

YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 15 August 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

I. ATTENDANCE

Lara Fiscalini (Senior Statutory Planner)
Danielle Connell (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
1.1	PLN17/0693 - 210 Alexandra Parade East, Clifton Hill - Development of the land with a six-storey building (plus basement) for dwellings, and alterations to a road access in a road zone.	5	36
1.2	PLN17/0766 - 23-29 Bridge Road and 22 Moorhouse Street, Richmond - Part demolition, the construction of a six storey building plus basement level containing dwellings and shops, the use of the land for dwellings and a reduction in the car parking requirement [CONFIDENTIAL ITEM].		

1.1 PLN17/0693 - 210 Alexandra Parade East, Clifton Hill - Development of the land with a six-storey building (plus basement) for dwellings, and alterations to a road access in a road zone.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN17/0693 which affects land at 210 Alexandra Parade East, Clifton Hill 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 assessment of this application is therefore against the provisions of the Scheme after the introduction of VC148 on 31 July 2018 which, it must be acknowledged, now removes the requirement under the Scheme for the proposed development to provide any on-site visitor car parking spaces.
3. Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment;
 - (b) Clause 21.05-2 – Urban Design;
 - (c) Clause 22.05 – Interface uses policy;
 - (d) Clause 32.04 – Mixed Use Zone;
 - (e) Clause 52.06 – Car Parking; and
 - (f) Clause 58 – Apartment Developments.

Key Issues

4. The key issues for Council in considering the proposal relate to the following:
 - (a) Policy and physical context;
 - (b) Built form and design;
 - (c) On-site amenity - Clause 58;
 - (d) Off-site amenity;
 - (e) Car parking/traffic/ bicycle parking; and
 - (f) Objector concerns.

Objector Concerns

5. Following advertising, a total of 21 objections were received to the application. Issues raised can be summarised as follows:
 - (a) Neighbourhood character.
 - (b) Design including height, massing, scale, bulk and setbacks.
 - (c) Overdevelopment.
 - (d) On-site amenity including lack of energy efficiency.
 - (e) Off-site amenity including overshadowing / loss of daylight, overlooking, loss of views of the sky from across surrounding sites, residential noise (cars, foot traffic and pets).
 - (f) Car parking/traffic/parking implications including operability of the car stacker system.
 - (g) Other issues including setting a precedence for further tall buildings, the influx of dwellings will increase the crime rate in the area, use of apartments (i.e. what would the tenant turnover be?).

- (h) Construction issues (disruption, early starts, 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.

1.1 PLN17/0693 - 210 Alexandra Parade East, Clifton Hill - Development of the land with a six-storey building (plus basement) for dwellings, and alterations to a road access in a road zone.

Trim Record Number: D18/113608

Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	Development of the land with a six-storey building (plus basement) for dwellings, and alterations to a road access in a road zone.
Existing use:	Two-storey building
Applicant:	Tract Consultants Pty. Ltd.
Zoning / Overlays:	Mixed Use Zone / Environmental Audit Overlay
Date of Application:	25 August 2017
Application Number:	PLN17/0693

Planning History

1. Planning Permit PL02/0525 was issued on 16 March 2004 for *the development of the land with a multi-unit residential development*. This permit was not acted on and has since expired.

Background

2. This application for Planning Permit (PLN17/0693) was received by Council on 25 August 2017 and following the submission of further information on 14 November 2017 the application was advertised on 27 November 2017. A total of nineteen (19) objections were received.
3. A planning consultation meeting was held on 30 January 2018 and was attended by eight objectors, the Applicant, and Council Officers to discuss all issues and concerns raised in the letters of objection received.
4. To address some of the concerns raised by Officers and objectors, the application was amended under Section 57(a) of the *Planning and Environment Act 1987* (the 'Act') on 4 April 2018. Amongst other changes, the proposal introduced a visitor car space (where previously there was none) in the basement, increased the setbacks of the development from the northern (rear) boundary (from between 4m to 13.2m to between 7m to 14.24m as these graduate from the second level to the sixth level), reduced the overall building height by 900mm from 19.77m to 18.87m above the natural ground level and reduced the number of windows across the western elevation of the building at all levels. The plans lodged under section 57(a) of the Act aimed to resolve some of the issues raised by the objectors in relation to overshadowing, visual bulk, perception of overlooking and building height.
5. The 57(a) amended plans were re-advertised to adjoining owners and occupiers and all objectors. Whilst some objectors re-iterated the concerns had for the originally submitted proposal, some further objections were received, and one objection was withdrawn. To date, there are a total of twenty one (21) objections to the application.
6. During the processing of the application, both the originally submitted proposal and the 57(a) plans were referred internally to Council's Engineering Services Unit, Contract Services Unit and ESD advisor. The originally submitted proposal and the 57(a) plans were also referred to an external acoustic consultant. All referral comments received have been included as attachments to this report (attachments 3 to 8).

7. The Section 57(a) plans are the decision plans.

Planning Scheme Amendments

Amendment VC139

8. 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

9. On 16 January 2018, Planning Scheme Amendment VC142 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.

Amendment VC148

10. 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.

Existing Conditions

Subject Site

11. The subject site is located on the northern side of Alexandra Parade East, between Rutland Street to the west and Groom Street to the east, in Clifton Hill. The land gradient falls from the west to the east by approximately 195mm and the site is rectangular in shape, with a frontage to Alexandra Parade East of 22.12m and a depth of 40.23m, yielding an overall site area of approximately 889.8sq.m. The site comprises two lots, namely allotments 21 and 22 on plan of subdivision TP784884S associated with Certificate of Title Volume No. 05942 and Folio No. 326.
12. The subject site is developed with a large double-storey, former commercial building constructed hard-edge to the street. The building is setback from the northern site boundary where a tall roller-door provides vehicle access from the existing crossover at the south-east corner of the site. The building is setback from the southern and rear site boundaries and two large shed are located within the rear setback.

13. There are no restrictive covenants, encumbrances or party wall easements detailed on the certificate of Title submitted with the application.

Surrounding Land

14. The surrounding area comprises a mix of built form and includes residences as well as light industrial, offices and warehouses. Some built form types in the area are industrial in appearance, reflective of the areas historic uses. However, within that former industrial typology particularly to the north of the site, the area contains older style dwellings of the Victoria-era and modern residential developments and warehouse residential conversions. This area has experienced substantial growth and has a more residential focus, encouraged by the residential zoning of the land, but also of the Mixed Use Zone.
15. To the north of the subject site are the secluded areas of private open space associated with dwellings fronting Noone Street. These properties are within a Neighbourhood Residential Zone (Schedule 1) and generally have small gardens within their front setbacks. Beyond that, along Noone Street, provides for west and east bound lanes. Parallel parking is provided on the southern side of the street, with angled parking provided to the north.
16. The immediate west adjoining property is developed with six, two-storey townhouses, located within a Neighbourhood Residential Zone. Two of the townhouses front Alexandra Parade East and are detached whilst the townhouses behind them are all attached. Two of the six townhouses extend across the western boundary of the subject site for their full length with their associated areas or private open space also located immediately adjacent. The townhouses are contemporary in style and angular appearance with simple articulation and rendered walls.
17. To the south, the subject site fronts Alexandra Parade East (west and east bound lanes of traffic) which is a Road Zone, Category 1 due to its proximity to the Eastern Freeway and the Hoddle-Eastern off-ramp. Alexandra Parade East in this location is approximately 10m wide with parallel parking provided on the northern side (i.e. at the front of the subject site). Beyond this is dense scrubland and acoustic fencing to mitigate potential noises from the Eastern Freeway beyond.
18. To the east is land zoned Mixed Use and comprises a large, two-storey commercial building with on-site car parking within its front setback. The building is part masonry and part rendered concrete construction and extends across the full length of the shared boundary with the subject site. The building is currently used for offices. Further east, is a former industrial / warehouse building that has been converted into dwellings with under-croft car parking provided.
19. The subject site is well serviced in terms of services, park land and public transport given that it is located:
 - (a) approximately 542m to the south-west of the Ramsden Street Reserve, containing a sports oval and pavilion;
 - (b) approximately 940m to the south-west of Quarries Park, and extensive area of open parkland containing footpaths, cycling tracks, sports field, open grassland, Merri Creek and its associated riparian environment, a skate park and various buildings;
 - (c) approximately 440m to the south-east of Darling Gardens, a landscaped parkland with treed avenues and pergolas, and open grassland;
 - (d) approximately 700m to the south of the Clifton Hill Train Station, with services to the CBD and the northern suburbs via the Epping and South Morang lines;
 - (e) approximately 680m to the south of the Collingwood Leisure Centre, with gym, squash courts, sports hall, and 25m swimming pool, and the adjacent Collingwood Tennis Centre;

