

**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 18 April 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Amanda Stone  
Councillor Jackie Fristacky  
Councillor Mi-Lin Chen Yi Mei

- I. ATTENDANCE**  
Lara Fiscalini (Senior Statutory Planner)  
Amy Hodgen (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**

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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	PLN17/0900 - 62 Buckingham Street, Richmond - The construction of two double storey dwellings with roof top terraces and a reduction in the car parking requirement.	5	30
1.2	32 - 68 Mollison Street and 10 Victoria Crescent, Abbotsford - Planning Application No. PLN17/0679 - Development of the land for the construction of a five-storey building(s) generally on land within the Incorporated Plan Overlay (Schedule 1) - 32-68 Mollison Street; and 10 Victoria Crescent (not within the Incorporated Plan Overlay), and a change of use to office and shop, including a reduction in the associated car parking requirement.	34	64
1.3	Confidential Item - 37-39 Shelley Street & 20 Garfield Street, Richmond VIC 3121 - Planning Permit Application No. PLN17/0220 (Development of the land for ten dwellings within a three-storey building, including associated reduction in car parking requirements).		

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**1.1 PLN17/0900 - 62 Buckingham Street, Richmond - The construction of two double storey dwellings with roof top terraces and a reduction in the car parking requirement.**

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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of planning permit application PLN17/0900 at 62 Buckingham Street, Richmond and recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Strategic justification (Clause 16.01, 21.04-1).
  - (b) Built form (Clause 15.01, 21.05, 22.10, 22.13 and 55).
  - (c) Off-site amenity impacts (Clause 55).
  - (d) Car parking (Clause 21.09 and 52.06).

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification.
  - (b) Clause 55 (ResCode)
  - (c) Home Based Business (Clause 52.11).
  - (d) Car Parking Reduction (Clause 52.06).
  - (e) Objectors' Concerns.

### **Objector Concerns**

4. Fifteen objections were received to the application, these can be summarised as:
  - (a) Overdevelopment
  - (b) Out of character
  - (c) Excessive bulk and scale
  - (d) High site coverage
  - (e) Excessive wall on western boundary
  - (f) Overshadowing
  - (g) Overlooking
  - (h) Increase in noise from the roof top terraces
  - (i) Lack of car parking
  - (j) Increased traffic congestion
  - (k) Failure to address sustainable development initiatives
  - (l) Reliance on roof top terraces for private open space
  - (m) Home office appears to be a self-contained studio
  - (n) Impacts during construction
  - (o) Asbestos removal
  - (p) Inaccurate documentation

### **Conclusion**

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

**CONTACT OFFICER:** **Nikolas Muhlechner**  
**TITLE:** **Principal Planner**  
**TEL:** **9205 5456**

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**1.1 PLN17/0900 - 62 Buckingham Street, Richmond - The construction of two double storey dwellings with roof top terraces and a reduction in the car parking requirement.**

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Trim Record Number: D18/56588

Responsible Officer: Senior Coordinator Statutory Planning

**Proposal:** The construction of two double storey dwellings with roof top terraces and a reduction in the car parking requirement.

**Existing use:** Single storey dwelling.

**Applicant:** One Design Office Pty Ltd

**Zoning / Overlays:** General Residential Zone (Schedule 2)

**Date of Application:** 24 October 2017

**Application Number:** PLN17/0900

### Planning History

1. Planning permit application No. 98/1173 sought approval for the construction of a garage. This planning permit was issued on 13 November 1998.

