residential development that is currently under construction. The IPO allows for a building height of 15.5m in this location. The image below depicts renders of the proposal:



46. Further to the south are single and double storey dwellings. The Victoria Street Major Activity Centre (MAC) is located 365m to the south and includes a number of commercial uses such as cafés, restaurants, supermarkets, pubs and bars, with a primarily Vietnamese/Asian focus. Tram routes are available along both Victoria Street Church Street.

West

47. To the west of the site is Little Nicholson Street which is a 4.5m wide laneway with only one lane in a two-way traffic flow servicing Gipps Street to the north and Mollison Street to the south. Properties fronting Nicholson Street and Victoria Crescent have car parking access to this laneway.
48. To the north-west are a row of attached, single and double storey commercial buildings, each with a front setback area for at-grade car parking/loading accessed from Nicholson Street. These continue further north up to Gipps Street, with some buildings also being built to the street edge.
49. Further to the west is Nicholson Street which is a two-way street, with bicycle lanes and parking either side. On the western side of Nicholson Street is a recently completed residential development (Planning Permit PLN11/0343) within the former St Joseph's School with dwellings across three storeys incorporating new and restored buildings. This development has a frontage to Nicholson Street of approximately 90m. The retained brick heritage buildings are classified as 'individually significant' within the Charles Street heritage precinct (HO313).
50. To the south of these is the termination of Mollison Street, with this portion only being able to be accessed from the west, with no access to Nicholson Street. Fronting onto this section of Mollison Street are two, three storey, older style apartments with north-facing balconies and a setback at ground floor to provide for car park access. To their west and south are single and double storey dwellings with some three-storey dwellings also evident.
51. Beyond this, is Langridge Street which provides direct access to Hoddle Street and the suburb of Collingwood. Collingwood (380m distance) and North Richmond (560m distance) Train Stations are located to the north-west and south-west respectively. Various bus routes run along Hoddle Street (distance of 440m). Beyond the train line and along Hoddle Street there are a number of commercial premises, generally with high site coverage.

Planning Scheme Provisions

Zoning

Industrial 1 Zone (IN3Z)

52. The purpose of this zone is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*
53. The use of the site for an office and food and drinks premises (café) requires a planning permit under section 2 of clause 33.01-1.
54. Pursuant to clause 33.01-4 a permit is required to construct a building or construct or carry out works.

55. An application for buildings and works under this zone is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*.
56. This exemption does not apply to an application for a building or works within 30m of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
57. The land meets the above tests, and therefore the buildings and works component under the zone is exempt from notice and appeal rights.

Overlays

Heritage Overlay (HO51 – Former Hatchers Laundry)

58. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building and construct a building or construct or carry out works.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

59. The building on the subject site is located within a site specific heritage overlay (Schedule 51) and identified as 'individually significant' as outlined in the incorporated document.

Particular Provisions

Clause 52.06 – Car Parking

60. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.
61. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
62. It is noted that the introduction of VC148 amended Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this planning permit application.
63. Within Clause 52.06-5 policy states that if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.
64. Under clause 52.06-5, the following parking rates are required:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	12,079 m ²	3 spaces per 100 m ² of net floor area	362	220
Food and Drink (2 Tenants)	187 m ²	3.5 spaces per 100 m ² of leasable floor area	6	
Total			368 Spaces	220 Spaces

65. As 220 car spaces are being provided, a total of 148 office car spaces are required to be reduced.

Differences in car parking calculation

66. Due to the introduction of Amendment VC148 which amended Clause 52.06, there is also a difference between Council's assessment and the applicant's traffic report. As a result of the amendment, car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).
67. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application. As a result, the office car parking requirement is now 3 spaces per 100sqm instead of 3.5 and the requirement for a food and drinks premises is now 3.5 spaces per 100sqm instead of 4.

Clause 52.34 – Bicycle Facilities

68. Pursuant to clause 52.34, 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. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. 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.

Land Use	Units/Area proposed	Rate for staff	Rate for visitors/ shoppers	No. required	No. proposed	Reduction sought
Office	12,079sqm	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm	1 to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	40 staff 12 visitor	46 staff 4 visitor	None 8 visitor spaces
Retail – Food and drinks	187sqm	1 to each 300sqm of leasable floor area	1 to each 500sqm of leasable floor area	1 staff 0 visitor		
Total				41 staff 12 visitor	179 staff 4 visitor	8 visitor spaces

69. The proposal requires a reduction of eight visitor bike spaces, however as will be discussed later in this report, visitor bike spaces will be required by way of condition in accordance with best practice rates which exceed the statutory requirement.
70. Pursuant to clause 52.34-3, the rate for the provision of showers/change rooms is 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces. Therefore, 5 showers and 5 change rooms are required.
71. The development includes 14 change rooms, showers and lockers on the mezzanine level. This requirement is well exceeded.
72. Clause 52.34-4 provides design standard for bicycle spaces and signage.

General Provisions

73. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Planning Policy Framework (PPF)

74. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

75. The objective is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

76. The relevant objectives of this clause include:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

77. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
- (i) *Are able to accommodate significant growth for a broad range of land uses.*
 - (ii) *Are supported with appropriate infrastructure.*
 - (iii) *Are hubs for public transport services.*
 - (iv) *Offer good connectivity for a regional catchment.*
 - (v) *Provide high levels of amenity*

Clause 13.05-1S (Noise abatement)

78. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

79. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

80. The objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

81. The relevant objective of this clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

82. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

83. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

84. Relevant strategies of this clause are:

- (a) *Require a comprehensive site analysis as the starting point of the design process.*
(b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
(c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
(d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
(e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
(f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
(g) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
(h) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
(i) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
(j) *Encourage development to retain existing vegetation.*

85. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S (Healthy neighbourhoods)

86. The objective is:

- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

87. The strategy is:

- (a) *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 15.01-5S (Neighbourhood character)

88. The relevant objective of this clause is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

*Clause 15.02 (Sustainable Development)**Clause 15.02-1S (Energy Efficiency)*

89. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

*Clause 15.03 Heritage**Clause 15.03-1S – Heritage conservation*

90. The objective of this clause is:

- (a) *To ensure the conservation of places of heritage significance.*

91. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 15.03-2 - Aboriginal cultural heritage

92. The objective of this clause is ‘*to ensure the protection and conservation of places of Aboriginal cultural heritage significance*’.

93. This clause has the following strategies:

- (a) *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme;*

- (b) *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
- (c) *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

94. Planning must consider as relevant:

- (a) *The Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage;*
- (b) *The findings and recommendations of the Aboriginal Heritage Council;*
- (c) *The findings and recommendations of the Victorian Heritage Council for post - contact Aboriginal heritage places where relevant.*

95. The subject site is located within 200m of the Yarra River as defined in Division 3 of the *Aboriginal Heritage Regulations 2007* and therefore triggers the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

96. The Permit Applicant engaged Ecology and Heritage Partners to prepare a CHMP with the applicant applying for Certification of a Preliminary Aboriginal Heritage Test for the purposes of the *Aboriginal Heritage Act 2006*. This was provided to and approved by the Department of Premier and Cabinet on 19 July 2018, and therefore the requirements of this clause have been met.

Clause 17.01 – (Employment)

Clause 17.01-1S – (Diversified economy)

97. The objective of this clause is:

- (a) *To strengthen and diversify the economy.*

98. The relevant strategies of this clause are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

Clause 17.02 – (Commercial)

Clause 17.02-1S – (Business)

99. The relevant objective of this clause is:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

100. The relevant strategies of this clause is:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

Clause 18.01 (Integrated Transport)

Clause 18.01-1S – (Land use and transport planning)

101. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land use and transport.*

102. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*
 - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
 - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
 - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- (c) *Integrate public transport services and infrastructure into new development.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S – (Sustainable personal transport)

103. The relevant objectives of this clause is:

- (a) *To promote the use of sustainable personal transport.*

104. Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R – (Sustainable personal transport- Metropolitan Melbourne)

105. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

106. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R (Principal Public Transport Network)

107. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – (Car Parking)

108. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

109. A relevant strategy is:

- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Municipal Strategic Statement

110. The relevant policies in the Municipal Strategic Statement can be described as follows:

Municipal Strategic Statement (MSS)

111. Relevant clauses are as follows:

Clause 21.04-2 (Activity Centres)

112. The relevant objectives of this clause are:

- (a) *To maintain the long term viability of activity centres.*

113. Relevant strategies to achieve this objective include:

- (a) *Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (b) *Strategy 5.3 - Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.04-3 (Industry, office and commercial)

114. The objective of this clause is:

- (a) *To increase the number and diversity of local employment opportunities.*

Clause 21.05-1 Heritage

115. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

116. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
- (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Strategy 14.2 Support the restoration of heritage places.*
 - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*
 - (vii) *Strategy 14.9 Apply the landmarks and Tall Structures Policy at clause 22.03*

Clause 21.05-2 – (Urban design)

117. The relevant objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 1. *Significant upper level setbacks*
 2. *Architectural design excellence*
 3. *Best practice environmental sustainability objectives in design and construction*
 4. *High quality restoration and adaptive re-use of heritage buildings*
 5. *Positive contribution to the enhancement of the public domain*
 6. *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 19 To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-4 (Public environment)

118. The relevant objective and strategies of this clause are:

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
 - (i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
 - (ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iv) *Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.*
 - (v) *Strategy 28.8 - Encourage public art in new development.*

Clause 21.06 – (Transport)

119. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.

120. Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.

121. Relevant objectives and strategies of this Clause are as follows:

- (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
 - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
- (b) *Objective 31 – To facilitate public transport usage.*
- (c) *Objective 32 – To reduce the reliance on the private motor car.*
- (d) *Objective 33 To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07-1 – Ecologically sustainable development

122. The relevant objectives and strategies of this clause are:

- (a) *Objective 34 – To promote ecologically sustainable development.*
 - (i) *Strategy 34.1 – Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08-1 Neighbourhoods (Abbotsford)

123. This clause relevantly describes Abbotsford as follows:

- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*

- (b) *There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.*
[Emphasis Added]

124. Figure 5 shows the subject site is close to the Gipps Street bike steps which provide a link to the Main Yarra Trail.
125. Figure 6 shows the subject site as being part of a non-residential area where the aim is to improve the quality of the environment and the interface of development with the street.
126. Relevant land use strategies are as follows:
- (a) *Supporting rezonings of Industrial 1 and 3 land to permit a mix of offices and industry west of Victoria Crescent south of Gipps Street.*

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

127. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

Clause 22.05 – Interfaces Uses Policy

128. This policy applies to applications within the Industrial Zones (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
129. It is policy that:
- (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

130. Decision guidelines at clause 22.05-6 include:

- (a) *Before deciding on an application for non-residential development, Council will consider as appropriate:*
- (i) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
- (ii) *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

Clause 22.07 – Development abutting laneways

131. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives under this policy are:

- (a) To provide an environment which has a feeling of safety for users of the laneway.
- (b) To ensure that development along a laneway acknowledges the unique character of the laneway.
- (c) To ensure that where development is accessed off a laneway, all services can be provided to the development.
- (d) To ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

132. Clause 22.16-3 requires the use of measures to “improve the quality and reduce the flow of water discharge to waterways”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Design

133. This policy was introduced into the Scheme on 19 November 2015 and applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Documents

134. Clause 15.01-2S states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*

Plan Melbourne

135. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.

Advertising

136. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 945 letters sent to the surrounding property owners/occupiers and by two signs on Victoria Street, and two signs on Little Nicholson Street.

137. A total of 15 objections were received to the application, these can be summarised as:

- (a) Traffic impact;
- (b) Lack of car parking;
- (c) Neighbourhood character/Heritage;
- (d) Height/Massing/Scale;
- (e) Amenity impacts (access to daylight, overlooking); and
- (f) Overdevelopment (built form, people coming to the area and use).

138. The grounds of objections raised will be considered and addressed where relevant throughout the following assessment.

139. A consultation meeting was held on 25 September 2018. The Permit Applicant, Planning Officers and objectors were present however none of the Ward Councillors attended the meeting.

Referrals

140. The referral comments are based on the advertised plans.

External Referrals

141. The application was referred to the following authorities:

- (a) Head, Transport for Victoria;

Internal Referrals

142. The application was referred to the following units within Council:

- (a) Urban Design;
- (b) Heritage;
- (c) Engineering Services Unit;
- (d) Strategic Transport;
- (e) Open Space;
- (f) Streetscapes and Natural Values;
- (g) Waste Services;
- (h) ESD Advisor;

143. The application was referred to the following external consultants:

- (a) Urban Design (MGS Architects); and
- (b) Traffic Consultant (Cardno).

144. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

145. The primary considerations for this application are as follows:

- (a) Strategic context;
- (b) Land use;
- (c) Built form and Heritage;
- (d) Environmentally Sustainable Development (ESD);
- (e) Off-site amenity impacts;
- (f) Car parking, traffic, access and bicycle provision;
- (g) Waste management; and
- (h) Objector concerns.

Strategic context

146. The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.

147. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or local public transport trip. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists to optimise active transport. The Plan aims to provide more jobs close to where people live. The proposal will facilitate increased employment close to residential areas of Abbotsford, thus achieving the vision of the Plan.

148. The Industrial 1 Zone which applies to the site is capable of accommodating a greater density and higher built form, subject to individual site constraints. Additionally, state and local policies (such as clause 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport such as the subject site.
149. In this instance the site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Victoria Street Major Activity Centre (MAC) and Johnston Street Neighbourhood Activity Centre (NAC). Tram routes are available along both Victoria and Church Streets and train stations are located to the south-west and north-west of the site (560m and 370m in distance respectively).
150. The proposal also includes facilities for bicycle spaces and end of trip facilities including shower/change rooms and lockers, encouraging staff to utilise the existing bicycle path network in the local area to travel to work (such as the Main Yarra Trail). This access to bicycle parking and public transport encourages the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, as per policy within clauses 18.02-1S (Movement Networks-Sustainable Personal Transport); 18.02-2S (Public Transport), 18.02-2R (Principal Public Transport Network) and 21.06-1 (Walking and Cycling). This will be further enhanced through the proposed conditions which will require a reduced car parking provision, the deletion of the vehicle access from the primary street frontage and the provision of additional visitor bike spaces.
151. Local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contributes to the adaptation, redevelopment and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing and industrial businesses. The proposal complies with this policy and achieves these goals.
152. The proposal is consistent with the purpose of the zone and strategic intent for this area that seeks to encourage intensification of commercial uses and provision of diverse employment opportunities. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy also outlines that consideration must be given to the design of the building and its interfaces with the surrounding area. The following Built Form and Heritage assessment will consider these issues.

Land use

153. The proposed office and food and drinks premises uses require planning permission under the zone.
154. Clause 22.05 (*Interface Uses Policy*) requires new non-residential use and development within Industrial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. The proposed office use is largely considered to generate minimal off-site amenity impacts, with the use contained within the building and unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land.

Office

155. The use of the site predominantly as an office building is supported by the Planning Policy Framework, as outlined previously, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services. Providing local employment opportunities are a necessary element in achieving a sustainable 20-minute neighbourhood as outlined within *Plan Melbourne*.

156. Additionally, the site to not directly abutting any residences or residential land, and is separated by these areas by other built form and streets which provides a buffer from any potential land use conflicts and amenity impacts which complies with the objective of the zone. The proposed staff numbers are 1200, and the hours of operation will be 8am to 6pm, Monday to Friday. These will be enforced via permit conditions.

Food and drinks premises (café)

157. The small scale of the food and drinks premises will allow for it to be a locally focused service that would not generate unreasonable levels of activity and associated off-site amenity impacts for the surrounding residential areas which complies with the Industrial 1 Zone design guidelines under clause 33.01-2.
158. The food and drinks premise are a small operations (two premises with a total floor area of 187sqm) and so are unlikely to be an attractor destination in their own right.
159. The hours of operation are 7am to 6pm, with a maximum of 100 patrons, seven days per week. These will be enforced by way of permit conditions.
160. Council planning officers submit that these two uses are compatible with the nearby community and would provide a service to local residents as well as future employees of the office. Council has recently adopted the Spatial Economic and Employment Strategy (SEES) and Housing Strategy (HS) which provide up to date strategic information on these aspects in the Yarra municipality. The SEES identifies the Abbotsford precinct, as a Major Employment Precinct as well as having capacity for additional employment floor space.
161. Council's Housing Strategy identifies that by 2031, an extra 29,000 people will move to Yarra. Providing employment opportunities such as offices within commercial and industrial zones will allow future residents to have the ability to live close to live where they work.
162. The site is well suited to accommodate the proposed uses. The proposed location would provide a concentration of uses that provide a variety of land uses and are highly accessible to the community as it is located within an established urban area.
163. In terms of their hours of operation, it is worth noting that clause 22.01 (*Discretionary Uses in a Residential 1 Zone*) stipulates that permit required uses in a residential zone should have hours of operation limited to 8am to 8pm. In light of these hours being supported by the Scheme in a purely residential area and that the proposed uses are located in an industrial zone, it is reasonable to permit the use to operate for one hour more in the morning from 7am.
164. Rubbish would be adequately concealed within the building and any emissions would have an adequate dispersal distance from any dwellings. Conditions can be included to ensure the amenity of the area is not unreasonably compromised due to the proposed uses. These would normally include restrictions on hours of operation, noise, waste disposal, deliveries and emission including light spill.

Built form and Heritage

165. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and Clause 22.07 (Development Abutting Laneways) of the Yarra Planning Scheme. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings.

Context

166. The built form of the surrounding area is a mixture of architectural styles, uses and materials. The area has been dominated by bulkier light industrial and office buildings. Most of the surrounding developments are constructed with a zero setback from the street, high levels of site coverage (most with 100%) and walls on the boundaries. The existing character of the surrounding area is predominantly one and two storeys in height with taller built forms interspersed (between three and four storeys).
167. The direct interfaces to the subject site include hard-edged walls of one and two-storey commercial buildings to the north and south as well as a car park to the south-west, with Little Nicholson Street to the west. On the opposite side of Victoria Crescent are single and double storey commercial buildings.
168. As has already been outlined, there is no dispute that strategically, the subject site is appropriately located for a higher-density development, being located within proximity to a MAC, within an industrial zone with excellent access to cycling networks, public transport, services and facilities with limited direct sensitive, residential abuttals. It would be a reasonable expectation that this site would experience intensification in use and development. The change in the local area is already evident with the recent approval of a 23m tall building approved to the south.

Demolition, restoration and street wall

169. Prior to ascertaining if the proposed buildings are acceptable, one must consider if the demolition satisfies Council's policy. The subject site is graded as being 'individually significant' within a site specific heritage overlay (HO51).
170. The application proposes to fully demolish the entire building – save for the front façade, and its northern and southern returns. In addition to this, the application proposes to restore the front façade which is currently painted in a two-tone grey and return it to a red brick façade. The restoration works include:
- (a) Removal of later additions and reverse visible alterations like for like;
 - (b) Removal of paint to all masonry and render surfaces;
 - (c) Repair and restore brickwork and render detailing;
 - (d) Tuck-point arches over windows;
 - (e) Retain and repair windows; and
 - (f) Reconstruction of altered windows/doors.
171. The applicant also submitted a Conservation Management Plan. Council's Heritage Advisor found the methodology to the restoration works appropriate. Council's Heritage Advisor noted that the submitted Conservation Management Plan was not what was typically accepted. One will therefore be required by way of condition. The current front façade of the building has had numerous inappropriate alterations. The image below depicts the current state:



172. The proposed façade restoration will result in the following:



173. Council's Heritage Advisor stated that they wanted a site inspection to be conducted to ascertain if there was anything of heritage value behind the façade, and if there was none, then the demolition was acceptable. Council's Heritage Advisor also stated they did not support the demolition of the rear wall and wanted to retain the sawtooth truss roof over the front 6.7 – 7.64m front setback.
174. The applicant has confirmed that the full demolition (with the exception of the front façade) of the buildings on-site is necessary due to the remediation works which are required as a result of heavy contamination from the previous laundry use. The applicant has provided Council with confirmation from environmental consultants.
175. Council's planning officers submit that the level of demolition is acceptable considering the remediation and the extensive restoration which is to occur to the front façade to return it to its original appearance. Additionally, retention of the rear wall is not necessary as this does not form part of any heritage streetscape and its removal would not impact the heritage significance of the site. The saw-tooth roof is also not currently visible from the primary street frontage.
176. Council's Heritage Advisors has made the following recommendations with regards to the demolition and restoration which will be required by way of condition:
- (a) *Prior to any demolition an archival photographic survey must be undertaken in accord with Heritage Victoria's Technical Note Photographic Recording for Heritage Places and Objects and a copy lodged in the Collingwood Library.*

https://www.heritage.vic.gov.au/___data/assets/pdf_file/0015/61521/Photographic_Recording_Tech_Note.pdf

- (b) As the permit triggers set out in the CMP are activated they must be referred back for heritage advice.
- (c) Confirm the original and proposed treatment of the vermiculated pilasters and parapet consoles.
- (d) The provision of a plaque.
- (e) Retain any original painted signage.

177. The applicant has agreed to the above.

178. In terms of its street presentation, through the retention and restoration of the front façade, the street wall will be an improvement compared to existing conditions. Additionally, by restoring the front wall to its former red brick construction, this will enhance its presence in the streetscape compared to existing conditions (it is currently covered in a grey paint) and is compliant with policy at clause 22.02-5.3. The red brick will also appear quite distinct from the proposed metal and glass materials at the upper levels. This complies with heritage policy within clause 22.02-5.7.1. It is quite evident in the render images above that the proposed restoration works will be a significant improvement and a positive outcome for the adaptation of the heritage place.

179. Further to this, the existing windows facing the street are obscured which prevents views from internally, out to the street. The proposal will provide for clear glass windows out to the street, with active uses behind.

180. Council's external urban designer made numerous comments with regards to the ground floor vehicle access and the visibility of the first floor car parking area of Building 1. Council planning officers agree with the recommendations and substantial improvements will be required by way of condition. These matters will be discussed within the *Public Realm* section of this report.

Height/Massing

181. Now turning to the height of the proposal, the two buildings will have maximum heights of 21.95m and 34.4m, both with 3.4m high lift core/services.

182. The front building (Building 1) is the most important aspect of this proposal when considering character as it directly interfaces with the street. The rear building (Building 2) is setback between 54m and 67m from Victoria Crescent so will only be visible in the backdrop or from the west (discussed later in this report). The applicant has considered the streetscape character through retaining and restoring the existing heritage street wall at ground level with setbacks behind. They have also incorporated the lower built form closer to the street and set taller built form away from the street frontage. The image below depicts the proposal:



Building 1

183. Building 1 is setback between 6.6m and 8m behind the street wall from the first floor and above, with this widening in the south-eastern corner of the site to a maximum setback of 16.55m from Victoria Crescent. Building 1 has side setbacks from the southern boundary of between 5.1m and 5.4m, and a 10.6m setback from the northern boundary. The setbacks allow the building to have space between its two abutments to the north and south which reduces the perception of visual bulk from the streetscape. By including a setback above the retained wall, it allows the restored street wall to have primacy in the streetscape in compliance with policy at Clause 22.02. Building 1 also serves as a transition building, between the taller rear building, and the low scale street wall.
184. The site to the south, beyond No. 10 Victoria Crescent, has recently been approved for a five storey office building, with a maximum overall height to Victoria Crescent of 23m (not including plant and equipment) with a front setback of 2m above a three-storey street wall. The height of Building 1 is commensurate to this, albeit with a greater street setback from Victoria Crescent.
185. The overall height and setbacks of Building 1 are acceptable, and in keeping with the emerging character of the area. Neither Council's Heritage Advisor nor external urban designer raised any issues with the height or massing of Building 1.
186. In relation to Building 1, Council's Heritage Advisor made the following comments which acknowledged that Building 1 would be acceptable within the streetscape:
- (a) *The new built form will be quite visible above the façade and also from vantage points along Victoria Crescent but not always in connection with a view of the façade. What is proposed is in keeping with other redevelopments of former industrial sites in Yarra, and also being mindful that the Heritage Overlay is site specific and that other sites in the vicinity could be redeveloped without a heritage constraint.*

Building 2

187. This building is built to its rear and southern boundaries, with setbacks of 10.6m from the northern boundary at the lower levels, decreasing to 4.9m for the two upper-most floors. As already acknowledged, due to the height of the front building and its setback from the street, the rear building will not have a dominant presence in Victoria Crescent. This was also acknowledged by Council's Heritage Advisor.

188. As previously outlined, this rear building will serve more as a backdrop within the Victoria Crescent streetscape and further afield ensuring it will not dominant the heritage building and the surrounding streetscape. The material and colour palate chosen is simple and restrained, letting the heritage building remain prominent as per policy within clause 22.02-5.7.1. Any views would be from oblique angle from a distance, or from the west. This is evident in the perspective view below, which has been taken from the north-east, looking from the intersection of Victoria Crescent and Gipps Street:



189. In terms of the image above, it is important to note that over time, the buildings to the north will also be developed, further obscuring any views of the rear building. Due to the height and lack of setbacks of the approved building to the south, views from the south-east of the site will largely be obscured.
190. Council planning officers do not have an issue with the proposed height of the rear building. Any views would either be from a distance of at least 48m to the west and over the Nicholson Street industrial warehouses or 55m to the south-west and over an existing double storey warehouse at No. 20 – 30 Mollison Street. These distances are significant enough to mitigate any visual bulk impacts to the surrounding streetscape. Additionally, over time these buildings are also likely to be developed which will further obscure any built form.
191. Whilst Council's Heritage Advisor was concerned that the overall height (in addition to the rooftop plant) would be highly visible from the Charles Street Heritage Precinct. This heritage precinct is over 63m to the west of the site and is separated by warehouses along the eastern side of Nicholson Street. The proposal will not negatively impact this heritage precinct due to the distance, and that over time, other commensurately sized buildings will likely occur to the west, concealing this development from view from this heritage precinct.
192. Council's external urban designer did not raise any issues with the proposed height of the rear building, but did make recommendations for increased side and rear setbacks. These were largely associated with ground level rear access and equitable development issues (which will be discussed later in this report). The recommendations proposed were:
- (a) *Provide a minimum setback at street level up to the top of carparking levels enabling a minimum 6.5m laneway width to Little Nicholson Street and the unnamed south western right angle laneway to allow two-way car and pedestrian movement and a refuge zone and manoeuvrability for loading dock areas in conjunction with revised elevations and layouts activating these interfaces. (Access Issue)*

- (b) *Provide a minimum setback of 4.5m from the centreline of the laneway for proposed upper level office space providing sufficient space between built form to enable future high environmental performance and amenity for new enterprise and mixed use development.* (Equitable development issue)

193. Council's planning officer agrees with these setbacks, and they will be required by way of condition. The proposal will be required to provide an additional setback (approximately between 1.5 and 1.6m) along the western boundary which widens Little Nicholson Street to a minimum width of 6.5m (with a minimum ground clearance height of 4.7m to allow vehicles to pass safely beneath). This will allow vehicles to have a passing area. It is noted that the proposal already provides an additional 2.4m setback to the southern laneway (total laneway width of 7.5m). No additional setbacks to the south are required for access.
194. With regards to the setbacks of the upper floors, these will be required from the fifth (TP215) to seventh floors to both the west and southern boundaries. These setback distances will be a minimum setback of 4.5m from the centreline of Little Nicholson Street and the southern laneway which is approximately an additional setback of between 2m and 2.25m from the western and southern boundaries. Whilst there is a planning permit approval for a five storey office building to the south which is built to its northern boundary, Council planning officers believe that this proposal should provide a setback from the fifth floor and above. Five storeys is significantly higher than what is currently being proposed. The inclusion of these setbacks would also assist in preventing excessively high sheer walls along Little Nicholson Street that can be viewed from Mollison Street.
195. Returning to the issue of height, whilst there are no height controls identified for the subject site within the Yarra Planning Scheme, there is evident policy support for higher density development in this location and due the lack of sensitive interfaces, the proposed building heights are considered acceptable subject to conditions.
196. The Scheme provides general guidance to assist in determining whether the proposed height of the development is acceptable. With regard to policy direction, clause 21.05-2 (Urban Design) contains Objective 17, which aims *to retain Yarra's identity as a low-rise urban form with pockets of higher development*. To achieve this, Strategy 17.2 notes the following;
- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
- (i) *Significant upper level setbacks*
 - (ii) *Architectural design excellence*
 - (iii) *Best practice environmental sustainability objectives in design and construction*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings*
 - (v) *Positive contribution to the enhancement of the public domain*
 - (vi) *Provision of affordable housing*
197. Although the site is not located directly within an activity centre, or on an identified strategic redevelopment site, it is within an area in which substantial redevelopment opportunities exist. The land is currently under-utilised, given its substantial size and central location. The proposal incorporates high quality restoration and adaptive re-use of a heritage building, substantial upper-level setbacks and meets Council's best practise ESD outcomes. Positive contributions to the public realm are proposed, and expanded upon by way of condition (discussed later in this report). It is also considered to display a high quality of architectural design, as will be discussed further.
198. The view that higher development can be considered outside activity centres or nominated strategic redevelopment site was articulated by the Tribunal in the 2009 decision, *Common Equity Housing Ltd v Yarra City Council & Ors* [2009] VCAT 1722 (24 August 2009):

[56] We do not think the mapped and listed sites should be regarded as being exclusive. It will not always be possible to identify such sites into the future and opportunities that present themselves that fit into the locational criteria should be able to be considered for higher scale development. Any redevelopment will involve an assessment of the site's physical and planning contexts resulting in different responses in different settings.

199. With regards to the issue of visibility of taller built form, the following comments were made by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):

[54] If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.

200. Whilst the rear building is greater in height than surrounding buildings, it is considered that due to its setbacks from the street and its strategic context, Council planning officers support the overall height of Building 2.

Architectural quality

201. Given the height and massing have been discussed at length above, the architectural quality really comes down to the materials and finishes, fenestration patterns and the ability to combine the various components of the building into a cohesive design. Policy at clause 15.01-2S encourages high standards in architecture and urban design. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the existing frontage to the street.

202. The two buildings will be constructed primarily of metal and glass in a robust rectilinear form which will sit behind a restored red brick street wall.

203. Both buildings have mesh screening to the lower levels associated with the car parking. Whilst this is acceptable along Little Nicholson Street, Council's external urban designer did not support this for Building 1 with the following comments being made:

(a) *Similarly the Victoria Crescent frontage should not be the site for car parks to be visible at any level. The applicant should amend the upper and ground floor layouts to activate all street frontages to the Victoria Crescent to ensure that car parking is not visible at any level to this frontage.*

204. The render below shows the mesh panelling from Victoria Crescent:



205. Council planning officers agree, and in conjunction with removing all vehicle access from Victoria Crescent (discussed later in this report), the car parking at the first floor of Building 1 will be required to be deleted, replaced with office space (commensurate to the floor area lost as a result of the additional side and rear setbacks) and the treatment amended to a more visually permeable material. This can all be facilitated by way of condition. Council planning officers are aware that the floor to floor heights of the first floor car parking area of Building 1 do not match the proposed office floor to floor heights. The applicant may need to adjust the internal areas to facilitate the provision of office floor area in the first floor of Building 1. As per Council's external urban designer's recommendation, revised soffit and boundary treatments to the forecourt entry will be required to be provided.
206. Above these mesh levels, the proposal will have metal shading and cladding in light and dark grey in front of glazing. The metal shading will be in a criss-cross pattern over the glazing, whilst the metal cladding will be horizontal bands across each floor. This will provide articulation and visual interest to the façade. In addition to this, due to the metal shading projecting slightly forward, this creates a recess which provides opportunities for light and shadow within each frame created by the criss-cross pattern. These elements also ensure that each façade has visual interest and shows that the building has been considered 'in the round'.
207. This is evident in the render below (the image on the right displays the recess created by the metal shading elements):



208. Council's Heritage Advisor requested the mesh to be deleted as this is not an easily maintainable material however Council planning officers disagree.
209. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the street frontage (subject to conditions).

Public Realm, light and shade and pedestrian spaces

210. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety.
211. Council is supportive of the construction of two modern buildings with large glazed ground floor lobbies, active tenancies and improved outdoor spaces. Through the activation of the ground floor, the building will provide interaction at street level where there currently is none. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2S and 21.04-2.

Victoria Crescent vehicle access and first floor presentation of Building 1

212. As already noted, the overall built form of the proposal is acceptable, subject to conditions related to the provision of additional side and rear setbacks to Building 2. However, one key area of concern with this application is the impact to the public realm associated with the provision of vehicle access from Victoria Crescent.
213. Council planning officers are aware that there is an existing vehicle crossover and car parking area fronting on to Victoria Crescent, however this creates a void in the streetscape where active frontage should be and does not contribute to the streetscape character of Victoria Crescent.
214. In assessing this application Council officers must make a comprehensive evaluation of the proposal with consideration to the purposes and objectives sought to be achieved by the Act and the Yarra Planning Scheme, the applicable decision guidelines, and as to whether or not there is a net community benefit and sustainable development outcome. Council planning officers believe that retaining the vehicle access along Victoria Crescent is not a community benefit as it disrupts the pedestrian footpath nor is it a sustainable development outcome as it prioritises private vehicles over pedestrians and cyclists in this inner city location and does not comply with the vision of *Plan Melbourne* or Council.
215. Other access issues arise due to the location of the Victoria Crescent vehicle access, and this will be discussed later within this report. As a result of its deletion, these are now resolved.
216. Council's external urban designer found the vehicles access from Victoria Crescent to be the primary issue with the application. This was outlined in the following comments:
- (a) *With Victoria Crescent providing an important cycle link to the adjoining Yarra River crossing and Capital City Trail network at its northern intersection with Gipps Street, maximising the utilisation of this rear laneway for car access to enterprises and minimising the impacts of intensification on Active Transport and pedestrian amenity in Victoria Crescent should be seen as a priority in the same manner that this has been sought for example along the Langridge Street and Wellington Street corridors.*
...
...
 - (b) *As a consequence of the current approach the proposed forecourt is primarily dedicated to vehicle access with more than 60% of the open space dedicated to this purpose providing as a consequence only modest external seating capacity and hence diminished street life*
 - (c) *The site offers a significant opportunity for workplace provision and urban renewal in a well located part of the municipality where these uses are welcome and where access to the regional capital city trail and nearby stations and PT networks and high density residential communities is supportive.*
 - (d) *That said, the renewal of sites like this as early shapers of urban futures for city blocks incorporating substantial increases in workplace density, in turn need to provide the place that supports the proposed use and in its implementation needs to do this in a way that does not compromise broader State and Local policy initiatives aimed at enhanced Active Transport, place making and investment.*

(e) *In this instance the precinct needs the service road network to be upgraded to maintain the primary avenues to the extent possible for people rather than unnecessary car movement and needs to invest projects with substantial green travel ambition. In this instance it is my view that the project has fallen well short of what needs to be done in this regard.*

....

(f) *Access from Victoria Crescent should be exclusively dedicated to the amenity needs of the high density workplaces and visitors increasingly using the precinct and the growing regional cycling and pedestrian population using this street. The expectation of high quality renewal of the precinct and complimentary responses on the site can deliver substantial complimentary outcomes in this location. Removal of the crossing in conjunction with overhead power and plant and fencing provides a number of exciting place upgrades.....*

217. Council planning officers agree with these statements. One of the nine principals of the State Governments metropolitan planning strategy *Plan Melbourne* is to create 20-minute neighbourhoods where people can access most of their everyday needs within a 20-minute walk, cycle or local public transport trip. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists to optimise active transport. State policy (such as Clauses 15.01-1R and 18.02-1R) aim to reduce the reliance of private motor vehicles and improve travel options for walking and cycling. Clause 17.02-1S includes strategies to ensure commercial facilities provide net community benefit in relation to their viability and accessibility. Council must turn its mind to the potential cumulative impact of each Victoria Crescent property being developed in the future, and the resultant traffic and public realm implications if each is allowed to provide an increased parking provision and crossover onto Victoria Crescent. Where there is a laneway interface, Council policy directs access to be from that location. The applicant has chosen to provide access to both its front and rear to the detriment of the streetscape.

218. As outlined in Council's external urban designs comments, this proposal priorities vehicles access from its primary street frontage to the detriment of pedestrians and cyclists (safety issues further discussed later). To encourage these 20-minute neighbourhoods, developments such as this (which are wanting to see a significant intensification of use and built form compared to existing conditions) need to create pedestrian and cycling friendly environments and offer high quality public realm outcomes.

219. Therefore, conditions on any permit to be issued will require the following:

- (a) the deletion of the vehicle access from Victoria Crescent (including the ramp) (access/layout implications discussed later in this report);
- (b) a reduction in the car parking provision (discussed further in the body of this report);
- (c) deletion of the front of first floor car parking area in Building 1 and replacement with office (already discussed in this report);
- (d) deletion of the mesh screen to the first floor of Building 1 and replacement with a more visually permeable external material; and
- (e) upgrades to the south-eastern corner of the site including (but not limited to): additional tree planting/landscaping, additional bike space provision and expansion of sitting zones.

220. These are all changes which can be facilitated by way of condition. In terms of the increase in office floor area, this will likely compensate for the reduction in office floor area due to the increased side and rear setbacks previously proposed to be required by way of condition.

221. It should be noted that whilst Council's external urban design recommended the construction of a kerb outstand, Council's Engineering Services Unit confirmed that this was not appropriate as this may have implications on drainage adjacent to the site.

222. These changes will result in a significant improvement to the public realm and to the surrounding pedestrian/cycling network resulting in a net community benefit that will assist in achieving the State Government plan for 20-minute neighbourhoods.

Little Nicholson Street and the southern laneway

223. Council's external urban designer made a number of comments with regards to providing a more pedestrian friendly environment to both Little Nicholson Street and the southern laneway as well as an east-west pedestrian link along the southern boundary.

224. Council planning officers believe it is best to retain the rear access of the site for vehicles as it is an already constrained laneway where there is only one lane for two-way access (albeit that the proposal will result in a widening in the lane for passing vehicles). To encourage pedestrians to use Little Nicholson Street may create further safety issues. The use of the mesh screen for the car parking levels is acceptable as the levels above are glazed which will encourage passive surveillance of the laneways.

225. The creation of an east-west link along the southern boundary will not be required, as the site is just 45m to the north of Mollison Street which is an east-west street.

226. In relation to Council's local laneway policy, the proposal is considered to meet a number of the clause 22.07-3 policy objectives in that:

- (a) Traffic impacts on the laneway have been assessed by Council's senior traffic engineering and found to be satisfactory;
- (b) Pedestrian access is provided from the streets;
- (c) Pedestrian entries will be well-lit, subject to conditions;
- (d) Any lighting will be appropriate baffled, subject to condition ensuring light spill is avoided;
- (e) Access arrangement have been assessed by Council's senior traffic engineering and multiple movements will not be required;
- (f) The proposal does not obstruct access for other site's accessing the laneway due to setbacks;
- (g) The applicant is funding any laneway upgrades;
- (h) The width of the laneway will be widened (on private property) which is an improvement in terms of emergency services access; and
- (i) Refuse would not be stored in the laneway (contained within storage areas on-site).

Shadowing

227. In terms of shadowing to the public realm, due to the location of the site, it will not impact any portion of footpath until 2pm, with this increasing at 3pm. This increased area only covers a portion of the footpath immediately outside of the subject site. This is reasonable both in terms of time and extent.

Streetscape improvements

228. In addition to the improvements to the south-eastern corner of the subject site, Council's urban design requested a number of matters to be dealt with via permit conditions such as bike hoops, seating, planter boxes and pavements.

229. Council's external urban designer suggested an integrated art strategy for the proposal, however considering the extent of improvements proposed by way of condition, this is not necessary.

Site Coverage

230. The level of site coverage proposed is 100 percent and obviously well above the maximum of 80 percent as directed by clause 22.10-3.6. However as the existing level of site coverage in the surrounding (and immediate) area is similar, it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Abbotsford.

Landscape architecture

231. Landscaping is not a typical feature of commercial developments or in the wider Abbotsford area. The proposal includes landscaping shown in the forecourt adjacent to Victoria Crescent, on terraces and climbing plants along some elevations.

232. Council's Open space Unit requested a number of additional details and these can all be required by a landscape plan. This would also satisfy Council's external urban designers concerns with the viability of the proposed plantings.

233. Whilst Council's Heritage Advisors did not support the landscaping as there is "no mechanism which ensures that it is maintained with a satisfactory appearance". This is incorrect, as Council's landscape condition requires the landscaping to be maintained to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development (ESD)

234. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces staff and visitors from relying on private vehicles.

235. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD Advisor confirmed that the proposal meets Council's Best Practice ESD standards.

236. Council's ESD Advisor identified areas of improvement opportunities and outstanding information:

- (a) *Provide a completed JV3 energy modelling report, or equivalent, prior to occupation demonstrating 10% improvement in thermal energy efficiency of the building shell and at least 40% reduction in greenhouse gas emissions.*
- (b) *Include the type and efficiency standard of the hot water system in the JV3 energy modelling report provided to council prior to occupation.*
- (c) *Ensure that the WMP has sufficient spaces allocated to recycling and all waste streams.*
- (d) *Recommend including an independent commissioning agent.*
- (e) *Recommend a solar PV array to contribute to onsite electricity demands.*
- (f) *Recommend providing a composting system.*

237. Council will be requiring the above via permit conditions on any permit to be issued.

Off-site amenity impacts

238. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable). This application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial/industrial uses.