- (f) approximately 870m to the south-east of the Queens Parade Neighbourhood Activity Centre (NAC), with local speciality and convenience shops, cafes, restaurants and community services. The Queens Parade NAC is serviced by tram route 86 from Waterfront City Dockland to the northern suburbs and various bus routes linking to Elsternwick, Elwood, Monee Ponds and St Kilda;
- (g) approximately 40m from the on-ramp onto the Eastlink Freeway serving the eastern suburbs of Melbourne (linking to Doncaster shopping centre, Ringwood, and Dandenong amongst others);
- (h) approximately 30m to Hoddle Street, a major arterial road linking Eastlink and the Monash (Southern Arterial) Freeway; and
- (i) approximately 450m to the north-west of the Yarra Bend and Studley Parks.

The Proposal

20. The application is for the development of the land with a six-storey building (plus basement) for dwellings, a reduction in the associated car parking requirement and alterations to a road access in a Road Zone category 1.

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

Development

22. *Demolition and excavation (no permit required)*

- (a) Demolition of the existing building and associated outbuildings in their entirety
- (b) Excavation (required to construct the basement)

23. *Layout*

- (a) Construction of a six level building with a total of 26 apartments (2 x 1 bedroom, 13 x 2 bedroom, 11 x 3 (min) bedroom with 3 that would be split level i.e. over two levels) ranging in size between 50sqm and 167sqm
- (b) Pedestrian entry to the building via Alexandra Parade East
- (c) All apartments have terrace / balcony areas / winter gardens that would range between 8sqm and 61sqm
- (d) A communal / co-working space facing onto Alexandra Parade East at the ground floor of 67sqm
- (e) Forty car spaces accommodated within a car stacker arrangement and accessed from the driveway to the south-east provided at the ground floor, together with 24 bicycle spaces and a bin store
- (f) The provision of 26 stores (storage cages measuring 6 cubic metres) in the basement;
- (g) Lobby and common stairwells with extending through the height building allowing and light-court to allow daylight into the common passage
- (h) Lift providing access between the ground floor and Level 5

24. *Heights and setbacks*

- (a) Maximum building height of 18.87m above the natural ground level
- (b) The building would have a four-storey podium to Alexandra Parade of 13.27m, stepping up to a building height of 18.87m (with a height of 19.27m above the natural ground level to the plant screen)
- (c) The building is setback between zero and 2.3m from the southern (front) boundary from the ground through to Level 5 and between 3m and 14.24m from the northern (rear) boundary from the ground through to Level 5
- (d) The building is setback between zero and 9.78m from the western (side) boundary from the ground through to Level 5 and between zero and 4.5m from the eastern (side) boundary from the ground through to Level 5

- (e) The building is constructed to the western boundary for a length of 6.6m (combined length of Apartments G.01 and 1.02) at a height of approximately 6.2m; and a further length of 11.6m (i.e. combined wall length of Apartments G.03 and 1.05) at a height of 7.9m above the natural ground level
- (f) The building is constructed to the eastern boundary for a length of 6.19m (combined walls of Apartments 1.01, 2.01, 3.01, 4.01 and 5.01) at a height of approximately 18.7m; a further length of 7.19m (i.e. combined walls of Apartments 1.07, 3.05, 4.02 and 5.02) at a height of approximately 18.7m above the natural ground level; and length of 11.6m at the ground and Level 1 (i.e. combined wall length of Apartments G.04 and 1.06) decreasing to a length of 7.4m at Levels 2 and 3 (i.e. walls associated with Apartments 2.04 and 3.04) producing wall heights of 7m and 13m above the natural ground level
- (g) The proposed site coverage will be between 95% - 97%, with some site permeability evident in the rear setback

25. *Design detailing, colours and materials*

- (a) The building adopts a contemporary design with the ground, Level 1, 2 and 3 walls primarily constructed of red masonry with shorter sections of wall at these levels at the south-east corner and the two upper most levels constructed of horizontally aligned, black metal cladding forming an inverted "L" as these present to Alexandra Parade East
- (b) The building includes walls constructed of pre-cast concrete panels with a pattern in a charcoal finish
- (c) The ground level includes large bi-fold windows across the interface to the street with planter boxes for the length the communal space and landscaping between the pedestrian entry and driveway at the south-east corner
- (d) All elevations are punctuated with windows and balconies
- (e) Some windows are screened with 300mm reveal / openings and balconies with 1.7m high privacy screens
- (f) A pergola structure to the north, including a planter box to the balcony of Apartment 2.04 as a mean of screening this interface

26. *ESD Features*

- (a) The building achieves an average 6.9 star energy rating
- (b) Habitable rooms will have good access to ventilation
- (c) Operable windows and doors will be provided providing good cross-ventilation opportunities
- (d) Provision of three water tanks with a 15000lt water capacity connected and used for the purpose of flushing toilets within the building
- (e) Shading through screens, balconies and building articulation
- (f) Provision of electric vehicle charging facilities within the basement
- (g) Living areas will be provided with large areas of glazing, providing for extensive areas of natural light to the main activity areas within each dwelling
- (h) AC units and solar panels to the roof
- (i) Energy efficient fixtures within the building (i.e. sensor activated lights and water efficient taps)

27. *Car parking, bicycle parking and vehicle access*

- (a) A total of 40 car spaces provided in the form of mechanical car stacker and the electronic shuffling of cars
- (b) A tilt door constructed of metal cladding to the driveway / basement car park
- (c) Private waste collection (from within the development)
- (d) Twenty six (26) secure bicycle spaces located in the basement for the tenants / residents.

- (e) Publically accessible bicycle spaces located on the footpath at the front of the building (outside title boundaries).
- (f) Vehicle access via a crossover at the south-east corner of the site from Alexandra Parade East within a road zone

Planning Scheme Provisions

Zoning

Mixed Use Zone (MUZ)

28. The purpose of the MUZ is:
- (a) *to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
 - (b) *to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
 - (c) *to provide for housing at higher densities; and*
 - (d) *to encourage development that responds to the existing or preferred neighbourhood character of the area.*
29. As per clause 32.04-2, a planning permit is not required for a dwelling use.
30. Under clause 32.04-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot.
31. Clause 32.04-6 states an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58 of the Scheme.

Overlay

Environmental Audit Overlay (EAO)

32. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (which includes a residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) *a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - (b) *an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
33. The proposal will result in buildings and works associated with a sensitive use, being a residential building, and therefore either an audit or a statement must be undertaken. A note highlighting these requirements will be included on any planning permit issued.

Particular Provisions

Clause 52.06 – Car Parking

34. 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.
35. 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.

36. The subject site is located within the Principal Public Transport Network 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.
37. Under clause 52.06-5, the following parking rates are required:

Use	Bedrooms/ Area	Rate (column B)	No. required	No. proposed	Reduction sought
Dwelling	15 x 1 and 2 bedroom	1 space per 1 and 2 bedroom dwelling	15	15	0
	11 x 3 bedroom	2 spaces per 3 bedroom dwelling	22	24	Surplus of 2
		1 space for visitors to every 5 dwellings for developments of 5 or more dwellings	0	1	Surplus of 1
Totals			37	40	0

38. Applying the above rates, the Scheme requires a total of 40 car parking spaces to be provided on-site for residents. With 40 spaces provided, the provision of the Scheme is fully met. In relation to visitor car parking, it is noted that prior to the introduction of VC148, the application sought a reduction in the car parking requirement associated with the visitor car parking spaces required at that time. The application was proceeded on this basis and was advertised as such, and the lack of visitor parking was raised as a concern by objectors. However the requirement to provide visitor parking has since been removed from the Scheme for sites located within the designated Principal Public Transport Network which the subject site is.