### Background

2. This application was received by Council on 24 October 2017. Following the submission of further information, the application was advertised and fifteen objections were received.
3. A consultation meeting was held on 13 March 2018 and attended by objectors, the applicant's development team and Council officers. No resolutions were reached at the meeting.
4. In response to the issues raised in objections, as well as issues raised by Council officers, a set of sketch plans (Attachment 4) prepared by One Design Office, dated 9 April 2018 were submitted after the consultation meeting. These plans made the following changes to the proposed development as depicted in the advertised plans:
  - (a) Deleting all references to Unit 3.
  - (b) Removing the staircase and internal corridor to the home office.
  - (c) Deleting the kitchen sink in the home office.
  - (d) An increase to the size of the master bedroom on the ground floor.
  - (e) Introducing a winter garden to the rear of the home office with an outlook towards the laneway.
  - (f) Relocating the laundry and bathroom on the first floor.
  - (g) The overall height of the home office has been increased from 7.1 metres to 7.56 metres as a result of removing the three steps between Dwelling 3 and the home office, bringing the floor level of the home office in line with the rest of the dwelling.
  - (h) The setback to the rear boundary from the first floor south-facing wall of the deleted internal corridor has slightly reduced from 5.9 metres to 5.6 metres.
  - (i) The setback to the rear boundary from the first floor south-facing wall perpendicular to the western boundary has increased from 11.4 metres to 12 metres.
  - (j) The setback of the first floor wall to the east boundary has been increased from 2.17 metres to 2.93 metres.
  - (k) To the west boundary, the setback has increased from 1.43 metres to 1.53 metres for the deleted internal corridor wall and from 2.56 metres to 3 metres for the home office wall.
  - (l) The setback to the rear boundary with the laneway has also increased from 0.52 metres to 2.18 metres.

5. These plans have not been formally substituted within the application material but will be utilised for discussion purposes throughout the body of this report.

## Existing Conditions

### Subject Site

6. The subject site (Attachment 1) is nominally rectangular in shape and located on the southern side of Buckingham Street, approximately 260 metres east of Church Street, in Richmond. The site has a frontage of 9.18 metres to Buckingham Street, a depth of 36.89 metres and an overall site area of approximately 339 square metres. The site has a rear frontage to Little Buckingham Street of 9.11 metres and is relatively flat with no appreciable fall.
7. The site is currently developed with a single storey detached brick dwelling setback 4.6 metres from the front boundary. To the rear of the site is large garage in the south-east corner of the site with a 2.75 metre high wall constructed for 9.15 metres along the eastern boundary. A smaller shed is located in the south-western corner of the site. Vehicle access is currently provided from the rear laneway, Little Buckingham Street.
8. The subject site is legally described as Lot 1 on Title Plan 232239F and is not affected by any restrictive covenants or easements.



Subject site, aerial imagery, August 2017.

### Surrounding Land

9. The surrounding area is predominantly residential in nature, with a mixture of single and double storey built form present.
10. The dwelling to the immediate east is a part single storey dwelling presenting to Buckingham Street with a first floor addition. This dwelling has a front setback of 4.3 metres and a verandah encroaching approximately 1.8 metres into the front setback. Vehicle access is provided from the rear laneway and a garage is located in the south-east corner of the site. Further east at 66-68 Buckingham Street is a triple storey walk-up flat building with a 2.5 metre front setback and car parking accessed from the rear laneway.



11. Buckingham Street is an east-west local street with a road reserve width of 15.5 metres and parallel parking on both sides of the street. On the northern side of Buckingham Street, opposite the subject site, are single storey detached brick and weatherboard dwellings at 53, 55 and 57 Buckingham Street. To the west of those dwellings at 51 Buckingham Street are two double storey semi-detached dwellings of a contemporary design.
12. To the immediate west of the site (60 Buckingham Street) is a single storey brick dwelling with secluded private open space located to the rear of the site. This dwelling has a wall constructed on the common boundary with the subject site with the exception of the 3.3 metre front setback and an approximate 11.5 metre rear setback. Further west (56 Buckingham Street) is a single storey brick dwelling with a 1.2 metre front setback. At 54 Buckingham Street are two double storey semi-detached dwellings of a contemporary design.
13. To the rear is Little Buckingham Street, an east-west laneway with a width of 6 metres. On the southern side of Little Buckingham Street is a three storey walk-up flat building facing Kent Street further south, with vehicle access to an open car parking area from the laneway.
14. The site is well serviced by public transport with the Church Street tram located approximately 260 metres away to the east, the Victoria Street tram located approximately 405 metres to the north and the Bridge Road tram located approximately 680 metres to the south. The Victoria Street activity centre is located approximately 405 metres away to the north, while the Bridge Road activity centre is located approximately 680 metres to the south. Both activity centres consist of a wide range of commercial uses including retail premises, restaurants, cafes and licensed premises.