239. Having regard to amenity impacts on nearby existing residences, policy within clause 22.05 acknowledges that in order to maintain the viability of industrial and business areas, residences which abut business areas should not have unrealistic expectations of the level of amenity which can be achieved.
240. As previously outlined, the subject site does not directly abut any existing sensitive uses and is located in a zone which prohibits dwellings and where commercial and industrial uses are desired. The site is separated from the closest residential areas further to the north, west and south by the surrounding streets (Gipps, Nicholson and Mollison Streets) and by built form.
241. As a result of these distances (a minimum of 50m from any dwelling or residential zone), the proposal will not impact any surrounding dwellings through overlooking or overshadowing of their private open spaces. The proposal will also not impact daylight access or the efficiency of solar panels.

Equitable development

North

242. From the second floor and above the proposal is setback 10.6m from its northern boundary which ensures equitable development opportunities are provided for the abutting site. Whilst the two upper- most levels of the rear building project forward with a 4.9m setback from the north, this is considered sufficient.

South

243. The eastern end of the southern boundary of the site is abutting another site whilst the western end abuts a laneway with a width of between 4.8m to 5m wide. The front building, will be setback at least 5m from the southern boundary from the second floor and above, whilst the rear building will be setback at least 2.4m for the lower two levels (to facilitate vehicle movements) and then constructed along the southern boundary where it abuts the laneway from the second floor and above. This total height along the southern boundary will be a maximum of 34.4m.
244. As previously discussed, a condition will require the rear building to be setback 4.5m from the centreline of the southern laneway, from the fifth floor and above. This will facilitate equitable development opportunities and provide sufficient distance between built form to enable future high environmental performance and amenity for future office developments. Whilst there is a planning permit approval for a five storey office building to the south which has zero setbacks, Council planning officers believe that this proposal should still provide a setback from the fifth floor and above. Five storeys is significantly higher than what is currently being proposed.
245. No additional setbacks are required for the front building.

West

246. Finally, in relation to the west, the subject site is separated from the rear of Nicholson Street properties by the width of Little Nicholson Street. The rear building will be constructed to the rear boundary for its full extent. This does not provide for equitable development opportunities for those sites. Council's external urban designer recommended setbacks of 4.5m from the centre line of Little Nicholson Street for the upper levels. A condition will require this setback, from the fifth floor and above.
247. This would also assist in preventing excessively high sheer walls along Little Nicholson Street which would create a canyon effect when viewed from Mollison Street.

Noise and Light Spill

248. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
249. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices and is a reasonable distance away from the nearest dwellings. Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Victoria Crescent and not considered to be detrimental to the amenity of the adjacent properties. The use also ensures that deliveries to the site will be kept to a minimum. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor terraces).
250. Considering the low risk of this use adversely impacting surrounding residences (all located at least 50m away), the applicant did not provide an acoustic report at application stage.
251. Looking specifically at the noise sources, services/plant equipment are located on the roof. A condition will require noise and emissions from plant equipment to comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1). In terms of the vehicle access gates, conditions can also ensure they are constructed and maintained to limit noise impacts as required by State regulations.
252. An acoustic report will be required via condition to address potential noise impacts to ensure the proposal does not result in adverse noise impacts.
253. Light spill will also be limited due to the uses primarily operating during the day. Again, this is another area where residents must temper their expectations when they face a zone where these types of uses are encouraged.

Wind

254. The applicant has not provided a wind report, however this can be addressed by way of condition. A condition will require a wind tunnel model study of the environmental wind conditions with the report also considering the wind conditions on the terraces.

Car parking, traffic, access and bicycle provision

255. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of total of 148 spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report. The Planning Scheme encourages a forward-thinking approach towards decreasing reliance on car-based travel. As has already been highlighted, a number of conditions will be required by way of permit conditions relating to the Victoria Crescent vehicle access and subsequent reconfiguration and reduction of the car parking provision.
256. The relevant conditions are:
- the deletion of the vehicle access from Victoria Crescent (including the ramp which will result in the end of trip facilities having to be relocated within the Building 1 mezzanine level);
 - a reduction in the car parking provision and subsequent deletion of the mezzanine level with all of those car parking spaces relocated to the first floor;
 - replacement of the first floor, car parking area in Building 1 with office floor area facing Victoria Crescent; and
 - an additional setback for the ground floor of Building 2 from Little Nicholson Street (creating a 6.5m width), with a ground clearance height of 4.7m (this will result in the western row of ground floor car parking spaces having to be moved to the first floor parking area).

257. Council planning officers are aware that the above changes will result in an increased car parking reduction (increased by 100 car parking spaces from 148 to 248), however, as will be further explained, this is acceptable and in-line with both Council's and the State Government's vision for the future. Additionally, Council planning officers are aware that this will require reconfiguration of internal areas – primarily the ground floor, mezzanine level and first floor. The applicant will be required to comply with the conditions within the existing building envelope.
258. There is also strong support for drastic changes to private motor vehicle reliance from VCAT. A recent Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*) further expanded on policy behind this approach. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes.
259. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;
- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
 - (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
 - (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
 - (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
 - (e) *Policy tells us the future must be different.*
 - (f) *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
 - (g) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*
260. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, we need to drastically change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.
261. Following on from this, within the Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017] VCAT 753*) regarding an office development at No. 2 – 16 Northumberland Street, Collingwood, the Member supported a significantly reduced office car parking rate (405 spaces reduction) and made the following comments:

- [54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.
- [55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

Parking Availability

262. The applicant's traffic engineers, Impact did not conduct site inspections. However, Council's Senior Traffic Engineer confirmed that the streets surrounding the site contain either one, two or four hour restrictions. Council's Senior Traffic Engineer confirmed that the availability of short to medium-stay parking would provide regular turnover throughout the day and allow visitors to park near the site. Council's Senior Traffic Engineer confirmed that the limited opportunity to park on-street would encourage customers, clients and employees to travel by alternative forms of transport. As already outlined within *Ronge V Moreland* a discussion around the existing pattern of car parking is of "marginal value" as policy is aiming to shift to more sustainable forms of transport. Continuing to provide car parking spaces at a rate commensurate with historic demands will not assist in achieving the aim of State and Local Policy to reduce reliance on private motor vehicle use.

Parking Demand

263. Council's Senior Traffic Engineer confirmed parking associated with office developments is generally long-stay parking for employees and short-stay parking (say up to two hours' duration) for customers and clients.
264. Council's Senior Traffic Engineer confirmed that the actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3 spaces per 100sqm of floor space, since the area has very good access to public transport services.
265. With a provision of 220 spaces for the office component, and an overall net floor area of 12,079sqm, the proposal is currently providing 1.81 space per 100sqm. This rate is much higher than recent office development car parking reductions approved by Council's Engineering Services Unit which are generally below 1 space per 100sqm, as shown in the table below:

Development Site	Approved Office Parking Rate
Cremorne	
9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.85 spaces per 100 m ² (20 on-site spaces; 2,329 m ²)
33 Balmain Street PLN15/0309 issued 21 October 2015	0.78 spaces per 100 m ² (14 on-site spaces; 1788.1 m ²)
13 Cubitt Street PLN16/1022 issued 20 December 2016	0.41 spaces per 100 m ² (3 on-site spaces; 726.25 m ²)

506 & 508-510 Church Street PLN17/0278 issued 11 January 2018	1.09 spaces per 100 m ² (226 on-site spaces; 20,744 m ²)
Collingwood	
71-93 Gipps Street PLN16/1150 issued 30 August 2017	0.96 spaces per 100 m ² (86 on-site spaces; 8,923 m ²)
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m ² (135 on-site spaces; 15,300 m ²)

266. As previously discussed a significant issue with this proposal is the retention of the vehicle access from Victoria Crescent. Council planning officers have identified that this is due to its impact on the streetscape and that it does not give priority to pedestrian and cyclists. There are also safety concerns related to the bike lane.
267. Following the receipt of Council's external urban designer's comments which placed emphasis on the issues surrounding this element of the proposal, Council planning officers endeavoured to seek an alternative vehicle access – primarily to divert all vehicle access to the Little Nicholson Street frontage. However, due to the constrained nature of Little Nicholson Street (one lane in a two way access), under existing conditions it would not be able to accommodate the full parking provision of the proposal (although it is able to accommodate the proposed 110 vehicles accessed only via Little Nicholson Street). This was confirmed by Council's Senior Traffic Engineer. The applicant proposed to make Little Nicholson Street a one-way street, however Council's Senior Traffic Engineer did not support this.
268. With these issues in mind and considering the parking provision of the site is 1.81 car spaces per 100sqm of office floor area, Council planning officers submit that an appropriate resolution is to delete the vehicle access from Victoria Crescent, with a subsequent reduction in the provision of car parking, to a rate of no more than 1 space per 100sqm of net office floor area. Council's Senior Traffic Engineer confirmed that they did not have an issue with this reduced rate.
269. By requiring this change, the following benefits will result:
- (a) Improved public interface with Victoria Crescent;
 - (b) Resolution of safety issues with the bike access;
 - (c) Reduced reliance on the private motor vehicles;
 - (d) Prioritised pedestrian and cyclist access; and
 - (e) Facilitation of a 20-minute neighbourhood by provided enhanced alternative travel options, particularly considering the bike path entrance/exit to the north at Gipps Street.
270. With the current office floor area, this would result in a total of 120 car parking spaces, which is 100 less than currently provided. However it should be noted that there will be some reconfiguration/relocation of office floor areas (as already discussed) which may result in a slightly varied provision. This is acceptable. Additionally, Council's planning officers are aware that this will result in some additional car parking spaces accessing to Little Nicholson Street which is already quite constrained due to its narrow width. However the increase in provision is only approximately 10 spaces more than is currently proposed. Council's Senior Traffic Engineer confirmed that this would be acceptable, subject to the provision of a setback at the lower levels facing onto Little Nicholson Street to allow for a vehicle passing area. This will be facilitated via permit condition.
271. The provision for a widened setback from Little Nicholson Street will ensure that any on-coming vehicles will have a refuge area to pull over, to facilitate the two-way access. This was found to be acceptable by Council's Senior Traffic Engineer. Over time, as each of the Victoria Crescent and Nicholson Street sites are developed, the width of Little Nicholson Street can be widened for some points, to allow for this passing. A similar widening had been incorporated as part of the planning application at No. 20 – 30 Mollison Street.

272. Additionally, Council's Senior Traffic Engineer has also recommended a CCTV set-up for motorists exiting the subject site to ensure they have a clear sight line. Council's Senior Traffic Engineer made the following comments in relation to this:

- (a) *For CCTV, the camera would face the junction of the Right of Way/Little Nicholson Street/the access point of 20-30 Mollison Street.*
- (b) *The applicant needs to:*
 - (i) *Determine if the sight lines for an exiting motorist can view the access point.*
 - (ii) *If no, then there is no need to set up a CCTV. If yes, the position of the camera and monitor need to be determined.*

273. This will be required by way of condition. The additional setback required from Little Nicholson Street will also resolve Council's Senior Traffic Engineer's concerns regarding construction over the south-western corner splay.

274. Within a recent Tribunal decision regarding the car parking reduction associated with an office development, *KM Tram Enterprise Pty Ltd v Boroondara CC* [2018] VCAT 1237, the Member agreed that office developments "are prime candidates" for modal shifts to reduce reliance on private motor vehicles, with the following relevant comments:

- [29] In this context of a change from the 'business as usual' approach, I agree with Ms Dunstan that office workers are prime candidates for a mode change given their commuting patterns of travel to and from work during peak times. This is the time when public transport services run at highest frequencies and when Melbourne's roads are most congested. The combination of 'carrot' and 'stick' makes it viable for many office workers commuting to a site such as this to change from private vehicle to public transport.
- [30] I am not persuaded that the council's option of reducing the amount of office space so that it better aligns with on-site parking supply is consistent with planning policy. *Plan Melbourne* which promotes '20 minute neighbourhoods' where most of a person's everyday needs can be met locally within a 20 minute journey from home by walking, cycling or local public transport. The everyday needs referred to include local employment opportunities along with shopping, education and community facilities.
- [31] Local employment opportunities in this context are not limited to retail or community services. There is a benefit in encouraging office uses in the '20 minute neighbourhood mix', as it provides opportunities for business owners and their staff to work locally. I find this line of argument is far more persuasive than the council's position of limiting the amount of office floor space so that more cars can be brought into this part of Hawthorn.

275. Whilst the proposed conditions will result in a greater car parking reduction (248 spaces in total) than currently proposed by the applicant, it is supported by State and Local policy (including Plan Melbourne) as already previously outlined. Additionally, it will improve access for cyclists and pedestrians along Victoria Crescent to facilitate a decline in reliance on private motor vehicles.

276. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services acknowledged that the scarcity of available unrestricted on-street parking in the area would be a disincentive for employees to drive to the site by private motor vehicle (if not allocated any on-site parking). Providing a reduced provision would encourage a modal shift from private vehicle use to more sustainable travel. Engineering Services has no objection to the proposed reduction (including the proposed increase) in the car parking requirement.

277. Accordingly, the reduction being sought by the proposal is supported by the following:

- (a) The site has excellent access to a wide range of retail, dining and commercial services within the Victoria Street MAC and Johnston Street NAC, which in turn will reduce the dependence on private vehicle by future employees;
- (b) The site is a distance of 380m to the south-east from Collingwood Train Station; 560m to the north-west of the North Richmond Train Station;
- (c) The site is a distance of 365m to the nearest tram stop along Victoria Street and 440m to the east of the Hoddle Street bus routes;
- (d) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future employees would be able to take advantage of the nearby bike lanes;
- (e) Occupant or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, this is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1S and 21.06-1 of the Scheme;
- (f) The office land use is particularly conducive to encouraging those without a car to not drive given trips are made in peak public transport availability periods, trips are known and planned in advance, on-site parking availability is known in advance, surrounding parking conditions are known in advance and do not accommodate long term daytime parking associated with an office use. These factors encourage and help facilitate those without a car to use other modes of transport.
- (g) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
- (h) The food and drinks premises (café) would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents.
- (i) It is typical of small inner-city cafes to not provide car parking spaces for visitors; and
- (j) The location of the proposal encourages multi-purpose trips to the area.

Traffic

278. In terms of traffic, the applicant's traffic engineers adopted the following summary for the traffic generation for the site:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Commercial (Office/retail / café staff)	0.5 trips per space in each AM peak hour 0.35 trips per space in each PM peak hour	Not Provided	110	77

279. It was noted by Council's Senior Traffic Engineer that typically, a rate of 0.5 trips is preferred for the PM peak, however 0.35 trips in each peak hour is considered acceptable given that the site is well serviced by public transport.

280. The proposal would have the following commercial traffic directional split:

- (a) AM Peak – 10% outbound (11 trips), 90% inbound (99 trips); and

(b) PM Peak – 90% outbound (69 trips), 10% inbound (8 trips).

281. Councils Senior Traffic Engineer found the traffic directional split and distribution assumptions outlined in section 6.1 of the Impact Traffic Engineering report to be reasonable.
282. The traffic impact of the development at its intersection with the subject site/Victoria Crescent and Mollison Street/Little Nicholson Street was assessed by the applicant's traffic engineers using the SIDRA program, which measures intersection performance. Council's Senior Traffic Engineer stated that SIDRA modelling works well under free flowing traffic conditions and may have limitations, such as queuing of downstream traffic. It was confirmed that the traffic distribution assumptions made by the applicant's traffic engineers for the development traffic are based existing traffic movements at the Victoria Crescent/Site Access and Mollison Street/Little Nicholson Street, and were considered reasonable.
283. The results of the post-development modelling confirmed that both the Victoria Crescent/Site Access and Mollison Street/Little Nicholson Street intersections would operate satisfactorily once the development is in use. The post development conditions would see an increase to the traffic movements in the following intersections:
- (a) Right turn and left turn movements from Little Nicholson Street into Mollison Street;
 - (b) Right turn and left turn movements from Mollison Street into Little Nicholson Street;
 - (c) Right turn and left turn movements from the Site Access into Victoria Crescent; and
 - (d) Right turn and left turn movements from Victoria Crescent into the Site Access.
284. However, it was agreed by the applicant's traffic engineer, Councils' traffic engineer and external traffic consultant that increase in traffic volumes at these movements should not adversely impact on the operation of the intersection once the development is operational. This analysis included the two adjoining developments at No. 20-30 Mollison Street (application stage only) and No. 32-68 Mollison Street (approved by not constructed).
285. As a result of the change to the car parking provision and access, there will be an increase in the cars accessing Little Nicholson Street. Currently approximately half of the car spaces access Little Nicholson Street (110 cars). These would account for 50 percent of the 1.81 spaces per 100sqm in floor area, therefore this is 0.9 spaces per 100sqm in floor area. The proposed conditions would result in 1 space per 100sqm in floor area, therefore this is only an increase of 0.1 space per 100sqm in floor area. This increase is not significant and with widening of the southern laneway and Little Nicholson Street, this will be an improved outcome.

Access and layout

286. The development includes 220 on-site spaces over the ground floor, mezzanine level and first floor accessed via the southern laneway/Little Nicholson Street and Victoria Crescent. Vehicles will access the rear of the site from the southern laneway, via Little Nicholson Street.
287. Council's Senior Traffic Engineer assessed the access arrangements, the car parking modules, gradients and the loading and waste collection.
288. The majority of matters were satisfactory, however the following design items need to be shown:
- (a) the entry doorway off the southern laneway must be clearly shown and dimensioned on the drawings;
 - (b) the provision of convex mirrors on the eastern side of the access way to the southern laneway;
 - (c) dimensions of headroom clearances, first floor regular car parking spaces and accessible spaces on the first floor;

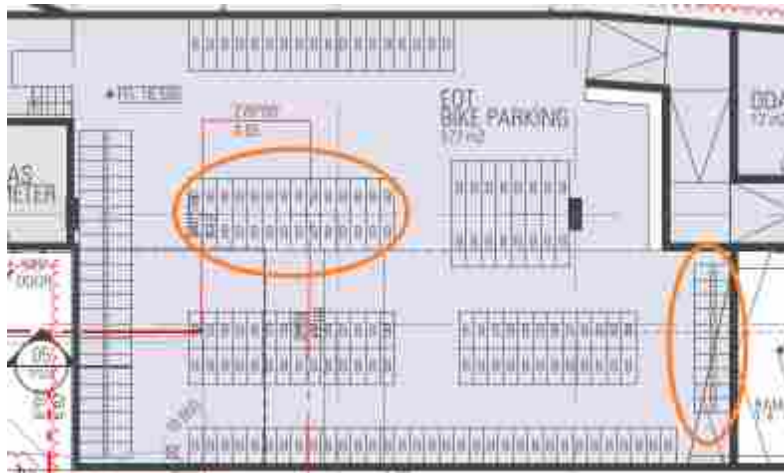
- (d) dimensions for column depths and column setbacks to satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-9;
- (e) dimensions of clearances to walls dimensioned, with no less than 300mm;
- (f) each ramp grade length to be dimensioned;
- (g) the provision of a 1 in 20 scale cross sectional drawing of the site's vehicular entrance, showing the internal slab; the existing bluestone invert; the lip of the bluestone channel, and the existing road profile of the Unnamed Laneway. This drawing must demonstrate that the accessway slab and the laneway profile will not result in cars scraping or bottoming out.

289. All of these issues can be required by way of condition should a permit be granted.
290. Council's traffic engineers have identified that the southern elevation does not show an accurate depiction of the proposal as the vehicle access point and other building features are not included. It should be noted that the southern elevation shows a ramp along the laneway. The applicant has proposed this in order to deal with the level changes within the laneway which range between RL16.27 and RL18.31. Council's engineers requested further details with regards to the ramp.
291. A number of matters associated with the Victoria Crescent vehicles access are no longer required to be addressed. Council planning officers acknowledge that there will be internal reconfiguration to the car parking areas to facilitate the changes as a result of conditions.
292. Council's Engineering Services Unit have identified that there are metal plates built over the road at the intersection of Little Nicholson Street and the southern laneway. The permit applicant will be required to remove these as part of the permit conditions.

Bicycle parking and facilities

293. As outlined earlier in the report the development is required to provide a total of 41 staff and eight visitor bicycle spaces under clause 52.34 of the Scheme. The development provides 179 employee bicycle spaces within the ground floor end of trip facilities areas. Four visitor bicycle spaces are provided.
294. Council's Strategic Transport Officer confirmed that the subject site is located in an inner-urban area with already high cycling-to-work demand, and trends indicate demand will continue to increase. The site is close to the Gipps Street bike steps which provide access to the Main Yarra Trail. Council's external urban designer also agreed by stating that Victoria Crescent provided an important cycle link to the adjoining Yarra River crossing and Capital City Trail network at its northern intersection with Gipps Street.
295. In terms of the staff spaces, Council's Strategic Transport Officer confirmed that the provision of 179 employee bicycle spaces exceeded Council's best practice rate which is one space to each 100sqm of office floor space. It was recommended that the number of showers and change rooms is annotated on the plans with at least 14 showers / change rooms provided within the end-of-trip facilities. Additionally, one locker per employee bicycle space will be required to be provided
296. Council's Strategic Transport Officer stated that one additional space was within the mezzanine end of trip area, however this must be an error as it was the sole bike space provided. A condition can rectify this. The design and location of the employee spaces were found to be satisfactory, however notations will be required by way of condition which indicate which bicycle spaces are horizontal, at-grade spaces and which spaces are hanging spaces with at least 20% of bicycle storage spaces in any facility provided as horizontal at ground-level spaces. Further to this, Council's Strategic Transport Officer stated that a greater provision of horizontal spaces could easily be accommodated without contravening the requirements of AS2890.3.

In practice, horizontal spaces are far more utilised than hanging spaces in any given storage space. The areas recommended to convert to horizontal spaces are shown below:



297. Looking at the visitor spaces, these are provided in the form of four bicycle hoops within the forecourt in the south-eastern corner of the site. Council's Strategic Transport Officer confirmed that whilst they are appropriately designed and located; the provision of the visitor spaces is inadequate in terms of the provision. Council's best practice provision for visitor bike spaces is one space per 500sqm of office floor area which would equate to 24 visitor bike spaces. As variations in built form are recommended within this report, a condition will require that this best practice rate is met. Additionally, the following will be required:
- All additional visitor spaces should be provided as horizontal, at-grade level spaces.*
 - All spaces and accessways should comply with the requirements of AS2890.3.*
 - Visitor spaces must be in locations readily identifiable and accessible to visitors of the site, and should not be co-located with employee spaces given the differing access and security requirements.*
298. These spaces will be able to be easily accommodated within the forecourt due to the deletion of the vehicles access. However, the applicant is able to provide an alternative location, in compliance with the requirements listed above.
299. Council's Strategic Transport Unit made many recommendations regarding the Green Travel Plan and these will be included as part of the condition. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme.

Bike access and safety

300. Council's Strategic Transport Officer confirmed that a number of ramps are shown between the bicycle entrance and bicycle storage, however their grades are not notated. Pursuant to Australian Standard AS2890.3 it is recommended these ramps are limited to a grade of 1:12. This will be required by way of condition.
301. A significant safety concern associated with the current proposed bicycle access is the delineated 'bicycle path'.

Width

302. The proposal includes a 'bike path' from Victoria Crescent through to the bicycle parking area adjacent the vehicle driveway. The bike path is 1m in width for the majority of its length, and 0.8m wide at its narrowest point. Council's Strategic Transport Officer confirmed that this was too narrow to safely facilitate single directional travel and will not allow bi-directional travel.

By including a path too narrow for purpose, the design will create a false expectation that cyclists will not enter the vehicle space. As a resolution, it was recommended that either:

- (a) the delineated cycle-path is widened to 2m (at minimum) to allow bi-directional travel; or
- (b) no path should be delineated and the driveway should be treated as a shared vehicle/cyclist entrance.

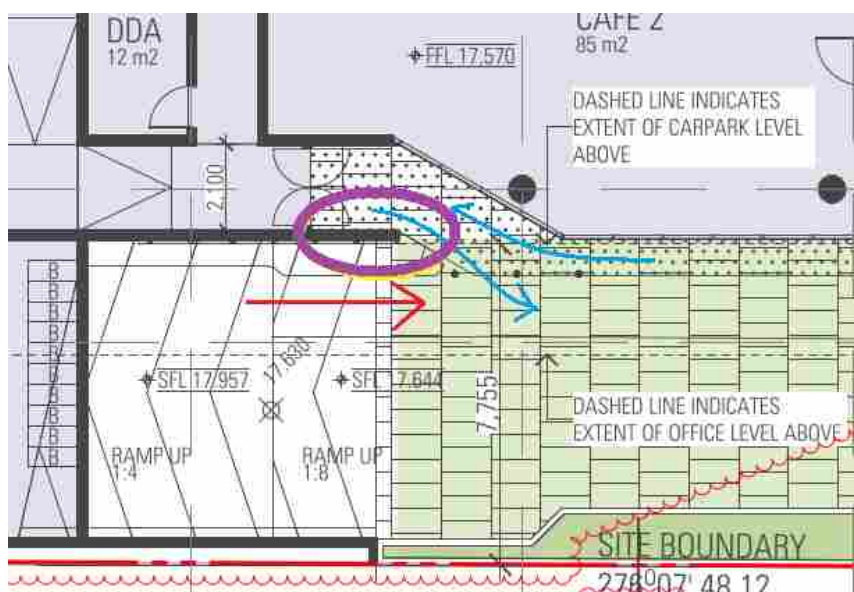
Sharp corner adjacent 'bicycle path'

303. Council's Strategic Transport Officer identified a sharp corner adjacent the 'bike path' (shown below in yellow) which is not supported and would be likely to cause injury in the event of a mishap. Council's Traffic Engineer was also raised this as a safety issue.



Vehicle/Cyclist blind-spot

304. An additional issue with the current design of the bike ramp is that it creates a blind-spot likely to result in conflict between vehicles and cyclists or pedestrians. In instances where cyclists/pedestrians are entering the building at the same time a cyclist/pedestrian is exiting, the exiting cyclists will be forced onto the driveway close to the top of the ramp. A solid wall sits between the vehicle ramp and cyclists entrance which acts as a blind-spot increasing the likelihood of conflict in this situation (the blind spot is shown below in a purple outline, whilst the blue arrows are a cyclist and the red is a vehicle).



305. As a result of the deletion of the vehicles entrance, these three issues are now resolved, as the entire forecourt will be used as a shared cyclist/pedestrian area. This will be required by way of condition.

Relocation of mezzanine end of trip facilities beneath the Victoria Crescent ramp

306. As a result of the deletion of the vehicle ramp a portion of the end of trip facilities will now be exposed and not conveniently hidden by the ramp. Council planning officers are aware of this. The applicant may wish to leave these facilities in their current location (within a commensurately sized structure), or otherwise move those inwards and enlarge the mezzanine end of trip facilities area beneath Building 1.

Electric vehicles / Shared Vehicles

307. Council's Strategic Transport Officer also recommended that the basements be fitted with electric wiring for electric vehicles. A minimum 40A single phase electrical sub circuit will be required to be installed to the basement levels for this purpose.

Other

308. It should be noted that Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions relating to civil works to, road protection, impacts on assets, vehicle crossings and drainage. Many of these have either been included as notes on the permit or can be required by way of condition.

Waste Management

309. The Waste Management Plan (WMP) Leigh Design and dated 26 July 2018 was found to be unsatisfactory by Council's Waste Management Unit. The WMP confirmed that:
- (a) Waste shall be stored within the development (hidden from external view).
 - (b) Users shall sort their waste, and dispose garbage and recyclables into collection bins.
 - (c) Waste shall be collected on the laneway. The collection contractor shall transfer bins between the Bin Store and the truck.
 - (d) A private contractor shall provide waste collection services.
310. Council's Waste Management Unit proposes the following conditions:
- (a) *Waste collection should be within the development and collected by a private contractor.*
 - (b) *An e-waste ban is commencing from 01/07/2019. Please detail how e-waste will be separated and disposed of accordingly.*
 - (c) *The bin room is too small and does not allow for circulation. An expanded area would be of benefit.*
311. The image below depicts the location of waste collection:



312. The applicant responded to the first issue regarding collecting having to be internal to the site:

- (a) *This location will be beyond our access point from the laneway and will not impede any other users of the laneway which do not or will not have access from this laneway.*
- (b) *Furthermore, the proposed collection will be on 'off-peak' times, further minimising any disruption / amenity impact on the neighbouring sites and traffic.*

313. However, Council's Waste Management Unit does not support internal collection and therefore this will continue to be required by way of condition.

Objector concerns.

314. The majority of the issues which have been raised by the objectors have been addressed within this report.

- (a) Traffic impact (paragraphs 278-285);
- (b) Lack of car parking (paragraphs 255-277);
- (c) Neighbourhood character/Heritage(paragraphs 165-180);
- (d) Height/Massing/Scale (paragraphs 181-200);
- (e) Amenity impacts (access to daylight, overlooking) (paragraphs 238-254);

315. Outstanding concerns will be discussed below, and relate to:

- (f) Overdevelopment (built form, people coming to the area and use).

State and Local policies encourage urban consolidation and hence an increase in density of people. It is considered that existing infrastructure can accommodate this increase.

Paragraphs 146 to 152 discuss State imperatives regarding urban consolidation. Land use and massing/scale are discussed within paragraphs 153 to 164 and 181 to 200 respectively.

Conclusion

316. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy as well as the direction given by the Tribunal.

317. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant State and Local policies. Additionally, the proposal will result in a significant improvement to the Victoria crescent streetscape and assist in achieving Plan Melbourne's goal of 20-minutes neighbourhoods.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0239 for the use and development of the land for the construction of two office buildings with two ground floor food and drinks premises, a reduction in car parking requirements and part demolition at 12 – 20 Victoria Crescent, Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Fieldwork projects received by Council on 9 July 2018 but modified to show:
 - (a) an additional setback (approximately between 1.5m and 1.6m) along the western boundary which widens Little Nicholson Street to a minimum width of 6.5m and provides a minimum ground clearance height of 4.7m;
 - (b) a minimum 4.5m setback from the centreline of Little Nicholson Street and the southern laneway from the fifth floor (TP215) and above of Building 2;
 - (c) deletion of the vehicle access from Victoria Crescent (including the ramp) and replaced with an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
 - (d) deletion of all mezzanine level car parking spaces (with the mezzanine car parking area to either be deleted or replaced with non-net floor area uses);
 - (e) relocate deleted office floor area resultant from Condition 1(b) to the first floor of Building 1 facing Victoria Crescent in lieu of car parking with a corresponding amendment to floor to ceiling clearances;
 - (f) reduction in the car parking provision rate to be no more than 1 space per 100sqm of net office floor area;
 - (g) a more visually permeable material used for the front façade of the first floor of Building 1 and revised soffit and boundary treatments to the forecourt entry;
 - (h) the original and proposed treatment of the vermiculated pilasters and parapet consoles;
 - (i) the provision of a plaque detailing the history of the subject site and use. The plaque must be interpreted in a public area and the details of any text, photographs and the like must be submitted for approval by the Responsible Authority;
 - (j) the southern elevation including the vehicle entry and details regarding the ramp along the southern laneway;
 - (k) the doorway entry off the southern laneway dimensioned;
 - (l) the provision of convex mirrors on the eastern side of the access way to the southern laneway;
 - (m) the provision of sightline diagrams to confirm if an exiting motorist is able to view the access of No. 20-30 Mollison Street, and if not, a CCTV camera and monitor is to be provided:
 - (i) in a location within the vehicle entrance that is visible to drivers exiting the car park;
 - (ii) with a view of the junction of the Right of Way/Little Nicholson Street/the access point of 20-30 Mollison Street; and
 - (iii) in accordance with the Car Parking Management Plan required by condition 40;
 - (n) dimensions of headroom clearances, first floor regular car parking spaces and accessible spaces on the first floor;

- (o) dimensions for column depths and column setbacks to satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-9;
 - (p) dimensions of clearances to walls dimensioned, with these to be no less than 300mm;
 - (q) the dimension of each ramp grade length;
 - (r) deletion of the bike space shown in the end-of-trip-facilities mezzanine level (clerical error on plan);
 - (s) grades of all ramps between the cyclist entrance, and bicycle storage compound no steeper than 1:12;
 - (t) the best practice provision of visitor bicycle spaces at a rate of one space per 500sqm of office floor area with:
 - (i) all visitor spaces provided as horizontal-at-ground-level spaces.
 - (ii) visitor spaces provided in publically accessible locations, with convenient access to building entrances, lift shafts, etc; and
 - (iii) access ways and storage spaces designed to comply with AS2890.3
 - (u) notations indicating which employee bicycle spaces are horizontal, at-grade spaces and which spaces are hanging spaces, with at least 20% of these provided as horizontal-at-ground-level spaces;
 - (v) detail of the end-of-trip facilities with at least 14 showers/change rooms or notations added indicating the end-of-trip facilities will include at least 14 showers/change rooms;
 - (w) one locker provided per employee bicycle space;
 - (x) any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans);
 - (y) any requirement of the endorsed Waste Management Plan (condition 12) (where relevant to show on plans);
 - (z) any requirement of the endorsed Acoustic Report (condition 15) (where relevant to show on plans);
 - (aa) any requirement of the endorsed Landscape Plan report (condition 17) (where relevant to show on plans);
 - (bb) any requirement of the endorsed Wind Report (condition 23) (where relevant to show on plans); and
 - (cc) any requirement of the endorsed Conservation Management Plan (condition 25) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Fieldwork Projects Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Road Discontinuance

4. Prior to the commencement of works, the 'road' (Lot 1 on TP383523N) as shown on Title plan No. 377740P and 395171B associated with the land must be discontinued and form part of the subject site.

Office Use

5. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 8am to 6pm, seven days per week.
6. Except with the prior written consent of the Responsible Authority, no more than 1200 staff are permitted on the land at any one time.

Food and drinks premises (café) Use

7. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) use authorised by this permit may only operate between the hours of 7am and 6pm, seven days per week.
8. Except with the prior written consent of the Responsible Authority, no more than 100 patrons are permitted on the land at any one time (with each tenancy having a maximum of 50 patrons).

Sustainable Management Plan

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Intrax (26 July 2018) but modified to include or show:
 - (a) A completed JV3 energy modelling report, or equivalent, demonstrating 10% improvement in thermal energy efficiency of the building shell and at least 40% reduction in greenhouse gas emissions;
 - (b) Include the type and efficiency standard of the hot water system in the JV3 energy modelling report;
 - (c) Ensure that the WMP has sufficient spaces allocated to recycling and all waste streams;
 - (d) An independent commissioning agent.
 - (e) A solar PV array to contribute to onsite electricity demands.
 - (f) Provision of a composting system.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

11. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design (dated 26 July 2018), but modified to include:
 - (a) waste collection from within the development and collected by a private contractor;
 - (b) detail how e-waste will be separated and disposed of accordingly; and
 - (c) a bin room with sufficient size to allow for circulation.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

14. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic report

15. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Compliance of the plant and equipment and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1).

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
16. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include:
 - (a) Provision of an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
 - (b) A planting plan;
 - (c) The substitution of *Lonicera japonica Japanese Honeysuckle* (environmental weed in Victoria) with another substitute plant;
 - (d) Details of tree anchoring or stabilisation for the rooftop tree;
 - (e) A plant schedule with botanical and common name, mature height and spread, installation size, spacing, location and quantities;
 - (f) Further details of the proposed planters/garden beds/climbing structures – height (including all dimensions), materials, depth and type of planting media, irrigation (confirm if rainwater is to be collected for re-use) and drainage;
 - (g) The materiality of the proposed spaces;
 - (h) Detail the design (including the provision of detailed sections) and layout of the common area, planters/garden beds and ground level planting areas;
 - (i) Details or descriptive notes for the landscape materials e.g. the seating or paving;
 - (j) Provide a specification of works to be undertaken prior to planting;
 - (k) Further detail on any sustainable treatments and water harvesting methods; and
 - (l) Plant/planting maintenance schedules and requirements both long and short term.

to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Street Trees

19. Before the development commences, the permit holder must make a one off contribution of \$1752.42 (costs are adjusted to current CPI and are exclusive of GST) to the Responsible Authority to be used for:
- (a) the cost of supply, planting and establishment maintenance of one new street tree (Plane Tree) that are required as a result of the development to be planted in the road reserve of Victoria Crescent;
20. Before the development starts, the permit holder must provide a security bond of \$30,000 for the 3 x London Plane Trees (*Platanus x acerifolia*) in the Victoria Crescent road reserve to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Tree Management Plan

21. Before the development commences, a Tree Management Plan prepared to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must make recommendations for:
- (a) the protection of 3 x London Plane Trees (*Platanus x acerifolia*) in the Victoria Crescent road reserve:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- all to the satisfaction of the Responsible Authority.
22. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented thereafter to the satisfaction of the Responsible Authority.

Wind

23. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit. The Wind Assessment Report must include a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
24. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Conservation Management Plan

25. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (e) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing front façade, roof and return walls as shown in the decision plans dated 9 July 2018, including sections to how the thickness of architectural elements;
 - (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (iii) the retention of any original painted signage;
 - (f) A written description of the demolition and construction methods to be used.
26. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

27. Prior to any demolition an archival photographic survey must be undertaken in accord with Heritage Victoria's Technical Note Photographic Recording for Heritage Places and Objects and a copy lodged in the Collingwood library. https://www.heritage.vic.gov.au/_data/assets/pdf_file/0015/61521/Photographic_Recording_Tech_Note.pdf

Widening of Little Nicholson Street

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the section of Little Nicholson Street between the subject site's northern and southern boundaries must be widened and reconstructed for the full length of the subject site's eastern boundary:
 - (a) and must include the following works:
 - (i) drainage along this section of roadway reconstructed;
 - (ii) full-depth pavement;
 - (b) at no cost to the Responsible Authority;
 - (c) to the satisfaction of the Responsible Authority.

29. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Little Nicholson Street between Mollison Street and the subject site's northern boundary;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition X(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition X(a).
30. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Road Infrastructure

31. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the site's vehicular entrance, showing the internal slab; the existing bluestone invert; the lip of the bluestone channel, and the existing road profile of the Unnamed Laneway. It must be demonstrated that the accessway slab and the Unnamed Laneway profile will not result in cars scraping or bottoming out. The plans submitted to Council must be accurately drawn, showing actual reduced levels of the invert and profile of the Unnamed Laneway. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant property drains must be removed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Victoria Crescent (from centre line of road to west kerb line) along the property frontage must be profiled and re-sheeted:

- (a) with any isolated areas of pavement failure requiring full depth road pavement reconstruction;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Victoria Crescent road frontage must be reconstructed:
- (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Victoria Crescent road frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the laneway abutting the southern boundary of the site must be reconstructed:
- (a) maintained and designed for a B99 design vehicle;
 - (b) with all metal plates within the laneway removed;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car parking

40. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the location and operation of the CCTV camera and monitor required by Condition 1(m) and details of how it will provide adequate views of the access of No. 20-30 Mollison Street;
 - (b) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) details of the electric car charging points;
 - (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 12; and
 - (h) details regarding the management of loading and unloading of goods and materials.

41. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
44. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

45. Before the development commences, 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 must include, but not be limited to, the following:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
 - (f) details of GTP funding and management responsibilities;
 - (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) reference to EV charging points within the car park and provision of electrical infrastructure for future expanded provision; and
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
46. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

General

48. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
49. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
50. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
53. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
54. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

55. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

56. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use is not commenced within five years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

All future employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

The applicant is to liaise with Citipower regarding the relocation of the light pole (20764) to accommodate the new vehicle crossing. All cost for the relocation will be at the applicant's cost.

The applicant is to liaise with the relevant Service Authority in relation to the relocation of the substation.

The applicant is to liaise with the relevant Service Authority in relation to the relocation of the gas pipe and valves.

Overhead power lines run along the west side of Victoria Crescent, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website:

<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

CONTACT OFFICER: Vicky Grillakis
TITLE: Coordinator Statutory Planning
TEL: 92055124

Attachments

- 1 PLN18/0239 - 12 - 20 Victoria Crescent Abbotsford - Advertising S52 - Plans
- 2 PLN18/0239-4 - 12 - 20 Victoria Crescent Abbotsford - referrals - idac attachment

1.6 PLN17/0251 - 1090-1092 Lygon Street, North Carlton - Demolition of the existing building (walk-up-flats) to allow for the construction of eight dwellings.

Executive Summary**Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN17/0251 which affects land at 1090-1092 Lygon Street, North Carlton and recommends approval, subject to conditions.

Key Planning Considerations

2. Planning Scheme Amendment VC148 made changes to the Victorian Planning Provisions (VPP) and all Planning Schemes arising from the Victorian Government's Smart Planning program. Amendment VC148 was gazetted on 31 July 2018 and now forms part of the Yarra Planning Scheme (the "Scheme"). The assessment of this application is therefore against the provisions of the Scheme after the introduction of VC148. Relevant to this application, the requirement under the Scheme for the proposed development to provide on-site visitor car parking spaces has been removed.
3. Key planning considerations include:
 - (a) Built form (Clauses 15.01, 21.05, 22.07, 52.35);
 - (b) Heritage (particularly Clauses 43.01 and 22.02);
 - (c) Car parking (Clause 52.06); and
 - (d) Clause 65 (decision guidelines).

Key Issues

4. The key issues for Council in considering the proposal relate to:
 - (a) Planning Policy Framework and Local Planning Policy Framework;
 - (b) Heritage;
 - (c) Clause 55 (ResCode); and
 - (d) Objector concerns.

Objector Concerns

5. Following advertising, a total of 13 objections were received to the application. Issues raised can be summarised as follows:
 - (a) Neighbourhood character.
 - (b) Design including height, massing, scale, bulk and site coverage and permeability.
 - (c) Overdevelopment.
 - (d) Lack of landscaping.
 - (e) Off-site amenity including overshadowing / loss of daylight, overlooking, loss of views, noise from services (i.e. A/C units) and radiated light from external light fittings.
 - (f) Car parking and traffic impacts.
 - (g) Property devaluation and impact on airflow as result of the new built form extending across the communal area of two buildings to the south.
 - (h) Construction issues such as damage to surrounding properties, disruption, early start times, traffic and noise.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.