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

39. Pursuant to Clause 52.29, a planning permit is required to create or alter access to a road in Road Zone Category 1 and an application must be referred to Roads Corporation, in this instance being VicRoads. An application is exempt from the notice requirements. While the advertised application included reference to 'alterations to a RDZ1' the requirement to advertise this permit trigger technically no longer applies.

Clause 52.34 – Bicycle Facilities

40. The purpose of this Clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
41. The following table provides a summary of the bicycle requirement under Clause 52.34-3:

Land use	Unit	Employee/resident requirement	Visitor/shopper/student requirement	No. required
Dwellings	26	1 resident bicycle parking space for every 5 dwellings	1 visitor space for every 10 dwellings.	5 resident spaces 2 visitor spaces
Total required				5 resident spaces 2 visitor spaces
Provision				26 spaces

42. The Scheme does not require the provision of employee bicycle spaces or shower facilities (clause 52.34-3 of the Scheme).

General Provisions

43. 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 State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 11.02 – Urban Growth

Clause 11.02-1 – Supply of Urban Land

44. The objective is “to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

Clause 13.04-1 – (Contaminated and potentially contaminated land)

45. The objective is to ensure that potentially contaminated land is suitable for its intended future use and that contaminated land is used safely.

46. A note highlighting that an audit or a statement must be undertaken would have been included on any planning permit issued.

Clause 13.05-1 – Noise abatement

47. The objective of this clause is “to assist the control of noise effects on sensitive land uses.”

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

Clause 15 – Built Environment

Clause 15.01-1 – Urban design

49. The objective of this clause is “to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of places and cultural identity.”

Clause 15.01-2 – Building design

50. The objective of this clause is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”* through the application of the following strategies:
- (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.*
51. This clause also states that planning must consider as relevant:
- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
 - (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4 – Healthy Neighbourhoods

52. The Objective of this Clause is *“To achieve neighbourhoods that foster healthy and active living and community wellbeing.”*
53. A relevant strategy is to *“create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.”*

Clause 15.02-1- Energy and resource efficiency

54. 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 16.01-2S – Location of residential development

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

Clause 16.01-2R – Housing opportunity areas

56. The objective of this clause is to *“Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.”*

Clause 16.01-3S – Housing diversity

57. The objective of this clause is *“to provide for a range of housing types to meet diverse needs.”*

Clause 16.01-4S – Housing affordability

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

Clause 18.02-1S – Sustainable Personal Transport

59. The objective of this clause is *“To promote the use of sustainable personal transport.”*

Clause 18.02-2S – Public Transport

60. The objective of this clause is *“To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.”*

Clause 18.02-4S – Car parking

61. The objective of this clause is *“To ensure an adequate supply of car parking that is appropriately designed and located.”*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

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

- (a) *Objective 1 - To accommodate forecast increases in population.*
- (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 21.05 - Built Form

Clause 21.05-2 – Urban design

64. The relevant Objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra:*
 - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Objective 18 - To retain, enhance and extend Yarra’s fine grain street pattern;*
- (c) *Objective 20 - To ensure that new development contributes positively to Yarra’s urban fabric through the application of the following relevant strategies:*
 - (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
 - (ii) *Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*

Clause 21.05-4 – Public environment

65. 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.*
 - (vi) *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

66. 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 21.07-1 – Environmentally sustainable development

67. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development that has the following strategy:*
 - (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 21.08-4 - Neighbourhoods (Clifton Hill)

68. This clause describes the area in the following way:

- (a) *This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.*

- (b) *Clifton Hill has two neighbourhood activity centres.*
- (c) *The Spensely Street centre is a small convenience centre based around the intersection of Spensely and Berry streets. The centre has a village atmosphere and an attractive streetscape and landscaping. There is limited scope for more intense development of this centre.*
- (d) *The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.*
- (e) *A small industrial/ business precinct exists on the north side of Alexandra Parade between Smith Street and Wellington Street. The business focus of this precinct should remain, however flexibility should exist for residential development on the upper levels of buildings and on underutilised sites abutting residential properties.*

69. Relevant built form strategies include:

- (a) *The implementation of built form strategies in clause 21.05 includes:*
 - (i) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
 - (ii) *Strengthening the built form of land adjacent to Alexandra Parade;*
 - (iii) *Maintaining the visual prominence of the Spire of St Johns and the Shot Tower (the subject site is well removed from these sites);*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

- 70. This policy applies to applications for use or development within Mixed Use Zones (amongst others).
- 71. The relevant objective of this clause is *“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.”*
- 72. This policy outlines recommendations for dwelling design to incorporate measures to protect future residents from noise, fumes, vibration, light spillage and other likely disturbances in the realisation that whilst inner-city living creates vibrant and active communities, the mix of land uses can sometimes create conflict. The policy encourages the location of noise-sensitive rooms and openings away from the interface; the provision of acoustic assessment reports where necessary; and appropriate siting, setbacks, articulation and screening to prevent overlooking.

Clause 22.10 – Built form and design policy

- 73. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

Clause 22.12- Public Open Space Contribution

- 74. The 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; and*
- (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.*

75. The subject site is in an area developer contribution in the form of money is the preferred method of contribution (area 3068D).

Clause 22.16 - Stormwater Management (Water Sensitive Urban Design)

76. This policy applies to new buildings and has an objective “to promote the use of water sensitive urban design, including stormwater re-use.”

Clause 22.17 - Environmentally Sustainable Design

77. This policy 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 Relevant Documents

78. 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)*

Advertising

79. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 176 letters sent to the surrounding property owners/occupiers and by one sign, displayed on the Alexandra Parade frontage of the site (southern frontage).

80. A total of nineteen (19) objections were received raising the following concerns:

- (a) Neighbourhood character.
- (b) Design including height, massing, scale, bulk and setbacks.
- (c) Overdevelopment.
- (d) On-site amenity including lack of energy efficiency.
- (e) Off-site amenity including overshadowing / loss of daylight, overlooking, loss of views of the sky from across surrounding sites, residential noise (cars, foot traffic and pets).
- (f) Car parking/traffic/parking implications including operability of the car stacker system.
- (g) Other issues including setting a precedence for further tall buildings, the influx of dwellings will increase the crime rate in the area, use of apartments (i.e. what would the tenant turnover be?).
- (h) Construction issues (disruption, early starts, traffic and noise).

81. A planning consultation meeting was held on 30 January 2018 and was attended by eight objectors, the Applicant, and Council Officers to discuss all issues and concerns raised in the letters of objection.

82. The permit applicant amended the application under Section 57(a) of the Act on 4 April 2018 in an attempt to address some of the concerns raised by the Objectors. The amended plans were advertised to adjoining owners and occupiers and all 19 objectors. Whilst some objectors re-iterated their concerns, some further objections were received, and one objection was withdrawn. To date, there are a total of twenty one (21) objections to the application.

Referrals

External

83. The application was referred to the following parties externally:

- (a) VicRoads
- (b) SLR Consulting Pty Ltd (SLR) – Acoustics

84. To date, VicRoads has not responded and it is past the 28 day period for a response. The advice provided from SLR is supportive of the acoustic report prepared by Marshall Day Acoustics dated 1 November 2017 submitted with the application. That advice can be found as an attachment to this report (attachment 8).

Internal

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

- (a) Urban Design (Internal);
- (b) ESD advisor;
- (c) Traffic Engineering Unit; and
- (d) Services and Contracts Unit.

86. Referral comments have been included as attachments to this report (attachments 3 to 8). An updated waste management plan prepared by Leigh Design and dated 18 July 2018 was submitted to Council via email on 25 July 2018 in response to the original comments provided by Council's Services and Contracts Unit. This was referred to Council's Services and Contracts Unit who responded stating that it was to their satisfaction (refer to attachment 7).

OFFICER ASSESSMENT

87. The following key issues and policies will be used to frame the assessment of this planning permit application:

- (a) Policy and physical context;
- (b) Built form and design;
- (c) On-site amenity - Clause 58;
- (d) Off-site amenity;
- (e) Car parking and traffic; and
- (f) Objector concerns.

Policy and physical context

88. The proposal satisfies 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 a positive strategic opportunity for development within a well-resourced inner-urban environment. As will be further outlined within this report, Council supports the proposal subject to conditions.