## The Proposal

15. The application proposes the construction of two double storey dwellings with roof top terraces and a reduction in the car parking requirement. The key elements of the proposed development as depicted in the plans advertised with the application (Attachment 2) are:

### Buildings and works

- (a) The construction of two double storey dwellings in a tandem arrangement (north-south alignment).
- (b) A maximum height of 8.25 metres to the top of the roof top terrace, with the first floor reaching a height of 7.18 metres.
- (c) A three car garage constructed to the both side boundaries and the rear boundary, with all car parking spaces directly accessed from the laneway.
- (d) Dwelling 1 (D1) is located at the front of the site with a frontage to Buckingham Street and consists of:
  - (i) A front setback of 3.3 metres, setback to the eastern boundary of 1.5 metres and constructed to the western boundary for a length of 10.4 metres. The first floor has the same footprint as the ground floor with the exception of the east elevation which has a raked setback of approximately 2.9 metres to the eastern boundary.
  - (ii) The ground floor consists of a master bedroom with ensuite and walk-in-robe, two other bedrooms and a bathroom.
  - (iii) The first floor consists of an open plan kitchen/dining/living room, a laundry and a powder room.
  - (iv) The roof top terrace is setback 7.13 metres from the front property boundary, 2.84 metres from the eastern boundary and partly constructed to the western boundary, with an overall area of 23 square metres.
- (e) Dwelling 2 (D2) is located centrally on the site and consists of:
  - (i) A setback of 3 metres from Dwelling 1, setback to the eastern boundary of 1.5 metres and constructed to the western boundary for a length of 8.91 metres.

The first floor has the same footprint as the ground floor with the exception of the east elevation which has a raked setback of approximately 2.9 metres from the east boundary.

- (ii) The ground floor consists of a master bedroom with ensuite and walk-in-robe, two other bedrooms and a bathroom.
- (iii) The first floor consists of an open plan kitchen/dining/living room, a laundry and a powder room.
- (iv) The first floor includes a home office that is located above the garage and accessed via stairs from the ground level and a hallway linked to the living room through the laundry.
- (v) The roof top terrace is setback 2.92 metres from the eastern property boundary and partly constructed to the western boundary, with an overall area of 23 square metres.
- (f) Materials and finishes including face brickwork, timber look finish, charcoal paint finish, charcoal vertical cladding, charcoal garage door, horizontal timber look screening and charcoal metal.
- (g) A horizontal charcoal front fence with a height of 1.2 metres.

## Planning Scheme Provisions

### Zoning

#### *Clause 32.08 – General Residential Zone (Schedule 2)*

- 16. A planning permit is required to construct or extend two or more dwellings on a lot pursuant to Clause 32.08-6 of the Yarra Planning Scheme (the Scheme). A development must meet the requirements of Clause 55.
- 17. Clause 3 of Schedule 2 to the General Residential Zone imposes a maximum building height limit of 9 metres.
- 18. Planning Scheme Amendment VC110 amended the General Residential Zone, introducing a minimum garden area and a maximum building height limit of 11 metres and three storeys. However, the subject site is less than 400 square metres in size and therefore does not trigger the garden area requirement. Schedule 2 of the zone is more restrictive in terms of maximum building height and therefore takes precedence over the zone provision.

### Particular Provisions

#### *Clause 52.06 – Car Parking*

- 19. Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided. Pursuant to Clause 52.06-3, a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5. The car parking requirements are summarised in the table below:

<b>Use:</b>	<b>Rate:</b>	<b>Spaces required:</b>	<b>Proposed:</b>	<b>Reduction sought:</b>
Three or more bedroom dwelling (two dwellings)	Two per dwelling	4	3	1

- 20. As four car parking spaces are required and three spaces are proposed on-site, the application therefore seeks a reduction in the car parking requirement.

#### *Clause 52.11 – Home Based Business*

- 21. A home based business must meet the requirements of Clause 52.11-1, including:

- (a) The person conducting the home based business must use the dwelling as their principal place of residence.
- (b) No more than two people who do not live in the dwelling may work in the home based business at any one time.
- (c) The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area of the dwelling includes out-buildings and works normal to a dwelling.
- (d) The business must not impose a load on any utility greater than normally required for domestic use.
- (e) The business must not adversely affect the amenity of the neighbourhood in any way including:
  - (i) The appearance of any building, works or materials used.
  - (ii) The parking of motor vehicles.
  - (iii) The transporting of materials or goods to or from the dwelling.
  - (iv) The hours of operation.
  - (v) Electrical interference.
  - (vi) The storage of chemicals, gasses or other hazardous materials.
  - (vii) Emissions from the site.
- (f) No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- (g) Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- (h) Only goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- (i) Materials used or goods manufactured, serviced, repaired or offered for sale in the home based business must be stored within a building.
- (j) No goods manufactured, serviced, repaired or offered for sale may be displayed so that they are visible from outside the site.
- (k) Any goods offered for sale online must not be collected from the dwelling.