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PLN17/0251 - 1090-1092 Lygon Street, North Carlton - Demolition of the existing building (walk-up-flats) to allow for the construction of eight dwellings.

Trim Record Number: D18/193901

Responsible Officer: Senior Co-ordinator Statutory Planning

[Help](#)

Proposal:	Demolition of the existing building (walk-up-flats) to allow for the construction of eight dwellings (townhouses).
Existing use:	Two-storey walk-up flats.
Applicant:	Urban Planning Mediation
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) (NRZ1) Design and Development Overlay (Schedule 2) (DDO2) Heritage Overlay (Schedule 326) (HO326) Special Building Overlay (SBO)
Date of Application:	24 March 2017
Application Number:	PLN17/0251

Planning History

7. Planning Permit PLN11/0975 was issued on 08 November 2012 for *part demolition to allow for the construction of nine (9) additional apartments to an existing residential building (that currently provides a total of six (6) apartments), including a reduction of the associated car parking requirement.* This permit was not acted on and has since expired.

Background

8. This application for Planning Permit (PLN17/0251) was received by Council on 24 March 2017 and following the submission of further information on 26 July 2017 the application was advertised on 29 August 2017. A total of thirteen (13) objections were received.
9. A planning consultation meeting was held on 27 November 2017 and was attended by seven objectors, the Applicant and Council Officers to discuss all issues and concerns raised in the letters of objection received.
10. The permit applicant submitted a set of amended plans in an attempt to address the concerns raised by Council's Urban Design Unit and Objectors. The amended plans were submitted to Council on 24 October 2018 and show the following changes to the advertised plans:
 - (a) The deletion of the store room at the ground floor and the pantry to the kitchen at the first floor of Unit 1.
 - (b) The setbacks (where adopted) from the northern boundary increased from 2.9m to between 2.9m and 3.64m at the first floor and from a minimum 1.85m to between 1.95m and 3.64m at the second floor.
 - (c) The setbacks (where adopted) from the southern boundary increased from a minimum one metre to between 1.47m and 2m at the first floor and from a minimum one metre to between 1.66m and 2.92m at the second floor.
 - (d) The adoption of a minimum setback of 879mm from the eastern (rear) boundary at the first and second floors.
 - (e) The internal reconfiguration of the dwellings to accommodate the above changes.
 - (f) Provision of a vehicle access sliding gate to the east (where currently there is none).

11. Said plans have not been formally submitted under Section 57(a) of the *Planning and Environment Act* (1987), neither have they been re-referred internally. The plans do however show improvements that respond to some of the Objector concerns and the referral advice provided by Council's Urban Design Unit on the advertised proposal.
12. For assessment purposes, the advertised plans are therefore the 'decision plans' considered within the 'Assessment' section of this report, and the plans submitted to Council on 24 October 2018 will be referred throughout the report as the 'amended plans'.

Planning Scheme Amendments

Amendment VC110

13. On 27 March 2017, an amended Neighbourhood Residential Zone was gazetted into the Yarra Planning Scheme ("the Scheme") that amongst other changes, introduced minimum garden area requirements at Clause 32.09-4 and maximum building height requirements at Clause 32.09-9. The application benefits from transitional provisions and the minimum garden requirements are not applicable in this instance.

Amendment VC134

14. On 31 March 2017, the amendment was gazetted into the Scheme and introduced the new Metropolitan Planning Strategy by making corresponding updates to the State Planning Policy Framework (SPPF). It also restructured Clause 11 (Settlement) and included policy-neutral updates and administrative changes and new and updated incorporated and reference documents.

Amendment VC139

15. On 29 August 2017, the amendment was gazetted to include the following policy references replacing the *Guidelines for Higher Density Residential Development*:

Apartment Design Guidelines for Victoria

- (a) This reference document applies to all apartment buildings that are subject to the provisions of Clause 58 of the Scheme and provides three primary sections covering siting and building arrangement, building performance and dwelling amenity.

Urban Design Guidelines for Victoria

- (b) This is a complementary reference document to the *Apartment Design Guidelines for Victoria* which provide best practice knowledge and advice to inform the design of buildings in relation to the function and amenity of the public realm.
- (c) The above policy reference documents have been introduced into the Scheme to complement Clause 58 – Apartment Developments that was gazetted into the Scheme on 13 April 2017. The provisions of this clause apply to the application as it was lodged following this date.

Amendment VC142

16. On 16 January 2018, the amendment was gazetted by the Minister for Planning. Among other changes, this amendment removed the permit requirement at clause 52.07 of the Scheme to provide a loading bay on site for commercial uses.

Amendment VC148

17. On 31 July 2018, the amendment was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.

The Proposal

18. The application is for the demolition of the existing building (walk-up-flats) to develop the land with a row of eight, three-storey dwellings in a townhouse-style development. The proposed development will be described as a “building” throughout this report given that all eight townhouses are in an attached row.

19. The facets of the proposed development can be summarised as follows:

Development

20. *Demolition*

- (a) Demolition of the existing building (walk-up-flats) in its entirety and clearance of the land inclusive of the demolition of fences (not shown on plans).

21. *Layout*

- (a) Construction of a row of eight, three-storey dwellings (the “building”).
- (b) Pedestrian entry to the building via Lygon Street.
- (c) The building provides a total of 8 dwellings / townhouses (8 x 1 bedroom) ranging in size between 109sqm and 180.3sqm that would proceed in a consecutive manner from west to east (labelled as Units 1 to 8 on the plans).
- (d) All dwellings will have balcony areas that would range between 10.7sqm and 15.9sqm to the north of their respective open plan, living and dining area (plus service amenities) at the first floor.
- (e) The ground floor comprises of eight car spaces / garages accessed via a shared driveway (also providing common passage to the entry of each dwelling), together with bin stores, general storage facilities and stairwells.
- (f) The second floor of each dwelling provides two bedrooms and service amenities.

22. *Heights and setbacks*

- (a) Maximum building height of 9m above the natural ground level.
- (b) To the west (front), the building is setback a minimum distance of 1.6m at the ground floor; a minimum distance of 1.32m at the second floor; and a minimum distance of 2.82m at the second floor (all associated with Unit 1).
- (c) To the north, the building is setback between 3.9m and 6.37m at the ground floor; is setback between 2.78 and 2.9m at the first floor; and setback between 1.85m and 2.92m at the second floor.
- (d) To the south, the building is setback between zero and one metre from the southern boundary at the ground floor; is setback between zero and 2m at the first floor; and setback between zero and 2.9m at the second floor.
- (e) The southern boundary wall lengths equate to a total of 33.84m at the ground floor (i.e. combined on-boundary wall lengths Units 1, 2, 3, 6, 7 and 8) decreasing to a total length of 13.53m at the first floor (i.e. combined on-boundary wall lengths of Units 1, 2, 7 and 8); and decreasing again to a total length of 11.24m at the second floor (i.e. combined on-boundary wall lengths of Units 1, 2, 7 and 8) with wall heights ranging between 3.3m and 8.8m above the natural ground level.
- (f) To the east (rear), the building has a zero setback across all levels.
- (g) The proposed site coverage will be approximately 94%, with some site permeability in the front and side setbacks.

23. Design detailing, colours and materials

- (a) The building adopts a contemporary and angular design with the walls constructed primarily of cement sheets with rendered charcoal and white finishes, including timber cladding (or equivalent) and balustrades constructed of either glass or cement sheet cladding.
- (b) The western (front), southern (side) and eastern (rear) elevations are punctuated with windows, whilst the northern (side) elevation is punctuated with a combination of balconies and windows.
- (c) Some windows are screened with opaque glass to a height of 1.7m above the floor level, and several balconies have been screened with solid cement sheet cladding.
- (d) A pergola structure at the north-west corner to emphasise the pedestrian entrance to Lygon Street.

24. ESD Features

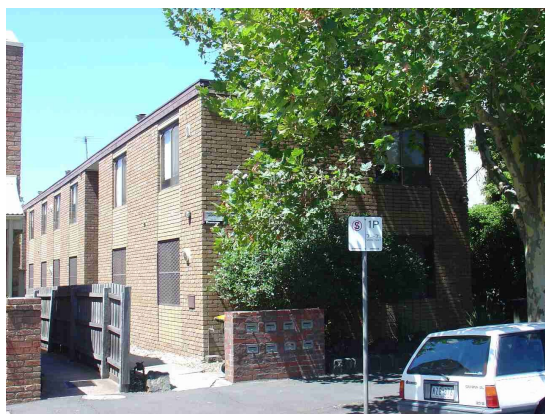
- (a) The building achieves an average 6.3 star energy rating.
- (b) Operable windows and doors will be provided providing good cross-ventilation opportunities.
- (c) Provision of a water tank below the driveway with a 16000lt water capacity.
- (d) Living areas will be provided with large areas of north-facing glazing, providing for extensive areas of natural light to the main activity areas within each dwelling.
- (e) Energy efficient fixtures within the building.
- (f) Foldable clothes lines on the balconies.

25. Car parking and vehicle access

- (a) A total of 8 car spaces within garages associated with each dwelling on the ground floor / under-croft style arrangement.
- (b) Vehicle access provided from the laneway to the east (i.e. there will be no vehicle access from Lygon Street).

Subject Site

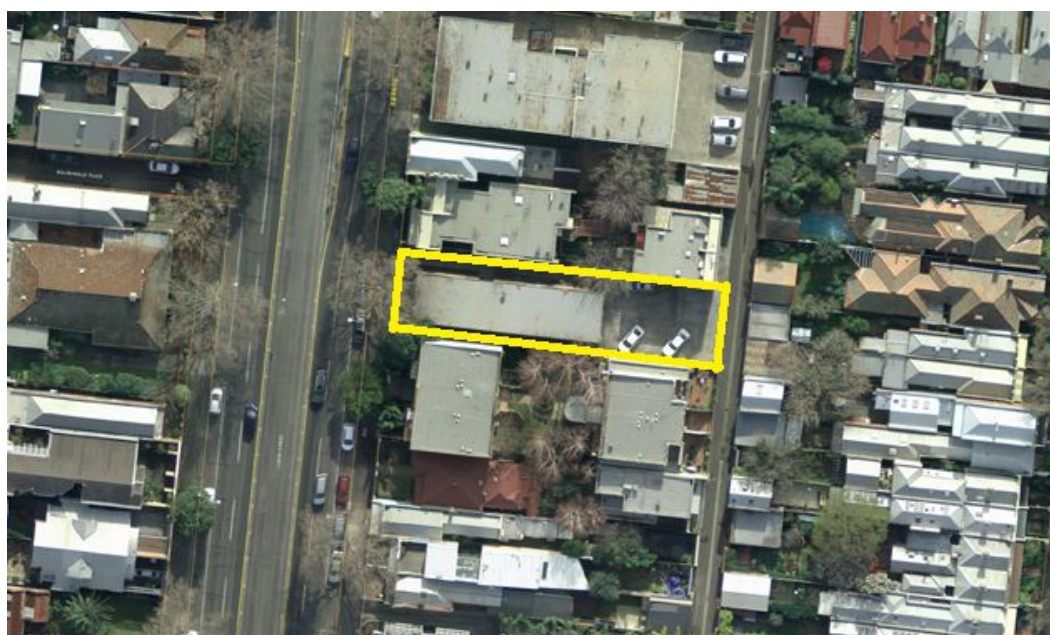
- 26. The subject site is located on the eastern side of Lygon Street, between Park Street to the north and Mary Street to the south, in Carlton North. The land gradient falls from the west to the east by approximately 400mm and the site is rectangular in shape, with a frontage to Lygon Street of 12.36m and a depth of 50.03m, yielding an overall site area of approximately 618sq.m. The site comprises two lots, namely lots 1 and 2 on plan of subdivision LP 36212 associated with Certificate of Title Volume No. 01694 and Folio No. 651.
- 27. The subject site is developed with walk-up flats (as identified in the image below) that is setback approximately 3m from the Lygon Street boundary. The building was built circa 1960/70s and provides a communal open air car park at the rear with vehicle access from the rear laneway and pedestrian access to the north via Lygon Street.



28. There are no restrictive covenants, encumbrances or party wall easements detailed on the certificate of Title submitted with the application that extend across the northern or southern shared boundaries. The plan of subdivision was created in 1956 and identifies the pre-existing layout of two dwellings that have since been replaced with walk-up-flats.

Surrounding Land

29. The immediate surrounding area is residential with built form comprising a mixture of single storey period dwellings and high density residential developments. High density residential developments (i.e. three-storeys and above) in the immediate area include a three storey apartment building to the immediate south of the site at property no. 1086 Lygon Street, a further three storey development at property no. 1072 Lygon Street, and three to four storey residential development at property no's 1060 and 1102 Lygon Street. Further north, and beyond the municipal boundary line (i.e. beyond Park Street), buildings range between two and nine storeys, located within the City of Moreland.



30. To the north of the site is a double-storey apartment development comprised of two buildings (on one site) constructed circa 1960/70s in light brown brick with a central open communal area. The building fronting onto Lygon Street has a staggered setback ranging between 2.5m and 3.8m from the front boundary and is setback 1.3m from the shared boundary with the subject site. The building to the east is developed to the shared boundary at two-storeys and is setback approximately 1.8m from the rear boundary / laneway (east). This site is zoned Neighbourhood Residential.
31. To the west of the site is Lygon Street, a double-lane arterial road approximately 30m wide with central tram lines. Beyond that, are predominately single-storey dwellings of the Victorian and Edwardian eras, many of which are intact and of masonry construction, zoned Neighbourhood Residential.
32. To the south of the site is a three storey apartment development comprised of two buildings separated by a central common open area. The building contains 11 apartments, with several habitable room windows and balconies / terraces facing onto Lygon Street and into the common area, including the laneway to the east and two internal courtyards. Both buildings abut the shared boundary with high on-boundary double and triple storey wall construction. The building facing Lygon Street is setback approximately 4.9m whilst the building on the eastern portion of the lot, is developed to the rear boundary / laneway. This site is also zoned Neighbourhood Residential.

33. The eastern boundary abuts a rear laneway which intersects with Mary Street to the south and also accesses Pigdon Street further south and Park Street to the north. The laneway is primarily used for vehicle and pedestrian access to the rear of dwellings fronting Lygon Street and Drummond Street. On the opposite side of the laneway are the private open spaces and outbuildings / garages of dwellings that front onto Drummond Street, zoned Neighbourhood Residential.
34. The subject site is well serviced in terms of services, park land and public transport given that it is located (amongst other services):
- (a) on Lygon Street, with a tram stop at the front of the site with services to the CBD, northern and southern suburbs, including restaurant and cafes further north and beyond Brunswick Road located within the City of Moreland;
 - (b) the Capital City Bike Trail, Gallagher Reserve and the restaurants / cafes and retail trade beyond Brunswick Road to the north of Park Street located within the City of Moreland;
 - (c) Nicholson Street approximately 660m to the east that also provides tram services, including restaurants and cafes; and
 - (d) a Flexicar car share pod is available in Pigdon Street (near the corner of Lygon Street), approximately 190 metres south-west of the site.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

35. The subject site is zoned Neighbourhood Residential Zone (Schedule 1) which contains the following provisions:
- (a) Pursuant to Clause 32.09-6, a planning permit is required to construct two or more dwellings on a lot.
 - (b) Pursuant to Clause 32.09-9, a building used as a dwelling or residential building must not exceed the height of 9 metres and the building must contain no more than two storeys at any point.
 - (c) Pursuant to Clause 32.09-4, a dwelling or residential building on a lot of 400sqm or greater must provide the minimum garden area requirements.
36. In relation to the above, (a) applies, however (b) and (c) do not apply. This is because the site benefits from transitional provisions at Clause 32.09-15 (Transitional Provisions) of the Scheme.
37. Accordingly, the minimum garden area requirements of Clause 32.09-4 and the maximum building height and number of storeys requirements of Clause 32.09-9 introduced by Amendment VC110 do not apply to a planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110. Amendment VC110 was approved on 27 March 2017 and the application was lodged on the 24 March 2017 and therefore the application benefits from the transitional provisions at Clause 32.09-15 of the Scheme.

Overlays

Heritage Overlay (HO326 - North Carlton Precinct)

38. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building and construct a building or construct or carry out works.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (Revised May 2018)

39. The building on the subject site is located within Schedule 326 and is identified as “not-contributory” to this precinct as outlined in the incorporated document.

Design and Development Overlay – Schedule 2 (DDO2)

40. Pursuant to Clause 43.02-2 of the Planning Scheme, a permit is required to construct a building or construct or carry out works.
41. The DDO2 recognises Lygon Street as one of the municipality’s ‘Main Roads and Boulevards’ and provides a list of design objectives and decision guidelines that will be considered in the ‘Assessment’ section of this report.

Special Building Overlay

42. Pursuant to Clause 44.05-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
43. Pursuant to Clause 44.05-6 of the Scheme an application must be referred to the relevant floodplain management authority under Section 55 of the Act. Melbourne Water is the relevant referral authority.

Particular Provisions

Clause 52.06 – Car Parking

44. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.
45. The requirement of Clause 52.06-5 of the Scheme are shown below:

Proposed Use	No. of houses	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Provided
Two-bedroom dwellings	8	1 spaces per dwelling	8	8
Total			8	8

46. The proposed two bedroom dwellings require one car parking space each. One space per dwelling is provided in the form of a secure garage. The proposal therefore meets the minimum Scheme requirement for on-site car parking provision. In relation to the requirements at Clause 52.06-9 (design standards for car parking) of the Scheme, Council’s Engineer has reviewed the design including access and egress to the laneway, garage design and manoeuvrability on site, and found the design response to be satisfactory subject to conditions.

Clause 52.34 – Bicycle facilities

47. Clause 52.34 of the Scheme only applies to dwellings in developments of four or more storeys. The overall proposal is three storeys in height and therefore these provisions do not apply.

Clause 55 – Two or more dwellings on a lot and residential buildings

48. Pursuant to clause 55 of the Scheme this provision applies to an application to construct or extend two or more dwellings on a lot within the Neighbourhood Residential Zone. A development must meet the objectives of Clause 55 but does not need to meet the standard.

General Provisions

Clause 65 – Decision guidelines

49. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision

Planning Policy Framework (PPF)

Clause 15.01-1S – Urban Design

50. The relevant objective of this clause is *“to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”*.

Clause 15.01-2S – Building Design

51. The relevant objective of this clause is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”*.

Clause 15.01-5S – Neighbourhood Character

52. The relevant objective of this clause is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”*.

Clause 15.02 – Sustainable Development

53. The objective of this clause is *“to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions”*.

Clause 15.03 Heritage

Clause 15.03-1S – Heritage conservation

54. The objective of this clause is *“to ensure the conservation of places of heritage significance”*.

55. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

*Clause 16.01 Residential Development**Clause 16.01-1S – Integrated housing*

56. The objective of this clause is “to promote a housing market that meets community needs”.

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

57. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S Location of residential development

58. The objective of this clause is “to locate new housing in designated locations that offer good access to jobs, services and transport”.

59. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in Greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas- Metropolitan Melbourne

60. Relevant strategies for this clause are:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *In and around the Central City.*
 - (ii) *Urban-renewal precincts and sites.*
 - (iii) *Areas for residential growth.*
 - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - (v) *Areas designated as National Employment and Innovation Clusters.*
 - (vi) *Metropolitan activity centres and major activity centres.*
 - (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
 - (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*

- (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

Clause 16.01-3S – Housing diversity

61. The objective of this clause is “*to provide for a range of housing types to meet increasingly diverse needs*”.
62. Strategies of this policy are:
- (a) *Ensure housing stock matches changing demand by widening housing choice.*
 - (b) *Facilitate diverse housing that offers choice and meets changing household needs through:*
 - (i) *A mix of housing types.*
 - (ii) *Adaptable internal dwelling design.*
 - (iii) *Universal design.*
 - (c) *Encourage the development of well-designed medium-density housing that:*
 - (i) *Respects the neighbourhood character.*
 - (ii) *Improves housing choice.*
 - (iii) *Makes better use of existing infrastructure.*
 - (iv) *Improves energy efficiency of housing.*
 - (d) *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
 - (e) *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

63. The strategy of this policy is “*create mixed-use neighbourhoods at varying densities that offer more choice in housing*”.

Clause 16.01-4S – Housing affordability

64. The objective of this clause is “*to deliver more affordable housing closer to jobs, transport and services.*”

Clause 18.01 – 1S – Land use and transport planning

65. The objective of this clause is “*to create a safe and sustainable transport system by integrating land use and transport*”.

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

66. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

67. The objectives of this clause are:

- (a) *To accommodate forecast increases in population.*
- (b) *To retain a diverse population and household structure.*
- (c) *To reduce potential amenity conflicts between residential and other uses.*

Clause 21.05 Built form

Clause 21.05-1 Heritage

68. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

69. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Strategy 14.2 Support the restoration of heritage places.*
 - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (vi) *Strategy 14.8 Apply the Development Guidelines for site subject to a Heritage Overlay policy at clause 22.02.*

Clause 21.05-2 – Urban design

70. This clause incorporates the following relevant objectives:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra; and*
- (b) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.07 – Environmental Sustainability

71. The relevant objectives of this clause are:

- (a) *To promote environmentally sustainable development.*
- (b) *To improve the water quality and flow characteristics of storm water run-off.*

Clause 21.08 Neighbourhoods

72. Clause 21.08-3 (North Carlton – Princes Hill) describes this area as follows:

- (a) *This residential neighbourhood is noted for the consistency of its spacious brick or render late Victorian and Edwardian streetscapes and for its consistent residential character. Linear Park is a significant park in this neighbourhood. The area has excellent accessibility to tertiary institutions in central Melbourne. Little change is expected for this neighbourhood.*

Relevant Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

73. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.
74. The relevant policies with regard to demolition/removal of a building of this clause are:
- (a) *Generally encourage the retention of a building in a heritage place, unless:*
 - (i) *The building is identified as being not contributory*
 - (ii) *The building is identified as a contributory building, and*
 - *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
 - *The building does not form part of a group of similar buildings.*
 - (b) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
 - (c) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
 - (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
 - (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*
75. The relevant policies with regard to alterations and additions of a building of this clause are:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
 - (iii) *Be visually recessive and not dominate the heritage place;*
 - (iv) *Be distinguishable from the original historic fabric;*
 - (v) *Not remove, cover, damage or change original historic fabric;*
 - (vi) *Not obscure views of principle façades;*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
 - (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
 - (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
 - (d) *Minimise the visibility of new additions by:*
 - (i) *Locating ground level additions and any higher elements towards the rear of the site;*

- (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);*
 - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);*
 - (iv) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*
- (e) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

76. This policy applies to new buildings. The objective of this clause is “*to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)*”.

Clause 22.17 – Environmentally Sustainable Design

77. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Advertising

78. The submitted application was advertised between August and September 2017 under the provisions of Section 52 of the *Planning and Environment Act (1987)* (the Act) by 177 letters sent to surrounding owners and occupiers, and by one (1) sign displayed on the Lygon Street frontage.
79. The grounds of the thirteen (13) objections received to the application are summarised as follows:
- (a) Neighbourhood character.
 - (b) Design including height, massing, scale, bulk and site coverage and permeability.
 - (c) Overdevelopment.
 - (d) Lack of landscaping.
 - (e) Off-site amenity including overshadowing / loss of daylight, overlooking, loss of views, noise from services (i.e. A/C units) and radiated light from external light fittings.
 - (f) Car parking and traffic impacts.
 - (g) Property devaluation and impact on airflow as a result of the new built form extending across the communal area of two buildings to the south.
 - (h) Construction issues such as damage to surrounding properties, disruption, early start times, traffic and noise.
80. A Planning Consultation Meeting was held on 12 December 2017, attended by the Applicant, Objectors and Planning Officers. Following this meeting (on 24 October 2018), the Applicant informally submitted a set of amended plans to Council (the changes within these plans were outlined in detail at paragraph 10 of this report and the status of these plans set out at paragraph 11 and 12 of this report).

Referrals

External Referrals

81. The submitted application was referred to Melbourne Water who were supportive of the application subject to conditions requiring the floor levels at the site to be above the applicable flood level. Their comments are included as an attachment to this report, with their conditions included in the officer recommendation.

Internal Referrals

82. The submitted application was referred to the following units within Council:
- (a) Urban Design (Internal);
 - (b) Environmental Sustainable Development (ESD) Advisor;
 - (c) Traffic Engineering Unit; and
 - (d) Services and Contracts Unit.
83. Referral comments have been included as attachments to this report (attachments 3 to 8). The amended plans were not referred internally as the plans show improvements as per the recommendations of the referrals as will be discussed in the section below, and only have an informal status.

OFFICER ASSESSMENT

84. The key issues for Council in considering the proposal relate to:
- (a) Planning Policy;
 - (b) Heritage;
 - (c) Clause 55 (ResCode); and
 - (d) Objector concerns.

Planning Policy

85. When assessed against the Planning Policy Framework and Local Planning Policy Frameworks (PPF & LPPF), there is strategic support for the development with regard to its location being located on a main arterial road and within an area that contains many resources. It is also highlighted that the development will only increase the density on site by two dwellings.
86. The purpose of the NRZ is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To recognise areas of predominantly single and double storey residential development.*
 - (c) *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
87. It is considered that the proposal fulfils the above by providing a modern medium sized building on a site within an inner-city context that is ideally located to take advantage of existing public transport services including tram services available along Lygon Street (with a tram stop readily available at the front of the site).
88. Clause 11 of the Scheme aims for an increase in diversity of choice, economic viability, accessibility and land use and transport integration, whilst facilitating sustainable development that takes full advantage of existing settlement patterns. The future residents of the building will use the services available in the nearby commercial environments on Smith Street, Brunswick Street and Johnston Street.

89. The proposed building also accords with a number of key strategic policies within the Scheme, in particular clause 15.01-1S and 18.01-1S, by providing higher density housing with connections to public transport/cycling networks and by increasing and consolidating the supply and diversity of housing in existing urban areas. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant planning policies.
90. Pursuant to clause 52.06 of the Scheme, the proposed building is required to provide a total of 8 car spaces, with 8 provided. Despite full compliance with this standard, objectors have raised concerns that insufficient on-site car parking has been provided particularly for visitors. As the Scheme has since been amended from the lodgement of the planning application to not require visitor spaces (i.e. under Amendment VC148), it is not reasonable to require visitor on-site car spaces. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not encourage achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme. Further, residents will not be eligible for on-street resident or visitor parking permits which will ensure the development will not place undue strain on existing on-street car parking. The applicant would be reminded of this via a note on any permit issued.

Heritage

91. The urban design assessment for this proposal is principally guided by clauses 15.01-2 (Urban design principles), 21.05 (Urban design), 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay and 22.07 (Development Abutting Laneways) of the Scheme. The design objectives of the Design and Development Overlay (Schedule 2) will also be considered.

Demolition

92. As previously stated, the walk-up-flats on the subject site is classified as 'not contributory' to the North Carlton Heritage Precinct. Clause 22.02-5.1 generally discourages the full demolition of a building unless the building is not contributory. As the building is 'not contributory' the demolition of the building is acceptable and supported by heritage policy.

New built form

93. Surrounding built form along the eastern side of Lygon Street is a mixture of single and double-storey dwellings but a more predominant number of double and triple-storey apartment blocks from a range of construction eras mainly using brick and render. The eastern side of Lygon Street includes older, Victorian-era, single-storey dwellings and newer double, triple and four storey apartment buildings. The majority of the apartment buildings are constructed in a rectilinear form with flat roofs and a number of windows and balconies facing the street.
94. The western side of Lygon Street is significantly different in built form to the eastern side and is characterised by generally single-storey, double fronted dwellings. These two sides are separated by a 30m (approx.) wide street that is comprised of four lanes of cars, two lanes of tram tracks and two lanes of parked cars. This creates a significant visual separation of these two sides which is further accentuated by the difference in built form. It should be noted that considering existing conditions, the building on the site is consistent with the typology and appearance of the existing character along the eastern side and not the western side.
95. Immediately to the north and south of the site are double and triple storey (respectively) buildings which do not have any heritage value with the three buildings (including that on the subject site) being graded as 'not-contributory' to the heritage precinct.

A group of four single-storey dwellings ('contributory' to the heritage precinct) are further to the south with three and four-storey apartment buildings beyond these. Further to the north of the site are other double and triple-storey buildings. The building stock along the eastern side of Lygon Street between Park and Pigdon Streets has little heritage value with a small number dwellings being of heritage significance. The buildings of heritage significance are an anomaly on this side of Lygon Street. The proposal ensures that it is distinguishable from the heritage fabric of identified buildings with heritage significance further to the south and has also considered the context of the heritage place as policy at Clause 22.02-5.7.1 directs.

96. As such, the proposed building whilst comprised of a row of townhouses, will have the appearance of an apartment building which reflects the prevailing building form of the more contemporary buildings in the area (particularly that to the south) which is compliant with policy at Clause 22.02-5.7.1. This also satisfies design objectives of the Design and Development Overlay (Schedule 2).

Clause 55 (Rescode)

97. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot. Given the site's location within a built-up inner-city residential area, strict application of the standard is not always appropriate. The relevant test is whether the proposal meets the objectives. The following provides an assessment against the relevant standards of ResCode and shows the proposal achieves a reasonable level of compliance with relevant objectives.

Standard B1 – Neighbourhood Character (with regard to the design objectives of the DDO2 and Clause 22.07 - Development abutting laneways policy)

98. Complies. The proposal seeks to develop the site with a triple-storey building (townhouses style development) that will be fitting to the character of this precinct. As identified in earlier discussions, Lygon Street contains some triple-storey built forms, and the proposed interface is acceptable in this context. It would be a reasonable expectation that this site (and those surrounding it also without heritage value) would experience further intensification in use and development. The proposed building would replace an out-dated block of walk-up-flats that is appropriate within the context of its location on a major inner-city street such as Lygon Street.
99. In terms of more specific street interfaces, the proposed building reflects the existing character of high walls, high levels of glazing facing the street and rectilinear form with flat roofs. The proposal has responded to its context as per the objectives of clause 15.01-1. The proposed two-storey scale with a more recessive second-storey fronting Lygon Street has kept to a similar height and built form style as the immediately abutting building to the south and therefore complies with the design objectives of clauses 15.01 and 21.05 of the Scheme.
100. A visual connection with the immediately abutting buildings is provided through the inclusion of similar window levels as the building to the south and an emphasised double-storey podium height to match that to the north. Although the second-storey is only setback 1.52m behind the first floor to Lygon Street, this is considered to strike a reasonable balance between referencing the double-storey buildings to the north at the first floor and the three-storey building to the south at the second floor. The proposed podium height at the first floor and the windows and balcony along the façade create a visual connection with both abutting buildings.
101. The building provides windows and a balcony to the street therefore providing opportunities for passive surveillance over the public domain. The amended plans also provide a new front fence and increased landscaping in the front setback that further reference the minimal landscaping and fencing arrangements of surrounding properties.

102. The amended plans show further possible improvements at the street interface through the deletion of the store room at the ground floor and the pantry to the kitchen at the first floor of Unit 1 (corner section of the building) providing a transitional setback with the adjoining building to the south at the south-west corner of the building. The design changes will be required to be shown on plans, by way of a condition of permit.
103. Council's Urban Design Advisor supports the setbacks adopted to Lygon Street but raised concerns in relation to the visibility of the car park from Lygon Street. The amended plans provide a bin store area in the north-west corner (moved from the south-west corner) with a 1.8m high screen that will infill this section and consequently reduce the visual separation between the ground and the first floor to the street, hence making this less obvious as an under-croft. This is considered to go some way in addressing this concern and will be required to be adopted on plans by way of a condition of permit. A further condition will require the adoption of a lighter colour palette to the upper levels of Unit 1, to assist with a reduction in its visual mass to the street as requested by Council's Urban Designer.
104. The DDO2 also provides a number of design objectives to ensure a positive built form contribution to Lygon Street and to maintain a main road/boulevard presentation. The relevant DDO2 design objectives are:
- (a) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
 - (b) *To encourage high quality contemporary architecture.*
 - (c) *To encourage urban design that provides for a high level of community safety and comfort.*
 - (d) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*
105. The proposed building meets these design objectives given it is of a contemporary design with passive surveillance over Lygon Street achieved with the provision of fenestration, balcony and pedestrian access, including landscaping in the front setback.
106. This DDO2 encourages proposed development to respond to the existing neighbourhood character or to contribute to a preferred neighbourhood character of the area. An assessment of the proposed development in relation to neighbourhood character has been carried out and found the proposal provides an appropriate design response to respect both the existing and preferred neighbourhood character along the eastern side of Lygon Street.
107. The laneway interface is also another facet of the development that is required to be considered with regard to neighbourhood character. Council's Urban Designer raised concerns in relation to the zero setbacks adopted to the laneway because it was deemed that this interface would result in a dominant visual mass outcome. The amended plans have introduced a minimum setback of 879mm from the eastern (rear) boundary at the upper levels with the second floor staggering to a setback of 2m. This is a significant improvement on the laneway interface that would also provide visual relief through deletion of built form and mass. As such, the design changes will be required to be shown on plans, by way of a condition of permit.
108. The proposed building with the necessary plan changes shown in the amended plans will satisfy the Development abutting laneways policy at Clause 22.07 as follows:
- (a) Principle pedestrian access will continue to be provided at the Lygon Street frontage, away from the rear lane, as is encouraged by policy.
 - (b) Vehicles will continue to ingress and egress efficiently within the laneway, without the need for multiple movements, pursuant to the Development abutting laneways policy at Clause 22.07 and Council's Engineering Services Unit is satisfied with vehicle access from the laneway.

- (c) A condition will require all entries, including the laneway entry to provide external lighting for pedestrian safety. Pursuant to the policy requirements, lighting at the laneway interface must avoid light spill into adjacent private open space and habitable room windows. This will be facilitated by Council's standard condition of permit.
 - (d) Following the discussed plan changes of the amended plans that will be addressed with conditions, the development will provide setbacks to the laneway that will provide some visual relief and reduce the visual mass of this eastern / laneway elevation. This is considered to be in keeping with Council's preferred neighbourhood character.
 - (e) The amended plans provide a sliding gate to the vehicle entry that will not obstruct access to the laneway when open.
 - (f) The building will have a bin enclosure area on site at the north-west corner. As such, bins will not spill out onto or be stored within the laneway as required by policy. Further, the waste management plan that accompanied the planning application was reviewed by Council's Contract Services Unit and comments of support were provided. A further condition will require the submission of an updated waste management plan to reflect the changes to the building required by condition.
 - (g) Council's Engineering Unit have advised that safety can be further improved within the driveway to avoid vehicle/pedestrian conflicts through a clearly delineated pedestrian line of travel achieved with a varied surface material. This design change will be required to be shown on plans, by way of a condition of permit.
109. Overall, the modern rectilinear form as well as the colour (subject to a condition requiring a lighter colour palette at the second floor of Unit 1) and material scheme that include charcoal, black and off-white are considered to introduce an interesting design within the streetscape and will add to the vitality of the surrounding area. The proposed development will be an improvement from the existing solid, double-storey light brick building on the site which appears as out-dated and visually bulky within the street due to the repetitive use of bricks with no articulation.

Standard B2 – Residential Policy

110. Complies, subject to discussed plan changes. The building satisfies the PPF and LPPF given:
- (a) It will provide higher density housing within close proximity to public transport and retail facilities; and
 - (b) It takes advantage of and maximizes the existing local infrastructure.
111. As demonstrated above, various plan changes are required to ensure that the new building meets Council's preferred neighbourhood character principles. Subject to the plan changes discussed and conditions referencing the amended plans, the building will adequately respect the neighbourhood character.

Standard B3 – Dwelling Diversity

112. This standard seeks, "*to encourage a range of dwelling sizes and types in developments of ten or more dwellings*". Accordingly, this standard is not applicable to this development.

Standard B4 – Infrastructure

113. The development is located within an existing established residential area. It is not expected the dwellings would overload the utility services and infrastructure. The proposed development would be readily connected to the required utility services and infrastructure which are present at the site.
114. Furthermore, the application has been referred to Council's Engineering Services Unit who has not objected to this aspect of the proposed development. As such the site is considered capable of supporting the proposed dwellings.

Standard B5 – Integration with the street

115. The primary pedestrian entrance of the building will be orientated to Lygon Street and Unit 1 will have windows and balcony, including secondary access into the garage that will allow for passive surveillance to the main street frontage in compliance with policy objectives. The building will give the impression of an apartment building to the street, which is fitting to the context and neighbourhood character as previously discussed.

Standard B6 – Street setback

116. Complies with the objective subject to discussed plan changes within the *Heritage* and *Neighbourhood Character* sections of this assessment. Based on the plan changes discussed under the Neighbourhood character assessment, the building will provide a good pedestrian link to Lygon Street. The building will have a westerly orientation with frontage and primary pedestrian access to Lygon Street.
117. The amended plans also show front fencing with a transparent design to allow for internal views from the street. Based on the required plan changes to bring the decision plans in line with the amended plans (i.e. the deletion of the store at the ground floor and the pantry at the first floor of Unit 1), the building will integrate well with Lygon Street, pursuant to the objective which is “to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site”.

Standard B7 – Building height

118. Complies with the standard and the objective. The total overall building height of 9m is proposed with a maximum of three storeys. This is in accordance with the maximum 9m prescribed by the standard. Furthermore, the tallest of the eight townhouses as measured above the natural ground level (i.e. at a maximum of 9m) is Unit 8 that interfaces the laneway at the rear.

Standard B8 – Site coverage

119. Complies with the objective. The overall degree of built form coverage on the site (as shown on the advertised / decision plans) equates to approximately 579.3sq.m. or 93.7% of the total site area, thereby exceeding the 60% standard specified in the Scheme. The degree of site coverage proposed is considered acceptable given the 618sq.m. size of the allotment and the context of the site within a dense inner urban area where there is an expectation of greater density.
120. The proposed site coverage is considered to be characteristic of the site coverage found within nearby sites such as that at the corner of Mary and Lygon Streets (i.e. property no. 1072 Lygon Street). The proposed site coverage in this instance is therefore considered to meet the objectives of this standard and is acceptable within its inner city context.

Standard B9 – Permeability

121. Variation required. Landscaping would be provided within the front setback to Lygon Street, and the side setbacks to the south. An underground rainwater tank with a 16,000lt capacity would also be provided beneath the driveway, north of Units 7 and 8. The percentage of permeability is in the order of 6% of the total area of the lot and whilst this is significantly less than that permissible by the standard, is considered to meet the objectives which include:
- (a) *To reduce the impact of increased stormwater run-off on the drainage system*
 - (b) *To facilitate on-site stormwater infiltration.*
 - (c) *To encourage stormwater management that maximises the retention and reuse of stormwater*

122. To compensate for the percentage of permeability and to bring this closer to compliance with the objectives, a condition will require a plan notation to state that the stormwater collected by the rainwater tank will be used for irrigation and flushing of toilets.

Standard B10 – Energy efficiency, Clause 22.16 – Stormwater Management (Water Sensitive Urban Design) and Clause 22.17 – Environmentally Sustainable Design

123. A Sustainable Management Plan (SMP) has been submitted with the application. It outlines the following proposed ESD features:
- (a) Standard fluorescent and LED lighting throughout;
 - (b) Minimum average 6.3 NatHERS rating;
 - (c) 5 star electric heating and cooling systems;
 - (d) 4 star WELS rated toilets;
 - (e) 3 star WELS rated shower heads;
 - (f) Low VOC paints;
 - (g) Refuse 80% of construction waste; and
 - (h) A water tank below the driveway with a 16000lt water capacity.
124. Council's ESD advisor made several recommendations to improve the design of the building that include the provision of adjustable shading devices to the east, west and north facing windows, provision of double glazing and the adoption of either gas boosted solar hot water or high efficiency electric pumps and solar PV arrays to each dwelling. A condition requiring an updated SMP will be included addressing the items requested by Council's ESD advisor, but also confirming a minimum average NaTHERS rating of 6.3 Stars and the operable windows described as "Natural Ventilation" in lieu of "Mechanical Ventilation" as outlined at item 3 of Council's ESD advisor's advice.
125. A STORM report will also be required as part of that updated SMP report to ensure compliance with the Best Practice Standards outlined in Clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.17 – *Environmentally Sustainable Design*.

Standard B11 – Open Space

126. Not applicable as no communal open space is proposed. However, landscaping is proposed along the northern stretch of the driveway.

Standard B12 – Safety

127. The primary pedestrian entrance to the site is located at the north-west corner of the site, accessed from Lygon Street, with pedestrian entrance into the shared driveway leading up to the door entrances of each dwelling. Council's Engineer has requested that a variation is provided in the surface material to clearly delineate a pedestrian line of travel for pedestrians. This will be addressed with a condition. A further condition will require the pathway to be illuminated to provide a clear line of sight to the entrances at night. There are no conflicts between the vehicle and pedestrian access given the number of townhouses (i.e. limited to eight). Moreover, the driveway is straight and does not provide areas that are highly concealed.
128. Having regard to the above, the proposed building will provide an acceptable level of safety for future residents.

Standard B13 - Landscaping

129. Landscaping opportunities are provided at the street frontage which is reflective of the character of the area. Other areas are provided on the southern sides Units 3, 4, 5 and 6 and within the narrow side setback to the north of the driveway of the building.
130. These areas as well as the amount of planting that would be achievable in each would be consistent with the character of the area which typically sees limited areas of landscaping, particularly within the front setbacks of medium density developments such as those previously described.

Standard B14 – Access

131. This standard is not applicable as there is no new vehicle crossover proposed to Lygon Street. Vehicles would only utilise the laneway for access into the site, similar to the existing conditions.