89. The Mixed Use Zone applies to the site and is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. This is already evidenced in the former factory and warehouse buildings which have been converted into residential units in the area surrounding the subject site. The purpose of the Mixed Use Zone was updated in 2014 to include an objective to *provide for higher density residential development*. The State Government has given a clear directive for Mixed Use Zones to include high density developments such as the one proposed. Additionally, Clauses 11.02-1 and 16.01-3 of the Scheme encourage a diversity of housing types.
90. State and Local Policies (such as clause 16.01-2) encourage the concentration of development near locations that offer good access to jobs, services and transport such as the subject site. It is quite clear that there is strong state policy support for increased density in this area as shown through Clause 16.01-3 (amongst others).
91. Policy encourages the concentration of residential developments in established areas and supports proposals which achieve the urban growth objectives at clause 11.02-1 through the provision of a higher density development on land close to existing transport corridors and services. In this instance the site is located close to several public transport options with Clifton Hill Train Station that services the CBD and the northern suburbs via the Epping and South Morang lines and is also located 870m to the south-east of the Queens Parade Neighbourhood Activity Centre (NAC), that is serviced by tram route 86 from Waterfront City Dockland to the northern suburbs and various bus routes linking to Elsternwick, Elwood, Monee Ponds and St Kilda. The area is also resourceful park land and bicycle networks.
92. In summary, the subject site is considered to be appropriate for a higher density development of the nature proposed as there is strong policy support (as has been demonstrated) for the redevelopment of this site given its strategic context.

Built form and design

93. The following is a detailed assessment of the proposal against the design objectives of Clause 22.10 – Built Form and Design Policy, Clause 15.01-2 and Clause 21.05 as well as *Standard D1 – Urban context*. 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

94. The built form of this part of Alexandra Parade East is varied and has been historically guided by the traditionally commercial/industrial aspect mixed with dwellings with single, double and triple storey buildings. New construction has seen some new three storey heights in the form of townhouses. Buildings / dwellings are generally constructed in a rectilinear form with windows and / or balconies facing the street and a combination of flat and pitched roofs and a mixture of construction eras and styles. The proposal is located within an area where there is a varied character, with a more contemporary architectural response emerging. As such, the proposal must respond to this.
95. The proposal is considered to be an improvement on the existing streetscape. This is achieved through the demolition of the out-dated building (no permit required for the demolition given that it is not covered by a heritage overlay) for the construction of a modern and visually interesting building which is generally in-line with the future character envisaged for this precinct, and more specifically with the zone that encourages dwellings at higher densities on this site.

96. It could be said that the subject site is currently underutilised. The subject site is in proximity to a NAC, various forms of public transport, surrounded by parkland and has no heritage restrictions. The site has two direct abutments with sensitive residential uses to the north and west, with the east and south not sensitive. Two of its boundaries have at least the width of a street to provide a buffer from amenity impacts. It would be a reasonable expectation that this site (as those surrounding, including that to the west that has been developed with townhouses and the development opportunities of the adjoining land to the east) would experience intensification in use and development. In the absence of precinct specific overlay controls, it is within this future neighbourhood context that the proposal must be considered.

Height, Scale and Massing

97. There is no dispute that strategically, the subject site is appropriately located for a higher-density residential development as already discussed. It would be a reasonable expectation that this site (as those surrounding it, particularly that to the immediate east which is also a generously sized lot and zoned Mixed Use) would experience intensification in use and development in the future.
98. The proposed building would have a four-storey podium to Alexandra Parade of 13.27m, stepping up to a building height of 18.87m (with a height of 19.27m above the natural ground level to the plant screen). The rectilinear form and choice of materials pick up on the forms of other existing buildings making reference to some of their attributes whilst providing a unique design with a worthy legacy for future generations, satisfying the design objectives of clause 22.10-3.3.
99. The proposal steps down towards the west (more sensitive interface) side providing a four-storey podium to Alexandra Parade East before transitioning to a six-storey height to the east, with generous separation distances adopted to the upper levels from the western boundary. This would assist in the buildings transition with the adjoining dwellings to the west that are two storeys. The various window openings, voids and combination of horizontal and vertical elements will provide for façade articulation that reflects the surrounding finer grained construction.
100. This new building will form part of this section of Clifton Hill where there is a varied neighbourhood character without a strictly consistent form but where there are similar architectural contemporary elements threading their way through the streetscape. The proposal includes a number of these elements with the use of masonry, solid to void ratios, a flat roof, and combination of horizontal and vertical elements.
101. Council's Urban Designer recommends that the proposed building be lowered to four-storeys, but was supportive of a five-storey building height if a 3m setback was adopted to the three highest levels from Alexandra Parade East. These recommendations were provided in relation to the original plans in an attempt to reduce the number of stepped tiers evident in the original design on the north and west sides of the building and to reduce the shadows cast into neighbouring properties. The current plans (that also form the decision plans) have not lowered the building height to a maximum of four-storeys, but in fact have increased the built form across the eastern interface at the upper levels. This has been done as a means of reducing the built form to the north (through increased setbacks) and to facilitate a design response that emphasises a stronger four-storey podium to the street through the use of materials and more specifically black metal cladding, that will form an inverted "L" shape (as shown in the image below to the left) that would serve as an emphasising bracket. The building transitions to a four-storey and then a two-storey height (shown in the extracted portion of the southern elevation to the right) to the western boundary that is considered to provide a better relationship with the adjoining two-storey dwellings than the original plans.



102. The design response has been appropriately tempered against the existing conditions by locating the greatest bulk and height opposite a non-sensitive interface to the east, being the roof space of the adjoining commercial building that can readily absorb this transition, and locating the least massing to the west and adjacent to the more sensitive interface the townhouse development. The reduction in the overall building height adopted also goes some way in lessening the mass of the building.
103. Council's Urban Designer raised concerns with the visibility of the building suggesting that this would be prominent and would be visible from various vantage points. The Tribunal (*Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:
- [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.
104. With the Tribunal's statement in mind in relation to building height and visibility and with particular regard to the context in which the building is sited, Council's Urban Designer's recommendation to reduce the height will not be adopted in this instance. More importantly are the setbacks adopted in an attempt to limit visual bulk and overshadowing from the secluded areas of private open space associated with the dwellings to the north and west. This will be discussed in later sections of this assessment.
105. Further on the point of height, Strategy 17.2 at clause 21.05-2 of the Scheme states that development should generally be no more than 5-6 levels 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 positive contribution to the enhancement of the public domain and provision of affordable housing. The subject site has all the makings and attributes of a strategic redevelopment site and on balance, when taking into consideration all of the outstanding matters that are addressed in later sections of this assessment, the development strikes a reasonable balance that can be supported.

106. It is considered that the proposal would make a positive contribution to the enhancement of the public domain through the construction of a new building and additional passive surveillance opportunities through the location of fenestration and balconies including a communal space that will have clear glazing to the street that was also supported by Council's Urban Designer. The development will also be assessed with regard to achieving best practice environmental sustainability objectives in design, high architectural design excellence and upper level setbacks (particularly those provided from both western and northern boundaries).
107. By acknowledging its existing context and the agreed aspirations for the future development of the area, the proposal has complied with policies within clauses 15.01-1 (Urban Design), 15.01-2 (Urban design principles) and 22.10-3.3 (Setbacks and building height) of the Scheme. Overall, the development is in an area where it is appropriate and practicable to provide a building of this height in order to achieve planning objectives, with the scale of the building aligning with all relevant policies and objectives.

Architectural Quality

108. The development is considered of high architectural quality and in that regard responds to the design objectives of clauses 15.01-2 (Urban design principles) and 22.10-3.4 (Street and Public Space quality) of the Scheme. The contemporary design is appropriate and responds well to this part of Clifton Hill and its main road abuttal.
109. The proposal will be predominantly constructed of masonry and concrete panels for the walls. Whilst the proposal is constructed in part of black metal, due to the numerous openings, particularly at the corner, the viewer will always be able to either see through the development to the sky or will be able to see activity in the dwellings or at night will be lit up from within the development.
110. The level of fenestration and varied balconies across the street interface is a positive design response which creates variation and interest and demonstrates the development has been considered 'in the round'. It is clear the proposal has considered how it presents from all angles, with it also providing an activated and engaging presentation to the south facing Alexandra Parade East. This also complies with the design objectives of Clause 22.10-3.4 (Street and public space quality) by ensuring the building presents visually interesting elevations on all faces visible from the public domain.