*Clause 55 – Two or More Dwellings on a Lot*

22. Pursuant to Clause 55 of the Scheme, this provision applies to an application to construct or extend two or more dwellings on a lot within the General Residential Zone.

General Provisions

23. 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. An assessment of the application against the relevant sections of the Scheme is outlined further in the following sections of this report.

State Planning Policy Framework (SPPF)

*Clause 11.06 Metropolitan Melbourne*

24. The relevant objectives of this clause include:
- (a) To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.
  - (b) To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.

*Clause 15.01 Urban Environment*

25. The relevant objectives of this clause are:
- (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
  - (b) To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
  - (c) To improve community safety and encourage neighbourhood design that makes people feel safe.

*Clause 15.02 Sustainable Development*

26. The objective of this clause is:
- (a) To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

*Clause 16.01 Residential Development*

27. The relevant objectives of this clause are:
- (a) To promote a housing market that meets the community needs.
  - (b) To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
  - (c) To provide for a range of housing types to meet increasingly diverse needs.
  - (d) To deliver more affordable housing closer to jobs, transport and services.

*Clause 18.01 Integrated Transport*

28. The relevant objective of this clause is:
- (a) To create a safe and sustainable transport system by integrating land-use and transport.

*Clause 18.02 Movement Networks*

29. The relevant objectives of this clause are:
- (a) To promote the use of sustainable personal transport.
  - (b) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
  - (c) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04-1 – Accommodation and Housing*

30. The relevant objectives of this clause are:
- (a) To accommodate forecast increases in population.
  - (b) To retain a diverse population and household structure.

*Clause 21.05-2 – Urban Design*

31. The relevant objectives of this clause are:
- (a) To reinforce the existing urban framework of Yarra.
  - (b) To retain Yarra's identity as a low-rise urban form with pockets of higher development.
  - (c) To retain, enhance and extend Yarra's fine grain street pattern.
  - (d) To create an inner city environment with landscaped beauty.
  - (e) To ensure that new development contributes positively to Yarra's urban fabric.

*Clause 21.05-3 – Built form character*

32. The relevant objectives of this clause are:
- (a) To maintain and strengthen the identified character of each type of identified built form within Yarra.

*Clause 21.06: Transport*

33. The relevant objectives of this clause are:
- (a) To provide safe and convenient pedestrian and bicycle environments.
  - (b) To facilitate public transport usage.
  - (c) To reduce the reliance on the private motor car.
  - (d) To reduce the impact of traffic.

*Clause 21.07-1: Environmentally Sustainable Development*

34. The relevant objectives of this clause are:
- (a) To promote environmentally sustainable development.
  - (b) To improve the water quality and flow characteristics of storm water run-off.

*Clause 21.08 - Neighbourhoods*

35. Clause 21.08-9 of the Scheme describes the North Richmond (area north of Bridge Road) as *'largely residential and Victorian and Edwardian in its origins. The consistent character of the residential areas must be protected'*.
36. The Figure 22 - Built Form Character Map: North Richmond shows the subject site located within the inner suburban residential area. The guiding urban design principles are to *'maintain the existing pattern of front setbacks'* and *'limit variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites in areas with generally consistent building heights'*.

Relevant Local Policies

Clause 22.07 – Development Abutting Laneways

37. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.10 – Built Form and Design Policy

38. 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 22.13 – Residential Built Form Policy

39. This policy applies to residentially zoned areas not covered by a Heritage Overlay. The objectives of this policy are to limit the impact of new development on surrounding land, particularly on low rise residential areas and to respond to and strengthen the distinct character of different parts of Yarra.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

40. This policy applies to applications for new buildings and aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 – Environmentally Sustainable Development

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

**Advertising**

42. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* by 57 letters sent to surrounding owners and occupiers and the display of a sign on both the Buckingham Street and Little Buckingham Street frontages. Fifteen objections have been received. The grounds of objection can be summarised as follows:
- (a) Overdevelopment.
  - (b) Out of character.
  - (c) Excessive bulk and scale.
  - (d) High site coverage.
  - (e) Excessive wall on western boundary.
  - (f) Overshadowing.
  - (g) Overlooking.
  - (h) Increase in noise from the roof top terraces.
  - (i) Lack of car parking.
  - (j) Increased traffic congestion.
  - (k) Failure to address sustainable development initiatives.
  - (l) Reliance on roof top terraces for private open space.
  - (m) Home office appears to be a self-contained studio.
  - (n) Impacts during construction.
  - (o) Asbestos removal.
  - (p) Inaccurate documentation.
43. The grounds of objections raised will be considered and addressed where relevant throughout the following assessment.
44. A consultation meeting was held on 13 March 2018 and attended by objectors, the applicant's development team and Council officers. No resolutions were reached at the meeting.