Standard B15 – Parking location

132. The on-site car parking spaces are conveniently located for the future residents of the proposed new dwellings in the form of a garage to each townhouse. The design of the garages and manoeuvrability of vehicles within the site has been assessed by Council's Engineer and found to be satisfactory. A condition of any permit issued will require the plans to show the garage door widths, a delineated pedestrian line of travel and the slab of the finished floor level set 40mm above the edge of the laneway as requested by Council's Engineer.
133. Subject to these conditions, the garage openings will allow for the secure, safe and efficient movement of vehicles into the car spaces of each garage from the shared driveway and on this basis, the objectives of the standard are met.

Standard B17 – Side and rear setbacks

134. This standard stipulates the following:

"A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- (a) *At least the distance specified in a schedule to the zone, or*
 (b) *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres".*

135. The relevant ground floor walls with a minimum setback of 1m comply with the standard. The following table identifies the compliant first floor walls and the variations required with regard to the advertised plans:

Proposed wall	Proposed setback	Wall height	Complies with Standard B17
First floor setbacks from the north.	Between 2.78m and 2.9m.	5.6m above the natural ground level.	Complies (minimum setback of 1.6m required).
Second floor setbacks from the north.	Between 1.85m and 2.92m.	9m (max) above the natural ground level.	Does not comply (setbacks of 3.9m - 4m required)
First floor setbacks from the south.	Between 1m and 2.07m	5.6m (max) above the natural ground level.	Partially complies (minimum setback of 1.6m required).

Proposed wall	Proposed setback	Wall height	Complies with Standard B17
Second floor setbacks from the south.	Between 1m and 2.9m.	9m (max) above the natural ground level.	Does not comply (setbacks of 3.9m - 4m required).

136. The amended plans provide the following improvements to the setbacks of the advertised plans:

Proposed wall	Proposed setback	Wall height	Complies with Standard B17
First floor setbacks from the north.	Between 2.9m and 3.64m.	5.6m above the natural ground level.	Complies (minimum setback of 1.6m required).
Second floor setbacks from the north.	Between 1.95m and 3.64m.	9m (max) above the natural ground level.	Does not comply (setbacks of 3.9m - 4m required)
First floor setbacks from the south.	Between 1.47m and 2.07m	5.6m (max) above the natural ground level.	Partially complies (minimum setback of 1.6m required).
Second floor setbacks from the south.	Between 1.66m and 2.9m.	9m (max) above the natural ground level.	Does not comply (setbacks of 3.9m - 4m required).
First floor setback from the east (rear).	Minimum 879mm.	5.6m above the natural ground level.	Does not comply (minimum setback of 1.6m required).
Second floor setback from the east (rear).	Between 879mm and 2.07m	9m (max) above the natural ground level.	Does not comply (setbacks of 3.9m - 4m required).

137. Based on a comparison of the setbacks between the advertised plans and the amended plans, it becomes apparent that the amended plans provide significant improvements in terms of reducing visual bulk and massing. Whilst not fully compliant, the setbacks adopted in the amended plans are more generous and are considered to improve the presentation of the building from both adjoining communal open areas associated with the adjoining two and three-storey, multi-dwelling buildings to the north and south and for the reasons detailed below a variation to the standard in all instances is supported. The setbacks shown on the amended plans will therefore be required to be shown on updated plans for endorsement, by way of a condition of permit.
138. The setbacks from the north site boundary range between 2.9m and 3.64m at the first floor and between 1.95m and 3.64m at the second floor. The greatest setback of 3.64m has been adopted to Units 4, 5 and 6. This portion of the building would be most visible as it would be located opposite the communal open area of the adjoining two-storey, multi-dwelling buildings. On this basis, there will be minimal visual bulk as a result of the continuous built form to the north. When viewed in association with the balconies and fenestration, the northern elevations would provide an appropriate height transition of only one-storey compared to the adjoining buildings.
139. The buildings to the north also largely present sheer double-storey walls along their southern side with windows associated with a light well at the south-west corner which face the subject site.

Considering that this light well is setback 2.9m from the shared boundary, and the northern walls of the proposal are setback a further maximum of 2 -2.9m, there is a significant distance (a minimum 4.9m between them) to limit visual bulk. Additionally, there is currently a double-storey wall opposite them so there is already a higher built form element.

140. There is also a first floor balcony on the abutting building to the north built along the shared boundary and located opposite the balcony associated with Unit 6. In terms of visual impact these balconies are at the same level. It is commonplace for balconies to be next or close to one another, however there is a separation distance of 1.8m between them and a 1.7m high screen across those proposed to limit overlooking.
141. The setbacks to the south range between 1.47m and 2m at the first floor and between 1.66m and 2.9m at the second floor. A predominant setback of 1.47m has been adopted at the first floor and a predominant setback of 1.66m has been adopted at the second floor. Some variation in the massing has been provided midway (i.e. associated with Units 4 and 5) as a result of the adopted setback of 2m at the first floor and 2.92m at the second floor. At the ground floor the building has adopted a setback of 1.47m, for the majority of the building's length where located opposite the communal open area of the adjoining three-storey apartment buildings. This setback will provide some variation in the building's presentation to the south and thereby reduce the visual mass. The height of the building is also comparable to the adjoining three-storey scale of the built forms to the south, and whilst this elevation will read in a continuous form, the communal open area is extensive in its area (i.e. 210sq.m.). On this basis, the building with a combination of varied setbacks and maximum building height of only 9m is contextually appropriate.
142. Furthermore, the site to the south does not have windows that directly face the subject site thus restricting views to oblique angles which lessens the visual impact of the southern elevation. The most northern apartments of the buildings to the south include balconies which are adjacent to the proposed building. However, the adjoining buildings (separated by a common area) are three-storeys and the proposed building will be comparable in size with a similar three-storey scale. Furthermore, the east-facing balconies / terraces of the adjoining building face the laneway and as such have an open outlook when looking in an easterly direction which decreases the visual impact of the proposed building on them.
143. The adoption of setbacks (shown on the amended plans) from the eastern boundary have improved the eastern interface as previously discussed under the *Standard B1 – Neighbourhood Character (with regard to the design objectives of the DDO2 and Clause 22.07 - Development abutting laneways policy)* heading of this assessment. In short, the setbacks adopted are acceptable as the width of the laneway and the abutting garages of the sites fronting Drummond Street, significantly reduce the visual bulk impacts of the proposal when viewed from the rear of the sites fronting Drummond Street. The adopted setbacks have also reduces the amount of built form adjacent to the first level terrace to the south of the adjoining building facing the laneway. As such, the design changes will be required to be adopted, by way of a condition of permit.

Standard B18 – Walls on boundaries

144. This standard stipulates the following:

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- (a) *For a length of more than the distance specified in a schedule to the zone; or*
- (b) *If no distance is specified in a schedule to the zone, for a length of more than:*
 - (i). *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*

- (ii). *Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.*

145. Applying the standard, an on-boundary wall length of 20m is permitted along the northern boundary (i.e. 10 metres plus 25 per cent of the remaining length of the boundary), an on-boundary wall length in the order of 29m (combined on-boundary wall lengths of existing buildings) is permitted along the southern boundary and an on-boundary wall length of 12.5m is permitted on the eastern boundary (rear).
146. In this instance the development will provide on-boundary walls to both southern and eastern boundaries. The proposal does not propose any on-boundary walls to the north.
147. The southern boundary wall lengths equate to a total of 33.84m at the ground floor (i.e. combined on-boundary wall lengths Units 1, 2, 3, 6, 7 and 8) decreasing to a total length of 13.53m at the first floor (i.e. combined on-boundary wall lengths of Units 1, 2, 7 and 8); and decreasing again to a total length of 11.24m at the second floor (i.e. combined on-boundary wall lengths of Units 1, 2, 7 and 8) with wall heights ranging between 3.3m and 8.8m above the natural ground level. In all instances, a variation to the standard is supported. This is because, the most exposed on-boundary wall associated with the garage of Unit 3 is short whilst the remainder of the walls would be constructed to abut the two and three-storey on-boundary walls of the south adjoining three-storey apartment buildings. The amended plans have further reduced the on-boundary wall lengths at the ground and first floors by deleting the storage and pantry of Unit 1 at the south-west and decreasing the height at the south-east corner through setting back the upper levels. The design changes will be required to be adopted by way of a condition of permit.
148. To the east (rear), the building has a zero setback across all levels. However, the amended plans have improved this, by setting back the building at the ground floor by approximately 350mm with only the south-east corner of the garage of Unit 8 extended across the boundary for a length of approximately 2.2m. The upper levels have also been setback as previously discussed, and given these improved changes, these will required to be shown on plans, by way of a condition of permit.

Standard B19 – Daylight to existing windows

149. This standard stipulates the following:

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.

150. Complies with the standard and the objective. The windows of adjoining properties to the north and south would receive adequate daylight levels in accordance with the standard as these would all continue to face into areas greater than the minimum light court area of 3sq.m.

Standard B20 – North-facing windows

151. This standard stipulates the following:

'If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window'.

152. There are no north-facing windows located within 3m for the subject site.

Standard B21 – Overshadowing

153. Standard B21 of Clause 55 seeks to ensure buildings do not significantly overshadow existing secluded private open space. The only areas of secluded private open space within the site to the south are the two ground floor areas in the central area, and the east-facing terrace at the rear of the southern site. It should be noted that in the morning and afternoon, due to the existing built form on the site and the orientation of these areas, they are significantly shadowed by their own built form at the equinox.
154. For the purpose of the following assessment the western-most building on the south adjoining site will be referenced as Building A and the eastern-most building will be referenced as Building B as shown in the diagram below (yellow indicates the subject site):



155. At 9am, the proposal results in further shadows to the most northern of the central private open space areas (not clearly shown on the plans) associated with Building A, however existing conditions also result in approximately 60 percent of it being in shade due to the existing double storey walls opposite. The proposal will result in its full shadow in the early hours of the morning but by 12 noon approximately 80 percent of this space will be shaded and therefore the increase is not unreasonable given that the impact is limited to this single area of private open space, amongst so many others within a single site. The southern-most of these two courtyards is unaffected by the proposal. At 3pm, the northern-most courtyard will be self-shadowed as a result of shadows cast by its own building. Whilst there is an increase, it must be accepted that in an inner city context, where density is greater, that shadowing will occur. Further, the additional shadowing cast by the proposal, would not impact the useability of this space as there is already an expectation of shadowing given the west-east orientation of lots and buildings.

156. The closest west-facing balconies of Building B are not secluded as these are open to the communal area and the same protection cannot be expected. However, at 9am, the proposed shadows cast over the first and second floor balconies would be imperceptible and would mainly fall over roof. At 12noon, there is an evident increase and by 3pm, these will be in shadow. The east-facing terraces of Building B face into the laneway and will continue to benefit from the morning sun with an increase in the shadow evident from 12 noon onwards. By 3pm, the balconies / terraces are self-shadowed with the proposal mainly causing additional shadows over the rear laneway and roof structures of the outbuildings opposite.
157. There is a smaller shadow impact cast into the secluded areas of private open space of two dwellings fronting onto Drummond Street at 3pm. The proposal does not result in unreasonable levels of shadowing and meets the policy objective which is *to ensure buildings do not significantly overshadow existing secluded private open space*.
158. The amended plans increase the setbacks to the south and will result in some marginal improvement (decreases) to the shadows evident in the advertised plans. Therefore, subject to a condition requiring design changes to be consistent with those shown on the amended plans, shadows to the south adjoining property will be improved.

Standard B22 – Overlooking

159. The standard requires *a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*
160. Plans show the balconies at the first floor screened with either opaque glass or scyon matrix cement sheets to a height of 1.7m above the floor level, with the north-facing windows screened with opaque glass to a height of 1.7m above the floor level. The first floor windows to the south will be screened with opaque glass at a height of 1.7m above the floor level, whilst the second floor windows to the south will have minimum sill heights of 1.7m above the floor level. The upper level east-facing windows will also be screened with opaque glass to a height of 1.7m with the exception one window at the second floor that will have a sill height of 1.7m above the floor level.
161. Similar methods of screening have been adopted to the northern, southern and eastern elevations of the amended plans, with the exception of the introduction of louvered screening mechanisms in lieu of opaque glass to several windows at the second floor. Whilst attempts have been made to achieve compliance with the standard, a condition will require the plans to show the screening methods on the amended plans and to be further amended to include a plan notation specifying that the adopted louvered screens will be no more than 25% transparent. Subject to this, the screening for all townhouses within the building will be in accordance with the standard.

Standard B23 – Internal views

162. It is unclear whether the internal partitions between the balconies go far enough to address internal overlooking requirements of the standard. A condition will require the plans to be updated to demonstrate full compliance with the standard.

Standard B24 – Noise impacts

163. The dwellings are not located in close proximity to existing noise sources and it is not considered necessary to require additional acoustic treatments for the proposed dwellings. With no large plant areas proposed, it is not necessary to require to protect nearby dwellings (especially as the use as dwellings do not require a planning permit).

Objectors have raised noise from mechanical services as a concern. However mechanical systems such as A/C units are generally designed to meet the relevant EPA noise requirements and so are not considered to have unreasonable noise impacts.

Standard B25 – Accessibility objective

164. The entrances of each new townhouse are located at ground floor, and will be generally accessible for those with limited mobility in accordance with the standard. The objective of the standard is met.

Standard B26 – Dwelling entry objective

165. Complies with the standard and the objective subject to conditions. The primary pedestrian entrance is from Lygon Street (similar to the existing condition) with the entrances to the new dwellings clearly visible from within the shared walkway and vehicle driveway. The building will be clearly identified as one that houses multiple dwellings similar to any apartment building. Mail boxes have also been included across the western elevation, immediately adjacent to the principal entrance to Lygon Street.

Standard B27 – Daylight to new windows

166. The above standard requires all habitable room windows to face an “*outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky*”. The position of all new windows satisfies this standard.

Standard B28 – Private open space

167. Standard B28 generally requires that:

..a dwelling or residential building should have private open space consisting of:

- (a) *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
- (b) *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
- (c) *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*

168. The balconies range between 10.7sqm and 15.9sq.m. with a minimum dimensions of 2m and comply with the standard. The amended plans provide smaller balconies that range between 8.8sq.m and 15.9sq.m. but these also comply with the standard.

Standard B29 – Solar access to open space

169. The open spaces to dwellings will have an outlook to the north with the balcony of Unit 1 that would have an outlook to the west and the balcony of Unit 8 that would have an outlook over the laneway to the east. As such, the balconies would receive adequate solar access given the northern orientation.

Standard B30 – Storage

170. The standard requires that all dwellings are provided with 6 cubic metres of externally accessible storage. Storage areas have been provided and range between 3.2 cubic metres and 6.9 cubic metres in the form of individual stores and above-bonnet stores in the garages at the ground floor of the townhouses.

Whilst not compliant with the standard, ample space to accommodate further storage is provided in each garage (and a variation to the standard is supported).

Standard B31 – Design detail

171. Complies with the standard. The proposed development is contemporary in design, yet complementary to the existing surrounding built form in terms of typology, form and materiality. It will integrate into the surrounding context along Lygon Street and the laneway which hosts three-storey blocks of apartments with a mix of styles from the 1970's through to contemporary along the eastern side of Lygon Street.
172. The development will include cement sheets with rendered charcoal and white finishes, including timber cladding (or equivalent) and balustrades constructed of either glass or cement sheet cladding and a pergola structure at the north-west corner to emphasise the pedestrian entrance to Lygon Street. The selected materials are supported given the location of the development and surrounding context.
173. The design of the garages at the ground floor effectively integrates into the development and is visually compatible with the local area, and other vehicle access points along the laneway. The dwellings will contribute to the design styles and housing choice found within the area. The proposal will present a development of acceptable quality within a built-up inner-city context and residential area. The varied materials and contemporary approach, will emphasize a clear delineation between the old and new built form therefore providing an appropriate and distinguished built form outcome very separate to the heritage dwellings evident on the western side of Lygon Street.
174. As discussed throughout this assessment, the amended plans provide improvements that will be required to be shown on plans for endorsement by way of a condition of permit.

Standard B32 – Front fences

175. Complies. A 0.9m high front fence is proposed (shown on the amended plans), in compliance with the maximum 1.5m height recommended by the standard. Melbourne Water requires the fence to be at least 50% transparent and a condition will address this.

Standard B33 – Common property

176. Common property is appropriately located to ensure its efficient ongoing management (likely to be a Body Corporate), in compliance with the standard.

Standard B34 – Site Services

177. There is bin storage and meters enclosures proposed, in compliance with the standard.

Standard B35 – B49 Energy efficiency

178. Not applicable as these provisions are only relevant to apartments.

Objector concerns

179. The majority of the issues which have been raised by the objectors have been addressed within this report. However, each point will be addressed for clarity.
 - (a) Neighbourhood character.
 - (b) Design including height, massing, scale, bulk and site coverage and permeability.
 - (c) Overdevelopment.

180. Neighbourhood character, height, massing, scale, bulk, site coverage and permeability have been discussed at paragraphs 93 to 122 with setbacks and walls on boundaries discussed at paragraphs 134 to 148. The strategic context, zoning of the land and size of the lot supports higher density. The site area is 618sq.m and occupied by six dwellings (i.e. the form of walk-up-flats over two levels) with on-site car parking located over an asphalt surface at the rear of the site. The difference being one level and two dwellings. As such, the replacement building is not an overdevelopment within this context.
- (d) Lack of landscaping.
181. Landscaping has been discussed at paragraphs 129 and 130. The development will provide landscaping within the front setback that is consistent with the landscape character of the broader area, including properties to the immediate north and south. A landscape plan will also be requested by condition that includes irrigation methods to ensure the survival of all plant species within the front and side setbacks.
- (e) Off-site amenity including overshadowing / loss of daylight, overlooking, loss of views, noise from services (i.e. A/C units) and radiated light from external light fittings.
182. Off-site amenity impacts have been discussed at paragraphs 134 to 163. More specifically:
- (a) overshadowing has been discussed at paragraphs 153 to 158;
(b) loss of daylight has been discussed at paragraphs 149-150; and
(c) overlooking has been discussed at paragraphs 159-161.
183. Daylight to surrounding dwellings will not be impacted as a consequence of the additional shadows given that windows of existing dwellings closest to the development are either west or east-facing or in the case of the building to the north, south-facing with clearances to the sky in excess of a 1m dimension and 3sq.m.
184. A/C units are required to comply with EPA requirements. As such, a condition will require noise emissions from plant and equipment to comply with the State Environment Protection Policy or any other standard recommended by the EPA (including but not limited to SEPP N-1).
185. Blocking views of the skyline is not a planning consideration. A condition of permit will require any external lights to be appropriately baffled to avoid light spill into adjoining properties to address this concern.
- (e) Car parking and traffic impacts.
186. The development will provide the required number of car parking spaces prescribed under Clause 52.06 of the Scheme and will utilise the existing laneway for vehicle access, similar to the existing conditions. As such, there are no negative traffic implications anticipated. Council's Engineer is also supportive of the car park arrangement in terms of access and egress and manoeuvrability within the site.
- (f) Property devaluation and impact on airflow as a result of the new built form extending across the communal area of two buildings to the south.
187. Property devaluation is not a planning consideration. It is highly unlikely that the development will have any impact on airflow at three-storeys in height. This issue is generally associated with much taller buildings.
- (g) Construction issues such as damage to surrounding properties, disruption, early start times, traffic and noise.

188. A Construction Management Plan (CMP) will be required by way of condition and will manage any impacts during the construction stage. This will be further considered during the building permit stage.

Conclusion

189. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives.
190. The proposal, subject to the conditions recommended and adoption of the design changes and revisions shown in the amended plans, is an acceptable planning outcome that demonstrates clear compliance with the relevant policies of the Scheme.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0251 for the demolition of the existing building and the development of the land with eight dwellings at 1090 – 1092 Lygon Street North Carlton subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 26 July 2017 but modified to show the following:
 - (a) Design changes shown on the "amended plans" submitted to Council on 24 October 2018, including:
 - (i) The deletion of the ground floor store room and the first floor kitchen pantry (Unit 1);
 - (ii) The setbacks from the northern boundary increased to between 2.9m and 3.64m at the first floor and to between 1.95m and 3.64m at the second floor;
 - (iii) The setbacks from the southern boundary increased to between 1.47m and 2m at the first floor and to between 1.66m and 2.92m at the second floor; and
 - (iv) The adoption of a minimum setback of 879mm from the eastern (rear) boundary at the first and second floors (Unit 8).
 - (b) Demolition plan to include all fencing;
 - (c) A clearly delineated footpath / line of travel for pedestrians within the shared driveway achieved with a variation in surface material and / or colour;
 - (d) The garage doorway widths dimensioned and the finished floor levels along the edge of the slab of the driveway set 40mm above the edge of the laneway;
 - (e) All Melbourne Water requirements (Conditions 7 to 11 of this permit), including the floor levels in accordance with Melbourne Water's conditions at 8 and 9 with no increase to the overall building height, vehicle access or vehicle manoeuvrability on site ;
 - (f) Plan notations confirming that the storm water collected on site will be used for irrigation and the flushing of toilets within the development;
 - (g) Details to demonstrate that overlooking is limited (i.e. the louvered screens to be no more than 25% transparent), in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
 - (h) Provision of screens between the balconies in accordance with Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
 - (i) The provision of lighting to the primary pedestrian entrance and under-croft entrances of each dwelling including garages, appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties;

- (j) All site services including meters (to be designed and integrated into the development where possible);
- (k) A landscape plan that includes irrigation methods to ensure the survival of all plants within the front and side setbacks;
- (l) Any changes to implement recommendations of the Sustainable Management Plan under condition 11;
- (m) An updated schedule of all external materials and finishes showing the materials colour, finish and application methods of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences (the materials of all front fencing and level of transparency in accordance with Melbourne Water's condition 10 and a lighter colour palette at the second floor of Unit 1).
- (n) Further design changes required by any other condition of this permit.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
6. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Melbourne Water's Conditions 7 - 11

7. Amended plans must be submitted to Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and finished floor levels to Australian Height Datum (AHD).
8. The dwellings must be constructed with finished floor levels a minimum of 400 mm above natural ground surface level.
9. The garages must be constructed with finished floor levels a minimum of 250 mm above natural ground surface level.
10. Open style fencing (e.g. paling fences) will allow the free passage of flood flows through the fence, and thereby preventing floodwaters backing up behind solid structures which can increase flood levels on neighbouring properties. More resilient brick and steel fences may increase upstream flood levels, if not provided with a means to allow the passage of floodwaters. Any new front boundary fences or gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
11. No fill is permitted outside of the proposed dwelling envelope with the exception of achieving minimal ramping into proposed garages.

Environmentally Sustainable Design Principles (SMP)

12. Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must include the details in the Sustainable Management Plan prepared by Rachael Stefanis dated July 2017 and must include:
- (a) reference to the modified development as required by Condition 1 (a);
 - (b) reference to the provision of adjustable shading devices to the east, west and north facing windows;
 - (c) provision of double glazing to all windows;
 - (d) the adoption of either gas boosted solar hot water or high efficiency electric pumps and solar PV arrays to each dwelling;
 - (e) confirmation that the development will achieve a minimum average NaTHERS rating of 6.3 Stars;
 - (f) operable windows described as “Natural Ventilation” in lieu of “Mechanical Ventilation”; and
 - (g) Inclusion of a STORM report ensuring compliance with the Best Practice Standards outlined in Clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.17 – *Environmentally Sustainable Design*.
13. The provisions, recommendation and requirements of the plans and endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entries and ground level car parking area must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

General Parking Areas

15. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all-weather seal coat.

all to the satisfaction of the Responsible Authority.

Council Infrastructure

16. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
17. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Waste Management

18. Before the plans are endorsed, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by David Fairbairn Consulting Engineer dated 15th June 2017 but modified to include:
 - (a) Reference to the modified development as required by all Condition 1 requirements of this permit.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

20. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
21. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
22. Noise emissions from plant and equipment must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (including but not limited to SEPP N-1).
23. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
25. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

CONTACT OFFICER: John Theodosakis
TITLE: Senior Statutory Planner
TEL: 9205 5307

Attachments

- 1 Site Location Map - 1090 -1092 Lygon Street, North Carlton
- 2 Advertised plans - 1090 - 1092 Lygon Street, North Carlton
- 3 Melbourne Water's Response
- 4 Urban Design Advice
- 5 Environmental Sustainable Design Referral Advice
- 6 Engineering Service Unit Referral advice
- 7 Waste Management Referral advice
- 8 Amended plans - 1090 -1092 Lygon Street, North Carlton

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- 1.7 271 Bridge Road, 208, 224,228,230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Section 72 Amendment to the endorsed plans and permit conditions including: incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit, amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design and increase in car parking, motorcycle and bike parking provision.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN11/0834.02 being an amendment to the Coles Plaza redevelopment which affects land at 271 Bridge Road, 208, 224, 228 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 – 39 Bank Street, Richmond and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Section 72 of the *Planning and Environment Act 1987*;
 - (b) Accrued rights under the planning permit;
 - (c) Built form and Heritage (clause 15.01, 15.03, 21.05, 22.02, 34.01. 32.08, 43.01 and 43.02-21);
 - (d) Amenity; and
 - (e) Car Parking and Bicycle provision (clause 52.06 and 52.34)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic Context;
 - (b) Existing use rights and accrued rights within the General Residential Zone'
 - (c) Use and liquor
 - (d) Built form (Urban Design and Heritage);
 - (e) On site amenity - Clause 58;
 - (f) Off site amenity
 - (g) Car & bicycle parking and traffic and access;
 - (h) Contaminated land; and
 - (i) Objector concerns.

Submissions Received

4. Nineteen objections were received to the application, these can be summarised as:
 - (a) design (height, scale, bulk, character, overdevelopment, impact on park);
 - (b) amenity (off-site, on-site, overlooking, overshadowing, loss of light, location of substation and plant);
 - (c) traffic and car parking;
 - (d) Loss of views and loss of property values
5. One letter of support were received to the application.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) Additional setbacks to address amenity concerns;
 - (b) Detailed thumb nail sketches of the elevations to ensure a quality outcome for the site;
 - (c) Additional acoustic information; and
 - (d) Requirement for an environmental audit for the site.

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271 Bridge Road, 208, 224,228,230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Section 72 Amendment to the endorsed plans and permit conditions including: incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit, amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design and increase in car parking, motorcycle and bike parking provision.

Trim Record Number: D18/186609
Responsible Officer: Manager Statutory Planning

[Help](#)

Proposal: Amendment to the endorsed plans and permit conditions of PLN11/0834 including:

- Incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit for the main site
- Amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design;

Increase in car parking, motorcycle parking and bike parking.

Existing use: Richmond Plaza Shopping Centre and Residential Apartment building

Applicant: Coles Group Property Development Pty Ltd – C/- SJB Planning Pty Ltd

Zoning / Overlays: Commercial 1 Zone, General Residential Zone (Schedule 1 & 2), Design and Development Overlay (Schedule 2 and 21), Heritage Overlay (Schedule 310) and Public Acquisition Overlay.

Date of Application: 26 April 2018

Application Number: PLN11/0834.02

Planning History

1. Planning permit PLN11/0834 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 20 December 2012 permitting the demolition, buildings and works, use of the land for dwellings, shop, restricted recreation facility, food and drinks premises, restaurant, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements, and use of the northern part of the land for loading/unloading bay and waste collection.
2. The permit was subsequently amended by VCAT on 27 March 2013 with plans endorsed on 14 December 2017.
3. A further amendment to the permit was recently issued on 26 June 2018 which approved an internal reconfiguration of the uses and layout of the buildings approved generally relating to minor increases and decreases to the various floor areas of the uses across the site, a decrease in the number of apartments, modifications to the car park layout including loss of 2 spaces and minor changes to the external presentation of the building. Plans were also endorsed on 26 June 2018.
4. An extension of time to the commencement and completion date of the permit was also approved, requiring the development to commence no later than 20 December 2019 and be completed no later than 20 December 2021.

5. Planning permit PLN14/0314 (42 Cameron Street) was issued on 14 January 2015 and permits the development of the land to construct a multi-storey building (over a basement car park), and a reduction in the car parking requirement. Plans were endorsed on 5 October 2017.
6. An amendment to the development via the secondary consent mechanism was approved on 28 November 2017 and in general terms approved minor design changes with plans being endorsed on 28 November 2017.
7. An extension of time to the commencement and completion date of the permit was also approved, requiring the development to commence no later than 20 December 2019 and be completed no later than 20 December 2021.

Henty Street Process

8. A condition of planning permit PLN11/0834 (condition 5) required the following occur prior to the commencement of the development:
 - (a) *'Except with the written consent of the Responsible Authority, prior to the commencement of the development, the land known as Henty Street, or the land marked green on plan of consolidation 105419 and land known as Lot 1 Title Plan 843675B must be discontinued.'*
9. A request was lodged with Council to discontinue both these parcels of land and this was considered and supported at the Council meeting of 18 March 2014.
10. Forming a recommendation of this report will be the deletion of condition 5 from the permit as its requirements have been met.
11. Subsequent to the discontinuance process, an amendment application to the Yarra Planning Scheme was lodged by SJB Planning acting on behalf of the Coles Group.
12. Amendment C138 sought approval for the rezoning of land known as 46 – 48 Cameron Street, Richmond also land formerly known as Henty Street from General Residential Zone to Commercial 1 Zone.
13. Council adopted the request at its meeting of 19 September 2014 with the amendment gazetted on 14 May 2015.

Background

Application Process

14. The application was lodged with Council on 26 April 2018. A further information letter was sent on 22 May 2018 with all matters addressed by 11 July 2018.
15. The application was then advertised and received 19 objections and one letter of support.
16. A consultation meeting was held on 25 September 2018 and was attended by the permit applicant, objectors and Council officers.
17. During this process, Council had sought and received external referral advice from various consultants in the fields of urban design, acoustics, wind, traffic and land contamination, as well as Council Internal units including waste management, engineering, strategic transport, construction management, urban design, heritage, landscape and environmental sustainable development (ESD). Referrals were also sought and received from Transport for Victoria and VicRoads.
18. The applicant in response to the objections and referral comments has submitted additional documentation on a without prejudice basis, this will be referenced where relevant throughout the report.

Planning Scheme Amendments

Amendment VC110

19. Amendment VC110 was gazetted on 27 March 2017, the amendment did not alter the zoning of the land (continuing to be within the GRZ2), and however the amendment introduced a mandatory garden area requirement.
20. *Amendment VC134*
21. Amendment VC134 was gazetted on 31 March 2017, and aligns State Policy with the new Metropolitan Planning Strategy.
Amendment VC136
22. Amendment VC136 was gazetted on 13 April 2017 and introduced the Apartment Development guidelines (clause 58). The guidelines include a number of standards (similar to ResCode), including urban context, site layout, amenity impacts, on-site amenity and facilities, detailed design and internal amenity.
23. The standards only apply to application lodged after the amendment was gazetted
Amendment VC142
24. Amendment VC142, gazetted on 16 January 2018, made a wide range of reforms across the VPP that generally removes permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.
25. Of relevance, the requirements of Clause 52.07 (Loading and unloading of vehicles) has been deleted from the planning scheme and the consideration relating to loading and unloading facilities has been added to Clause 65 as a general decision guideline. Should the development approved by the permit be considered under the current provisions, consideration of loading matters would still form part of the assessment.
Amendment VC148
26. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.
27. The introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).
28. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application which means that there is no requirement to provide any visitor car parking spaces as part of the proposal as well as modified rates associated with dwellings and those for the food and drinks premises, childcare, office, restaurants, shop.

The Proposal

29. The application proposes amendments to both the permit and endorsed plans:

Permit

30. The proposal seeks approval for the following amendments to the planning permit:
 - (a) Incorporating the approved development for 42 Cameron Street, Richmond (PLN14/0314);
 - (b) Design changes resultant from the merging of two Planning permits; and
 - (c) Modifications to a number of conditions of the original permit as a result of the deletion of the restaurant use and modifications to the internal uses and layouts and exterior changes in height and design.

Endorsed Plans

31. The proposal seeks approval for the following changes to the endorsed plans, in a general sense the changes proposed can be summarised as follows:
- (a) Incorporation of 42 Cameron Street into the overall development site and merging the approved built form with Building 'D';
 - (b) Modified apartment mix and layouts resulting in an overall reduction in the number of dwellings from 313 to 307;
 - (c) Amended car parking layout and increased car parking provision from 570 to 624 spaces;
 - (d) Increased provision of motorcycle spaces from 28 to 52;
 - (e) Increased provision of bicycle spaces from 363 to 375 spaces;
 - (f) Reduction in retail floor area from 8,655sqm to 7,706sqm;
 - (g) Increase in office floor area from 1,041sqm to 2,115sqm;
 - (h) Deletion of restaurant and roof top terrace;
 - (i) Changes to various setbacks;
 - (j) Building heights increased as follows (excluding plant and architectural features):
 - (i) Building A – from 37.6m to 38.35m;
 - (ii) Building B – from 28.4 to 32.8m;
 - (iii) Building C – from 25.5m to 25.78m; and
 - (iv) Building D – from 25.3m to 27.2m
 - (k) Modified architectural treatment to the exterior of the building including materials and design composition.
32. The amendment in retains the fundamental components of the approved development being a shopping centre with various commercial uses with car parking and a residential development above.
33. For ease of reference the image below shows the locations of the various residential buildings and outlines the overall height:
- (a) Building A – 11 storey
 - (b) Building B – 9 storey
 - (c) Building C – 7 storey
 - (d) Building D – 7 storey
 - (e) Building E – 4 storey (not visible in image below orientated to Bank Street)



34. Further the table below provides greater detail of the amendments proposed to the already approved development:

Level	Proposed Amendments
Demolition Plan	<ul style="list-style-type: none"> • Inclusion of 42 Cameron Street, Richmond
Basement	<ul style="list-style-type: none"> • Increase in size of basement towards Bridge Road but not within the Public Acquisition Zone; • Reduction in basement to avoid easements under ROW off Church Street; • Internal rearrangement of car park (ramps, columns); • Provision of 10 additional car parking spaces; and • Additional bike parking, end of trip facilities and residential storage cages.
Podium Ground Floor	<ul style="list-style-type: none"> • Setback from the rear of 267 Bridge and creation of a walkway; • Grading of the laneway providing entry into the site from Bridge Road eliminating the need for stairs; • Residential waste storage area adjacent to western boundary removed to facilitate residential furniture holding area; • Increased western setback adjacent to residential properties fronting Bank Street; • Rearrangement of access and loading areas to Cameron Street; • Internal rearrangement of commercial floor area layout; • Core/lobby areas reconfigured.
Podium Level 01	<ul style="list-style-type: none"> • Increased setbacks (no on boundary construction) to the rear and sides of 267 Bridge Road; • Variations to setback along western boundary with mostly increased setbacks, a minor encroachment to the central plant area. • Childcare relocated to level above; • Changes to commercial floor plates • Changes to the apartment mix and layouts; • Internal rearrangement of car park (ramps, columns); • Provision of 18 additional car parking spaces; and • Revised design treatment (setbacks and form) to the south eastern corner of the site.
Podium Level 02	<ul style="list-style-type: none"> • Increased setbacks (no on boundary construction) to the rear and sides of 267 Bridge Road;

	<ul style="list-style-type: none"> • Minor increases to setbacks along the western boundary; • Increased setbacks from Cameron Street with area used as large terrace spaces. • Increased setback from eastern boundary adjacent to properties fronting Church Street. • Changes to commercial floor plates • Changes to the apartment mix and layouts; • Internal rearrangement of car park (ramps, columns); • Provision of 42 additional car parking spaces; and • Revised design treatment (setbacks and form) to the south eastern corner of the site.
Podium Level 3	<ul style="list-style-type: none"> • Increased setbacks (no on boundary construction) to the rear and sides of 267 Bridge Road; • South west commercial roof terrace top deleted; • Increased setback from the western boundary except for the north west corner where setbacks have slightly reduced in part; • Building D and 42 Cameron Street merge; • Increased setback to Cameron Street; • Encroachment of Building C to Church Street; • Building B setback reduced towards Bridge Road, now generally aligning with setback for Building A; • Design of the central landscape area updated. • Changes to the apartment mix and layouts;
Level 4	<ul style="list-style-type: none"> • Changes to the apartment mix and layouts; • Variations to setbacks including Building B setback from southern boundary reduced from 21.2m to 15.2m. • Terrace area for building D closer to Cameron Street. • Building separation distances between Building B & C increased to 9 metres;
Level 5	<ul style="list-style-type: none"> • Changes to the apartment mix and layouts; • Variations to setbacks • Building separation distances between Building B & C increased to 9 metres;
Level 6	<ul style="list-style-type: none"> • Changes to the apartment mix and layouts; • Variations to setbacks • Building separation distances between Building B & C increased to 9 metres; • Building C northern setback reduced from 16.4 metres to 5.9 metres and Church Street setback reduced facilitating additional dwellings; • Building D setback to the west and north reduced to facilitate additional dwellings.
Level 7	<ul style="list-style-type: none"> • Changes to the apartment mix and layouts; • Variations to setbacks
Level 8	<ul style="list-style-type: none"> • An additional level proposed for Building B facilitating dwellings. • Changes to the apartment mix and layouts; • Variations to setbacks
Levels 9 & 10	<ul style="list-style-type: none"> • Changes to the apartment mix and layouts; • Variations to setbacks
Elevations	<ul style="list-style-type: none"> • Increased height of Building A, B, C, & D as outlined above; • Architectural treatment of all facades updated.

Existing Conditions

Subject Site

35. The subject site is located on the north side of Bridge Road, between Church Street to the east, Cameron Street to the north and Bank Street to the west in Richmond (See figure 1) and is known as the Coles Richmond Plaza.
36. Highlighted in the red outline is the property boundary for planning permit PLN11/0834 as originally issued, with the green outline showing the property boundary for planning permit PLN14/0314. The subject site as relevant for this application combines both areas encompassing:
- 271 Bridge Road;
 - 208, 224, 228, 230 and 238 Church Street;
 - 42 and 46 Cameron Street; and
 - 25 and 37 – 39 Bank Street, Richmond



Subject Site

37. The subject site is irregular in shape and comprises a total area of approximately 13,6600m². The subject site has a frontage of approximately 33m to Bridge Road in two separate frontages, 123m to Church Street, 52m to Cameron Street and 37.8m to Bank Street.
38. The site has an approximately 1 metre fall across the site.
39. The subject site comprises 7 lots that are legally described as follows (taken from previous officer report):

Address	Lot	Title Plan/ Plan of Subdivision	Volume	Folio	Area (approx)
37 – 39 Bank Street	1	707109Y	01712	375	186m ²
42 Cameron Street	Lots 1-8	335273U	01644	751	448m ²

46 Cameron Street	1	238647G &955857U	0206 & 0170	962 & 682	440m ²
Former Henty Street	1	955857U	09296	682	297m ²
271 Bridge and 224, 230 and 238 Church Street		TP955858S			12,100m ²
25 Bank Street	1	897636H	01715	833A	187m ²
Substation (Church St)	1	843675B	03603	553	46m ²

40. The subject site (Richmond Plaza) is a shopping complex within the Bridge Road Major Activity Centre (**MAC**), comprising the Coles supermarket and a range of specialty retail, café, pharmacy and offices with a total commercial floor are of 11,687m².



41. The main pedestrian entries into the shopping centre are from Bridge Road and Church Street with vehicular access available from Cameron and Bank Streets.
42. The site has four street frontage each described as:
- Bridge Road** – Two double storey buildings well setback from Bridge Road. The forecourt areas have some non-descript landscaping and seating. The buildings are simple two storey forms with glazed shopfronts at ground floor.
 - Church Street** – Two to three storey building form with ground floor glazed shopfronts with regular upper level windows. Ad hoc signage is affixed to the building with roof top ancillaries above.
 - Cameron Street** – An at grade carpark leading to a multi deck presents to Cameron Street for most of the site with a two storey walk-up flats (42 Cameron Street) with on street garages present for the remainder of the site.
 - Bank Street** – a single storey brick dwelling and a single storey weatherboard dwelling flank an existing hardstand area currently used for some parking and loading activities.