Public realm, light and shade and pedestrian spaces

111. 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 an improvement in streetscape, public space quality and perceived safety.
112. The construction of a modern building with a communal space and residential lobby at the ground floor with generous openings above is an improvement on the streetscape. Through the activation of the ground floor, the building will provide an increase in the interaction at street level while also increasing passive surveillance to the area, particularly to Alexandra Parade East.

This satisfies the public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2 (Urban design principles) and 22.10-3.4 (Street and public space quality). This is an improvement on the industrial character of the existing building that encourages very little human street activity.

113. Now turning to shadows and pedestrian spaces and in particular shadow impacts at the September Equinox to the south-west, south and south-east, along Alexandra Parade East.

The development will increase the shadows cast over the footpath on the northern side of Alexandra Parade to the west and east, the scrubland opposite and would extend up to the acoustic fence and freeway beyond. Given the shift in the shadows cast and their progression throughout the day from the south-west to the south-east, the development will not unreasonably impact the public realm. The additional shadows cast over the footpath on the northern side of Alexandra Parade East are minimal and limited to either the morning or afternoon hours on either side. Furthermore, the southern side of Alexandra Parade East does not have a footpath and hence, is not used by pedestrians.

Site Coverage

114. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6 of the Scheme. However as the existing level of site coverage in the surrounding and immediate area is similar, it is acceptable.

Landscape architecture

115. The proposal includes some landscaping within the front and rear setbacks including the side setback to the east. The extent of landscaping proposed is acceptable as this is not a significant feature evident of buildings within this section of Alexandra Parade East.

Environmentally Sustainable Design

116. 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 which reduce employees and visitors from relying on private vehicles. Policy at clauses 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.
117. The proposed development is considered to meet the provisions of clause 15.01-2 of the Scheme given the following:
- (j) The building achieves an average 6.9 star energy rating;
 - (k) Habitable rooms will have good access to ventilation;
 - (l) Operable windows and doors will be provided providing good cross-ventilation opportunities;
 - (m) Provision of three water tanks with a 15000lt water capacity connected and used for the purpose of flushing toilets within the building;
 - (n) Shading through screens, balconies and building articulation;
 - (o) Provision of electric vehicle charging facilities within the basement;
 - (p) Living areas will be provided with large areas of glazing, providing for extensive areas of natural light to the main activity areas within each dwelling;
 - (q) AC units and solar panels to the roof;
 - (r) Twenty six (26) secure bicycle spaces located in the basement;
 - (s) Energy efficient fixtures within the building (i.e. sensor activated lights and water efficient taps);
118. Council's ESD advisor acknowledged that the level of daylight to most bedrooms is good and only falls marginally short of the criteria to provide daylight to 80% of the dwellings. The developments orientation plays a key role in the degree of daylight that can be achieved, and surrounding built-form and the equitable development opportunities of surrounding sites are also key factors that must be tempered with when considering design matters relating to energy efficiency in an inner city context. On balance, the development achieves a reasonable level of energy efficiency and is supported in its current form. A condition will require the SMP and NatHERS ratings within that report to be updated to reflect the amended plans.

119. Overall, it is considered that the proposal will achieve a good level of environmentally sustainable design and appropriate internal amenity for future occupants. This satisfies a number of clauses including Clauses 15.02-1 (Urban design principles), 18.02 (Transport) and 21.07-1 (Environmentally sustainable development) of the Scheme, including Clause 22.17 (Environmentally Efficient Design) of the Scheme.

On-site amenity - Clause 58

Standard D1 – Urban context

120. The purpose of this standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area. These aspects have been discussed in detail earlier within this report, with the proposed building considered to be an acceptable response within the existing and emerging character of the neighbourhood.
121. The additional built form responds to the features of the site and the surrounding area, with the developments adopted setbacks from the western boundary, and interface with the commercial building to the east.

The Standard is met.

Standard D2 – Residential Policies

122. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the MUZ and local policies of the Scheme. The site can clearly support higher density residential development, based on its proximity to public and community infrastructure and services. The Standard is met.

Standard D3 – Dwelling diversity

123. The proposal would provide a good combination of one, two and three bedroom dwellings (specifically 2 x 1 bedroom apartments, 13 x 2 bedroom apartments and 11 x 3 bedroom apartments). The Standard is met.

Standard D4 - Infrastructure

124. The proposal is located within an established mixed 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.

Standard D5 – Integration with the street

125. The proposal will integrate within the streetscape by providing a clear and delineated pedestrian entry point, including fenestration and balconies. This adds to the human scale in the street and promotes passive surveillance. The Standard is met.

Standard D6 – Energy efficiency

126. The orientation of the subject site dictates some dwellings would be orientated to face north and therefore have excellent solar gains. Several dwellings would be located to face the street to the south and hence, would have reduced solar access. Nonetheless, the layout of each dwelling is considered to provide adequate opportunities for access to daylight to the main living quarters of each dwelling, including natural ventilation to reduce reliance on artificial heating/cooling.

The BESS report provided by the permit applicant on 20 July 2018, indicates that the average cooling load for the development would marginally more than the 30MJ/M2 per annum for only two apartments (i.e. 1.6MJ/M2 per annum more) with the vast majority meeting the requirement (less than 30) outlined in Table 1 – Cooling load of this Standard. A condition will require an updated SMP that will also reference the most up-to-date findings of the BESS report and relates to the most-up-to-date proposal.

Standard D7 – Communal open space

127. This Standard only applies to developments which propose forty (40) or more dwellings.

Standard D8 – Solar access to communal open space

128. No communal open space is proposed as part of this development.

Standard D9 – Safety

129. The proposed residential lobby / common entry would be clearly visible from Alexandra Parade East. The entrance will not be obscured or isolated from the street.
130. It is considered that the proposed development would achieve a satisfactory outcome against the objective of this Standard.

Standard D10 – Landscaping

131. Landscaping does not play a significant role in the character of the surrounding street and as such is not critical to the development, nonetheless landscaping is provided within the front and rear setbacks, including the side setback adjacent to Apartments G.04, G.05 and 1.07.

Standard D11 – Access

132. It is proposed to provide vehicle access into the basement car park from the driveway to the south-east. This is considered to be an appropriate location for vehicle access into the site and Council's Engineering Services Unit is supportive of this. This design also responds to the existing character to the east which includes a large continuous cross-over across the frontage of the adjoining commercial building for access to the open air car parks.
133. Access for service, emergency and delivery vehicles is also available. The Standard is met.

Standard D12 – Parking location

134. The location of parking is considered to achieve an acceptable design response. This was also assessed by Council's Engineering Services Unit who was satisfied with the dimensions and vehicle access but requested details of the car stacker specification / model that will be addressed with a condition.
135. An objective of this Standard is to protect residents from vehicular noise within developments. The permit applicant provided an acoustic report prepared by Marshall Day Acoustics that demonstrates that the operation of the proposed car stacker will not result in unreasonable amenity impacts to the residents within the development and those abutting. Comments of support were provided by SLR and those can be found as an attachment to this report.

Standard D13 – Integrated water and stormwater management

136. The application proposes the installation of 3, 5,000L rainwater collection tanks (equating to a total of 15,000L) which would be connected to all toilets within the development. The STORM report provided with the application achieves a score of 100%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. The Standard is met.

Standard D14 – Building setbacks

137. The height and setbacks of the building are considered to achieve an acceptable design response with the direct abuttal of the building, particularly to the east that provides opportunities for future development on this side / commercial site.
138. 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. Apartments that are orientated to the east or south do not require screening. Attempts have been made to screen the windows and balconies to the north and west through a combination of screening mechanisms that include a louvered pergola structure at the ground floor of the development including the provision of a planter box at the second level to the north, including obscure glass and privacy screens to several west-facing windows and balconies. However, the obscure glass applied as the primary screen to the west is identified as being openable with a 300mm reveal and is identified as being “*obscured clear*” (i.e. refer to cross-sections). The planter box to the northern side of the balcony associated with Apartment 2.04 is also considered to be insufficient in blocking views into the secluded private open space of the adjoining dwelling to the west. As such, in order of achieving full compliance, a condition will be included ensuring that the development is appropriately screened.
139. The incorporated setbacks to the west will ensure that daylight will not be unreasonably impacted to the dwellings adjoining the site.