**Referrals**

External Referrals

45. The application was not required to be referred to any external authorities under Section 66 of the Scheme.

Internal Referrals

46. The application was referred to the following areas, with their full comments attached to this report:

- (a) Engineering services unit (Attachment 3).
47. Informal referral discussions were held with Council's urban design unit who were generally supportive of the proposal from an urban design perspective and provided the following comments:
- (a) Recommend cutting the raked first floor wall of Dwelling 1 on the eastern elevation to create a cleaner building line. First floor 'bay' windows on east elevation to be more recessed, but still allowing for some articulation.
  - (b) Materials and colours acceptable.
  - (c) Encourage a verandah/porch to Dwelling 1 to provide weather protection and better respond to the character of the street.
  - (d) Sheer two storey street wall acceptable given existing development within the street.
  - (e) Roof top terrace screening setback sufficiently to reduce visibility from the street.
48. The recommendations from Council's urban design unit will be discussed throughout this report, where relevant.

## **OFFICER ASSESSMENT**

49. The primary considerations for this application are as follows:
- (a) Strategic justification.
  - (b) Clause 55 (ResCode)
  - (c) Home Based Business.
  - (d) Car Parking Reduction.
  - (e) Objectors' Concerns.

### Strategic Justification

50. In relation to the Yarra Planning Scheme, particularly urban consolidation (Clause 16.01), transport use (Clause 18) and housing (Clause 21.04), the subject site is well located to take advantage of a range of facilities. This includes access to good public transport and the range of services and entertainment concentrated in both the Victoria Street and Bridge Road activity centres located within 405 metres and 680 metres of the site, respectively. The subject site is in a location where full advantage can be taken of existing settlement patterns and significant investment in transport, communication, water, sewerage and social facilities that already exist.
51. Policy support for the proposed development is further emphasised in the purpose of the General Residential Zone, which includes to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
52. However, the policy support for more intensive development needs to be balanced with built form guidance at Clauses 15.01, 21.05-2, 22.10 and 22.13 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character. More specific guidance on residential development is provided at Clause 55 of the Scheme.
53. As will be discussed in more detail within this report, the scale of the proposed development is acceptable and responds appropriately to the surrounding context, subject to conditions.

While the area is predominately single and double storey in nature, there are examples of three storey built form and the proposed development responds appropriately to the sensitive residential interfaces to the east and west.

54. For the reasons that will be expanded upon within this report, it is considered that the proposal has sufficiently achieved State and local policy guidance in relation to high quality developments. It is on this basis that it is recommended that the proposed development be supported, subject to conditions.

55. With regards to the provision of car parking, a reduction of the car parking requirement is sought and will be assessed in relation to the objectives of Clause 52.06 (Car Parking) later in the report. However, it is noted that objective 32 of Clause 21.06 (Transport) aims to reduce the reliance on the private motor vehicle and this objective could potentially be facilitated by reducing the provision of on-site car parking to the proposed dwellings.

Clause 55 (ResCode)

56. The following is a detailed assessment of the proposed development against the requirements of Clause 55 of the Scheme. This particular provision comprises 33 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective it the relevant test.

*Standard B1 – Neighbourhood Character*

57. The objective of this clause seeks to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and to ensure that development responds to the features of the site and the surrounding area.
58. Overall, it is considered that the development will adequately respect the neighbourhood character given that the scale is generally in keeping with the scale of surrounding development. The contemporary form and finishes of the proposed development are appropriate given the site is not constrained by any overlays, the location of the site with two street frontages and the mix of built form in the surrounding area. The proposed materials and finishes are also respectful of the surrounding precinct. The objectives are achieved.