Easements and Laneways

43. There are numerous easements registered on title, these include:

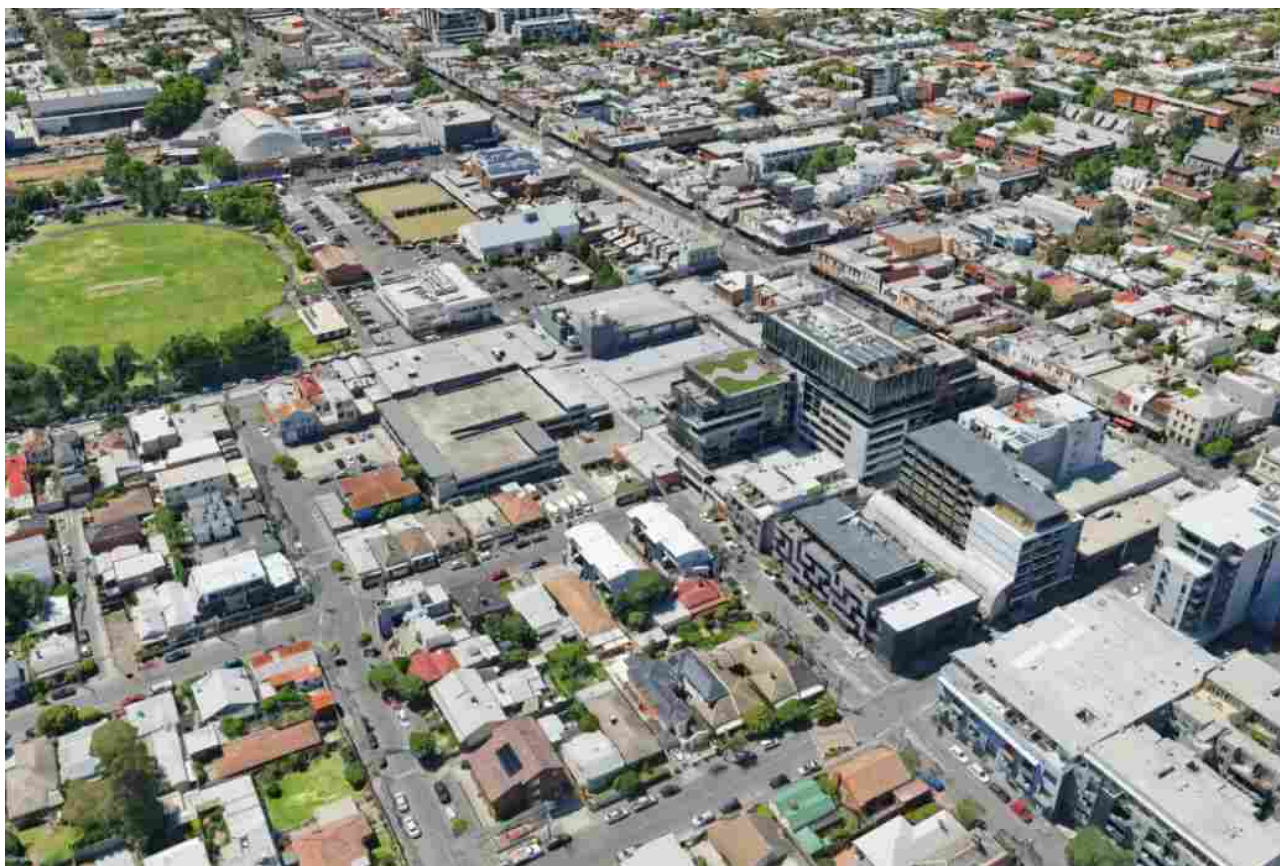
- (a) An easement in the south east corner of the site in favour of the Gas and Fuel Corporation of Victoria leading from Church Street and immediately adjacent to 285 Bridge Road;
- (b) An 'unspecified' easement immediately adjacent to the easement referenced above and both easements are shown as ROW on Council's register; and
- (c) An 'unspecified' easement to the eastern portion of the site extending from Cameron Street (north – south orientated laneway which is in part shown as a ROW on Council's register).

Surrounding Land

- 44. The subject site is located within the Bridge Road Major Activity Centre (MAC). The Bridge Road MAC is a linear commercial shopping strip running between Hoddle Street/Punt Road to the west and the Yarra River to the east. It comprises an array of retail, dining, community, health and business services in addition to residential uses.
- 45. The site is located within the Principal Public Transport Network (PPTM), which includes Tram Routes 48 and 75 along Bridge Road, Tram Route 78 along Church Street, Routes 12 and 109 along Victoria Street and West Richmond and Jolimont train stations both within walking distance of the site.
- 46. Built form in the Bridge Road MAC is varied in style, scale and era with the traditional building stock generally Victorian era shopfronts one to two storey in scale with taller built form behind.
- 47. The north side of the Bridge Road MAC has experienced, and is continuing to experience significant redevelopment. Recently constructed buildings and current approvals range in scale between seven and 12 storeys. Upper levels of these developments are set back between 12 – 19m from Bridge Road, maintaining the existing shopfronts as the dominant element within the streetscape. (see images below)



(Looking north – west along Bridge Road)



Looking south to the rear of Bridge Road developments

48. The south side of the Bridge Road MAC has conversely experienced relatively limited development.
49. The subject site's immediate surrounds are identified by four distinct interfaces each described below:

North

50. To the north of the subject site is Cameron Street, which runs from Church Street at its eastern end to Lennox Street to its west and forms the public interface of the sites northern boundary.
51. On the opposite side of Cameron Street is a single storey brick commercial building interfacing with Bridge Road, the remaining section of the street can generally be described as a mix of single and double storey dwellings with taller (approximately three storey) multi unit developments.
52. To the west of the subject site and beyond the ROW at the intersection of Bank and Cameron Streets is 13 Bank Street which is the first of a row of six, single storey residences fronting Bank Street.
53. At the corner of Cameron and Church Street is a part one and two commercial period building. The rear half is two storey in form and provides for vehicular access from Church Street.

South

54. To the south the site interfaces with Bridge Road.
55. In between the two sections of Bridge Road frontage, is a two storey individually significant heritage building used for both commercial and residential purposes.

56. A lane separates the subject site and the 196-198 Bridge Road (western boundary) with vehicular and pedestrian access via this laneway. There are a series of windows along the boundary at both ground and first floor level with some of the first floor windows providing light and air to a bedroom and bathroom. An 'L shaped' deck which is partially roofed is attached to the common boundary with the subject site to the east.
57. South of the subject site is the southern side of Bridge Road. Development is generally characterised by one, two and three storey commercial heritage buildings with retail/commercial uses at ground floor with some shop-top housing and commercial uses at first floor.
58. The south side of Bridge Road has not experienced the same level of development pressure as the north. Lot sizes are typically small and recent strategic work (DDO21) recognises that the development potential for the south side is not as great as the north side.

East

59. The east of the site interfaces with Church Street for its majority which contains one and two storey commercial buildings including the Richmond Police Station.
60. To the south-east of the subject site, fronting onto Bridge Road are a row of four, two storey Victorian terraces and a two storey more modern building setback from Bridge Road. The terraces are occupied by retail and food and drinks premises uses at ground level, with the building on the corner (former ANZ bank) occupied by a shop.
61. A rear laneway accessed from Church Street, allows for vehicular access to an informal parking area at the rear of these tenancies and allows for some commercial loading activities.
62. The corner of Bridge Road and Church Street is used as an informal plaza with seating and some vegetation.
63. At the northern end of the subject site is a series of five properties which front Church Street that sit between the subject site and Cameron Street. These properties are commercial in nature some having a residential interface at the upper levels.
64. An existing 3m laneway separates the rear of the Church Street properties and the subject site.

West

65. Fronting Bridge Road to the west of the site is a row of three, two storey Victorian era terraces occupied as shops at the ground floor. These buildings separate the subject site from the "ARK" development being a mixed use development rising to 10 storeys. The ARK development extends to Hull Street and has a significant immediate interface with the subject site.
66. At its tallest, the ARK building is setback approximately 42 metres from Bridge Road. A three storey podium presents to Bridge Road, providing a series of shops and a pedestrian entry to the residential component well setback from the street.
67. The ARK development presents 9 levels of dwellings orientated towards the subject site. As is visible from the aerial image below, many of these dwellings have sole outlook towards the subject site, with balconies and habitable room windows having a direct interface with setbacks of 3.5 – 5m (to bedroom edge) to 5.5m – 7.5m (to living room edges behind balconies) from the common boundary.



Looking west from the subject site

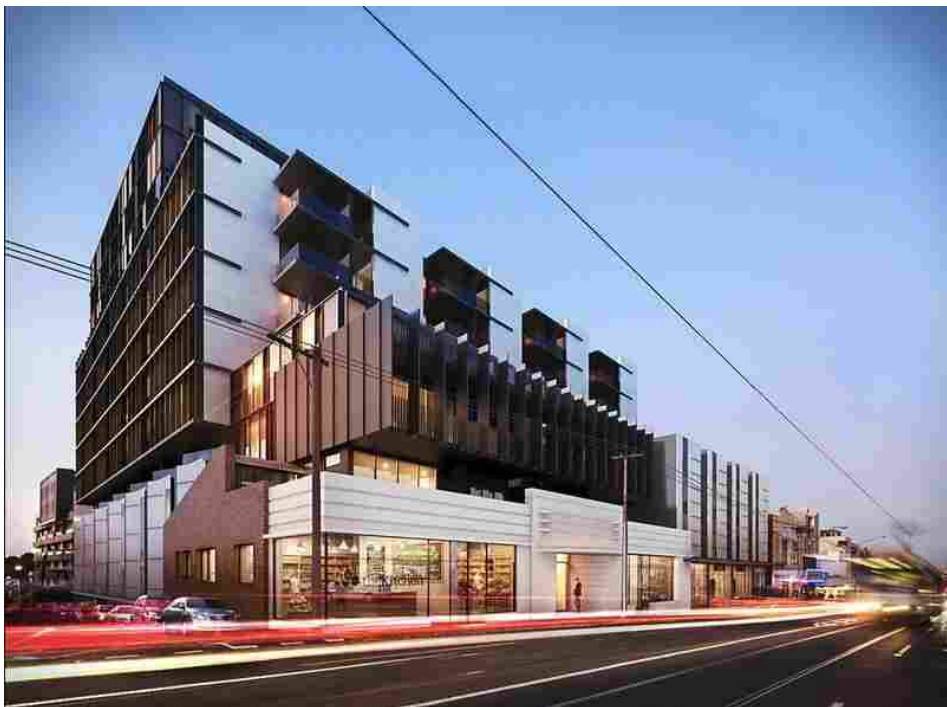
68. At the northern end of the subject site's western interface, the site abuts a single storey warehouse building at 41 Bank Street, which occupies most of the site.
69. Further north again, are 6 single storey dwellings from different eras, many are constructed to the boundary with only small areas of open space at the rear. A laneway/carrageway easement separates these properties from the subject site. There is no vehicular access to these properties from the rear, with bollards positioned at the northern end of the laneway adjacent to Cameron Street.
70. The west side to Bank Street is a mix of single storey dwellings with newer infill development rising up to three storey.

General

71. As outlined earlier, the north side of the Bridge Road MAC is continuing to transition from a low rise Victorian shopping street to a commercial strip which has and will continue to include higher density development.
72. Relevant for context, recent approved developments which are currently under construction or have progressed beyond the planning permit stage and are within proximity to the site are listed as follows:
 - (a) Epworth Hospital redevelopment, a 9 storey building recently completed.



- (b) An 8 storey building at 79 Bridge Road containing a residential hotel (currently under construction).
- (c) A 7 storey building at 113-115 Bridge Road containing offices and shops (currently under construction).
- (d) A 7 storey building at 123-125 Bridge Road containing dwellings and shops (recently completed).
- (e) A 7 storey building at 127 Bridge Road, Richmond containing dwellings and café (recently approved).
- (f) A 12 storey building at 153-177 Bridge Road containing shops and dwellings (Thomas Dux site).



- (g) A 10 storey building at 183-189 Bridge Road containing dwellings and shops located (currently under construction).



- (h) A 9 storey building at 203-207 Bridge Road comprising shops and dwellings.
- (i) A 12 storey building also proposed for 203 – 207 Bridge Road comprising a restaurant bar lounge with a hotel above (currently on further information).
- (j) An 8 storey building at 209-211 Bridge Road comprising shops and dwellings.
- (k) A 7 storey building at 231 Bridge Road comprising shops and dwellings.
- (l) A 10 storey building at 243 Bridge Road comprising shops and dwellings (ARK development).

73. The above list of developments demonstrates the change that has been occurring and continues to occur on the north side of Bridge Road.

Planning Scheme Provisions

Legislative Provisions

74. The amendment has been requested pursuant to section 72 of the *Planning and Environment Act 1987 (the Act)*
75. Section 72 of the Act states:
- (1) *A person who is entitled to use of develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
 - (2) *The section does not apply to -*
 - (a) *A permit or part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (b) *A permit issued under Division 6.*
76. The original permit PLN11/0834 issued on 20 December 2012 at the direction of VCAT (and was further amended on 27 March 2013 at the direction of VCAT), however the order did not specify that the Responsible Authority must not further amend the permit, and in fact Council has amended the permit earlier this year.
77. The permit was not issued under Division 6.

78. Section 73 of the Act states that Section 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the above-mentioned sections of the Act to the amendment application as if it was an application for a permit.
79. Accordingly the relevant sections will be addressed in this report.

Zoning

80. The planning controls that affect the subject site have changed since the original approval. The Business 1 Zone has been amended to now be the Commercial 1 Zone, the rezoning of the northern segment of the site of the former Henty Street from Residential 1 Zone to Commercial 1 Zone and the rezoning of the Bank Street parcels of land and 42 Cameron Street from Residential 1 Zone to the General Residential 1 Zone – Schedules 1 & 2).



Current Zoning of the subject site

Commercial 1 Zone (C1Z)

81. Commensurate with the former Business 1 Zone, pursuant to the Commercial 1 Zone, the use of the land as an office, food and drinks premises, supermarket (within retail premises) continue to be section 1 uses under clause 34.01-1 of the Yarra Planning Scheme (**the Scheme**) – meaning no permit required.
82. The use of the site as dwellings requires a planning permit under clause 34.01-1 of the Scheme as the ground floor frontage exceeds 2m and a child care centre and restricted recreation facility continue to be section 2 use.
83. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works. It is noted that under this clause, transitional provisions apply to Section 72 application meaning clause 58 – Apartment developments does not apply.

General Residential Zone – Schedule 1 (GRZ1)

84. The GRZ1 affects the Bank Street residential properties along the western end of the site. Under clause 32.08-2 of the Scheme, the use of the land for dwellings is a section 1, permit not required use.

85. The use of the Bank Street land however, for car parking and access and loading/unloading of goods associated with the retail use is prohibited under the zone.
86. The original Council report for PLN11/0834 (dated 21 August 2012) established existing use rights for this portion of the site.
87. Clause 32.08-4 of the Scheme was introduced on 27 March 2017 to include a minimum garden area requirement. This does not apply to the three lots fronting Bank Street as they are all individually under the 400sqm threshold.
88. Under clause 32.08-6 of the Scheme, a permit is required to construct a building or construct or carry out works. It is noted that under this clause, transitional provisions apply to Section 72 application meaning clause 58 – Apartment developments does not apply.
89. Clause 32.08-10 of the Scheme was introduced and now states that:
 - (a) *A building must not be constructed for use as a dwelling or a residential building that:*
 - (i) *Exceeds the maximum building height specified in a schedule to this zone; or*
 - (ii) *Contains more than the maximum number of storeys specified in a schedule to this zone.*
90. The site is partially included in the GRZ – Schedule 1 which has maximum 10.5 metre height requirement with the zone default of 3 storey.
91. With respect to the provisions of 32.08-6 and 32.08-10, this will be discussed in detail within the assessment section of this report under the section accrued rights.

General Residential Zone – Schedule 2 (GRZ2)

92. The GRZ2 affects 42 Cameron Street along the north. Under clause 32.08-2 of the Scheme, the use of the land for dwellings is a section 1, permit not required use.
93. Clause 32.08-4 of the Scheme was introduced on 27 March 2017 to include a minimum garden area requirement. This applies to 42 Cameron Street, Richmond as it meets the 400sqm lot threshold being approximately 466sqm therefore the scheme requires 25% of the lot to be set aside as garden area.
94. Under clause 32.08-6 of the Scheme, a permit is required to construct a building or construct or carry out works. It is noted that under this clause, transitional provisions apply to Section 72 application meaning clause 58 – Apartment developments does not apply.
95. Clause 32.08-10 of the Scheme was introduced and now states that:
 - (a) *A building must not be constructed for use as a dwelling or a residential building that:*
 - (i) *Exceeds the maximum building height specified in a schedule to this zone; or*
 - (ii) *Contains more than the maximum number of storeys specified in a schedule to this zone.*
96. The site is partially included in the GRZ – Schedule 2 which has maximum 9 metre height requirement with the zone default of 3 storey.
97. With respect to the provisions of 32.08-6 and 32.08-10, this will be discussed in detailed within the assessment section of this report under the section accrued rights.

Road Zone – Category 1 (RDZ1)

98. The subject site adjoins two (2) roads (Bridge Road and Church Street) which are included in a Road Zone Category 1. Pursuant to clause 36.04-2 of the Scheme, buildings and works associated with a section 2 use (including Church Street canopies and built form along Bridge Road) require a planning permit.
99. The application was referred to VicRoads as the relevant road authority.

Overlays*Heritage Overlay – HO310 – Bridge Road Precinct*

100. This overlay only applies to the southern segment of the site.
101. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building and construct a building or construct or carry out works.
102. The schedule to the Heritage Overlay outlines that external paint controls apply in this precinct.

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103. The existing buildings on-site have been graded as having 'no contributory' value to the Bridge Road Heritage Precinct.

Design and Development Overlay (Schedules 2 and 21) (DDO2 & DDO21)

104. Pursuant to clause 43.02-2, a permit is required to construct a building or construct or carry out works within the overlay area. Buildings and works must be constructed in accordance with any requirement in a schedule to this overlay.

Schedule 2 - Main Roads and Boulevards

105. The eastern (Church Street) portion of the site is affected by the DDO2.
106. Design objectives at Clause 1 of the DDO2 include:
 - (a) *To recognise the importance of main roads to the image of the City.*
 - (b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
 - (c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
 - (d) *To recognise and reinforce the pattern of development and the character of the street including traditional lot width, in building design.*
 - (e) *To encourage high quality contemporary architecture.*
 - (f) *To encourage urban design that provides for a high level of community safety and comfort.*
 - (g) *To limit visual clutter.*
 - (h) *To maintain and where needed create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

Schedule 21 – Bridge Road Activity Centre

107. DDO21 covers most of the subject site excluding the properties fronting onto Bank Street and 42 Cameron Street.



108. As outlined earlier clause 43.02-2 of the scheme states a planning permit is required to construct a building or to construct or carry out works. The DDO21 schedule provides specific controls relevant to the overall Bridge Road precinct and divides the precinct into 3 sections, the subject site is in Precinct 1.
109. The design objectives for Precinct 1 – Bridge Road West are: Development must
- (a) *Retain the visual prominence of heritage buildings in the streetscape and the significant 'High Street' streetscape in the vista along Bridge Road;*
 - (b) *Retain the visual prominence of the return facades of buildings;*
 - (c) *Be consistent in form, massing and façade treatment as existing upper level development (where this exists) for any upper level development behind rows of identical or similar residences;*
 - (d) *Maintain and reinforce the prominence of the street wall character of Bridge Road and Church Street;*
 - (e) *Maintain the sense of openness along Bridge Road and Church Streets;*
 - (f) *Respect the low scale existing development adjoining the activity centre;*
 - (g) *Provide a transition in height along Lennox Street and Church Street from the taller forms on Bridge Road to the adjacent low rise residential neighbourhoods.*
110. Specific to the subject site as shown in the figure below are maximum building heights and maximum street wall heights and minimum upper level setbacks all of which are preferred.

Building Heights and Setbacks – Precinct 1



- 111. The subject site has a preferred maximum height of 40 metres.
- 112. The preferred maximum street wall heights and setbacks vary as follows:
 - (a) To Bridge Road – *retain heritage frontage or 11m street wall (where there is not heritage frontage) 13m setback above*.
 - (b) To Church and Cameron Streets – *11m street wall with 5m setback above (except within 5m of a heritage property, where a 6m preferred setback is required)*.
- 113. In addition to the above, the control outlines a number of general requirements needing to be met including general design guidelines including residential interface and setbacks, views to landmarks (not applicable to this application), overshadowing, access and building design requirements.
- 114. Over and above the heritage overlay which applies to the site, the DDO also includes a section relating to Heritage building design requirements which apply to the subject site which requires the following (relevant section only):

Design Element	Design Requirement
Building facades and street frontages	<p>Infill Buildings and Development Adjoining a Heritage Building</p> <p>Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> ▪ Ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s); ▪ Respect the vertical proportions of the nineteenth and early

	<p>twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);</p> <ul style="list-style-type: none"> ▪ Avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts; ▪ Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building; ▪ Be articulated to reflect the fine grained character of the streetscape.
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115. As detailed assessment against this control is offered in the built form assessment section of this report.

Public Acquisition Overlay - (Schedule 1) (PAO1)

116. The subject site southern interface with Bridge Road is included within the PAO. A permit is required under clause 45.01-1 of the scheme to construct a building or construct or carry out works. An application must be referred under Section 55 of the Act to the Roads Corporation (VicRoads). As the amendment proposes to make changes to the Bridge Road frontage, the application was re-referred to VicRoads for comment.

Particular Provisions

Clause 52.06 – Car Parking

117. Pursuant to clause 52.06-2, the car parking spaces required under 52-06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.
118. It is noted that the introduction of VC148 amended clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this amendment application.
119. The table below shows clause 52.06-5 requirements, the proposed provisions, and the subsequent shortfall.

Use	Bedroom/s / Floor Area	Rate	No. required	No. proposed	Reduction
Dwelling	5 x studio	1 space per 1 or 2 bedroom dwelling	253		
	57 x 1 bedroom				
	191 x 2 bedroom				
	54 x 3 bedroom	2 spaces per 3 or more bedroom dwelling	108		
			Total: 361	320	41
Supermarket	4,047sqm	5 per 100sqm	203	Total proposed 260	79
Shop and Food and Drinks premises (café)	3603	3.5 per 100sqm	127		
Childcare	40 places	0.22 spaces per child	9		

Office	2,115sqm	3 per 100sqm	64	44	20
Gym and Yoga studio	469sqm	To our satisfaction			
TOTAL			764 spaces	624 spaces	140 spaces

120. A reduction in car parking of over 400 spaces was already permitted by the original permit. Clause 52.06-6 of the scheme, outlined a range of decision guidelines and 52.06-8 outlines a range of design standards, these will be discussed where relevant in the assessment section of the report.

Former 52.07 – Loading and Unloading of vehicles

121. The requirements of Clause 52.07 (Loading and unloading of vehicles) has been deleted from the planning scheme and the consideration relating to loading and unloading facilities has been added to Clause 65 as a general decision guideline. This arrangement is not proposed to be amended.
122. In addition, an existing use rights discussion regarding loading from Bank Street will form part of the assessment.

Clause 52.27 – Licensed Premises

123. The permit already allows the licencing of the bottle shop, however the proposal seeks to increase the area of the bottle shop from 273sqm to 342sqm.
124. Pursuant to clause 52.27, a planning permit is required if:

- (a) *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

Clause 52.29 – Land Adjacent to a Road Zone Category 1, or a Public a Public Acquisition Overlay for a Category 1 Road.

125. A permit is not triggered under this provision as the proposal does not create or alter access to Church Street or Bridge Road.

Clause 52.34 – Bicycle Facilities

126. Pursuant to clause 52.34-1, a new use must not commence or the floor area of an area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
127. The clause 52.34-5 requirements are shown below:

Use	Bedroom/s / Floor Area	Rate	No. required	No. proposed
Dwelling	307 dwellings	Residential – 1 to each 5 dwellings Visitor – 1 to each 10 dwellings	62 31	
Supermarket and shops	6,732sqm	1 to each 600sqm of leasable floor area if floor area exceeds 1000sqm Visitor 1 to each 500sqm of leasable floor area if floor area exceeds 1000sqm	12 14	
Food and Drinks premises (café)	918smq	1 to each 300sqm of leasable floor area Visitor 1 to each 500sqm of leasable floor area.	4 2	

Office	2,115sqm	1 to each 300sqm of leasable floor area if floor area exceeds 1000sqm Visitor 1 to each 1000sqm of leasable floor area if floor area exceeds 1000sqm	8 3	
Childcare	40 places	Non specified		
Gym and Yoga studio	469sqm	Non specified		
TOTAL			136 spaces	375 spaces

128. It is also noted that condition 39 of the permit requires a minimum of 333 bicycle parking spaces, with the amendment seeking to provide 375 bicycle spaces exceeding the requirements of the condition however the allocation of the spaces will be resolved by way of a condition on any permit issued.

General Provisions

Clause 63 – Existing Use Rights

129. Clause 63 of the Scheme sets out the requirements for establishing an existing-use-right in relation to the use of land, including (amongst others) proof of continuous use for 15 years is established under clause 63.11 (Proof of continuous use).
130. Under clause 63.11, an existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:
- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.*
 - During the 15 year period, the responsible authority has clearly and unambiguously given a written direct for the use to cease by reason of its non-compliance with the scheme.*
131. Under clause 63.05 (section 2 and 3 uses), a use in Section 2 or 3 of a zone for which an existing use has been established (as is the case) may continue provided:
- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
 - Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of land subject to the existing use right or the extent of activities within the use.*
 - The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*
132. The Cameron Street segment of the site is now part of the C1Z, the proposed continued use of part of the Bank Street land for the purposes of loading/unloading of goods associated with a Coles Supermarket as part of the proposed development requires a planning permit under this provision. This has already been established under the previous application and has continued to be used since then.

Clause 65 – Decision Guidelines

133. The decision guidelines outlined at clause 65 of the scheme are relevant to all applications. This clause notes *'because a permit can be granted does not imply that permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause'*.

Clause 65.01 – Approval of an application or plan

134. The planning scheme requires:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- (a) *The matters set out in section 60 of the Act;*
- (b) *The Municipal Planning Strategy and the Planning Policy Framework;*
- (c) *The purpose of the zone, overlay or other provisions;*
- (d) *Any matter required to be considered in the zone, overlay or other provision;*
- (e) *The orderly planning of the area;*
- (f) *The effect on the amenity of the area;*
- (g) *The proximity of the land to any public land;*
- (h) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

135. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

136. The objective is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

137. A relevant strategy:

- (a) *Planning for urban growth should consider:*
 - (i) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas*

Clause 11.03 (Planning for Places)

Clause 11.03-1S Activity Centres

138. The relevant objectives of this clause include:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

139. Relevant strategies include:

- (a) *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:*
 - (i) *Comprises a range of centres that differ in size and function.*
 - (ii) *Is a focus for business, shopping, working, leisure and community facilities.*
 - (iii) *Provides different types of housing, including forms of higher density housing.*
 - (iv) *Is connected by public transport.*
 - (v) *Maximises choices in services, employment and social interaction.*

- (b) *Undertake strategic planning for the use and development of land in and around activity centres.*
- (c) *Encourage a diversity of housing types at higher densities in and around activity centres.*
- (d) *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.*
- (e) *Improve access by walking, cycling and public transport to services and facilities.*
- (f) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*
- (g) *Encourage economic growth activity and business synergies.*
- (h) *Improve the social, economic and environmental performance and amenity of activity centres.*

Clause 13.04-1S Contaminated and potentially contaminated land

140. The relevant objective of this clause is:

- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

Clause 13.05-1S Noise abatement

141. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

Clause 13.07 Amenity

Clause 13.07-1S Land use compatibility

142. The objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15 (Built Environment and Heritage)

Clause 15.01-1S Urban design

143. The relevant objective of this clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

144. Relevant strategies include:

- (a) *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- (b) *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- (c) *Ensure the interface between the private and public realm protects and enhances personal safety.*

- (d) *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- (e) *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- (f) *Promote good urban design along and abutting transport corridors*

Clause 15.01-2S Building design

145. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

146. Relevant strategies include:

- (a) *Require a comprehensive site analysis as the starting point of the design process.*
- (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

Clause 15.01-4S Healthy neighbourhoods

147. The objective is:

- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne

148. The strategy is:

- (a) *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 15.01-5S Neighbourhood character

149. The relevant objective of this clause is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

*Clause 15.02 Sustainable Development**Clause 15.02-1S Energy Efficiency*

150. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

*Clause 15.03 Heritage**Clause 15.03-1S – Heritage conservation*

151. The objective of this clause is:

- (a) *To ensure the conservation of places of heritage significance.*

152. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

*Clause 16.01 Residential Development**Clause 16.01-1S – Integrated housing*

153. The objective of this clause is:

- (a) *To promote a housing market that meets community needs*

154. Strategies include:

- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- (b) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

155. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S Location of residential development

156. The objective of this clause is:

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

157. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas- Metropolitan Melbourne

158. Relevant strategies for this clause are:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *In and around the Central City.*
 - (ii) *Urban-renewal precincts and sites.*
 - (iii) *Areas for residential growth.*
 - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - (v) *Areas designated as National Employment and Innovation Clusters.*
 - (vi) *Metropolitan activity centres and major activity centres.*
 - (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
 - (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*
- (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

Clause 16.01-3S – Housing diversity

159. The objective of this clause is ‘

- (a) *to provide for a range of housing types to meet increasingly diverse needs.*

160. Strategies of this policy are:

- (a) *Ensure housing stock matches changing demand by widening housing choice.*
- (b) *Facilitate diverse housing that offers choice and meets changing household needs through:*
 - (i) *A mix of housing types.*
 - (ii) *Adaptable internal dwelling design.*
 - (iii) *Universal design.*
- (c) *Encourage the development of well-designed medium-density housing that:*
 - (i) *Respects the neighbourhood character.*
 - (ii) *Improves housing choice.*
 - (iii) *Makes better use of existing infrastructure.*
 - (iv) *Improves energy efficiency of housing.*
- (d) *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
- (e) *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

161. The strategy of this policy is:

- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing*

Clause 16.01-4S – Housing affordability

162. The objective of this clause is:

- (a) *to deliver more affordable housing closer to jobs, transport and services.*

Clause 17 Economic Development

Clause 17.01-1S

163. The objective of this clause is:

- (a) *To strengthen and diversity the economy.*

164. Relevant strategies for this policy are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

Clause 17.02-1S Business

165. The objective of this clause is:

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

166. Relevant strategies include:

- (a) *Plan for an adequate supply of commercial land in appropriate locations. Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (b) *Locate commercial facilities in existing or planned activity centres. Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- (c) *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

Clause 18.01 Integrated Transport

Clause 18.01-1S – (Land use and transport planning)

167. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land use and transport.*

Clause 18.02 Movement Networks

Clause 18.02-1S – Sustainable personal transport

168. The relevant objectives of this clause is:

- (a) *To promote the use of sustainable personal transport.*

Clause 18.02-2S Public Transport

169. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R Principal Public Transport Network

170. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – Car Parking

171. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

172. A relevant strategy is:

- (a) *Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.*
- (b) *Encourage the efficient provision of car parking by consolidating car parking facilities.*
- (c) *Design and locate local car parking to:*
 - (i) *Protect the role and function of nearby roads.*
 - (ii) *Enable easy and efficient use.*

- (iii) *Enable the movement and delivery of goods.*
- (iv) *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
- (v) *Create a safe environment, particularly at night.*
- (vi) *Facilitate the use of public transport.*
- (d) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

173. The following LPPF provisions of the Scheme are relevant:

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

174. The relevant Objectives and Strategies of this Clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
 - (ii) *Strategy 1.3 Support residual population increases in established neighbourhoods;*
- (b) *Objective 2 To retain a diverse population and household structure; and*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

175. The relevant objective of this clause is:

- (a) *To maintain the long term viability of activity centres.*

176. Strategies to achieve this objective include:

- (a) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres;*
- (b) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day; and*
- (c) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.04-3 – Industry, office and commercial

177. The objective of this clause is ‘

- (a) *To increase the number and diversity of local employment opportunities.’*

Clause 21.05 Built Form

Clause 21.05-1 – Heritage

178. The relevant objective and strategies of this clause are:

- (a) *Objective 14 - To protect and enhance Yarra's heritage places:*
- (i) *Strategy 14.3 Protect the heritage skyline of heritage precincts;*
 - (ii) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas; and*
 - (iii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.*

Clause 21.05-2 – Urban design

179. The relevant Objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 - To enhance the built form character of Yarra's activity centres:*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-4 Public environment

180. The relevant objective and strategies of this clause are:

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
 - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iv) *Strategy 28.4 Require new development to consider the opportunity to create public spaces as part of new development.*
 - (v) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*

- (vi) *Strategy 28.6 Require new development to consider the creation of public access through large development sites, particularly those development sites adjacent to waterways, parkland or activity centres.*
- (vii) *Strategy 28.8 Encourage public art in new development.*
- (viii) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 – Transport

Clause 21.06-1 – Walking and cycling

181. This Clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
- (b) *Objective 32 - To reduce the reliance on the private motor car:*
 - (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
 - (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
- (c) *Objective 33 - To reduce the impact of traffic:*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

182. The relevant Objective of this Clause is:

- (a) *Objective 34 To promote ecologically sustainable development:*
 - (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and*
 - (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

Clause 21.08-9 North Richmond (area north of Bridge Road)

183. Although the site is north of Bridge Road, clause 21.08-10 (Central Richmond (area between Bridge Road and Swan Street) is more relevant given the site's position within the Bridge road MAC.

184. Clause 21.08-10 identifies Bridge Road as a MAC and states that the landmark role of the Richmond Town Hall should be protected. Specifically, this clause separates the Bridge Road Activity Centre into three distinct precincts. The subject site is located at the border of the following two precincts:

- (a) *Bridge Road West, from Punt Road to Church Street, encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services; and*

- (b) *Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form.*

Relevant Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

185. This policy only applies to a section of the site with frontage to Bridge Road which extends approximately 32m into the subject site.
186. The relevant objectives of this clause are:
- (a) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - (b) *To retain significant view lines to, and vistas of, heritage places;*
 - (c) *To preserve the scale and pattern of streetscapes in heritage places;*
 - (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
 - (e) *To encourage the retention of ‘individually significant’ and ‘contributory’ heritage places.*
187. This policy refers to an incorporated document (City of Yarra Review of Heritage Overlay Areas 2007 *Appendix 8 (as updated from time to time)*), which identifies the level of significance for all buildings/sites within the Heritage Overlay. Notably, the subject site is nominated as being of ‘no contributory’ value to the Bridge Road Heritage Precinct.
188. At clause 22.02-5.7.1 (General), it is policy to:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
 - (iii) *Be visually recessive and not dominate the heritage place;*
 - (iv) *Be distinguishable from the original historic fabric;*
 - (v) *Not remove, cover, damage or change original historic fabric;*
 - (vi) *Not obscure views of principle façades; and*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
 - (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply;*
 - (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height;*
 - (d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

189. At clause 22.02-5.7.2 (Specific Requirements [where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail]), it is relevant policy to:

Corner Sites and Sites with Dual Frontages

- (a) *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and*
- (b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

Industrial, Commercial and Retail Heritage Place or Contributory Elements

- (c) *Encourage new upper level additions and works to:*
 - (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms; and*
 - (ii) *Incorporate treatments which make them less apparent.*

Carpports, Car Spaces, Garages, and Outbuildings

- (d) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.*
- (e) *Discourage:*
 - (iii) *new vehicle crossovers in streets with few or no crossovers;*
 - (iv) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area; and*
 - (v) *new vehicle crossovers in excess of 3 metres wide in residential streets.*

Ancillaries and Services

- (f) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and*
- (g) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.03 – Landmarks Policy

190. The objective of this clause is:

- (a) *To maintain the prominence of Yarra's valued landmarks and landmark signs*

191. The clause continues to state that (relevant elements):

- (a) *New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference:*
 - (i) *Clocktower of Richmond Town Hall; and*

(ii) *Spire of St Ignatius Cathedral, Church Street, Richmond.*

Clause 22.05 – Interface uses policy

192. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
 - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
193. At clause 22.05-3 it is policy that:
- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
 - (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07 – Development abutting laneways

194. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this clause are:
- (a) *To provide an environment which has a feeling of safety for users of the laneway;*
 - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway;*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development;*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.09 – Licensed premises

195. The relevant objectives of this policy are:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*

Clause 22.10 – Built form and design policy

196. The policy applies to all new development not included in a Heritage Overlay (noting that the eastern section of the site is not within a Heritage Overlay). Clause 22.10-3.1 does not apply to residential development. The objectives of this clause are:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
 - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
 - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
 - (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
 - (e) *Create a positive interface between the private domain and public spaces.*
 - (f) *Encourage environmentally sustainable development.*

Clause 22.12 – Public open space contribution

197. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
- (a) *To implement the Yarra Open Space Strategy.*
 - (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
 - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
198. The site is located in an area where cash in lieu of land is the preferred method of contribution. Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

199. This policy applies to new buildings (amongst others) and aims to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999; promote the use of water sensitive urban design, including stormwater re-use; mitigate the detrimental effect of development on downstream waterways; minimise peak stormwater flows; reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

Clause 22.17 – Environmentally sustainable development

200. The most relevant objective of this clause is ‘...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation’.
201. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert.

Other Documents

202. Clause 15.01-2 states that planning must consider as relevant:
- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*
 - (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (ADG)*

Interim Planning Controls for Bridge Road – Amendment C248

203. At its meeting of 19 June 2018, Council adopted interim planning controls for the Bridge Road activity centre. This initiative is part of the work occurring across all the major activity centres in Yarra in response to community concerns about the extent of development occurring and the need for better planning controls and heritage protection.
204. Council subsequently requested the Minister for Planning to prepare, adopt and approve an amendment to the Yarra Planning Scheme to introduce new planning controls for the Bridge Road activity centre for a period of two years.
205. The Minister for Planning advised Council by letter dated 10 October 2018 that amendment C248 Bridge Road Interim Built form Controls has been approved, the amendment was gazetted on 15 November 2018 and now forms part of the scheme.

206. Specifically relevant to the site is the overall height control has been amended to 40 metres preferred height.
207. In the coming months and into 2019, Council will commence the preparation of a structure plan (or similar strategy) that will inform the preparation of planning scheme amendments to introduce a permanent DDO control for Bridge Road. This amendment will be subject to a formal public exhibition process and potentially consideration by an independent planning panel appointed by the Minister for Planning.

Advertising

208. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 895 letters sent to surrounding owners and occupiers and by 6 signs displayed on site two facing Bridge Road, two facing Church Street, one to Cameron Street and one to Bank Street.
209. Council received 19 objections, the grounds of objection are summarised as follows:
- (a) design (height, scale, bulk, character, overdevelopment, impact on park);
 - (b) amenity (off-site, overlooking, overshadowing, loss of light, location of substation, noise from plant);
 - (c) traffic and car parking;
 - (d) Loss of views and loss of property values (cannot be considered by planning);
210. The grounds of objections raised will be addressed where relevant throughout the assessment section of the report
211. Council also received a letter of support which is summarised as follows:
- (a) Development will lift the neighbourhood.
212. A planning consultation meeting was held on 25 September 2018 and attended by one objector, the Applicant, a Councillor and Council Officers to discuss all issues and concerns raised in the letters of objection.
213. The Applicant has submitted a response to objector concerns and referral comments. The proposal as originally submitted to Council, forms the basis of assessment and decision with reference as relevant to the without prejudice plans.

Referrals

214. The referral comments are based on the application plans

External Referrals

215. The application was referred to the following authority/ies:

- (a) VicRoads
- (b) Transport for Victoria

216. Referral responses/comments have been included as attachments to this report.

Internal Departments

217. The application was referred to the following units within Council:

- (a) Heritage;
- (b) Strategic Transport;
- (c) Engineering
- (d) Urban Design
- (e) Open Space, Streetscapes and Natural Values
- (f) ESD Advisor
- (g) Construction Management;

(h) Waste Services

External consultants

218. The application was referred to the following consultants:

- (a) Urban Design (Rob McGauran – MGS)
- (b) Traffic and Car Parking (Cardno)
- (c) Acoustic (Marshall Day)
- (d) Wind (Mel Consultants)
- (e) Contaminated Land (Coffey)

219. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

220. The considerations for this application are as follows:

- (a) Strategic Context;
- (b) Existing use rights and accrued rights within the General Residential Zone'
- (c) Use and liquor
- (d) Built form (Urban Design and Heritage);
- (e) On site amenity – (including Clause 58);
- (f) Off site amenity
- (g) Car & bicycle parking and traffic and access;
- (h) Contaminated land; and
- (i) Objector concerns.

Strategic Context

221. The proposed redevelopment of the site is already permitted and since the original approval in 2012, the strategic context for the subject site has been strengthened.
222. The proposal in its amended form, continues to satisfy the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide an improved positive strategic opportunity for development within a well-resourced inner-urban environment.
223. State and Local Policies (such as clause 16.01-2S) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport such as the subject site. It is clear that this part of Richmond is undergoing change and there is strong State policy support for increased density in this area as shown through Clause 16.01-1S (amongst others) and further supported by the most recent strategic work undertaken for Bridge Road which identifies this site as being able to rise higher than adjacent developments to a 40m preferred maximum height (DDO21).
224. In this instance the site is located close to several public transport options with trams operating along Bridge Road and Church Street, the nearby West Richmond train station as well as the Hoddle Street/Punt Road bus routes. Bicycle tracks along the Yarra River provide a better connected journey for cyclists. Locating such a development in this area satisfies the objectives of clauses 11.02-1S, 11.03-1 and 18.01-1S of the Scheme.
225. The site continues to be located in an area identified as being suitable for redevelopment, with the proposed amendment proposing a modified development more responsive to its built form context and more responsive to the diverse pattern of urban form and uses in the neighbourhood.
226. While the proposed amendment results in less dwellings, the modified proposal continues to offer higher density residential development with a broader mix of dwellings types contributing to the diversity of housing stock in Richmond, which are predominantly detached or attached dwellings. This ensures efficient use of infrastructure and supports Council's preference that established residential areas experience residual increases in population and density.

227. The scheme also recognises the importance of Activity centres, with the redevelopment of the Coles Plaza site assisting in the reinvigoration of the Bridge Road MAC with the insertion of a contemporary shopping and commercial complex complementing the already changing Bridge Road.

Existing use rights and accrued rights within the General Residential Zone

Existing Use Rights

228. As outlined in the planning controls section of the report, existing use rights were established by the original officers report for:

- (a) 46 Cameron Street – car parking, access and loading/unloading of goods associated with a supermarket;
- (b) Supermarket plant room at Level 1 over land at 46 Cameron Street; and
- (c) Bank Street land (area between 25 and 37 – 39 Bank Street) – car parking with access to loading activities for a supermarket.

Please Note: both points (a) & (b) are no longer relevant as this site has now been rezoned to Commercial 1 Zone

229. The original approval also granted (pursuant to clause 63.08) commercial loading and waste collection to occur within the segment of land which enjoys existing use right. The amendment is consistent with the original approval.

Accrued rights within the General Residential Zone

230. Since the original approval was granted, the residentially zoned land was rezoned from Residential 1 Zone to General Residential – Schedule 1 (parts of Bank Street) and Schedule 2 (parts of Bank and Cameron Street).