Standard D15 – Internal views

140. The design response attempts to address any internal overlooking opportunities, but similarly to the matters relating to preventing overlooking external to the site, a condition of permit is required to ensure full compliance with this standard. This will require minimum partitions / screens of at least 1.7m in height above the floor level in between the balcony areas of each apartment and to the windows to prevent internal overlooking (as necessary).

Standard D16 – Noise impacts

141. The proposed development would be located in proximity to a noise influence area specified in Table D3 to this Standard because of its distance within 300m of the Eastern Freeway, carrying more than 40,000 Annual Average Daily Traffic Volume.
142. An acoustic report prepared by Marshall Day and dated 1 November 2017 has already been submitted and this has been peer reviewed by SLR Consulting Pty Ltd who have provided comments of support. Those comments have been included as an attachment to this report.

Standard D17 – Accessibility objective

143. 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.*

144. The plans clearly indicate that at least half of the number of apartments (i.e. all three bedroom apartments and 5 of the two bedroom apartments, equating to at least 16 apartments) will include the above items.

Standard D18 – Building entry and circulation

145. The proposed residential lobby / entry would be readily visible from Alexandra Parade East and would provide an adequate sense of address and identity for the building.
146. The internal layout of the building will provide for the safe, functional and efficient movement of residents with full and restricted mobility given that the entrance is flat with a minimum width of 1.77m. The built form above would also provide a transitional area with weather protection prior to entry, given that the entry is recessive from the street.

Standard D19 – Private open space

147. 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 1 bedroom dwelling should have access to a balcony with a minimum area of 8sq.m. and minimum dimension of 1.8m; a 2 bedroom dwelling should have access to a balcony with a minimum area of 8sq.m and minimum dimension of 2m; and a 3 (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4sqm, all with convenient access from a living room.
148. All 1 bedroom apartments meet the standard, but some of the 2 and 3 bedroom apartments fall short of the standard in terms of their depth / widths by between 160mm-250mm. However, the balcony areas exceed the minimum requirements and are far greater than the minimum requirements required by the Standard (i.e. range between 8sqm and 61sqm) and AC units will be located on the roof, not taking up balcony space. Therefore, a variation to the Standard is considered acceptable.

Standard D20 – Storage

149. The proposed dwellings will have access to storage areas in accordance with the requirements of this Standard (i.e. 6 cubic metres of storage within the basement that combined with the bedroom wardrobes, laundry cupboards, overhead and under bench kitchen cupboards, bathroom cabinets and vanities and linen cupboards within each apartment would exceed the requirements of this standard).

Standard D21 – Common property

150. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future by a Body Corporate. 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.

Standard D22 – Site services

151. Site services would be located within the building, within the bicycle store within the basement. This location is acceptable and not visible to the street which is a design response that is supported.

Standard D23 – Waste and recycling

152. The updated Waste Management Plan (WMP) prepared by Leigh Design (dated 18 July 2018) was referred to Council's Services and Contracts Unit, who support the proposed waste management procedures. This WMP will be endorsed and form part of any planning permit.

Standard D24 – Functional layout

Bedrooms

153. This Standard notes 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. The Standard is met for all dwellings.

Living areas

154. Living area dimensions also comply with the relevant requirements outlined at Table D8 of this Standard with all dwellings having minimum living areas of 10sq.m.

Standard D25 – Room depth

155. The room depths of the open plan living areas of the apartments with a single aspect in some instances exceed the dimension of 9m (but only marginally i.e. Apartments 1.05 and 1.06 by 250mm) with their respective kitchens located furthest from the windows. Where apartments have dual aspects, windows have been provided to allow for adequate levels of daylight into the room (i.e. Apartment 3.04 that has an east-facing window to the kitchen). There are no bedrooms that exceed the dimension of 9m.

Standard D26 – Windows

156. The habitable rooms above the apartments at the ground floor contain a window within an external wall to the building, with no reliance on 'borrowed light' for any habitable rooms. The bedroom windows of apartments at the ground floor will face into their own enclosed areas of private space that will assist in filtering some daylight into these windows. This is considered to meet the objective of the standard which is "to allow adequate daylight into new habitable room windows."

Standard D27 – Natural ventilation

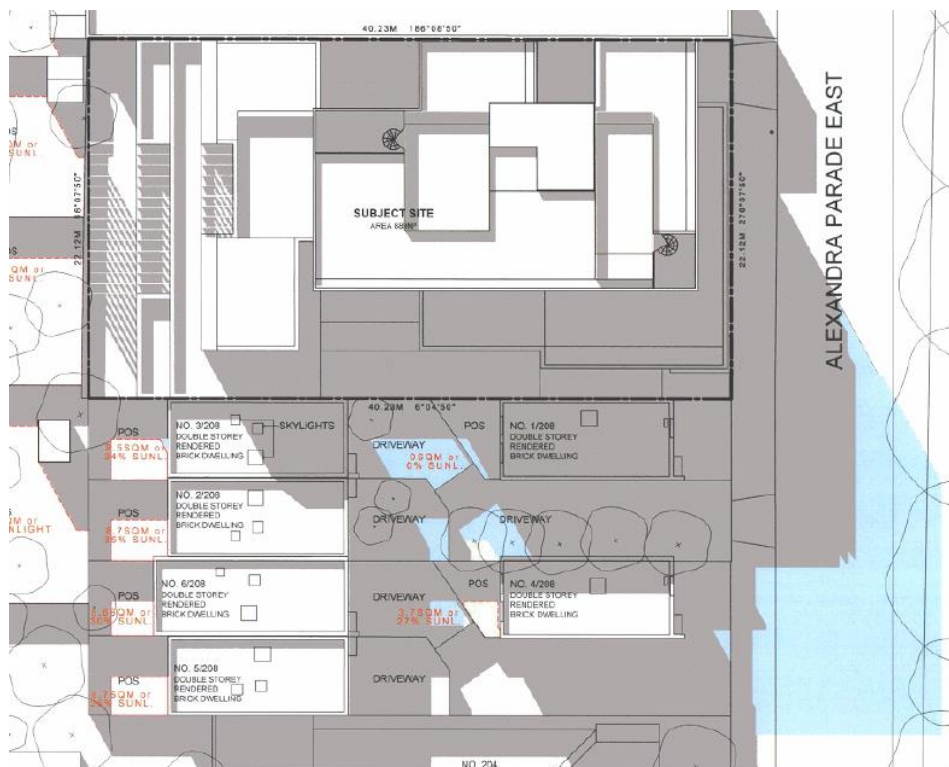
157. Council ESD Advisor confirmed that all apartments would have access to cross ventilation. The Standard is met.