*Standard B2 – Residential Policy*

59. The objective of Clause 55.02-2 is to ensure residential development is provided in accordance with any policy for housing in the Scheme and to support medium densities in areas where development can take advantage of public transport and community infrastructure and services.
60. As discussed in detail earlier in this report, there is strong policy support for the proposed development within the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, as well as within the purpose of the General Residential Zone.

*Standard B3 – Dwelling Diversity*

61. The aim of Clause 55.02-3 is to encourage a range of new dwelling sizes and types in developments of ten or more dwellings. As this application is for two dwellings only, this standard is not applicable to this proposal.

*Standard B4 – Infrastructure*

62. The objectives of this clause are to ensure development is provided with appropriate utility services and infrastructure and to ensure development does not unreasonably overload the capacity of utility services and infrastructure.
63. Considering the highly built up nature of the area and the scale of the development (two dwellings), it is not expected that the development will overload any utility services or infrastructure. The existing dwelling is already connected to the required utility services and infrastructure. The objective is achieved.

*Standard B5 – Integration with the Street*



64. This clause seeks to integrate the layout of development with the street. Specifically, adequate vehicle and pedestrian links should be provided, development should be oriented to front the street and high fencing should be avoided.
65. The proposal seeks to construct a double storey dwelling facing Buckingham Street with a 3.3 metre front setback. The front dwelling is provided with an individual entrance facing the Buckingham Street frontage, as well as a bedroom facing the street on the ground floor. On the first floor of the front dwelling, living rooms windows provide further passive surveillance of the street. This provides an appropriate level of activation and integration.
66. The proposal also includes a 1.2 metre high front fence with a gate for access to the front dwelling, avoiding high fencing at the front of the site. A communal pedestrian path along the eastern boundary of the site provides access to the rear dwelling, as well as the car parking area to the rear of the site, providing adequate pedestrian links throughout the site.

*Standard B6 – Street Setback*

67. Clause 55.03-1 aims to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. Specifically, if there is an existing building on both abutting allotments facing the same street, the front setback should be the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street.
68. The two adjoining dwellings on the abutting allotments have front setbacks of 4.3 metres and 3.3 metres respectively, requiring the proposed development to have a front setback of 3.8 metres. The proposed development consists of a 3.3 metre setback to Buckingham Street, failing the standard.
69. However, both adjoining dwellings have verandahs that encroach into their respective front setbacks. Additionally, to the east at 66-68 Buckingham Street and 70-72 Buckingham Street are three-storey walk-up flats that both have a front setback of 2.5 metres. Furthermore, to the west at 56 Buckingham Street, the dwelling, while only single storey has a front setback of approximately 1.2 metres.
70. Therefore, the proposed development is consistent with the neighbourhood character and will not have an unreasonable impact when viewed from the street. The proposed setback is also considered to be an efficient use of the site and is therefore supported.

*Standard B7 – Building Height*

71. This clause aims to ensure that the height of buildings respects the existing or preferred neighbourhood character. Specifically, the maximum building height should not exceed 9 metres. Changes of building height between existing buildings and new buildings should also be graduated. Clause 3 of Schedule 2 to the General Residential Zone imposes a maximum building height limit of 9 metres.
72. The proposed development incorporates a maximum building height of 8.25 metres to the top of the roof top terrace screening. This is considered to be respectful of the existing neighbourhood given the surrounding area is characterised by a mix of single and double storey buildings, with some three storey examples also present.

*Standard B8 – Site Coverage*

73. Clause 55.03-3 aims to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The site area covered by buildings should not exceed 60 per cent. The site coverage of the proposed development at 72 per cent fails the standard.

74. However, high site coverage is typical within an inner city setting where lot sizes are generally small. Moreover, the surrounding area is characterised by high site coverage. Combined with the existing conditions of the site which consist of minimal landscaping and the proposed rainwater tank discussed in more detail below, the variation to the site coverage standard is accepted.

*Standard B9 – Permeability*

75. This standard seeks to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration, while Clause 22.16 of the Scheme relates to stormwater management. The relevant objectives aim to achieve best practice water quality performance objectives and promote the use of water sensitive urban design, including stormwater re-use.
76. Specifically, Standard B9 requires that the site area covered by pervious surfaces should be at least 20 percent of the site. The proposed development achieves 94 square metres or 28 per cent permeability, exceeding the requirement.
77. Additional stormwater management measures have also been included in the sustainable design assessment, including the provision of a 6,000 litre rainwater tank connected to toilets for flushing and a STORM report with a score of 100, meeting the stormwater treatment objectives. However, a condition of any planning permit that issues should ensure that a notation on the plans reflects the commitment to connect the rainwater tank to toilets for flushing.
78. It is also not clear if the pedestrian paths are permeable or not. A condition contained within the recommendation section of this report therefore requires the pedestrian paths to be of a permeable material to ensure the permeability standard is met.