231. The two issues raised by this new zoning of the land relates to :

- (a) Exceeding the height requirements for both Cameron and Bank Streets; and
- (b) Garden area requirements for the Cameron Street property only.

232. At the time of the original determination, there were no mandatory height limits or minimum garden area requirements applicable to the site. If the application were lodged afresh today, the controls relevant to the GRZ – Schedules 1 & 2 would apply and would provide for a different outcome on the site relevant to these two portions of land.

233. However, the Act allows for the amendment of permits. While the Responsible Authority must consider the relevant planning scheme requirements before deciding on an application, it does not provide guidance on how this is done where an existing planning permit allows a development that is inconsistent with the planning scheme now.

234. This question of accrued rights has been addressed in a number of VCAT decisions where the Tribunal has amended permits for the development of land which has become prohibited after the grant of a permit.

235. In *Caydon High Street Development Pty Ltd v Darebin CC (2017)* the issue of accrued rights was discussed in detail:

[39] On numerous occasions, the Tribunal has held that a permit can lawfully be amended so as to permit alteration to or expansion of an approved use or development that would otherwise be prohibited under the current planning scheme controls.[18] The recent decision of the Tribunal in Gembrook Pines Pty Ltd v Glen Eira CC.[19] further confirms the existence of accrued rights and opportunities for lawful amendment of the original permission in these circumstances

[40] Although the detailed reasoning in some Tribunal decisions on this point differs to some extent, I find that the underlying reasoning remains equally applicable to the facts of this proceeding. The answer hinges on the concept of accrued rights under the permit, in so far as these are protected by section 28(2)(e) of the Interpretation of Legislation Act 1984 (ILA). That section provides:

(2) Where a subordinate instrument or a provision of a subordinate instrument—

(a) is repealed or amended; or

(b) expires, lapses or otherwise ceases to have effect—

the repeal, amendment, expiry, lapsing or ceasing to have effect of that subordinate instrument or provision shall not, unless the contrary intention expressly appears –

...

(e) affect any right, privilege, obligation or liability acquired, accrued originally under that subordinate instrument or provision.

[41] *The parties agreed that the development has been approved at a number of storeys and a maximum height which are above those now specified for the relevant area in the DDO.[20] It has also been approved with reduced setbacks compared with the current mandatory suite of provisions. Essentially, the current approval takes the benefit of the earlier suite of planning scheme provisions which did not prescribe mandatory controls pertaining to height or setbacks.[21]*

[42] *It is relevant that there is no indication in the current DDO3 provisions that the maximum height restriction or staggered setback requirements are intended to operate retrospectively.*

[43] *In my opinion, in line with relevant case law, this has significant consequences for opportunities to vary this permit, which extend beyond the current requirements in the planning scheme. This represents rights or privileges that have been accrued under the permit to exceed the current controls pertaining to maximum building height and minimum setbacks, amongst other restrictions.*

[44] *Further question that arose in the current proceeding is how to define the right that has accrued under the permit – is it a right to construct a building above the current prescribed maximum height, or is it a right to construct a building to a specified level?*

[45] *The responsible authority submitted that the extent of any accrued right in this case is confined by the precise maximum height of the building depicted on the set of plans endorsed under the permit immediately before the gazettal date. Consequently, it submitted that the accrued right is to construct a building with a maximum height of 20.55 metres. The amended proposal would seek to increase this maximum height by approximately 500mm in addition to providing an extra storey of apartments.[22]*

[46] *With respect, I find this submission misguided. At the time the permit was granted, a building could lawfully be approved on the subject land to an unrestricted height. In this context, the measurement of 20.55 metres is almost arbitrary since it was not referenced to any height limitation in the scheme at the time. A building of seven storeys could have been approved consistently with the Tribunal's decision at a height of 22 metres, for example.[23] Therefore, I find that it is not reasonable to seek to limit the accrued right in this case to the measure of maximum height depicted on the currently endorsed set of plans.*

[47] *A more vexed question may be whether there is an accrued right to construct above a mandatory height where there is an existing permit for a building that is below that height, as was considered in *Pantas v Boroondara City Council*. [24] In such a case, it was arguably relevant to consider the maximum height approved on the plans for that purpose. That aspect of the reasoning in that case is distinguished on the basis that the approval at present is above the height stipulated in the newly introduced control.*

[48] *In summary, I find that the opportunity to increase the height or number of storeys or to make other changes to the permission that has been granted is preserved in the current proceeding because the proposed amendment sits outside the application of the mandatory controls that would presently apply to a new proposal.*

[49] *In *Gembrook Pines*, Senior Member Wright held that there was no warrant to impose a strict literal interpretation since section 28(2) of the ILA is a permissive provision. However, he observed that clearly the right could not extend to a 'transformation' of the development.[25] I would agree.*

[50] *The Tribunal in that case nevertheless considered that there were limitations on the scope of the accrued rights that had been conferred, by virtue of section 35(a) of the ILA. That section provides:*

In the interpretation of a provision of an Act or subordinate instrument—

(a) a construction that would promote the purpose or object underlying the Act or subordinate instrument (whether or not that purpose or object is expressly stated in the Act or subordinate instrument) shall be preferred to a construction that would not promote that purpose or object.

[51] Adopting a purposive approach, Senior Member Wright considered that the right retained under the permit should be identified in a planning context which seeks to avoid or control land use conflict. Therefore, the accrued right should be interpreted consistently with this objective. In Gembrook Pines, it was considered that changes that could be allowed under the secondary consent mechanism would satisfy this objective.

[52] With respect, I am not persuaded that the tests for secondary consent should be applied by this Tribunal in the current proceeding, which is an application under section 87A of the PE Act.[26] There is no such direction in the provisions pertaining to section 87A. Instead, it confers an extremely broad power. It would also extend to amending the permissions granted by the permit (i.e. the preamble), as has been sought in the current proceeding.

236. Based on the above an amendment to a permit can consider changes that could not be contemplated by a new application for permit.

237. In accepting the above, the merits of the amendment needs to be determined.

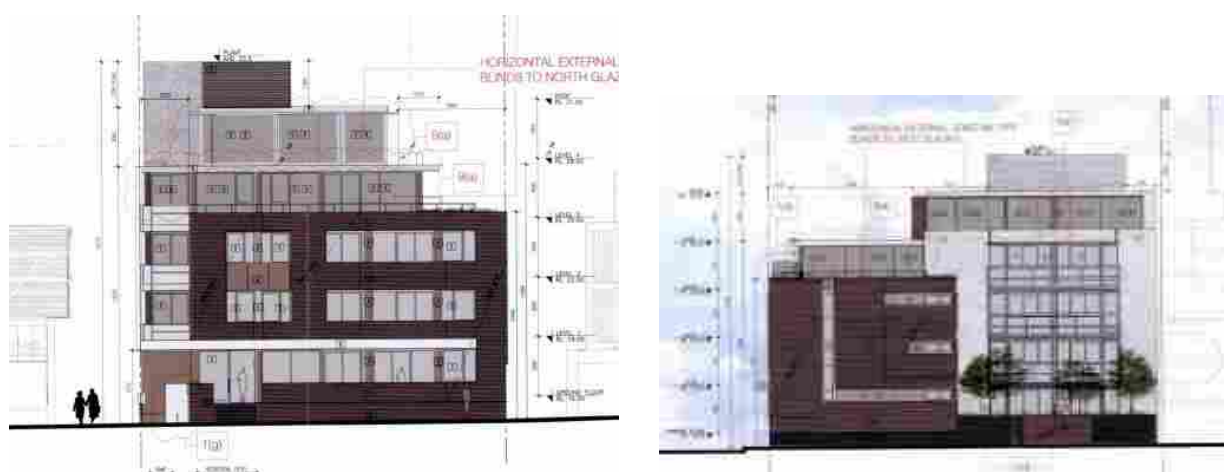
Cameron Street – Building D

238. As outlined in the proposal section of this report, the amendment seeks to merge the site at 42 Cameron Street into the main permit site and reconcile the design of Building D.

239. To understand the extent of change proposed it is important to review the building envelopes of both the existing approvals and that proposed to ensure that what is being proposed is not a transformation in form that would push the boundaries of an accrued right or make the outcome worse.

240. The image below outlines the endorsed plans for 42 Cameron Street which shows the following:

Site Coverage	100% - basement construction
Street setback	Generally constructed to the boundary with balconies inset.
Podium height	3 storey – 12.86 – 13m in height
Upper level setbacks	2.0m setback at third floor increasing to 8.7m at fourth floor.
Overall height	16m to top of building, 18.3m to top of plant



North and West Elevation of Development approved under PLN14/0314

241. In comparison, the proposed amendment is shown below (red dotted outline shows that outlined of what was previously approved) and can be described as the following:

Site Coverage	100% - basement construction
Street setback	Setback of 2m with a small section constructed to the boundary.
Podium height	3 storey – 9.5m in height
Upper level setbacks	9m setback at the equivalent third floor increasing to 9.2m at the equivalent fourth floor.
Overall height	16.2m to top of building – no plant in this section.



242. In a general sense the envelope of the original approval and that of the proposed amendment are comparable. It is suggested to seek to reduce the scale or to address a garden area requirement as per the zone requirements would undermine the strategic importance of the broader site.

243. In this context it is considered that the accrued right correctly allows for the site to continue to be developed in a similar manner to which it is already approved.

Bank Street – Building E

244. In a similar context Building E – Bank Street the amendments proposed are minor changes to a built form outcome already approved, the height is the same at 12.7m and the building remains as four storey (see images below). It is acknowledged that the height limit expressed within Schedule 2 to the GRZ zone has a height of 9m, however the proposed scale of the development remains comparable to surrounding building form.



Endorsed Bank Street Building



Proposed amended Bank Street Building

Use and liquor

245. The amendment seeks an internal reconfiguration of the shopping centre resulting in a number of the uses moving location and changes to the floor areas of these uses.
246. In summary, the proposed floor area changes include:
- (a) A reduction in the number of dwellings from 313 to 307;
 - (b) Reduction in retail floor area from 8,655sqm to 7,706sqm;
 - (c) Increase in office floor area from 1,041sqm to 2,115sqm;
 - (d) Deletion of restaurant and roof top terrace;
247. While the amendment seeks a change in the number of dwellings and floor area of uses, the proposal for all intent remains the same being a shopping centre with dwellings above.
248. The proposed amendment is still compliant with Activity Centre policy, supporting the Bridge Road MAC by maintaining active commercial frontages to both Bridge Road and Church Street while also supporting urban consolidation policy with a higher density residential development above.
249. There are no new uses proposed to be included, however the restaurant use and rooftop terrace area are proposed to be deleted and this will require all conditions referencing these uses be deleted from the permit. The amendment also proposes no changes to hours of operation or patron numbers of any of the uses, but does seek to increase the floor area of the internal bottle shop from 273sqm to 342sqm.
250. Car parking will need to be considered as a result of floor area changes and this will be discussed later in the report.

Built form (Urban Design and Heritage)

251. When considering the design and built form changes proposed by the amendment, the most relevant aspects of the scheme are provided at Clause 15 (Built form and Environment), Clause 21.05 (Built Form), Clauses 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) Clause 22.10 Built form and Design Policy) and the more recently approved Design and Development Overlay – Schedule 21 (Bridge Road Activity Centre).
252. The suite of policy directed to built form outcomes support development that responds to its existing or preferred neighbourhood character with particular regard given to height, massing, street setbacks, relationships to the adjoining buildings and heritage.
253. When considering policy, the consideration needs to be limited to the proposed amendments and not a complete reassessment of the application. The site already has an approval for a substantive redevelopment of the site.

Context

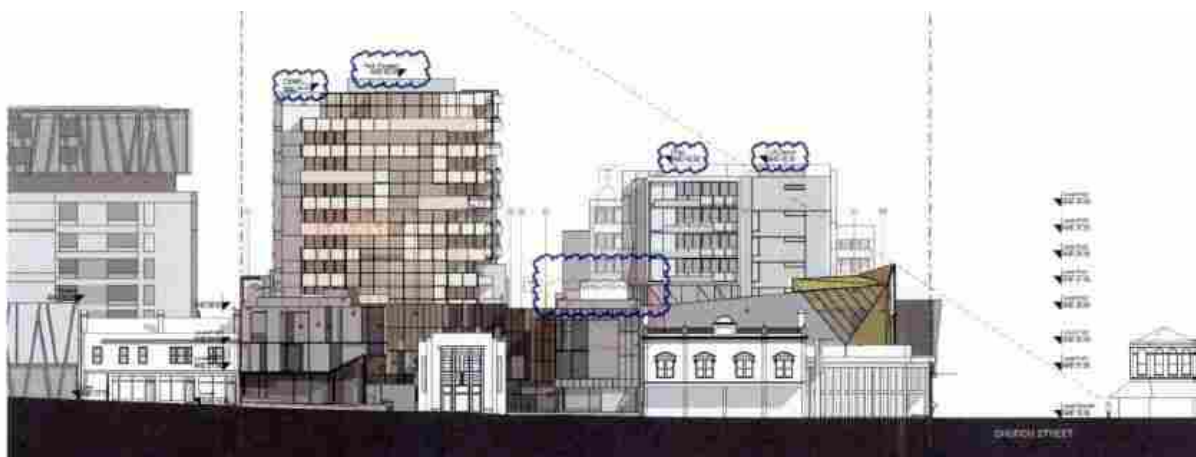
254. The immediate site context for the site has not really changed since the original approval was granted in 2012. The broader context of the Bridge Road MAC has continued to be developed with numerous higher density developments being approved and constructed as described in the site and surrounds section of the report.
255. As outlined earlier, the approval already permits a significant redevelopment of the site and the proposed amendments seek to refine this approval.

Bridge Road Interface

256. To Bridge Road, the most visible change to the development can be described as:
- (a) Architectural response to the two infill pieces of the Bridge Road streetscape;
 - (b) Building massing changes:
 - (i) Building A – height increased from 37.6m to 38.35m
 - (ii) Building B – construction of an additional level (height increase from 28.4m to 32.8m) and reduced setback from Bridge Road.

(c) Modified architectural language

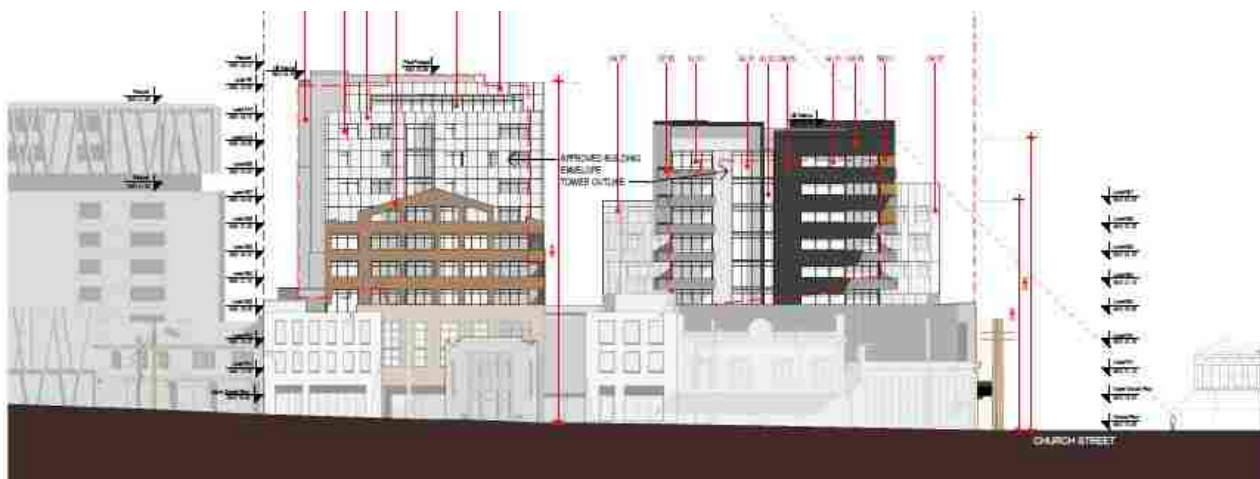
257. The images below show a visual comparison between the approved and proposed development.



Endorsed Development – Bridge Road



Endorsed Development



Proposed Development – Bridge Road



Proposed Development

Bridge Road infill

258. To Bridge Road, the proposal always incorporated a 3 storey form presenting to the street with two laneway interfaces flanking the heritage building which divides the site.
259. The original proposal sought two pre-cast concrete buildings with clear glazing in black aluminium frames punctuating the façade. The backdrop to the heritage building was a terracotta façade panel clad building in olive green with a feature terracotta panel in brown copper. The scale of the building was readily interpreted as 3 storey with each level clearly distinguishable.
260. The proposed amendment has retained the general form of this important interface but has simplified the fenestration of the buildings to more regular window punctuations with deep reveals and a simplified pallet of materials being mainly brick. The two lead buildings with direct interface to Bridge Road are proposed to be clad in a white brick with chamfered corners at the laneway interface which appear to widen and mark the entry ways into the shopping centre. Forming the backdrop to the heritage building, the building is proposed to be clad in red brick.
261. The amendment also removes built form which was previously abutting the individually significant heritage building and now simplifies the built form and is separated from this building allowing it to be read in the round.
262. Council's heritage advisor was not supportive of the brick material and preferred that it be a render finish and that the three storey form of the buildings to Bridge Road be disguised more akin to the façade treatment of the ARK development.
263. Conversely, Council's Urban designer was supportive of the concept subject to clearer details of the artisanship to ensure the detailing of the building including the textured and protruding details proposed are clearly shown and articulated on plan.



264. Importantly Council's recent DDO21 also provides clear design requirements which include:
- (a) *Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:*
 - (i) *Ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s);*
 - (ii) *Respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);*
 - (iii) *Avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts;*
 - (iv) *Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building;*
 - (v) *Be articulated to reflect the fin grained character of the streetscape.*
265. When considering the above design objectives which seek to ensure new infill development complement and does not compete with the significant heritage building stock it is considered that while Council's heritage advisor would prefer a rendered building, the proposal appropriately responds to its context through use of a material which is present in the streetscape, and adopts a built form outcome which can be absorbed in the street and with appropriate detailing to ensure a high quality presentation to the street.
266. A condition on permit will require the submission of thumb nail sketches of key elements of the proposal to detail the artisanship of the proposal.

Building Height Changes

267. DDO21 states the a preferred maximum building height of 40 metres, the proposed amendment sits below this height limit.
268. Building A being closest to the ARK development seeks an increase in height of approximately 750mm which will not be discernible from the street. The issue of amenity as a consequence of this height increase however will be discussed later in the report.
269. The massing changes to Building B (being closer to Church Street) will be more obvious as the height of the building will increase by a level and the setback from Bridge Road will lessen by approximately 6m.
270. The plans below show the difference in plan view (taken at level 4) and which show the setback of the tallest section of the ARK development and the differences in setback proposed by the amendment.
271. The amendment proposes to lessen the staggering of Buildings A and B however the setback generally sits with the setback line of the tallest section of the ARK.

**Approved Development****Proposed Development**

272. The proposed reduced setback and increase in height will be perceivable but subject to detailed design drawings of the finishes of the building is considered to be an acceptable outcome. The staggering of taller elements along this section of Bridge Road will be maintained along with a similar setbacks to ensure that the upper levels do not overwhelm the street. The composition of built form stays the same with Building A being the tallest building in this section of Bridge Road with Building B maintaining a lower scale than the approved ARK development. Additionally, Buildings A & B's architectural presentation are different but present a coherent language across the site.

Please note – ARK building shown on the left, Building A being central in the image below and Building B on the right.



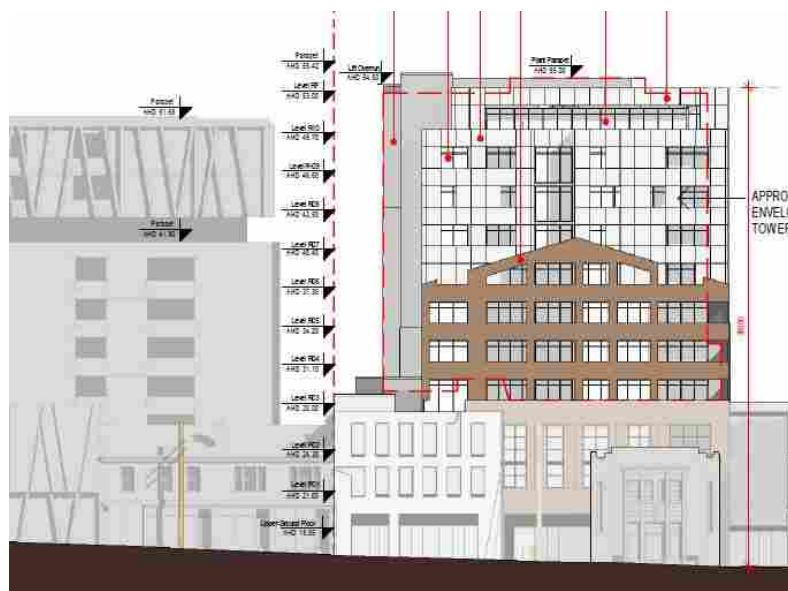
273. Council's heritage advisor had no concern with the scale changes to the proposal, Council's Urban Designer similarly was comfortable with the scale but raised questions regarding the clarity of materials proposed.
274. Subject to some minor conditions and further assessment of amenity impacts, the scale difference between the approved and proposed development are an acceptable addition to the Bridge Road streetscape.

Modified Architectural Language

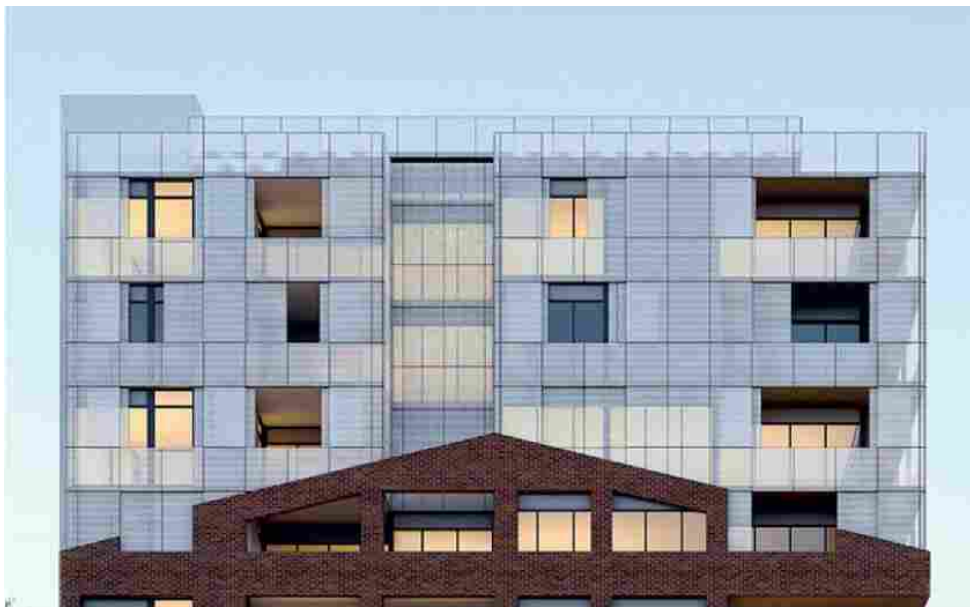
275. The external presentation of Buildings and A and B propose a simpler façade treatment being more tempered in presentation. Building A as endorsed presented as a heavily articulated building comprising anodised metal sheet cladding in magenta and orange, terracotta cladding in brown copper and bronze glazing in black aluminium frames. The presentation was bold however was considered to appropriately mark an important strategic site.



276. The proposed composition of Building A now includes a strong red brick base visible over the Bridge Road infill buildings and heritage building detailing a remnant industrial built form typology, with the upper most levels detailed on elevations to be shown as a white aluminium cladding with the lift core expressed as concrete panel.



277. Council's urban designer queried the materials and finishes of the building and the operability of screens to ensure a dynamic but highly finished building presentation to Bridge Road.
278. The permit applicant has submitted some reference imagery and a more detailed perspective showing that the upper levels will be a metal mesh with some form of pattern with the incorporation of operable screens to the balconies. A condition on permit will require clarity around the materials for the entire site but as outlined earlier, the detailed thumb nail sketches will ensure the detailing of the building is correctly shown on plan.



279. This elevation also shows a prominent lift core area treated in concrete. The return of this element along the western boundary is treated in a patterned concrete and this should be returned to the Bridge Road façade.
280. The presentation of Building B has also been modified. The building as endorsed presents as a dark grey concrete panel building with clear, grey and dark grey glazing elements and atypical shaped buildings at the lower levels.



Endorsed Development

Proposed Development

281. The proposed Building B modifications seek to split the external presentation of the building into two vertical elements. The western portion of the façade is to be a grey patterned concrete with geometric clear glazing, and a projecting framed element accents the building with a visible timber soffit lining. The eastern building presents as an aluminium clad building in a dark grey with clear glazing with a geometric slice through the façade accentuating the balconies which are treated in a different material.
282. Also maintained rectilinear forms at the lower levels in keeping with existing along Bridge Road.
283. Council's urban designer queried the quality of the northern and southern ends of Building B and sought refinements to what could be considered to be expanses of blank unarticulated blade wall treatments.

284. In response, the permit applicant submitted additional material further refining and clarifying the materiality of the north and south ends of Building B. At the northern end of the building the applicant has clarified that the façade will comprise, textured concrete panels, standing seam metal cladding, fine handrail detail, full height glazing to end of corridor, angular window shrouds and a 3 dimensional hood with a sculptural form.
285. The image below shows a detail of this end treatment to the building. With the additional clarification submitted by the permit applicant, presenting an appropriate façade treatment to the building, this will be conditioned on the permit.



286. Again the southern end of the building as it is presented in the elevations submitted with the application, does not demonstrate the quality of finish proposed by the application. The additional information details that the western portion of the building will include a detailed brick treatment to the central 'T' portion of the building with the patterned concrete focussed to the balcony ends. The eastern portion of the building will include the same detailed treatment shown on the northern end of the building.



Proposed



Additional detail

287. These images will form conditions on permit.

Church Street Interface

288. To Church Street, the most visible change to the development can be described as:
- (a) Building massing changes:
 - (i) Design of corner building (Church Street and laneway)
 - (ii) Building B – construction of an additional level; and
 - (iii) Building C – reduced setbacks to Church Street and northern interface.
 - (b) Modified architectural language

289. The images below show a visual comparison between the approved and proposed development.



Endorsed



Proposed

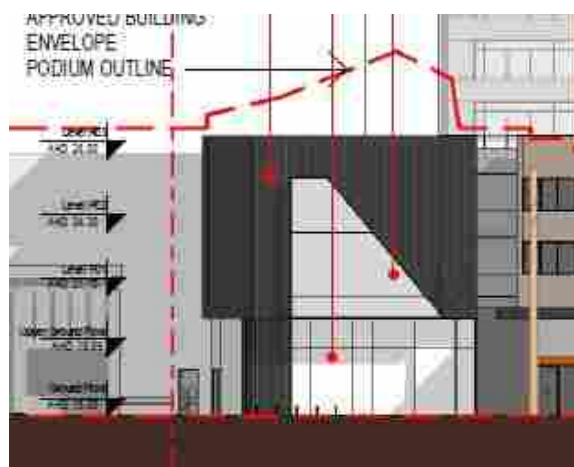
Corner Building

290. The corner building in both the original and amended application presents as a 2 storey commercial building with a roof terrace associated with the childcare facility.
291. The amendment does include layout modifications to this building footprint but ostensibly the changes are design focussed.
292. The original application detailed this section of building as a tall and bold structure with chamfered upper levels clad in a lime green aluminium sheet with bronze glazing.



Endorsed

293. The amendment seeks to modify the design and shape of the building to a more sleek contemporary building being a standing seam, aluminium clad building in dark grey with feature glazing.



Proposed

294. The proposed design treatment is an appropriate addition to the Church Street Streetscape and better reflects the rectilinear forms in the area.

Building B

295. As described in the Bridge Road section, Building B's footprint is proposed to increase in height by a storey and to move closer to Bridge Road. The setbacks to Church Street are generally the same as the endorsed plans with some balconies projecting into this setback.

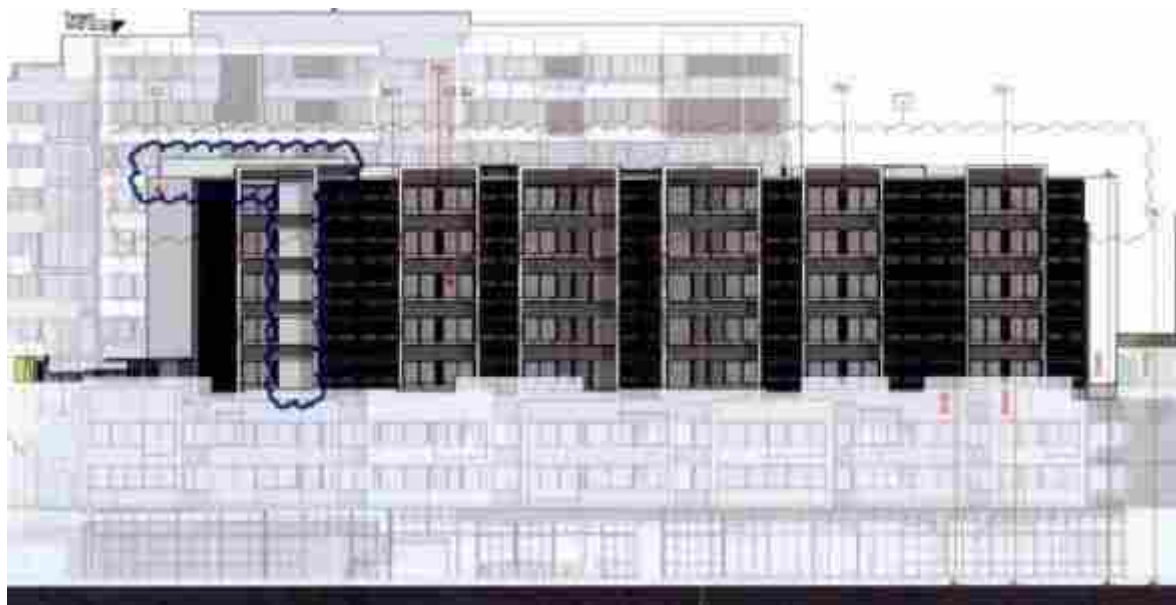
296. The most obvious change is the architectural expression of the building. Both schemes show a 3 storey podium (ground floor commercial and two levels of residential above) and a tower form behind.

297. The original scheme shows glazed shop fronts at ground level interfacing with Church Street with the residential components above being concrete panels with two accent colour (light grey and mid grey).



Endorsed

298. The tower above presents as a vertically segmented façade comprising black louvered sections with a framed white section with balcony and window openings



Proposed

299. The proposed design composition now proposes to use a red brick material above the glazed shopfronts with the two end pieces being an aluminium grey mesh finish where the building interfaces with Building C and the corner building.



Proposed



Proposed

- 300. The tower element proposed to introduce a new silhouette reminiscent of roof forms (skillion roofs) rather than a flat presentation. Feature shrouds mark the vertical alignment of the façade with each piece presenting a different brick in a grey or light grey colour, balconies are patterned concrete with clear glazing.
- 301. The refined façade strategy as depicted in the 3D image below will present a well resolved building to the street. Conditions will require consistency between the montages and elevations to ensure the quality of built form.



Proposed

- 302. Council’s urban designer has suggested that two of the northern most dwellings at the upper most level need to be deleted and replaced with a terrace area. The rationale for this is to improve the transition in scale to Building C.



303. Officers disagree with this, the separation between Buildings B & C is 11.7m and a difference in scale of two levels. The deletion of the top most corner will not visibly achieve a greater transition but will erode the architectural treatment of this building. It is not considered necessary to make this amendment to the design.

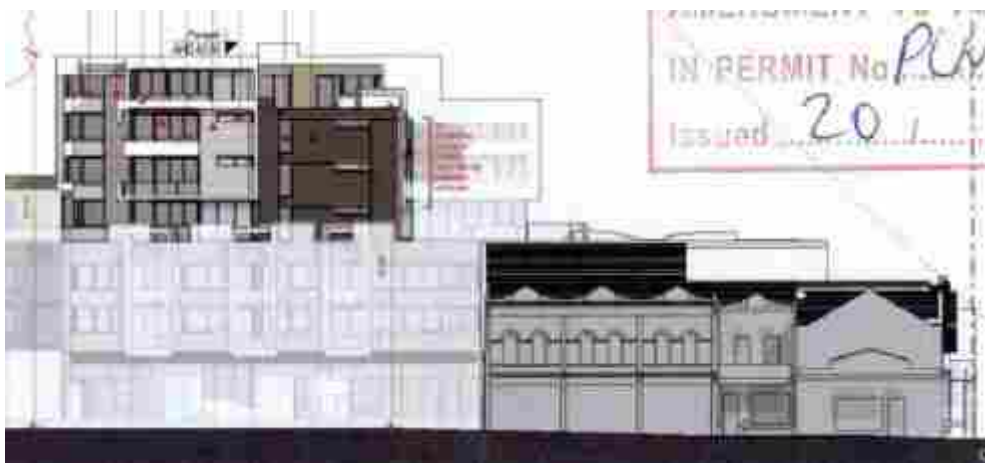
Building C

304. Building C is located towards the northern end of the site and sits adjacent to a row of Victorian two storey buildings and a part one and two storey building marking the corner with Cameron Street.
305. The general composition of the podium level for building C remains the same. The ground floor is occupied by shopfront with the entry to the apartments above and a substation. The changes to the podium levels are again mainly architectural. The endorsed plans show a consistent material palette with the remaining portion of the podium, with the introduction of two storey framed elements to break up the façade.



Endorsed

306. The tower above presents as modulated façade with reconstituted stone in a light grey and terracotta façade panel in copper brown accented with white and clear glass balcony balustrades.

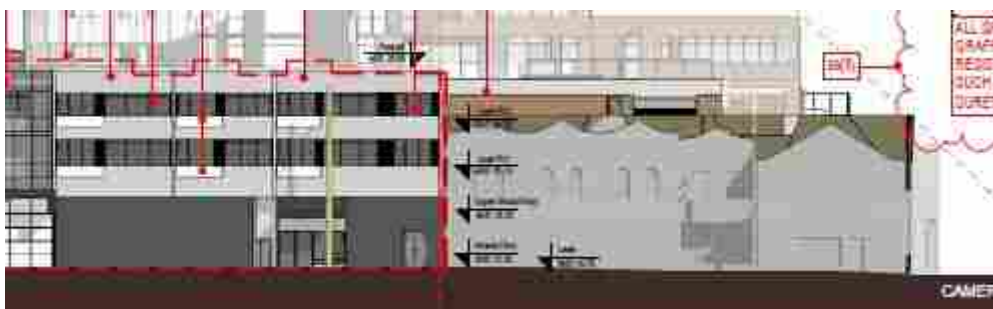


Endorsed

307. The amendment simplifies the podium to a textured white building with glazed cut out sections in the balconies. The ground floor maintains the entry into the apartment building and the substation however introduces a large blank wall to the street.
308. The permit applicant has submitted details of this section of wall and proposes to clad this in patterned brick similar to the reference image below:

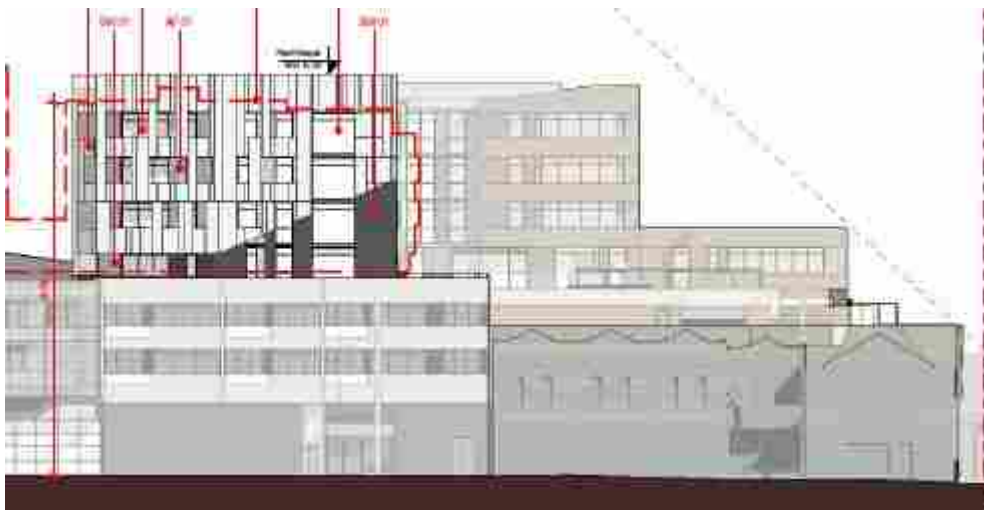


309. Subject to the reference image, this blank section of the wall is considered acceptable.



Proposed

310. However, it is suggested that the upper section of the building (levels 1 & 2) lack the detailing and quality shown on the remainder of the Church Street podium which details a red brick façade with brick patterned detailing. A condition will require the fenestration of this building to match the remainder of the podium but instead of red brick will be required to be a white or lighter coloured brick to match the colour scheme of the tower above.



Proposed

311. The tower above proposes both massing changes and fenestration changes. The envelope of Building C proposes to increase the minimum separation distance between Building B and C of 9m, reduces the front setback to Church Street – originally 5-7.8m to 4- 8m at levels 3 – 5. At level 6, the endorsed drawings show a setback to Church Street of 12m, the amendment seeks 4 – 8m consistent with the levels below and reduces the setback from the northern boundary from 16.4m to 6 – 8m.

312. Council's urban designer was generally comfortable with the change to Building C, however suggested the deletion of the bedrooms to dwelling C6.01 and replace this area as terrace space (see image below). This was to aid in the transitioning of built form.



313. The permit applicant suggested that an alternative response would be to reduce the parapet height from 1.6m to 300mm in this area as shown in the image below.



314. It is considered that this variation to the parapet line would be a more obvious transition and one which would comfortably reflect the roof line of Building B and would provide the requested transition in scale.
315. The issue of amenity as a consequence of this height increase and variation to the setback will be discussed later in the report.
316. The tower architectural presentation has been simplified and presents as a white aluminium cladding with feature dark grey brick and clear glazing. The design of the building and its materiality will sit comfortably with the other buildings in the complex and subject to detailed imagery of the materials is an appropriate outcome.



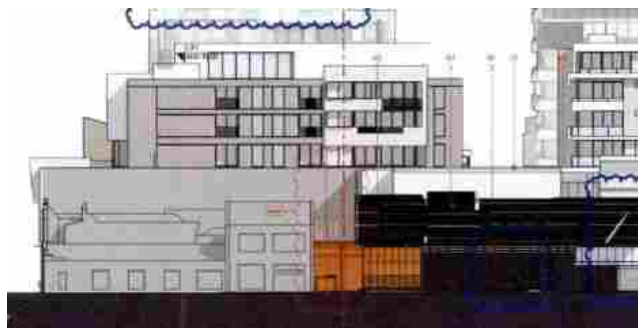
317. Again the disparity between the elevations and the 3D montages will be corrected via conditions on the permit.

Cameron Street Interface

318. To Cameron Street, the most visible change to the development can be described as:

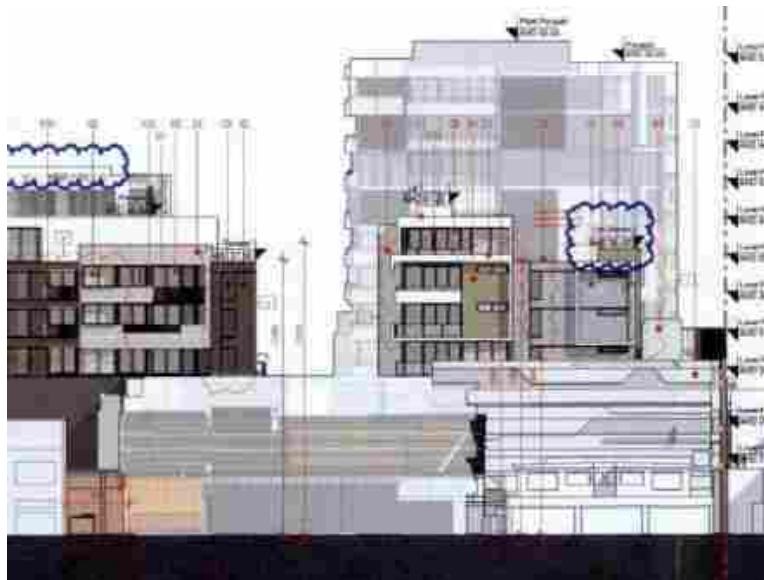
- (a) Building massing changes as a result of combining 42 Cameron Street into the design and
- (b) Modified architectural language

319. The Cameron Street building or Building D originally only extended for part of the site and in effect was the loading and parking area with plant and equipment above and a residential terrace at level 2.



Endorsed

320. The tower was then setback 28m from Cameron Street, and setback from the western laneway as it rose for an additional 4 levels.