Off-site amenity

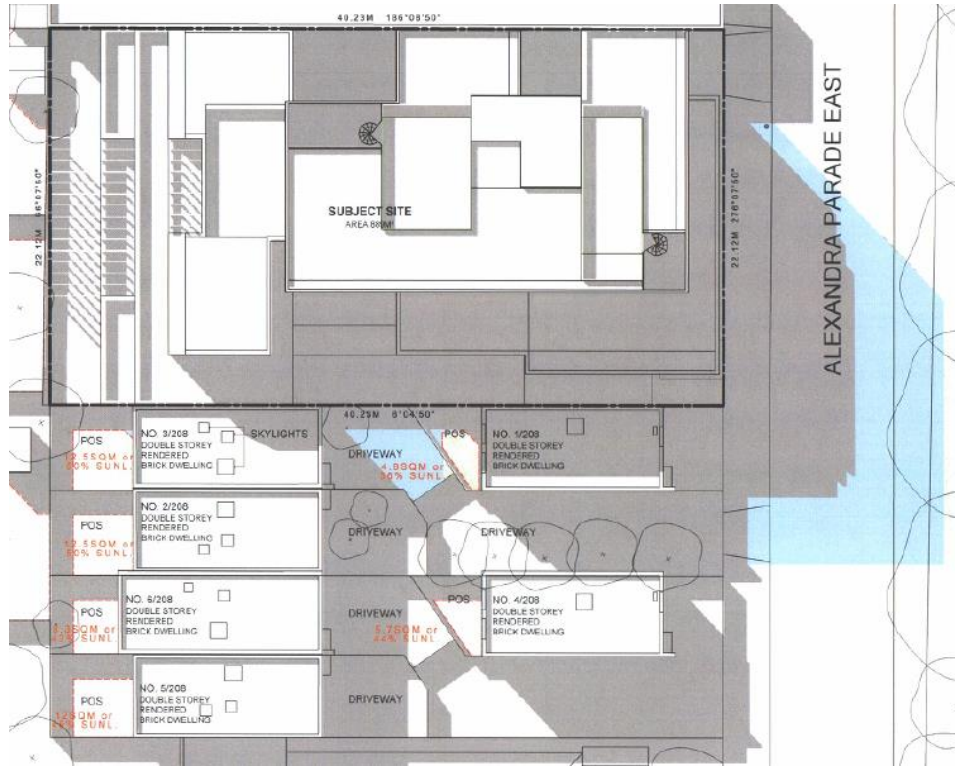
158. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy).
159. Design objectives at Clause 22.10-3.8 aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a Mixed Use zone where they interface with there is a mix of land uses. Therefore this application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial uses to the east.
160. In terms of sensitive interfaces, there are dwellings to the north and west of the site. The property to the east is not sensitive as this is a commercial property and is developed to the shared boundary.

Overlooking has been discussed in paragraphs 138 and 140 of this report and will be addressed with conditions to ensure that all overlooking opportunities are appropriately addressed. As shown on the plans, attempts have been made (including through the use of hit-and-miss bricks as a screening mechanism) screen the development from overlooking into the neighbouring secluded areas of private open space associated with surrounding dwellings but for the purpose of ensuring full compliance, conditions will be included on any permit issued to ensure that there is no confusion as to the methods applied to screen the windows and / or balconies of apartments that have a northern and western aspect in achieving compliance.

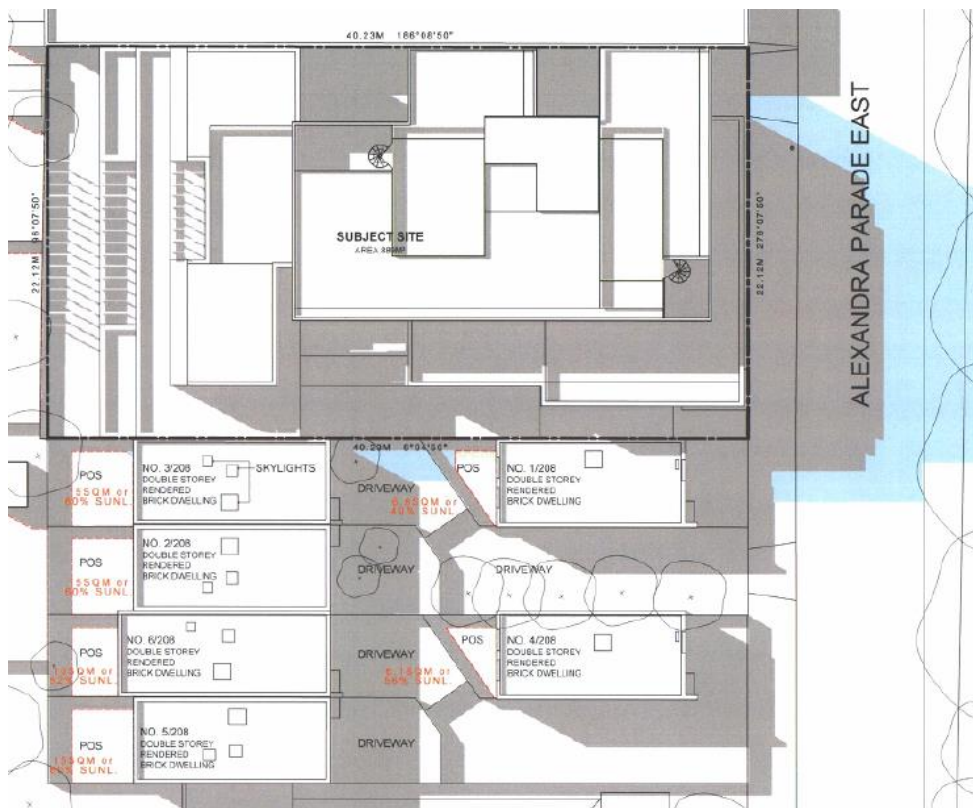
161. Due to the orientation of the land, the proposal will cast shadows to the west in the morning, to the south in the afternoon and to the east in the afternoon. The plans have increased the setbacks of the development at the upper levels from the northern boundary as a means of mitigating some of the shadow impact cast into three of the dwellings to the west (i.e. property no's 1/208, 3/208 and 4/208 Alexandra Parade East from the original scheme between 9am and 11am at the Equinox (September 22). The shadow diagrams below indicate that the majority of additional shadow would now be cast over the driveways associated with the adjoining townhouses, with a marginal shadow impact and increase only evident between 9am and 11am into the private open spaces of the two dwellings most immediate to the development:



Shadows cast at 9am at the Equinox (September 22nd)



Shadows cast at 10am at the Equinox (September 22nd)



Shadows cast at 10am at the Equinox (September 22nd)

162. Evidently there is minimal overshadowing impact into the secluded areas of private open spaces of adjoining dwelling, and as most sites on the northern side of Alexandra Parade East, these areas will continue to benefit from their northern orientation.

163. On the issue of visual bulk, the building is setback between zero and 2.3m from the southern (front) boundary from the ground through to Level 5 and between 3m and 14.24m from the northern (rear) boundary from the ground through to Level 5 and between zero and 9.78m from the western (side) boundary from the ground through to Level 5 and between zero and 4.5m from the eastern (side) boundary from the ground through to Level 5.
164. The building is generously setback from the more sensitive interfaces and for its most part, is considered to have addressed off-site amenity impacts. This is further evidenced with the shadow impacts shown in the above diagrams. However, the building intends to develop the western boundary immediately adjacent to the private open space of property no. 3/208 Alexandra Parade East with a two-storey wall for an approximately length of 2m at a height of 6.99m above the natural ground level. This is considered to impose significant visual mass across this interface and a condition will require the bedroom 3 wall of Apartment 1.05 and portion of planter box above to Apartment 2.04 to be further setback from the northern boundary in line with the northern wall of the west adjoining dwelling (equating to a setback of approximately 5m). This will reduce the wall height to approximately 3.4m at the ground floor which is far more acceptable at a length of approximately 2m, beyond the building envelope of the adjoining dwelling. This will effectively convert Apartment 1.05 into a 2 bedroom apartment without impacting its ability to maintain a reasonable level of internal amenity.

Noise

165. The proposed development is unlikely to generate a noise level above that which is acceptable in a residential area. Any noise levels as a result of the use of the dwellings would be typical of a residence and as already noted, the applicant provided an acoustic report which has been peer reviewed and supported by SLR Consulting Pty Ltd. A condition will require the provision, recommendations and requirements of the endorsed Acoustic Report to be implemented and complied with to the satisfaction of the Responsible Authority. The acoustic report has turned its mind to noise factors from the Eastern Freeway and the Hoddle Street Entry ramp, including the car stacker. Council's Engineering Services Unit has requested the manufacturers details of the car stacker device and this will be requested as a condition.

Equitable Development

166. The proposal does not result in any equitable development impacts as the sites to the north and west are zoned Neighbourhood Residential and have height restrictions of two-storeys at Clause 32.09-9 (Maximum building height requirement for a dwelling or residential building) of the Scheme. As such, the only site with any significant development potential is that to the east which is zoned Mixed Use. The development has been appropriately designed by orientating most apartments to the north and west with apartments orientated to the east, setback a minimum distance of 4.5m from the shared boundary. The on-boundary walls and provision of light-courts, and light wells to the east will guide the future context / development of the adjoining site to the east without restricting its development potential.