*Standard B10 – Energy Efficiency*

79. Clause 55.03-5 aims to ensure the orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy. Specifically, Standard B10 calls for buildings to be oriented to make appropriate use of solar energy and developments should be designed so that solar access to north-facing windows is maximised.
80. The proposal has a number of features that will help to achieve a reasonable level of energy efficiency and responds to Council's local environmentally sustainable development policy at Clause 22.17, such as:
- (a) Openable windows to all habitable rooms.
  - (b) Cross ventilation achieved via the operable windows.
  - (c) Limited west facing windows.
  - (d) Shading provided via the screens to all east and west facing habitable room windows and some north facing habitable room windows.
  - (e) Minimum NatHERS rating of 6 stars for each dwelling.
  - (f) 3 star WELS rated showerheads and 4 star WELS rated toilets.
  - (g) 6,000 litre rainwater tank connected to toilets for flushing.
81. A BESS report was also submitted with the application to address Council's local policy at Clause 22.17. The BESS report incorporates measures that achieve a score of 50 per cent, meeting Council's environmental sustainability standards. Additionally, the proposed rainwater tanks also assist in achieving a STORM report score of 100, achieving stormwater treatment objectives.

82. The proposal is also respectful of adjoining properties' energy efficiency through appropriate wall heights and setbacks to boundaries that ensure the energy efficiency of adjoining properties is adequately protected. This is evidenced by the near compliance with the overshadowing standard, discussed in more detail later in this report.

*Standard B11 – Open Space*

83. The objective of Clause 55.03-6 is to integrate the layout of development with any public and communal open space provided in or adjacent to the development. The pedestrian path along the eastern boundary of the site is proposed to be a communal space shared between the residents of both dwellings. The proposed pedestrian path is both accessible and useable and will add to the amenity afforded to the residents of the dwellings.
84. The open space in front of each dwellings entrance is semi-private open space offering a transition at the entrance to each dwelling. While this open space could potentially be either communal or private, as each space is fronted and directly accessed by an individual dwelling only, it serves a semi-private function that improves the amenity of each dwelling.

*Standard B12 – Safety*

85. This clause aims to ensure the layout of development provides for the safety and security of residents and property. The communal pedestrian path is located along the eastern boundary of the site and the individual entrance to the front dwelling is located centrally on the Buckingham Street frontage. Both of these pedestrian paths are clearly visible from the street and have multiple windows at ground and first floor providing passive surveillance opportunities, in accordance with the standard.

*Standard B13 – Landscaping*

86. The objective of this clause is to provide appropriate landscaping. The proposed development incorporates a landscaped front setback area, landscaping within the 3 metre separation between the two dwellings and landscaping along the communal pedestrian path on the eastern boundary. The proposed landscaping areas are considered sufficient to respect the landscape character of the surrounding area.
87. However a landscape plan has not been submitted. A condition contained within the recommendation section of this report requires the submission of a landscape plan to ensure appropriate species are selected. A condition of any planning permit that issues should also ensure the landscaping is undertaken and maintained to the satisfaction of the Responsible Authority.

*Standard B14 – Access*

88. Clause 55.03-9 seeks to ensure that the number of and design of vehicle crossovers respects the neighbourhood character. The proposed vehicle access arrangements are exclusively from the rear laneway, with no crossovers existing or proposed to Buckingham Street. The standard is considered to be met. Car parking, access and traffic issues will be further discussed later in this report.

*Standard B15 – Parking Location*

89. This clause aims to provide convenient parking for residents and to protect residents from vehicular noise within developments. The car parking area is located to the rear of the site, exclusively accessed from the rear laneway. The communal pedestrian path provides convenient access from the car parking area to both dwellings. Council's engineering services unit have reviewed the car parking layout and confirmed that vehicles can adequately enter and exit the site.