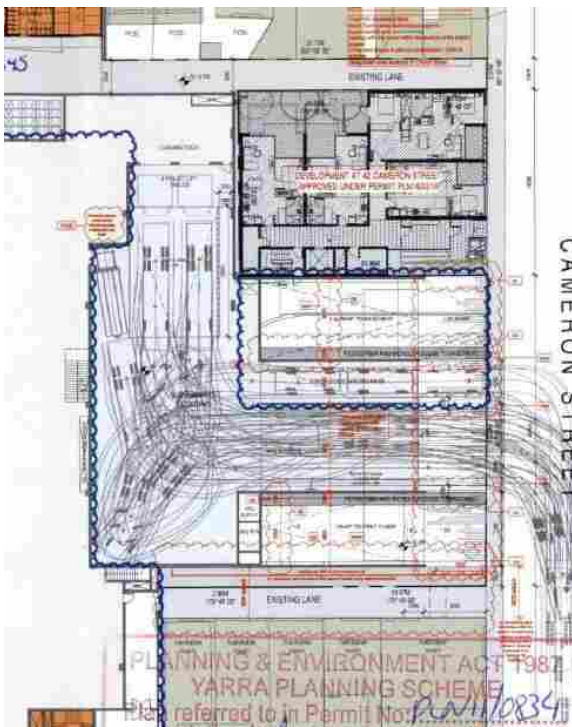
Endorsed

321. The lower levels of the building were metal cladding in orange, white, olive and grey, with the upper level tower being a modulated form with white framing element with the building clad in terracotta façade panel in olive green and concrete panels.
322. Immediately adjacent to this is the approved development at 42 Cameron Street which was approved at later date once the site was purchased by Coles. The approved development is for a 5 storey multi unit development which presents a three storey red brick podium with the upper levels setback and clad in lightweight materials

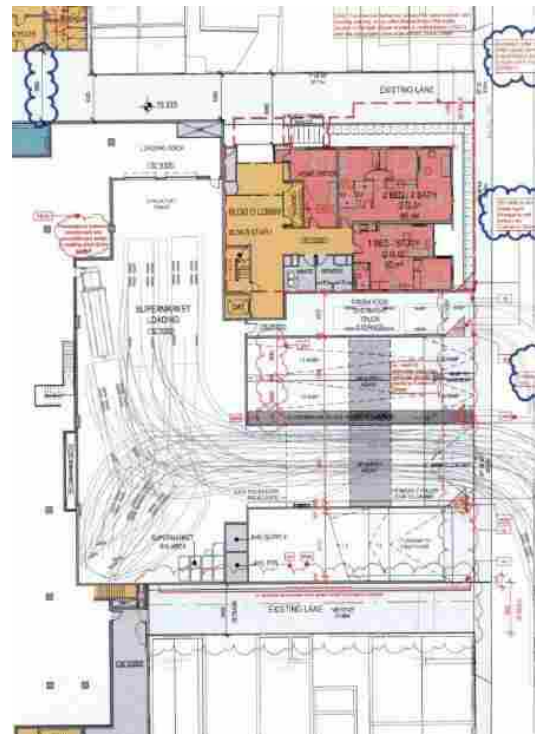


Endorsed

323. The proposal seeks to combine the sites and redesign the Cameron Street façade. At ground level, the loading and parking facilities remain, with the pedestrian walkway which previously existed between the site and 42 Cameron Street deleted and replaced with fresh food overnight truck storage. Beyond this are dwellings orientated to Cameron Street with the lobby area for Building D being off the laneway.



Endorsed



Proposed

- 324. Above this level plant and equipment are proposed above the loading areas with more dwellings located above the ground floor apartments with the car park behind.
- 325. Similar to the approved development, at level 2 a communal terrace is proposed but is proposed to be setback 3.5m from the boundary (previously constructed on boundary). A terrace is located above with the apartment building line setback 9m from the boundary.
- 326. The tower above at level 3 is proposed to be setback 9.2m with the approval of 42 Cameron Street setback 2m. Above this the tower sets back between 22 – 24.7m comparable to what was approved by the original development. (see comparison images below)



Endorsed

**Proposed**

327. The façade treatment proposed for Building D now presents a coherent streetscape response. The ground floor materials are not clear from the plans, with the upper levels of the podium clad in timber in a geometric pattern with the upper most levels being red brick.

**Proposed**

328. Subject to details of materials and details of the doors to the loading area, the presentation of Building D is considered an appropriate response.

Bank Street Interface

329. The amendment seeks minor modifications to the presentation of Building E and changes to layouts which are inconsequential to the amendment. The proposed form and architectural treatment is similar however details are lacking from the elevations. A condition will require these details.



Design Development Overlay 21 – Bridge Road Activity Centre

330. The introduction of DDO21 includes specific design requirements of Precinct 1 which the site sits within, these requirements state: Design must:
- (a) Retain visual prominence of heritage buildings in the streetscape and the significant 'High Street' streetscape in the vista along Bridge Road;
 - (b) Retain the visual prominence of the return facades of corner buildings;
 - (c) Be consistent in form, massing and façade treatment as existing upper level development (where this exists) for any upper level development behind rows of identical or similar residences;
 - (d) Maintain and reinforce the prominence of the street wall character of Bridge Road and Church Street;
 - (e) Maintain a sense of openness along Bridge Road and Church Streets;
 - (f) Respect the low scale existing development adjoining the activity centre;
 - (g) Provide a transition in height along Lennox Street and Church Street from the taller forms on Bridge Road to the adjacent low rise residential neighbourhoods.
331. When assessing the application for amendment against these design principles, the proposal has adopted these requirements, in response:
- (a) The proposal successfully maintains the visual prominence of heritage buildings by adopting a streetwall scale comparable to what already exists and significantly setback the taller forms;
 - (b) Incorporates laneways and sets back built form around the heritage building on Bridge Road so it can readily be read in the round;
 - (c) The upper level setbacks are consistent with those adopted by the ARK development;
 - (d) Adopts a strong podium / streetwall along both Bridge Road and Church Street.
 - (e) Incorporates setbacks from both Bridge Road and Church Street at the upper levels;
 - (f) The scale of development on the site is commensurate with the site's strategic importance while addressing lower built form interfaces; and
 - (g) Appropriately transitions in scale across the site.
332. With some minor changes to the plans, it is submitted that the amendments proposed to the built form show an improved design response for the site.

Landscape architecture

333. The proposal includes significant landscaping as part of the development, the majority of which is within the private realm of communal terraces.
334. The plan was referred to Council's open space unit who subject to minor conditions are satisfied with the plans. The applicant has responded to these queries by way of sketch plans and these will be the basis for conditions on the permit.

335. Council's internal urban design unit has requested that delineation be shown on the landscape plans between private and Council owned land, this is considered necessary for ownership, maintenance and liability issues and will be conditioned on permit.

336. Also requested by urban design are additional communal facilities be provided in the communal terrace at level 3 including toilets, sinks and BBQ, this will be form a condition of permit.

Environmentally Sustainable Design

337. Policy requires the redevelopment of a site located in an existing built up area should make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduces reliance on private vehicles. Additionally, policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the scheme, encourage ecologically sustainable development with regard to water, and energy efficiency, building construction and ongoing maintenance.

338. The applicant submitted a Sustainable Management Plan and Daylight availability Assessment both prepared by Cundall. These documents were prepared in accordance with the existing condition 18 of the permit and reflect the proposed amendments.

339. Council's ESD officer has reviewed the documents and was satisfied that the reports meet the condition of the permit and Council's expectations for best practice ESD.

340. However, as changes have been made to the layout of some of the units (addressed in the next section of this report) an updated report confirming the same ESD targets are met will be required by condition on any permit issued.

On site amenity – Clause 58

341. As outlined in the policy section of the report, pursuant to clause 34.01-4 of the Scheme, transitional provisions apply to Section 72 applications meaning clause 58 – Apartment developments does not apply. The applicant has however provided information to show how the amendment addresses many of the elements of Clause 58 and therefore a brief assessment is outlined below.

342. This particular provision comprises 27 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

Standard D1 – Urban context

343. Already discussed within the *Built Form and Design* section of this report. The standard and objective is met.

Standard D2 – Residential Policies

344. Already discussed within the *Strategic Context* section of this report. The standard and objective is met.

Standard D3 – Dwelling diversity

345. The proposal is providing a mixture of studios, one, two and three bedroom dwellings. The standard and objective is met.

Standard D4 - Infrastructure

346. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The standard and objective is met.

Standard D5 – Integration with the street

347. The proposed development adequately integrates with the street.
348. To Bridge Road and Church Street, the interface with the street is a commercial one with shopfronts.
349. To Cameron Street, where not used for loading facilities, Building D includes two ground floor dwellings which interface with the street (small front courtyards) with their main access to the dwellings via the internal lobby.
350. To Bank Street, dwellings EG.01 –EG.03 all have direct access to the street.
351. Above the ground floor, the proposal incorporates glazing and private open spaces facing out onto all street frontages which provides passive surveillance.
352. Overall, the proposal complies with both the standard and the objective.

Standard D6 – Energy efficiency

353. As already outlined, Council's, ESD officer was satisfied with the submitted Sustainability Management Plan (SMP) and Daylight Availability Assessment. In response to concerns with some of the apartment layouts, a modified SMP and Daylight report will be required addressing the submitted sketch plans.

Standard D7 – Communal open space

354. The proposal provides approximately 2,900sqm of communal open space. This is provided in 1 main area located on level 3 and supplemented by two north facing courtyards on level 4 of Building D and level 8 of Building A, well exceeding this requirement.
355. The main communal open space area allow for the passive surveillance of the internal areas of the site as it forms part of the internal connections of all the buildings. The internal facing dwellings are orientated towards the space and the upper levels have windows and balconies which have downwards views. This meets the objective as they are accessible, practical, attractive (subject to landscape plan conditions), easily maintained (subject to landscape plan conditions) and integrate with the layout of the development.

Standard D8 – Solar access to communal open space

356. The standard requires that:
- (a) The communal outdoor open space should be located on the north side of a building, if appropriate.
 - (b) At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
357. The standard is met, the proposal incorporates 545sqm of north facing open space which will be unencumbered by shadow. The larger communal open space area will have some areas which would also meet this standard.

Standard D9 – Safety

358. The Standard is as follows:
- (a) Entrances to dwellings should not be obscured or isolated from the street and internal accessways.
 - (b) Planting which creates unsafe spaces along streets and accessways should be avoided.
 - (c) Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal access ways.
 - (d) Private spaces within developments should be protected from inappropriate use as public thoroughfares.

359. The proposal includes a total of 5 residential lobby's, each will be discussed in turn:
- (a) Building A - lobby area accessed off the Bridge Road lane, this area has 24hr public access and lighting details for this space will form a condition of the permit;
 - (b) Building B – Lobby accessed from Church Street;
 - (c) Building C - Lobby accessed from Church Street;
 - (d) Building D – Lobby accessed from laneway off Cameron Street, built form is setback from the laneway so a clear line of sight to the street is available (see image below), additionally, lighting details for this space will form a condition of the permit;



- (e) Building E – Lobby accessed from Bank Street and 3 dwellings with direct access from Bank Street.

Standard D10 – Landscaping

360. Landscaping is not a strong feature of the Bridge Road or Church Street character.
361. To Cameron and Bank Streets where small front courtyards are common, landscaping has been incorporated.
362. On a broader scale, all of the 2900qm of communal open space proposes detailed landscape plans which have (subject to some minor additions) been supported by Council's Open Space unit.

Standard D11 – Access

363. All car access is from a single point located to Cameron Street.
364. Loading facilities are mainly concentrated to Cameron Street with some loading occurring from Bank Street and off a ROW from Church Street.
365. The Standard and Objective is met.

Standard D12 – Parking location

366. The proposal includes one basement level and 2 podium levels of car parking. Accessing parking is via the ingress and egress point from Cameron Street. There are multiple options for stair or lift access from the parking spaces up to the apartment levels.
367. This complies with the objective and the standard.

Standard D13 – Integrated water and stormwater management

368. The plans show a total capacity of 100,000l litre rainwater collection tanks located in the basement. These will provide in excess of 1 months' capacity to meet the toilet flushing demands for the 7 retail toilets on the ground floor and toilet facilities on podium level 1 and 2 as well as the average monthly public landscaping irrigation demands.

369. The STORM score provided within the SMP achieved a score of 102%, which is in line with the policy direction under clause 22.16 – Stormwater Management (Water Sensitive Urban Design). This complied with the objective and the standard.

Standard D14 – Building setbacks

370. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views.

371. As outlined earlier in this report, subject to conditions, the height and massing of the building are considered to achieve an acceptable design response to the character of the surrounding area.

372. All dwellings have outlook, some with dual aspect and either face a street, a side boundary (set back) or face internal to the site. Building separation where they interface with another site are generally in the order of 8.8 – 10.7m to the west and 5.9m to the north providing a good level of separation between buildings. This will be discussed in more detail below.

373. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views.

374. The subject site has sensitive interfaces to the west of Building A; south of the podium; north of Building E; west of Building D; and eastern interface Loading Area, each interface will be discussed in turn in the off site amenity section of this report.

Standard D15 – Internal views

375. The internal separation of the buildings is as follows:

- (a) Building A & B is 12.1m;
- (b) Building A & D – 10.8m;
- (c) Building D & C – 8.6 – 10.4m
- (d) Building B & C – 7.5 – 11.7m

376. Based on the above separation distances, there appears to be the potential for windows and balconies to overlook private open space. This will be required to be addressed by way of condition as well as compliance with this objective.

Standard D16 – Noise impacts

377. The amendment was accompanied by an acoustic report prepared by Acoustic Logic in response to condition 15 of the permit. Council sought a peer review of the report by Marshall Day Acoustic who required the following additional information for:

- (a) childcare centre and gym and yoga studio; and
- (b) supermarket condenser plant room

378. The permit applicant responded with a letter dated 16 October 2018, which provides some additional information.

379. The acoustic reports submitted, omit consideration of any impacts on 42 Cameron Street and do not include a discussion with any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203, or recognises the internal changes to the loading area.

380. A condition on any permit issued will require an amended acoustic report.

Standard D17 – Accessibility objective

381. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide:

- (a) A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;

- (b) A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;
- (c) A main bedroom with access to an adaptable bathroom;
- (d) At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

382. As outlined earlier in the report, the provisions of clause 58 are not applicable to this application, however condition 1(uuu) requires a minimum of 5% of the dwellings to be shown as including internal layouts supporting adaptation for persons with limited mobility.

383. Plans have been submitted which shows that based on schematic typical Apartment types 100 apartments could be adapted being 33% of dwellings. It is acknowledged that this is less than the 50% required by this standard, however is significantly greater than the 5% required by the condition. As the development is not required to meet these standards, a condition will not require the 50% compliance.

Standard D18 – Building entry and circulation

384. The proposal incorporates 5 entries into the complex. All are considered to have an acceptable level of visibility and safety subject to some additional details regarding lighting.

385. Within the development, apartments will have their own entry at each level which will be directly accessible from lifts or stairs.

Standard D19 – Private open space

386. Of relevance to this development, a dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that:

- (a) A Studio or one bedroom dwelling should have access to a balcony with a minimum area of 8sqm and a minimum dimension of 1.8m, with convenient access from a living room.
- (b) A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room
- (c) A three (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.

387. The applicant submitted schematic apartment layout addressing internal amenity concerns raised by Council's consultant urban designer, these did not include a BADS compliance schedule and so compliance with standard has been approximated.

- (a) 30% of the apartment comply with both the minimum area and minimum dimension requirements;
- (b) 65 % of the apartment comply with the minimum area but not the minimum dimension requirements;
- (c) 5% of the apartment don't comply with the minimum area and minimum dimension requirements;

388. It is reiterated that compliance with clause 58 is not required.

Standard D20 – Storage

389. Of relevance to this development, the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:

- (a) A studio dwelling should have a total minimum storage volume of 8 cubic meters with a minimum storage volume within the dwelling of 5 cubic metres
- (b) A one bedroom dwelling should have a total minimum storage volume of 10 cubic meters with a minimum storage volume within the dwelling of 6 cubic metres

- (c) A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of 9 cubic meters.
- (d) A three (or more) bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.

390. Storage cages are shown in the basement and level 2 car parking area. Condition 1(rrr) require provision of an average 4 cubic metres of storage, this was a figure accepted by VCAT. The floor layouts show that storage is also provided for within the cabinetry of the dwelling.

Standard D21 – Common property

391. The common property areas within the development are generally clearly delineated and would not create areas which were difficult to maintain into the future. The lobby and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

392. Condition 1(mmm) also require a plan to show all publically accessible areas.

Standard D22 – Site services

393. Services are located in different locations within the site with some facing the street and some being internal. Locations are all easily accessible and maintained. A new substation is proposed to Church Street.

394. The location of mailboxes is shown on plan except for Building E. This will be required by way of condition on the permit.

Standard D23 – Waste and recycling

395. The applicant's Waste Management Plan (WMP) prepared by Leigh Design dated 26 April 2018 has been found to be unsatisfactory by Council's Waste Management Unit.

396. The applicant submitted an amended Waste Management Plan again prepared by Leigh Design dated 3 August 2018 which was assessed by Council' Waste Management Unit as acceptable. A condition will required compliance with this updated report.

Standard D24 – Functional layout

397. This Standard requires that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this). Living area dimensions (excluding dining and kitchen areas) should have a minimum width of 3.3m and a minimum area of 10sqm for a Studio or one bedroom dwelling and minimum width of 3.6m and minimum area of 12sqm of two or more bedrooms.

398. As previously noted, apartment type plans have been submitted but no BADS schedule. A review of the layout plans show approximately 87% of the apartments are compliant with this standard. As these controls do not apply to the site, on balance this is an acceptable outcome.

Standard D25 – Room depth

399. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height; the depth can be increased to 9m if the room combines the living, dinning and kitchen with the kitchen being the furthest from the window, and finished floor level to ceiling is 2.7m

400. There are multiple single aspect habitable rooms within the development however approximately 79% comply with this requirement. As these controls do not apply to the site, on balance this is an acceptable outcome.

Standard D26 – Windows

401. All habitable rooms within the proposed development contain a window within an external wall to the building, except for 9 of the dwellings within Building E.

402. Additionally, Council's urban designer raised concerns with the typical apartment layouts of 6 apartment types. The applicant has submitted plans detailed revised apartment layout plans showing how these can be improved to address internal amenity considerations raised satisfying this requirement, these will be conditioned to form part of the application.

Standard D27 – Natural ventilation

403. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.

404. This information has not been submitted although there are 90 dwellings with dual aspect equating to approximately 30% of dwellings.

Off site amenity

Interfaces

405. The subject site has sensitive interfaces to the:

- (a) west of Building A,
- (b) South of podium levels
- (c) north of Building E,
- (d) west of Building D and
- (e) eastern interface to Loading Area

406. However, the context of the site and its immediate interfaces with Commercial 1, Mixed Use and some residential land tempers amenity outcomes due to their location abutting the Bridge Road MAC and a strategically important site zoned Commercial 1.

407. The policy framework for amenity considerations is contained within the decision guidelines of the Commercial 1 Zone, clause 15.01-2S (Building Design) and clause 22.05 (Interface uses policy). Clause 55 of the Scheme (Rescode) provides some guidance on these matters (although not strictly applicable). Whilst Clause 22.05 applies to this proposal, the policy is mainly centred on impacts from a mixture of uses, eg commercial use impacts onto residences, or new dwelling impacts onto commercial areas.

408. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Zone.

409. The appropriateness of the setbacks and walls on boundaries provided in this instance need to be considered within their strategic context, being located within a Commercial 1 Zone (previously Business 1 Zone) and adjacent to a MAC. This issue was discussed within the Tribunal decision *Phillip Crouch Architects v Bayside CC [2009] VCAT 2719 (21 December 2009)*. The following statement was made:

[16] It is normal in commercial developments within a Business 1 zone to build to the boundary, as there are no side or rear boundary setback requirements. There is no site coverage or setback requirements specified for developments located in Business 1 zones and 100% site coverage or 'boundary to boundary' developments are not uncommon on commercial land in strip shopping centres.

410. Following on from this, there would be an expectation within this area that buildings would include on-boundary walls and limited setbacks, particularly as this area is earmarked for higher density developments.

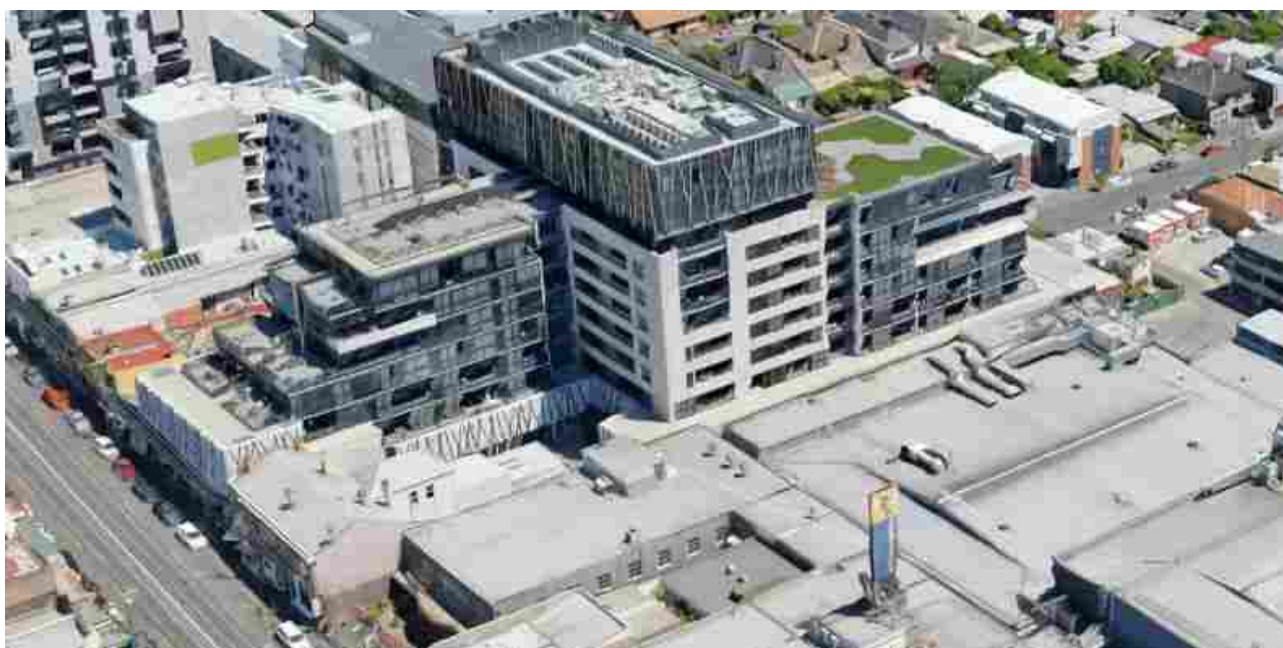
411. The issue of impacts to residential land in the instance where it abuts a commercial zone has been discussed many times at VCAT, one such decision (*Calodoukas v Moreland CC [2012] VCAT 180*) made the following comments:

[13] I accept the well established view that interface properties, on which ever side of a zone boundary, have different opportunities and constraints than sites well removed from zone boundaries. Owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas. This is explicitly recognised in planning policy as evidenced by the many references to commercial development maintaining and enhancing residential amenity and interfaces.

412. Additional to the above, as the application is an amendment to an already approved development, the starting point for consideration is the impact of the already approved development and what impact the amendment would have, if any, to these interfaces.

Western interface – Building A

413. The ARK development presents 9 levels of dwellings towards the subject site, many of which have sole outlook towards the subject site with balconies and habitable room windows, havin a direct interface with setbacks of 3.5 – 5m (bedroom edge) to 5.5 – 7.5m living room edge behind balconies from the common boundary (see image below).



414. The council report for the original application outlined the following assessment for this interface which is still relevant to this application:

‘To the south-west, the ARK development has adopted a podium and tower configuration, being the same typology as is proposed in this instance. The proposal has considered the impact on the adjacent site through a three storey podium and 3.3m to 8.6m tower setbacks from the west title boundary.

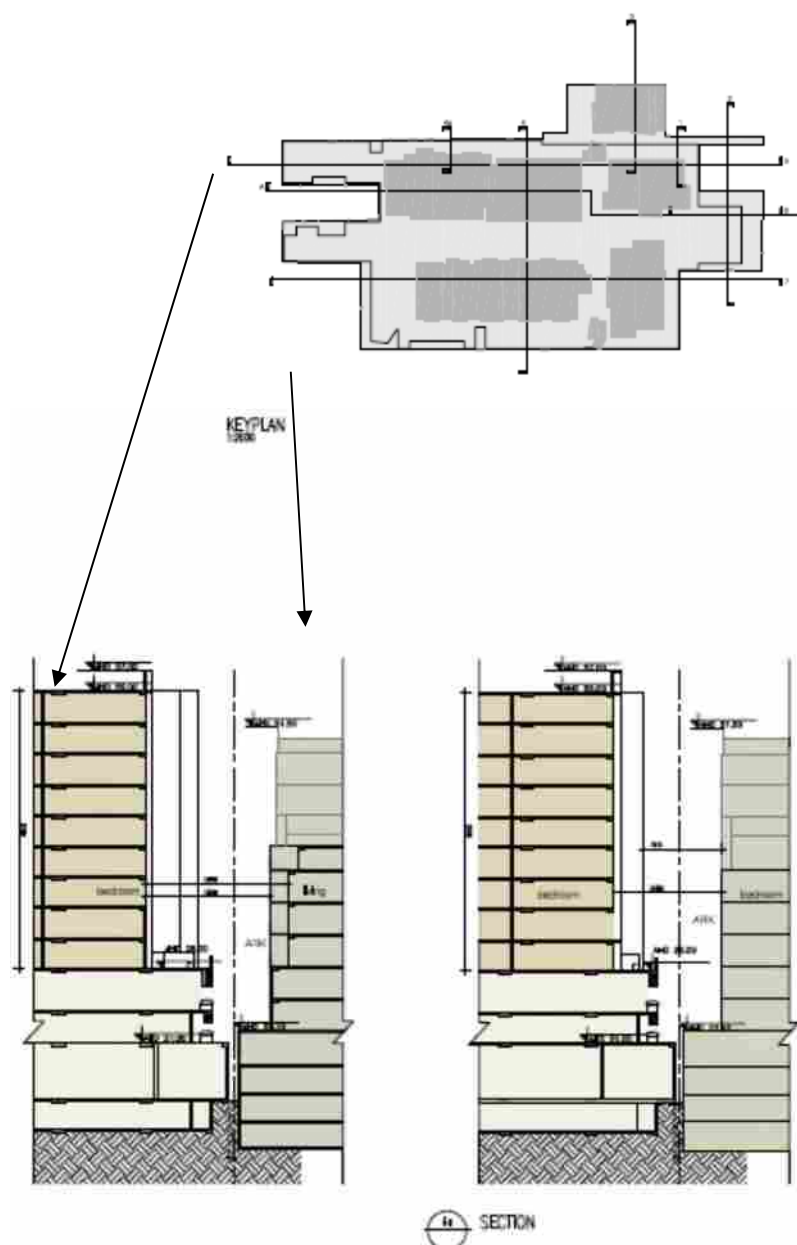


Figure 19: Section through building A (proposed) and ARK (TP-30, Revision 1)

It has been established that a 4.5m side boundary setback was envisaged by VCAT for the ARK development and any future development of the Richmond Plaza site. This would ensure a reasonable separation between towers so that residents could enjoy reasonable daylight levels without the need for extensive screening (preventing overlooking). In this instance, apart from the lift core with a 3.3m west boundary setback, the development has offered setbacks exceeding the minimum 4.5m approach.

The ARK development presents 9 residential levels towards the subject site, with many adjacent dwellings having a sole outlook towards Richmond Plaza. The setbacks proposed range from 10.4m to 12m (building edge to building edge), with the setbacks to habitable living spaces within the ARK development increasing to as much as 13.8m in some instances given their positioning behind balconies. The exception to the minimum 9m suggested 'test' established in the ARK VCAT decision is the proposed lift core, which is setback 7.6m from ARK (or 3.3m from the shared boundary). However, the lift core is only 6m long and is adjacent to a segment of two units across each of the lower levels of the ARK development (as opposed to extending the full extent of only one adjacent dwelling). This ensures that the encroachment is minimal and will not unreasonably impact the amenity of adjacent dwellings, which for most part, enjoy setbacks ranging from 10.4m to 13.8m.

Many objections raised issue with a loss of views from the ARK development. Council's Urban Design comments confirmed that there is '...no support in the planning scheme for such a proposition and the

matter of view protection has been discussed and rejected in areas of significant change such as Major Activity Centres in previous VCAT matters'. This statement is correct and the issue of loss of view will not be considered as part of this assessment.

415. Council has received a number of objections from the residents of ARK relevant to the impact of the proposal on a number of the apartments.
416. In response, the applicant has provided detailed plans showing the endorsed and proposed setbacks from the ARK apartments to demonstrate the impact, if any, from the amendments.
417. Levels 1 & 2 – At these levels the separation distance between ARK and the subject site was 7.4m, the amendment seeks to reduce this separation to 6.8m in one area (central plant) at Level 1 and three sections at level 2.

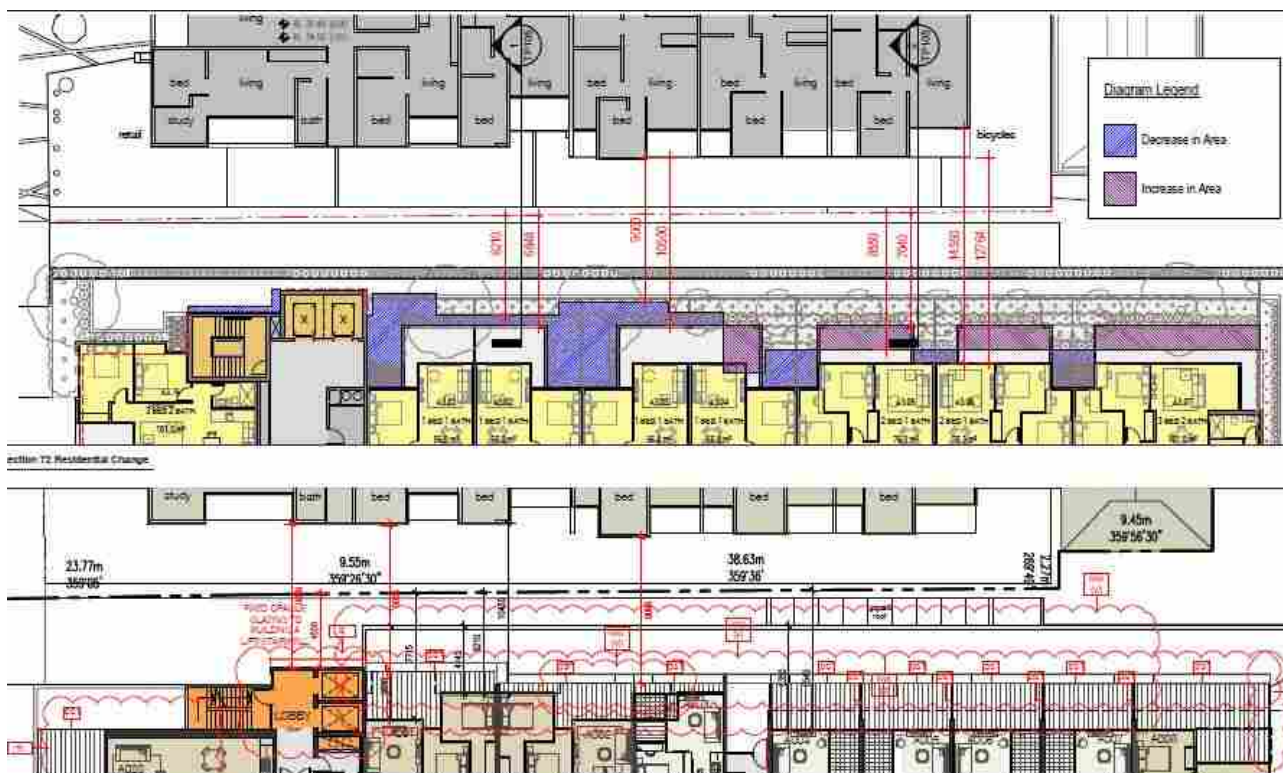


418. While arguably the impact attributed to this reduced setback of 600mm would be negligible when considering the broader tower impact on these apartments, it is considered that the size of the Coles site can readily absorb these projections back into its site rather than impose any greater impact to ARK than has already been approved by Council.

419. This will form a condition of permit.

Levels 3 – 5

420. The image below (reading bottom up) shows the endorsed building setbacks from ARK, with the top image showing the amendment proposed. The blue highlights where the built form decreases and where there are increases.



421. The endorsed scheme generally approves a separation distance of 9m from balcony edge to building face of ARK increasing to 12m towards the north end of this elevation. The amendment seeks approval to have a consistent setback of 10m. The reduced setback would impact most on the end unit (northern) of ARK which has dual aspect (see image below). It is considered that as the main building line of the subject site sits further setback with the balcony line only projecting into the setback, the impacts of this change are acceptable.



Level 6

422. Similarly to the levels below, the endorsed scheme generally approved a building separation of 9m from balcony edge to building face, increasing to approximately 10.6m to the rear. The amendment seeks to generally increase the setbacks to a minimum 10.3 metres increasing to 11.15m. There is one small section of increased built form (shown in red in the image below) however this space maintains a separation distance of 10.3m to the balcony edge of the ARK apartment.



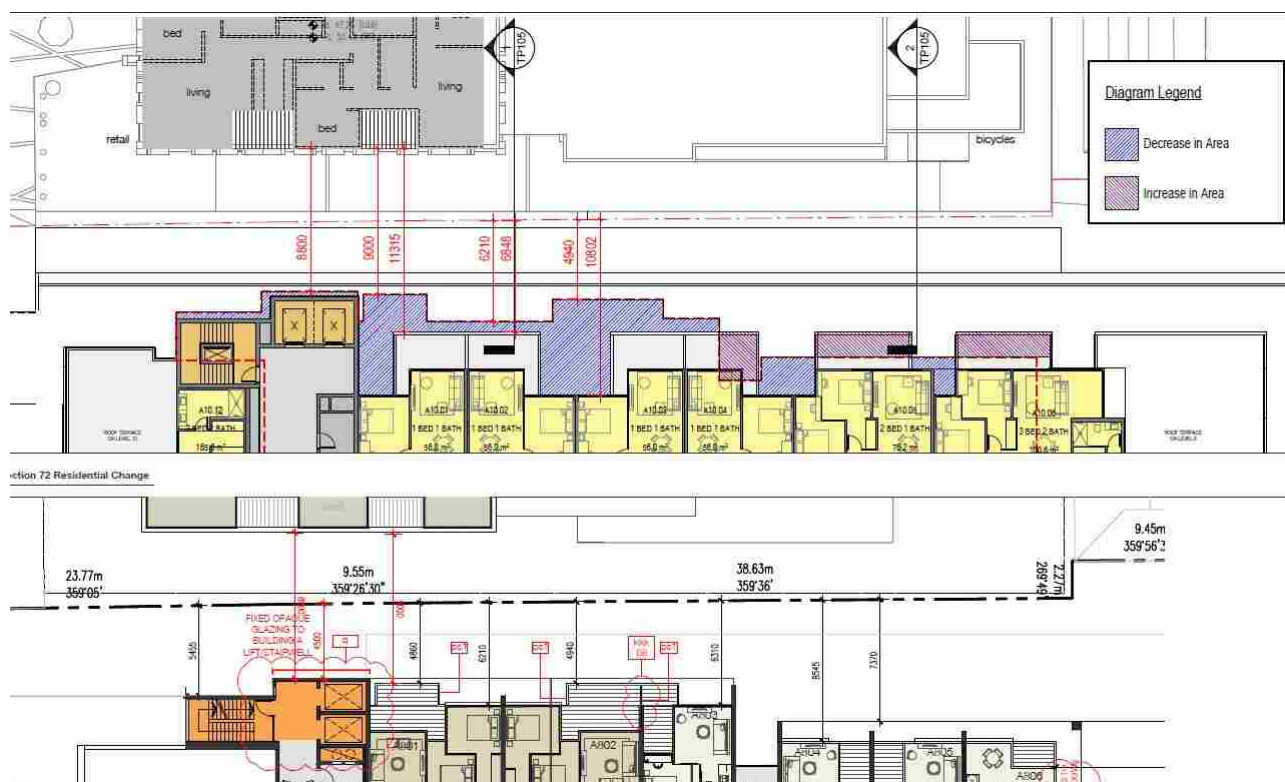
Level 7

423. At this level, the ARK apartment constrict to a smaller dual apartment footprint. Again the approved development typically has separation distances of between 8.8m – 9m. The amendment proposes to maintain the 8.8m separation for the lift core (no change) and increase the setback for the remaining section of building to 11m.



Level 8 - 10

424. Again at these levels the interface is similar to that described above. Separation distances as endorsed 8.8m – 9m with some sections setback 10.3m. The amendment proposes retaining the 8.8m to the lift core and then increasing to 11m.



425. The proximity of dwellings to the Coles common boundary was a concern raised by Council at the VCAT hearing which determined the ARK development. In the decision (*Cremorne Corporation Pty Ltd v Yarra City Council 2008*) the Tribunal clearly acknowledged this concern and adopted an approach that the 9 metres separation distance could be achieved and in principal set out that as the Coles site was the larger parcel that it could readily accommodate additional setbacks to achieve this.
63. *The council and Richmond Plaza argue that the east side setbacks proposed do not provide for an equitable sharing of development opportunities between the site and the Plaza's land. Essentially it was argued that a 4.5 metre setback to the edge of walls and balconies should be provided on this site, replicated on the Richmond Plaza site so as to achieve the desired 9 metre separation between dwellings, a concept that accords with some of the standards set out in clause 55.*
64. *The Guidelines for higher density residential development include the objective 2.6 w
To ensure areas can develop with an equitable access to outlook and sunlight.*
65. *Design Suggestion 2.6.1 under this objective is:
Consider the possible future development of adjoining sites and allow, as best as possible, or [sic] an equitable spread of development potential throughout the area.*
66. *Essentially, the above support the notion of equity with respect to the potential for sunlight access and outlook and that new development not unduly prejudice their availability to another site.*
67. *We have little doubt that the Richmond Plaza site is also ripe for redevelopment given its size, corner location and context. However, save for the balconies at the lowest residential level that come to about 1 metre off the common boundary, we are satisfied that the proposal has made enough effort to setback from its neighbour. As indicated by Ms Ring these balconies can be reduced so as to provide greater separation, to say 3.35 metres, like the levels above.*

68. *The notion of equity does not in itself mean equal. The reality is that expectations as to what can be achieved from site to site varies. For example, we do not apply the standards of clause 54 for the redevelopment of small inner suburban lots in the same way as they may be applied to a larger site. The site size, proportion and context all come into play.*
69. *What is to happen on the Richmond Plaza site is unclear. However, as this is a larger site, much wider than the subject site and having the added benefit of a corner location, we do not think that the development potential of the site would be unreasonably prejudiced by this proposal. There is plenty of room to move. Rather, the expectation that all sites contribute equally, as opposed to equitably, may well stifle the development potential of smaller, narrower sites. We do not accept that this is an outcome that is consistent with the intent of the objectives of the Guidelines for Higher Density Residential Development.*
426. In most part, the separation distances have increased, improving the amenity of many of the ARK apartments from that which is already approved. It is considered that the proposed amendment presents an acceptable interface with the ARK apartments (see section details below):



Southern interface – Podium levels

427. The southern interface with the subject site is the individually significant former bank building at 267 Bridge Road. At the first floor is a centrally located terrace which wraps around part of the site extending along the eastern boundary.
428. Previously the endorsed plans showed construction abutting part of the eastern and northern part of the building. The amendment completely setbacks from this building improving the amenity outcomes for the site. (see images below)

**Endorsed****Proposed**Northern interface – Building E

429. The northern interface of Building E is with a single storey dwelling orientated to Bank Street. The endorsed plans detail construction to the shared boundary for two levels with a small rear setback interfacing with the dwelling's open space. The building is then setback 6.3m and 10m respectively for the next two levels. The amendment adopts a similar profile with some minor increases to setbacks at the second and third levels of 6.5 and 10.1m setbacks.

Western interface – Building D

430. The western interface of Building D is with the rear of properties fronting onto Bank Street with some properties having areas of private open space interfacing with the ROW or construction to the boundary. The interface as endorsed is with the apartment building approved for 42 Cameron Street and part of the Coles site as originally endorsed. With the amalgamation of 42 Cameron Street into the broader site, the interface changes.

431. Separating the Bank Street residences and the subject site is a 3m wide ROA. The setbacks from the ROW for both the endorsed and proposed are described in the table below

Level	Endorsed	Proposed
Ground	On boundary with a section of the apartment building setback 1.5m	On boundary section associated with car park and part of the apartment building, setbacks for part of the apartment building range between 4 – 6.8m
Level 1	On boundary with a section of the apartment building setback 4m	Setbacks ranging from 1.5 to car park and 4.2m to apartment building
Level 2	On boundary with a section of the apartment building setback 4m and wall to carpark setback 2m	Setbacks ranging from 1.5 to car park and 4.2m to apartment building
Level 3	42 Cameron Street setback 4m from the boundary and apartment building for Coles setback 6m	Similar setbacks to that already approved
Level 4	6m setback	5.8m setback
Level 5	No construction at 42 Cameron Street, apartment building for Coles setback 6m	No construction at 42 Cameron Street, apartment building for Coles setback 5.8m

Level 6	Apartment building for Coles setback 16m	5.8m setback
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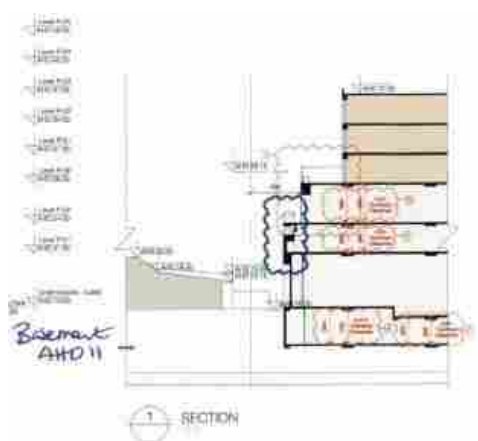
Endorsed



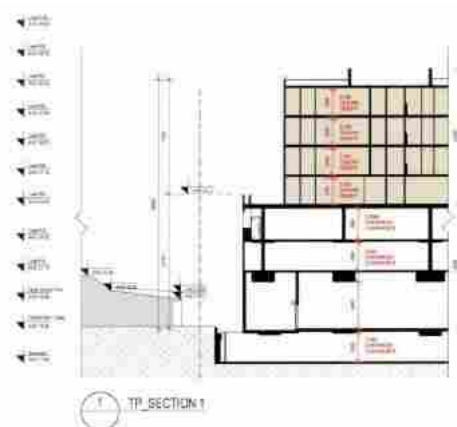
Proposed

432. The setbacks adopted by the amendment are mostly comparable except for that at level 6 where an additional bank of apartments are proposed along this western interface.