Car parking, traffic and bicycle parking

167. The application provides the full car parking rate specified at Column B of clause 52.06 of the Scheme.
168. Submitted with the original application was a traffic report prepared by the TraffixGroup. The report makes the following conclusions (amongst others):
- (a) *the car parking demand assessment indicates that adequate car parking is provided for residents with an overflow demand related only to 1-3 short-term visitor spaces;*
 - (b) *the car parking reduction under Clause 52.06-7 is supported on the following grounds:*
 - (i) *the Car Parking Demand Assessment;*

- (ii) *the availability of alternative car parking in the nearby area to accommodate short-term demands, and*
- (iii) *the high level of public transport available to the site, the high provision of bicycle parking the availability of car share vehicles and the site's walkability,*

- (c) *the bicycle parking provision exceeds the requirements set out at Clause 52.34 of the Planning Scheme;*
- (d) *the proposed parking layout and vehicle access arrangements accord with the requirements of the Planning Scheme, AS2890.1:2004 (where relevant) and current practice,*
- (e) *waste collection will be appropriately managed as detailed in the Waste Management Plan prepared by Leigh Design;*
- (f) *the level of traffic generated as a result of this proposal will be low, generally residential in nature, spread throughout the day and will not have a detrimental impact on the operation or safety of Alexandra Parade East or the surrounding road network, and*
- (g) *there are no traffic engineering reasons why a planning permit for the proposed residential development at 210 Alexandra Parade East, Clifton Hill should be refused, subject to appropriate conditions.*

169. Council's Traffic Engineering Services Unit agrees with the report findings and raise no objection to the on-site parking provision. Their support is based on the proximity of the site to public transport facilities and the on-road bicycle network. Car share pods are also located within walking distance of the site and provide an alternative option of transport for residents and visitors. *A GoGet car share pod is located in Groom Street, south of Roseneath Street, approximately 180 metres south-west of the site.*

170. In addition to the above, the subject site / application benefits from the following:

- (a) State and local policy encourage the balance between the provision for sufficient on-site car parking and an increased use of more sustainable modes of transport, to reduce the dependency on cars and reduce traffic congestion. The proposal balances these strategic provisions by providing on-site car parking;
- (b) The provision of secure bicycle spaces in excess of the required rate has the potential to attract prospective tenants/residents;
- (c) The site has good access to public transport; and
- (d) All residents and prospective property owners of the new dwellings would be ineligible to apply for on-street resident and visitor parking permits (helping to discourage prospective residents of high car ownership due to the existing lack of availability of on-street car parking).

171. In response to the decision guidelines provided at Clause 52.06-9 of the Scheme, the proposed car parking (in relation to location and access) complies with the relevant decision guidelines in the following ways:

- (a) The role and function of nearby roads will not be unreasonably affected;
- (b) Vehicle safety, access to the site from Alexandra Parade East and manoeuvring within the car park is supported as an option by Council's traffic engineers;
- (c) The location of the car parking area allows for clear visibility for users and a good level of perceived safety;
- (d) The residential use of the site is appropriate within the zoning noting that the surrounding area is a mix of dwellings and commercial buildings, and any residential noise will be controlled under the EPA guidelines; and
- (e) Car-parking will be provided on-site.

172. A total of seven bicycle parking spaces are required by the Scheme and a total of 26 spaces are proposed in the basement. On this basis, the on-site provision exceeds the statutory requirement. Visitor bicycle parking is also shown on the footpath located at the front of the building (on Council land) and a condition will require these to be relocated within the title boundaries and still easily accessible by visitors.

Objector concerns

173. 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 setbacks.
 - (c) *Overdevelopment;*
174. Neighbourhood character, height, massing, scale, bulk and setbacks have been discussed at paragraphs 93 to 110. The development has been generously setback from both northern and western boundaries and the strategic context, zoning of the land and size of the lot supports higher density. As such, the development is not an overdevelopment.
- (d) On-site amenity including lack of energy efficiency.
175. On-site amenity has been discussed at paragraphs 120 to 157 and energy efficiency has been discussed at paragraph 116 to 119, 126, 136, 156 and 157.
- (e) Off-site amenity including overshadowing / loss of daylight, overlooking, loss of views of the sky from across surrounding sites, residential noise (cars, foot traffic and pets).
176. Off-site amenity impacts have been discussed at paragraphs 158 to 166. 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 north-facing and have clearances to the sky in excess of a 1m dimension and 3sq.m. Noise from cars, foot traffic and pets is part of living in an inner city environment. Blocking views of the skyline is not a planning consideration.
- (f) Car parking/traffic/parking implications including operability of the car stacker system.
177. Car parking and traffic implications have been addressed at paragraphs 167 to 172 and the use of car stacker system has been considered by both the Traffix Group and Council's Engineering Services Unit and is an appropriate method for providing on-site car parking. It is not dissimilar from many other multi-unit residential developments within the City of Yarra.
- (g) Other issues including setting a precedence for further tall buildings, the influx of dwellings will increase the crime rate in the area, use of apartments (i.e. what would the tenant turnover be?).
178. Precedence is not a planning consideration and 6-storey is not considered to be excessive for the site context in the submitted design response. Nonetheless as discussed at paragraph 166 with regard to equitable development, the height restrictions on surrounding properties would limit building height with the exception of the adjoining land to the east that is zoned Mixed Use.
179. While crime can to some degree be considered in the design of a development this is a matter for Victoria Police and cannot be controlled through the planning process and the usage of the apartments will be of a residential nature (and is an as-of-right use irrespective of the tenant turnover which is not a planning consideration).
- (h) Construction issues (disruption, early starts, traffic and noise).

180. 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 any impacts during the construction stage. This will be further considered during the building stage also.

Conclusion

181. 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, Council's preference to direct higher density to land zoned Mixed Use and aligns with the State Policy.
182. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0693 for the development of the land with a six-storey building (plus basement) for dwellings, and alterations to a road access in a road zone at 210 Alexandra Parade East, Clifton Hill 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 plans received by Council on 4 April 2018 but modified to show the following:
 - (a) The visitor bicycle spaces shown on the footpath relocated within the title boundaries and still easily accessible by visitors;
 - (b) The north and west-facing balconies and habitable room windows screened to a height of 1.7m with no more than 25% transparency and fixed glass / screens to limit overlooking into the habitable room windows and secluded areas of private open space dwellings within a 9m radius;
 - (c) The provision of screening with no more than 25% to the balconies and habitable room windows located above ground floor to limit internal overlooking opportunities;
 - (d) Details of all screening methods referenced at conditions 1(b) and 1(c) with further details of the operability of all windows (allowing for cross-ventilation where practicable);
 - (e) The bedroom 3 wall of Apartment 1.05 and portion of planter box above of Apartment 2.04 further setback from the northern boundary and aligned with the northern wall of the adjoining dwelling to the west; and
 - (f) Manufacturers details for the car stacker specification / model.

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 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.

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.
7. As part of the ongoing consultant team, Ola Architecture Studio 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.

Acoustic Report

8. The provision, recommendations and requirements of the endorsed Acoustic Report (prepared by Marshall Day Acoustics and dated 1 November 2017) must be implemented and complied with to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles (SMP)

9. 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 GIW Environmental Solutions Pty. Ltd. dated 8 November 2017 and must include:
 - (a) reference to the modified development as required by Condition 1 and any other relevant condition of this permit.
10. 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

11. 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

12. 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 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 of the Responsible Authority.

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Council Infrastructure

14. 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.

15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Waste Management

16. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Leigh Design and dated 18 July 2018) must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

17. 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.
18. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
20. 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.
21. 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:

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development hereby permitted under the permit.

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*.

Any public lighting works that are required will require the developer to consult all nearby properties with respect to the location of any lights or poles. The placement of poles must not affect manoeuvrability into garages or off-street parking spaces. Light must not spill into the windows of the subject site or into the windows of any adjoining residences.

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

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

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 - 210 Alexandra Parade East, Clifton Hill
- 2 Proposed floor plans, Elevations, Perspectives and Shadow Diagrams - 210 Alexandra Parade East, Clifton Hill
- 3 Urban Design comments
- 4 Engineering comments (original advice)
- 5 Engineering comments relating to amended plans.
- 6 ESD Referral Advice
- 7 Contract Services Unit advice - Waste
- 8 Acoustic advice from SLR