433. The separation distance is 8.8m when factoring in the ROW and as shown in the two section drawings below, the change is the addition of a level at the apartment level.



Endorsed



Proposed

434. In acknowledging the site's strategic significance, increasing Building D by an additional bank of apartments is considered reasonable however this should not be at the expense of amenity for the Bank Street residents. It is considered that an additional setback or a raking of the level to minimise additional impact on these dwellings is required. A condition on permit will require apartments D6.03 and D6.04 are required to be either setback by 2 additional metres from the boundary or adopt a raked profile to lessen their visibility from the Bank Street properties.

Eastern interface Loading Area

435. The eastern interface is separated by a 3m lane to the rear of the properties fronting onto Church Street. Habitable room windows exist at the first floor and in some instances second level with outlook to the Coles site.

436. The approved development provides a total setback of 5m for ground – second floor areas with a roof terrace located at level 3. This arrangement has not been altered.

Overlooking

437. As outlined within Standard D14 of the Clause 58 assessment some of the separation distances between the subject site and adjoining sensitive interfaces fall within the accepted 9m overlooking rule. The elevations are not clear in the screening details and therefore a performance based condition is recommended to achieve the objectives of standard D14 of clause 58.

Noise

438. The proposal is unlikely to result in unacceptable noise emissions to any nearby commercial or residential properties.
439. However, as outlined in the assessment section of Standard D16 – Noise impacts, the acoustic report submitted, omit consideration of any impacts on 42 Cameron Street and do not include a discussion with any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203 or recognises the internal changes to the loading area and therefore an amended acoustic report is required to be submitted.
440. Additionally, condition 66 of the permit requires that the noise and emissions from mechanical equipment must comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).

Wind

441. A wind report was prepared by Vipac assessing the impact of wind on the proposed amended development. This document was peer reviewed by Mel Consultants who generally agreed with the principles and findings of the Vipac report.
442. This report should be endorsed as part of any approvals and any recommendations contained within the report namely the showing of wind mitigation at level 3 adjacent to Building C be shown on plan being either a porous screen or 2 m high tree. This will be required to be shown on plan as a condition of any permit issued.

Car & bicycle parking and traffic and access

Car Parking

443. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 140 spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report which is less than the originally approved 470 car parking space reduction.
444. A Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*) made numerous statements with regards to car parking reductions. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes. In this instance, the subject site is closer to public transport opportunities and the Melbourne CBD than the review site.
445. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;
- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
 - (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*

- (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
- (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
- (e) *Policy tells us the future must be different.*
- (f) *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
- (g) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*

446. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, this need to drastically change how people are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.

447. It is acknowledged, the proposed amendment seeks to increase the provision of onsite parking from 570 to 624 space. This in part reflects the amended composition of the uses on the site but also noteworthy is that condition 39 of the permit requires minimum car parking numbers for uses as part of the Transport Management Plan, this will be discussed below.

Parking Availability

448. No updated parking availability data was submitted with the amendment request, however it is commonly accepted that the existing Coles car park is underutilised.

Parking Demand

449. Condition 39 of the permit outlines the car parking allocation attributed to the originally endorsed plans, each requirement will be discussed in turn.

Residential

450. Parking for the residential component of the development was required at the following rate:

- (a) *Residential car parking must be allocated such that 80% of all dwellings are allocated one parking space. All two-bedroom dwellings must be provided with one on-site car parking space. This allocation of car spaces may be varied with the written consent of the Responsible Authority.*

451. The provision of accommodation has changed by this amendment with the inclusion of 3, three-bedroom dwellings and a reduction in the number of one-bedroom apartments proposed.

452. The revised rate for car parking for the residential component of the development is proposed as:

Resident Parking Provision:

Proposed Dwelling Type	Quantity/ Size	Proposed On-Site Parking Rate	No. of Allocated Spaces
Studio and One-bedroom dwelling	62	0.77 spaces per dwelling	48
Two-bedroom dwelling	191	1.0 spaces per dwelling	191
Three-bedroom dwelling	54	1.5 spaces per dwelling	81

453. These rates generally accord with the ABS data Richmond and Council's engineering department and external traffic engineers agree that these rates are acceptable and meet the provisions of the condition.

Office

454. Car parking associated with such developments is generally long-stay parking for employees and short-stay parking (approximately up to two hours' duration) for customers and clients. Council's Senior Traffic Engineer has previously confirmed that the actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.5 spaces per 100 square metres of floor space, as the area has very good access to public transport services.

455. The proposal would be providing on-site office parking at a rate of 2.1 spaces per 100sqm. The parking demand generated by the new use would be influenced by the constrained nature of on-street parking the surrounding area, the availability/access to off-street commercial parking provided on site and accessibility to public transport services.

456. Condition 39 required the provision of 21 office staff car parking spaces based on the ratio of 2.1 spaces per 100sqm which has been carried through to this development. No objection was raised by either Council's engineers or Council's consultant traffic engineers to this reduced rate, this change will form a condition on the permit.

457. Within a recent Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017] VCAT 753*) regarding the office development to the south at No. 2 – 16 Northumberland Street, Collingwood, the Tribunal Member also supported a significant reduced office car parking rate (405 spaces) and made the following comments:

[54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.

[55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

Retail (including Food and drinks, gym and Yoga and childcare)

458. The proposed allocation for the retail component of the development as originally approved was 302 spaces inclusive of retail public and staff parking based on a floor area of approximately 11,100sqm equating to an average of approximately 2.7 spaces per 100sqm as outlined in the applicant traffic report prepared by Traffix group.
459. As proposed, the retail floor area is sought to be reduced to 7,650sqm with a reduction in the car parking provision.
460. The amendment seeks to provide 260 spaces which is higher than that required if you apply the 2.7 spaces per 100sqm.
461. Council's consultant traffic engineer is satisfied that this is an acceptable outcome
462. It is noted that within the 260 spaces, 3 of these spaces will be allocated to car share spaces and 8 will be required for parking for parents with prams as required by condition 39(g) iii
463. No car parking has been proposed for parent drop off / pick for the childcare centre, this was also the case in the original application. It is suggested that this can be accommodated within the retail car parking and consideration should be given to allocating spaces to parent spaces. A condition on permit will require the allocation of 4 spaces to facilitate the centre.
464. The reduction being sought by the proposal is supported by the following additional reasons:
- (a) The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Bridge Road MAC, which in turn will reduce the dependence on private vehicle by future employees;
 - (b) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future employees would be able to take advantage of the nearby bike lanes;
 - (c) Occupant or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, this is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;
 - (d) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
 - (e) The location of the proposal encourages multi-purpose trips to the area.
465. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services has no objection to the proposed reduction in the car parking requirements.
466. All car parking rates reflected in condition 39 will be updated.

Traffic

467. In terms of traffic, the applicant's traffic engineers adopted the following summary for the traffic generation for the site:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (293 dwelling with on-site parking)	3.0 trips per dwelling per day (with car space) Peak hour volumes are 10% of daily traffic volumes	879	88	88

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Commercial* (23 additional spaces)	0.5 trips per space in each peak hour	Not provided	12	12

* Includes office, supermarket, speciality retail, food and drink, restricted recreation and restaurant uses.

468. It was submitted by the applicant that the traffic generation by the site would increase by 15 trips in the AM and PM hours. Both Council's engineers and Council's consultant traffic engineer are satisfied that this increase will not have a detrimental impact on the development's access and egress points, or on nearby intersections.

Layout

469. The proposal includes car parking access from Cameron Street leading to a single level of basement car parking and two levels of podium parking.
470. Council's Senior Traffic Engineer and consultant traffic engineer were satisfied with the layout design subject to:
- Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 01 car spaces (5, 120 and 133);
 - Column locations to be in accordance with AS2890.1:2004);
 - Directional linemarking to be reviewed;
 - Installation of appropriate signage and / or linemarking /ground stencilling be installed at the location where one way aisles meet two way aisles.
 - Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;
 - Priority linemarking within the basement and podium car parking levels at all conflict points
 - Appropriate pedestrian crossing signage should be provided at each formal pedestrian crossing;
 - Consideration of speed humps at the approaches to pedestrian crossings;
471. These will form conditions on any permit issued.
472. Additionally, the basement car park projects into Council's right of way (south west corner) and will need to be constructed within the title boundary, this will form a condition on any permit issued.

Electric vehicles / Shared Vehicles

473. Within the basement car park, the plans show 2 electric vehicle charging spaces and the required 3 car share spaces.

Bicycle parking and facilities

474. The proposed amendment seeks to increase bike parking from 363 spaces to 375 spaces. As outlined earlier in the report, the development is required to provide a total of 136 spaces under clause 52.34 of the scheme.
475. Council's strategic transport unit has suggested some modifications to the location, allocation and design of the bike parking, but is generally supportive of the proposal.
476. Conditions on any permit issued will require:
- (a) Increase the width of the bike ramps to 1.5m with ramp grades to be as close to 1:12 as possible in general compliance with AS2890.3
 - (b) Increase visitor bike parking to 103 spaces located in the basement and within the laneway spaces accessed off Bridge Road without hindering vehicular access;
 - (c) Increased overall bike parking provision to 410 spaces (modify condition 39).
 - (d) At least 20% of residential/employee spaces to be provided as horizontal at ground level spaces.
 - (e) Updated Green Travel Plan

Other

477. Council's Senior Traffic Engineer and construction management team have recommended the inclusion of a number of conditions relating to civil works to public lighting, road protection, impacts on assets (eg existing pits, fire hydrants), vehicle crossings and drainage. Many of these already form conditions on permit. Where relevant these will be updated.
478. Council's open space team have requested additional street trees be planted along, Church, Cameron and Bank Streets, while it is acknowledged that these were not required by the original permit, the increase in scale of the proposal warrants additional streetscape improvements, these will form conditions on any permit issued except with the deletion of reference to Church Street as subsequent advice has confirmed insufficient room to accommodate additional trees.

Waste management

479. The applicant's Waste Management Plan (WMP) prepared by Leigh Design dated 26 April 2018 was been found to be unsatisfactory by Council's Waste Management Unit.
480. The applicant submitted an amended Waste Management Plan again prepared by Leigh Design dated 3 August 2018 which was assessed by Council' Waste Management Unit as acceptable. A condition will required compliance with this updated report.

Loading

481. All loading facilities and locations have been approved previously and while comments from internal departments have been received regarding their locations, this is outside the scope of the proposal.
482. Some minor amendment have been shown for the loading areas, however these remain an acceptable outcome subject to acoustic protection.

Contaminated land

483. Conditions 8 – 13 address matters relevant to land contamination and required a site assessment to be prepared and submitted to Council for review prior to bulk excavation and site preparation/remediation works commence.
484. As the site is not included within an Environmental Audit Overlay, where Council believes there may be contamination on the site, it is commonly accepted that this kind of preliminary exploration works occur to ensure that the site is suitable for a sensitive use to commence (in this instance both residential dwellings and a child care centre).

485. The applicant submitted an Environmental Site Assessment by Golder. The report confirms the key contamination risks are as follows:
- (a) *The assessment at Richmond Plaza has confirmed the key contamination risks are as follows:*
 - (i) *Contaminated fill at the surface of thickness generally 0.6m in the north and west portions of the site and 1m in the remainder of the site that categorises as Category A, B or C for offsite disposal and the associated uncertainty in the final classification and cost to dispose of the soil as part of the basement construction;*
 - (ii) *The timing of the site assessment and remediation to resolve the contamination issues at the site to meet the Planning Permit requirements to the satisfaction of the Responsible Authority and to provide a cost effective solution for the offsite disposal of the contaminated fill.*
 - (iii) *The potential for as yet unidentified sources of contamination (leaks or underground tanks) to be identified during bulk excavation which may be the source of groundwater contamination. Whilst the site information shows this risk to be low, this may lead to a requirement for additional wells to be confirm the risks to groundwater. If contamination is identified, an Environmental Audit may be triggered to resolve the issue.*

Based on this assessment, Golder confirms that in our opinion , the site can be made suitable for sensitive uses subject to the removal of all of the contaminated fill through bulk excavation of the site and validation of that soil removal and as such an Environmental Audit is not considered warranted.

486. Council sought the expert advice of Coffey Services Australia to peer review the Golder report to confirm either agreement with the Golder assertions that no environmental Audit was required or that one was in fact required.
487. The peer review disagrees with the conclusions reached in the Golder report and outlines that due to the site's historical use for industrial manufacturing, the site has a high potential for contamination, which must be coupled with the known contaminated fill which exists on the site.
488. The peer review concludes that an environmental audit should be conducted on the site. Based on this advice and the analysis undertaken to support this view, it is recommended that a condition be included requiring a full environmental be undertaken for the site.

Other Matters

Affordable Housing

489. Council's urban design referral seeks the provision of 'build to rent' housing stock for key workers on low and moderate incomes.
490. It is not suggested that this be adopted as the proposal already incorporates condition 25 of the permit requiring at least 13 apartments which meets the definition of affordable housing to be managed by an accredited Housing Association. No amendment is sought to this condition.

Procedural matters

491. As a result of the proposed amendments, further changes are required to plans and conditions, these matters can be addressed by condition should a permit issue.

Objector concerns

492. The majority of the issues which have been raised by the objectors have been addressed within this report.
- (a) design (height, scale, bulk, character, overdevelopment, impact on park) (paragraphs 251 – 332)

- (b) amenity (off-site, overlooking, overshadowing, loss of light, location of substation, noise from plant) (paragraphs (405 – 437)
- (c) traffic and car parking (paragraphs 443 – 467)

493. Outstanding concerns will be discussed below, and relate to:

Impact on Views;

494. Views are not protected within the Yarra Planning Scheme.

Property devaluation;

495. This is not a relevant planning consideration.

Construction issues (disruption);

496. This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) will be required by way of condition and will manage impacts during the construction stage. This will be further considered during the building stage also.

Conclusion

497. The amended proposal continues to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy as well as the direction given by the Tribunal.

498. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies. Additionally, the proposal will result in a significant improvement the Bridge Road MAC and will make a substantial contribution to the streetscape.

Reading the Recommendation

499. The recommendation outlined below show:

- (a) New conditions in **bold**
- (b) Amended condition in **bold underline**; and
- (c) Redundant conditions have been deleted.

RECOMMENDATION

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN11/0834 for land at:

271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, **42 and** 46 Cameron Street and 25 and 37 – 39 Bank Street Richmond.

with the following preamble:

Demolition, buildings and works, use of the land for dwellings, shop, restricted recreation facility, food and drinks premises, ~~restaurant~~, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements and use northern part of land for loading/unloading bay and waste collection.

and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the ~~advertised plans (received by Council on 22 November 2014)~~ **decision plans prepared by SJB Architects, received by Council on 11 and 19 July 2018** but modified to show:

Building Design

Podium

- (a) details of the material along the west title boundary (adjacent to Ark) at ground and first floor level;
- (b) all canopies and architectural projections along Church Street and Bridge Road to be setback a minimum 750mm from the back of the kerb;
- (c) **details of all lobby entrances including lighting and glazing to ensure good visibility in to the residential lobbies;**
- (d) **setback of the western car park edge at levels 1 & 2 to be increased to align with those currently endorsed being ranging between 3.98 – 4.5m**

Bridge Road Tower [Building A]

- (e) **details of the operable screens proposed for the upper levels**
- (f) **basement car park to be contained within the subject sites title boundaries**

Building C

- ~~(g)~~ **a reduction in the parapet height (to apartment C6.01) as it presents to Church Street and for the first section of the return from 1.6m to approximately 300mm as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.**
- ~~(h)~~ **At level 3 details of location of porous screen of 2m high tree as required by the wind assessment;**
- ~~(i)~~ **Details of doors to loading and parking area (Cameron Street)**

Building D

- ~~(j)~~ **setback apartments D6.03 and D6.04 an additional 2 metres from the western boundary or rake or an alternative measure to reduce visual bulk.**

Building E

- (k) Plans and elevations to clearly show location of doors and windows**

Building Materials

- (l) an updated schedule of all materials and finishes (including materials samples, colours coloured elevations **and** perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and must include:
 - (i) **thumb nail sketches of key elements of the façade of each building**
 - (ii) **material treatment of Building A lift core to be patterned concrete to both the south and west elevations.**
 - (iii) **Building A upper levels to be treated with a patterned mesh in a light colour as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.**

- (iv) **Building B design resolution to be as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.**
- (v) **Building C Church Street podium façade levels 1 & 2 to replicate façade detailing (brick) of the remainder of the façade in a white or light grey colour**
- (vi) **Ground floor building C wall adjacent to lobby and substation to be a patterned brick wall in a black or dark colour.**
- (vii) **Details of the grey mesh proposed on the Church Street podium**
- (viii) **Details of materials proposed for the ground floor of building D;**
- (ix) **Details of car park / loading bay doors**
- (x) include details of graffiti proof coating to be applied to the ground floor interfaces of the buildings;

Landscape

- (m) updated landscape plans generally in accordance with the Landscape Concepts (~~November 2014~~ **February 2018**) prepared by **MemLa** to the satisfaction of the Responsible Authority must be prepared by a suitably qualified permit. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (i) the location of all areas to be covered by lawn or other surface materials;
 - (ii) the location of any permanent structures, furniture, public seating or other facilities;
 - (iii) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;
 - (iv) grades of all ramps shown on plan;
 - (v) grades of all footpaths shown on plan;
 - (vi) details of raised planters to courtyards to be confirmed (height, construction and tree planting details);
 - (vii) location and type of water tank for irrigation;
 - (viii) detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height);
 - (ix) details of street furniture, including bench seats and street tree planters;
 - (x) existing and proposed levels including top wall and fence heights (where relevant);
 - (xi) details of the installation methodology for the green wall to the car parking area, including planting and initial establishment requirements and details of the proposed maintenance regime to ensure the integrity of the green wall over its operation life, including plant replacement, irrigation and fertilisation and guidelines for monitoring;
 - (xii) ongoing maintenance and management details of all publically accessible spaces;
 - (xiii) a detailed lighting plan for all publically accessible areas including private, communal and the public laneways ensuring lighting is baffled to minimise light spill;
 - (xiv) a schedule of 'way finding' signage;
 - (xv) additional soft landscaping including planting details to assist in the delineation between the pedestrian and loading/waste management sections of the Bank Street square;
 - (xvi) dimensioned cross sections and internal elevations detailing the interior of the laneways, access ways and Bank Street square;
 - (xvii) **deletion of *Quercus Rubra* Red Oak from Podium Level 3 plan and replace with a smaller tree**
 - (xviii) **fencing details for Podium Level 3**
 - (xix) **use of stormwater or grey water for irrigation of planters**
 - (xx) **the ground floor plan to show locations of all existing street trees to be removed and retained and any protection works required**

- (xxi) **show a physical separation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited top) planter boxes on wheels in the western most laneway between the laneway and the 'trade out area';**
- (xxii) **the relaying or new blue stone within Council's land with need to meet Council' design standards.**
- (xxiii) **The provision of 2 Street tree plantings along, Cameron Street and Bank Street in consultation with Council.**
- (xxiv) **Landscape images and plans to match the schematic plans prepared by SJB Architecture dated 26 October.**
- (xxv) **Additional landscape facilities including toilets, sinks, BBQ to be added to the communal terrace at level 3.**

Acoustic

- (n) all works recommended in the report of the professional acoustic engineer referred to in condition **14**;

Environmentally Sustainable Design Principles

- (o) all works recommended in the ESD report referred to in condition **17**;

Wind Assessment

- (p) all works recommended in the wind assessment report referred to in condition **20**;

Bicycle Parking

- (q) a minimum 7 public bicycle share spaces;
- (r) **width of the bike ramps increased to 1.5m with ramp grades to be as close to 1:12 as possible in general compliance with AS2890.3**
- (s) **increased bike provision to 410 spaces with 103 spaces allocated for visitor parking to be located with the basement and in the laneway access spaces (Bridge Road) without hindering vehicular access.**
- (t) **20% of residential /staff spaces to be provided as horizontal at ground level spaces.**

Car Parking

- (u) **Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 01 car spaces (5, 120 and 133);**
- (v) **Column locations to be in accordance with AS2890.1:2004;**
- (w) **Installation of appropriate signage and / or line marking /ground stencilling be installed at the location where one way aisles meet two way aisles.**
- (x) **Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;**
- (y) **Priority line marking within the basement and podium car parking levels at all conflict points**
- (z) **Appropriate pedestrian crossing signage be provided at each formal pedestrian crossing;**
- (aa) **Location of speed humps at the approaches to pedestrian crossings if required;**

Loading and Waste

- (bb) all works recommended in the waste management plan referred to in condition ~~74~~ **75**;

General

- (cc) **internal layout of apartments to comply with the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.**
- (dd) location of the proposed water tank with a minimum capacity of 100,000 litres;
- (ee) all plans to be drawn within title boundaries (excluding architectural features, canopies and awnings) and to be fully dimensioned;**
- (ff) a full set of all elevations and cross-sections including full internal elevations of all buildings and public spaces (including laneways) **fully dimensioned with setbacks and heights of all buildings;**
- (gg) **Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows;**
- (hh) **Where overlooking opportunities can be provided within a 9m radius and 45 degree arc from a habitable room window or private open space into another habitable room or private open space on or off site, the following must be applied:**
 - (i) **Minimum 1.7m fixed obscure glazing;**
 - (ii) **Minimum 1.7 high, maximum 25% transparent screens; or**
 - (iii) **Other method(s) to the satisfaction of the Responsible Authority.**
- (ii) all publically accessible areas to be shown as referred to in condition 22;
- (jj) deletion of all reference to business identification signage;
- (kk) location of all mailboxes;
- (ll) a demolition plan clearly detailing all structures and surfaces to be demolished within the portion of the site affected by the Heritage Overlay;
- (mm) all internal corridors in the apartment buildings to have a minimum width of 1.5m with an indentation at each entrance of up to 100mm to articulate dwelling entries;
- (nn) details and provision of an average of 4 cubic metres of storage for each dwelling;
- (oo) provision of an internal signage plan detailing indicative signage to guide residents, employees, visitors and the public to communal open spaces, commercial facilities, car parking areas, bicycle parking areas with priority given to pedestrian and cyclist wayfinding;
- (pp) all feature paving and in ground lighting proposed is to be contained within the site title boundaries;
- (qq) a minimum of ~~5~~ **33%** of the dwellings to be shown as including internal layout supporting adaptation for persons with limited mobility **based on the schematic apartment layout plans prepared by SJB Architects dated 26 October 2018.**

Endorsed Plans

2. All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

Ongoing Involvement of the Architect

4. As part of the ongoing consultant team SJB Architects must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Cameron/Church Street Intersection

5. Within six months of the development commencing, the design of the proposed works to the Cameron Street road reserve at the intersection with Church Street must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the works must provide details of how the road reserve will be treated to enable:
- a) the creation of separate right turn and left turn exit lanes, while retaining a single entry lane;
 - b) the removal of the two kerb extensions;
 - c) reinstatement of road pavement;
 - d) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
 - e) removal of street trees (as necessary);
 - f) installation of no stopping (all times) restrictions on the south side of Cameron Street (including the loss of three on street car parking spaces) all between the subject sites access points and Church Street;
 - g) removal of parking restrictions (as necessary); and
 - h) and any other works required.

Details must include, but are not to be limited to, all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services.

6. Before any use commences on site and prior to the issue of a certificate of occupancy, all works associated with provision of the Cameron/Church Street intersection works as set out in condition 6 must be undertaken and completed at the cost of the permit holder to the satisfaction of the Responsible Authority.

Environmental Audit

7. **Before the development commences, an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:**
- (a) ***a Certificate of Environmental Audit for the land in accordance with section 53Y of the EEP Act (Certificate); or***
 - (b) ***a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),***
- and the Certificate or Statement must be provided to the Responsible Authority.**
8. **If, pursuant to condition 7, a Statement is issued:**
- (a) ***the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;***
 - (b) ***the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions)***
 - (c) ***before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.***

- (d) ***if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:***
- (i) ***provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and***
 - (ii) ***be executed before the sensitive use for which the land is being developed commences; and***
- (e) ***the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).***
9. Any ongoing groundwater management and abatement of groundwater contamination must be in accordance with all requirements of any Clean Up Notice issued by the Environment Protection Authority (EPA) under section 62A of the *Environment Protection Act 1970*, or any other relevant written notice or direction issued by the Environment Protection Authority, to the satisfaction of the Environment Protection Authority.
10. A copy of the site assessment, certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
11. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.
12. Prior to the occupation of dwellings and commencement of the childcare centre use a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.
13. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

Acoustic Treatments

14. Before the development commences (excluding demolition and excavation), an updated acoustic report generally in accordance with the Watson Moss Growcott report dated December 2017 **and the Acoustic Logic report dated 9 July 2018** must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified acoustic engineer and include:
- (a) an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (i) protect all dwelling occupants from external noise sources from Bridge Road and Church Street including details of glazing types;
 - (ii) protect dwelling occupants with a specific interface to commercial tenancies above, next to or below from associated commercial noise sources including but not limited to loading (including reversing beepers), waste collection, plant and equipment and gym;
 - (iii) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - (iv) protect all dwelling occupants and nearby occupants with a direct interface with the loading areas and car park; and

- (v) protect all dwellings within Building A from noise generated from use of the bin chutes.
 - (b) details of acoustic treatment of the rooftop terrace fronting Bridge Road (westernmost above the second floor café) to limit noise emanating from the site to not exceed 48dB(A) when measure at the nearest residential dwelling at night time under the SEPP- N1 methodology;
 - (c) an assessment of how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met including music noise from gym, cafes/restaurant etc.;
 - (d) specific details of acoustic attenuation (not just preliminary recommendations), including but not limited to mechanical services equipment, the gym/yoga centre and the child care centre; and
 - (e) the façade of the Gym and yoga studio designed such that noise breakout from the facility will comply with the relevant noise limits at the nearest noise sensitive receivers (existing and future). (Noting that the Revision 10 design features the Gym and Yoga Studio entrance across the hall from the entry doors of apartments B-0-14 and B-0-13, therefore this may require an airlock to the Gym and Yoga Studio entry door.)
 - (f) **Include 42 Cameron Street into the assessment and review any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203;**
 - (g) **Address the modified loading area.**
15. On the completion of any works required by the endorsed Acoustic report (condition 15) above and before the residential use commences, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with condition **14** of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with State Environment Protection Policy N-1 (indoor noise limits), however allowing internal noise measurements to be taken with openable external façade sections close.
16. The recommendations and any works contained in the approved acoustic reports pursuant to conditions **14 and 15** must be implemented and completed and where they are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles

17. Before the plans are endorsed, an amended Environmentally Sustainable Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report ~~261—271 Bridge Road Sustainability Management Plan (September 2011)~~ **Sustainability Management Plan for Coles Richmond Plaza (April 2018)** prepared by Cundall but modified to address the following:
- (a) **the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.**
 - (b) **An updated daylight modelling report reflective of the layout changes;**
 - (c) confirmation that door / window locks are to be provided to all balcony doors and windows so that they can be fixed/locked into position such that they can provide a secure opening for night purging;
 - (d) inclusion of a daylight modelling report that confirms that albeit the use of tinted glazing a daylight factor of at least 1.5 per cent is met for **75% of the** living areas across at least 80 per cent of dwellings;
 - (e) confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards;

- (f) details of insulation and sealing of penetrations between air-conditioned and unair-conditioned areas through the provision of seals to the loading dock area;
 - (g) incorporation where viable, solar boosted gas hot-water; and confirm the use of dimmable lighting systems;
 - (h) confirmation that a 100,000 litre water tank is sufficient to service watering of landscaping and flushing of retail tenancy toilets;
 - (i) confirmation the number and location of toilets that will be serviced by rainwater rather than mains water;
 - (j) natural ventilation to residential corridors, in consultation with the wind assessment required by condition **XX**;
 - (k) provision for future electric vehicle and bicycle charging points; and
 - (l) provision for all electric vehicle charging stations to be powered by Green power.
18. The dwellings must achieve a minimum average of 6.5 star rating under first rate (BCA standards).
19. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

20. **The provisions, recommendations and requirements of the endorsed Wind Impact Assessment prepared by Vipac dated 10 April 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.**

Accessibility Plan

21. Before the plans are endorsed, an accessibility plan must be submitted to and approved by the Responsible Authority and must be generally in accordance with the access plan shown on page 88 of the **original** urban context report submitted with the application. Once approved, the accessibility plan will be endorsed and will then form part of the permit. The plan must show:
- (a) areas within the development that are proposed to have 24 hour access including but not limited to:
 - (i) western laneway accessed from Bridge Road;
 - (ii) part eastern laneway accessed from Bridge Road;
 - (iii) public square accessed from Bank Street;
 - (iv) existing lane extending south from Cameron Street;
 - (v) civic space adjacent to Church Street;
 - (vi) residential lobby adjacent to Church Street; and
 - (b) areas within the development that are proposed to have access during the centre operating hours.
22. Unfettered public access at all times must be maintained through areas nominated under condition **21(a)**.

Affordable Housing

23. Unless with the prior written consent of the Responsible Authority, provision of at least 13 apartments which meet the definition of 'affordable housing' to be managed by an accredited Housing Association. In the event that no agreement can be reached with a Housing Association, evidence of this must be submitted to the Responsible Authority for consideration.

Car and Bicycle Share

24. Before the development is occupied, a minimum of three car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation.

Green Travel Plan [GTP]

25. Prior to the occupation of the development, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Plan will be endorsed and will then form part of the permit. The Plan must encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:
- (a) **Updated to reflect the new bicycle space allocation**
 - (b) the provision of a minimum three car share vehicles on site within close proximity to the vehicle entrance and located to the satisfaction of the Responsible Authority;
 - (c) the provision of electric charging stations in locations to the satisfaction of the Responsible Authority;
 - (d) describe the location in the context of alternative modes of transport;
 - (e) the provision of real time passenger information displays for nearby stops within each residential lobby and outside the Church street kiosk;
 - (f) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (g) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (h) details of bicycle parking and bicycle routes;
 - (i) details of car share and bicycle share schemes (including any discounts for residents/tenants and electric car charging points);
 - (j) details of GTP funding and management responsibilities; and
 - (k) include provisions to be updated not less than every five years.

Developer Contribution

26. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$40,000 to the City of Yarra for future public transport improvements to Bridge Road and/or Church Street in the immediate vicinity of the site. The bank guarantee may be drawn down by Council and used for proposed works by either Yarra Trams, Department of Transport or VicRoads to carry out public transport improvements (e.g. increased tram capacity) in the immediate vicinity of the site along Bridge Road and/or Church Street, Richmond, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the transport improvement works are not commenced by the relevant authorities, prior to the occupation of the final stage of the development.

Loading General

27. Unless with the prior written consent of the Responsible Authority, no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time.

Loading and Waste Management – Cameron Street Loading Dock

28. All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must be carried out within the confines of the designated Cameron Street loading dock (Cameron Street).

29. All loading dock deliveries and commercial garbage and recycling collection must be to the satisfaction of the Responsible Authority. During all loading and unloading activities, truck/vehicle motors must be turned off.
30. All truck/vehicles using the Cameron Street loading dock must enter and exit the site in a forward motion.
31. All delivery and collection of goods at the Cameron Street loading dock associated with the supermarket are restricted to the following hours and number of deliveries:

Day	Time Period	Maximum Number of Delivery Vehicles per 30 minutes
All Days (Monday to Sunday)	7.00 am – 6.00 pm	2
All Days (Monday to Sunday)	6.00 pm – 10.00 pm	1
Weekday (Monday to Friday)	5.00 am – 7.00 am	2
Saturday	5.00 am – 7.00 am	1
Sunday	5.00 am – 7.00 am	No vehicles

32. No more than a maximum of 30 deliveries/collection of goods to occur from the Cameron Street loading dock per day.

Loading and Waste Management – Bank Street Loading Dock

33. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 am and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday
34. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Loading and Waste Management – Church Street Loading Dock

35. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday.
36. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Transport Management Plan

37. Prior to the commencement of the development, a Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan must address the following:

General

- (a) **A review of directional line marking and control methods with the car park areas addressing safety for vehicle, bikes and pedestrians.**
- (b) an internal signage plan distinguishing permanent parking areas (resident and commercial) from visitor parking areas, and car share programme parking areas, directional arrows and signage, information signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc.;
- (c) management system of trolley bay area's to ensure appropriate measures are in place for collection and storage;
- (d) security arrangements;
- (e) location of all real time travel information signs to be installed within the development;
- (f) right turn only between 10.00 pm – 7.00 am into Cameron Street from the site;

Car Parking

- (g) residential car parking must be allocated such that 80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space **and all three – bedroom dwellings must be provided with an average of 1.5 on site car parking spaces.** This allocation of car spaces may be varied with the written consent of the Responsible Authority;
- (h) other car parking must be allocated as follows:
 - (i) ~~32~~ **23** staff car parking spaces (shop, childcare, gym, yoga etc)
 - (ii) ~~24~~ **40** office car parking spaces;
 - (iii) ~~270~~ **237** retail/public car parking spaces (inclusive of staff):
 - including eight 'parking for parents with prams' spaces located in basement 1; and
 - three car share parking spaces located in basement 1;
 - **four spaces allocated to drop off - pick up for the childcare centre**
- (i) a minimum of ~~23~~ **52** motorcycle parking bays;
- (j) a minimum of three car spaces for car share programme in locations to the satisfaction of the Responsible Authority;
- (k) management details of the car share programme provided;
- (l) the proposed parking fee structure, including shopper incentives for short term parking and details of ticketing systems, including any requirements for boom gates etc;
- (m) management of queuing at the entry and exit points of the car park during peak times to comply with Table 3.3 of the Australian Standards for Off - Street Car Parking AS/NZS2890.1 (2004);

Bicycle Spaces

- (n) a minimum of ~~333~~ **410** on site bicycle parking spaces:
 - (i) ~~499~~ **307** resident spaces;
 - (ii) ~~434~~ **103** visitor spaces; and
 - (iii) seven bike share spaces provided along the Church Street frontage;
- (o) a mechanism to review the car parking and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;
- (p) management details of the bike share programme provided;

Loading and Deliveries and Waste

- (q) no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time;

- (r) details regarding the management of loading and unloading of goods and materials for commercial and residential uses to the Bank Street loading area all in compliance with any other condition(s) of this permit;
- (s) the provision of spotter to assist truck vehicles reversing into the loading/unloading (public square) area to Bank Street or any other measures to ensure public safety to the satisfaction of the Responsible Authority;
- (t) management of separate pedestrian and loading bay areas in the Bank Street public square;
- (u) confirmation commercial deliveries (except for supermarket) and loading will only occur within section of the public square in the land in plan of consolidation 105419 and how this will be managed; and
- (v) details regarding the management of loading and unloading of goods and materials for the supermarket including frequency, times, truck sizes all in compliance with any other condition(s) of this permit.

38. Except with the further consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car Parking, Crossovers and Footpaths

39. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:

- (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
- (b) thereafter be maintained to the satisfaction of the Responsible Authority;
- (c) be made available for such use at all times and not used for any other purpose;
- (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
- (e) be drained and sealed with an all weather seal coat

all to the satisfaction on the Responsible Authority.

40. Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area. The cost of these reinstatement works must be borne by the Permit Holder.

41. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.

42. Footpaths adjacent to the development site (along Bank Street, Cameron Street, Church Street and Bridge Road) must be reconstructed to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.

43. All vehicle crossings must be constructed in accordance with City of Yarra Standard Drawings and Specifications;

44. The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;

45. All existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004;

46. **At no cost to Council, any in-ground parking sensors surrounding the subject site that are required to be removed as part of the works approved by this development must be removed and or relocated/reinstated in consultation with and to the satisfaction of the Responsible Authority.**
47. **Before the development commences (excluding demolition and excavation), detailed design drawings must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with the development. Once approved, the plans will be endorsed and will then form part of the permit. Before the development is completed, all works shown on the endorsed plans must be carried out and completed and at no cost and to the satisfaction of the Responsible Authority**

Childcare Centre

48. Unless with the prior written consent of the Responsible Authority, no more than 40 places may be offered in the childcare centre at any time.
49. Unless with the prior written consent of the Responsible Authority, the childcare centre may only operate between 6.00 am to 6.00 pm Monday to Sunday.

Restricted Recreation Facility (Gym)

50. Unless with the prior written consent of the Responsible Authority, no more than 60 patrons and six staff may be present in the gym at any time.
51. Unless with the prior written consent of the Responsible Authority, the gym may only operate between:
 - (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Restricted Recreation Facility (Yoga studio)

52. Unless with the prior written consent of the Responsible Authority, no more than 25 patrons and five staff may be present in the yoga studio at any time.
53. Unless with the prior written consent of the Responsible Authority, the yoga studio may only operate between:
 - (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Bottle Shop

54. Unless with the prior written consent of the Responsible Authority, the sale of liquor hereby permitted may only be offered between 9.00 am – 11.00 pm Monday to Sunday.
55. During all hours in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale of alcohol on the site.
56. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").

57. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
58. The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

Operations Management Plan

59. Before any of the development is occupied, an Operations Management Plan prepared by an appropriately qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan must address the following:
 - (a) access arrangements to the tenancies;
 - (b) internal signage;
 - (c) security arrangements;
 - (d) servicing arrangements; and
 - (e) complaint resolution mechanisms.

Community Services Plan

60. Prior to the commencement of the uses hereby permitted, a community services plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address:
 - (a) implementation and management of the plaza to enable the opportunity for community events to be coordinated between council and the centre free of charge each year, including display spaces etc.;
 - (b) installation of real time information on public transport services and programs; and
 - (c) that the centre will be invested with wireless technology to the public lanes and spaces ensuring these areas support local commerce and contemporary e-commerce, community information and social networking.

General Amenity

61. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
62. The amenity of the area, particularly the Yarra River Corridor, must not be detrimentally affected by the use or development, through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
63. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
64. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.
65. Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

Landscaping

66. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
67. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
68. Prior to commencement of the development the permit holder must make a one off contribution of a maximum of \$6,000 to the Responsible Authority to be used for street tree plantings to Hull Street.
69. **Before the development commences, the permit holder must make a one off contribution of \$3220.00 (excluding GST) to the Responsible Authority to be use for 2 new street tree plantings along Cameron and Bank Streets that are required as a result of the development.**
70. Before construction works start, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than six months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Lighting

71. The development must be provided with external lighting capable of illuminating access to each car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

72. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
73. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
74. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Waste Management

75. **The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by Leigh Design dated 3 August 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.**
76. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.
77. All commercial waste must be collected via a private collection service to the satisfaction of the Responsible Authority.

Construction Management Plan

78. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
- (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- (e) on site facilities for vehicle washing;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the site for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology; and
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port;
- (q) confirm the location of the Council drain within the laneway running adjacent to properties fronting Bank Street and ensure that the drain is protected and be made accessible to Council work works in times of maintenance or emergency; and
- (r) screening measures to prevent overlooking into 267 Bridge Road during construction.

79. During the construction, the following must occur:

- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the site;
 - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - (f) all site operations must comply with the EPA Publication TG302/92.
80. The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Transport for Victoria Condition (81 to 82)

81. **The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bridge Road and Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.**
82. **The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.**

VicRoads Conditions (83 – 85)

83. In the event that the Roads Corporation requires the land affected by the Public Acquisition Overlay – Schedule 1 (PAO1), VicRoads will advise the landowner in writing. Upon receiving this notice, the owner must remove, from the land affected by the overlay, all use and development permitted by this planning permit to the satisfaction of VicRoads and the Responsible Authority. The cost associated with removing the use and development from the land affected by the PAO1 is to be borne by the owner of the land.
84. No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.
85. **Construction plans for the buildings and works proposed within the areas affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site. The plans must demonstrate that the buildings and works proposed within the PAO1 areas may be removed by the owners of the building at a time as required by VicRoads.**

Expiry

86. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three (3) years of the date of this permit;
 - (b) the development is not completed within seven (7) years of the date of this permit;
 - (c) the uses are not commenced within seven (7) years of the date of this permit.
- The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three (3) months afterwards.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution may apply in the event of the subdivision of the land.

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations* 2006 from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 610.

NOTE: Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

NOTE: All future residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

NOTE: The southern part of the site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: Permission is required from Council's Parking Services Unit to remove on-street parking spaces and/or modify parking restrictions.

VicRoads NOTE: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street and Bridge Road). Please contact VicRoads prior to commencing any works.

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning

TEL: 9205 5300

Attachments

- 1 PLN11/0834.02- 271 Bridge Road, 224, 230 & 238 Church Street, 46 Cameron Street, 25 & 37 - 39 Bank Street Richmond - Advertising S52 - Plans
- 2 PLN11/0834.02- Supplementary Plans
- 3 Coles Richmond Plaza Referral - PLN11/0834-02
- 4 PLN11/0834.02- Existing Planning Permit
- 5 PLN11/0834.02- Existing Endorsed Plans