*Standard B17 – Side and Rear Setbacks*

90. Clause 55.04-1 aims to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. Specifically, a new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
91. The below table outlines the level of non-compliance of each wall to each of the side boundaries:

<b>Wall:</b>	<b>Height:</b>	<b>Setback required:</b>	<b>Proposed setback:</b>	<b>Compliant ?</b>
Ground floor setback to eastern boundary.	3.4m	1m	1.5m	Yes
First floor wall of D1 to eastern boundary.	6.98m	2.08m	2.84m	Yes
First floor wall of D2 to eastern boundary.	7.18m	2.28m	2.92m	Yes
First floor wall of home office to eastern boundary.	7.1m	2.19	2.17m	<b>No</b>
First floor wall of corridor in D2 to western boundary.	6.12m	1.76m	1.43m	<b>No</b>
First floor wall of home office to western boundary.	6.12m	1.76m	2.56m	Yes
Roof top terrace screening to eastern boundary (D1).	8.25m	3.35m	3.1m	<b>No</b>
Roof top terrace screening to eastern boundary (D2).	8.25m	3.35m	3.1m	<b>No</b>

92. To the eastern boundary the first floor wall of the home office fails the standard by 0.94 metres. However, given the location of the home office to the rear (south) of the site and opposite the garage on the adjoining property to the east, the non-compliance will not result in any unreasonable impacts on habitable room windows or secluded private open space areas. While the adjoining property to the east has a 3 metre wide area between the garage and the common boundary, the variation to the setback is minor at 0.02 metres and the lightweight material selected will ensure no unreasonable visual bulk impacts.

93. The roof top terrace screening of Dwellings 1 and 2 both fail the setback requirement to the eastern boundary by 0.25 metres. Again, given the length of the screening at 5 metres and 6.37 metres, respectively, the non-compliance will not result in any unreasonable impacts on habitable room windows or secluded private open space. While the screening on Dwelling 2 is opposite the secluded private open space of the adjoining property to the east, the height and setback combined with the lightweight material proposed limits the impact on the amenity of that dwelling.
94. To the western boundary the first floor corridor of Dwelling 2 linking to the home office fails the setbacks requirement by 0.33 metres. The corridor has a length of approximately 3.5 metres where it is opposite the secluded private open space of the dwelling to the west. As a result, the wall will not have an unreasonable impact on habitable room windows as none face this wall or secluded private open space. This is further evidenced by the proposed development's compliance with the overshadowing standard to the secluded private open space of the dwelling to the west.
95. It is noted wall heights and the side setbacks as depicted in the advertised plans are different to the sketch plans. The following table details those setbacks that have changed as a result of the sketch plans:

96.

Wall:	Height (previous):	Setback required:	Proposed setback:	Compliant ?
First floor wall of home office to eastern boundary.	7.56m (7.1m)	2.65m (2.19m)	2.93m (2.17m)	Yes
First floor wall of corridor (bathroom/store ) in D2 to western boundary.	6.12m (6.12m)	1.76m (1.76m)	1.53m (1.43m)	No
First floor wall of home office (winter garden) to western boundary.	6.82m (6.12m)	1.97m (1.76)	3m (2.56m)	Yes

97. As shown on the table above, the first floor home office wall (now winter garden) is more compliant than previously, the first floor wall of the internal corridor (now bathroom/store) is closer to meeting the standard than previously and the first floor wall of the home office to the eastern boundary is now compliant when it was previously non-compliant. Overall, the side setbacks depicted in the sketch plans are more compliant with the standard than the advertised plans.

*Standard B18 – Walls on Boundaries*

98. Standard B18 requires the height of a new wall constructed on or within 200mm of a side or rear boundary to not exceed an average of 3.2 metres, with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall. Additionally, a new wall constructed on or within 200mm of a side or rear boundary of a lot should not abut the boundary for a length of more than 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

99. On the eastern boundary, the maximum allowable length of wall should not exceed 16.72 metres. On the western boundary, the maximum allowable length of wall should not exceed the length of the existing walls abutting the boundary on the adjoining property.
100. The proposed wall along the eastern boundary of the site has a length of 8.365 metres and a height varying between approximately 2.93 metres and 3.27 metres. The proposed wall on the eastern boundary therefore complies with the standard.
101. The proposed development incorporates a wall on the majority of the western boundary, with the exception of the front setback and the 3 metre separation between the two proposed dwellings. The majority of the wall proposed on the western boundary abuts a similar wall on boundary on the adjoining lot to the west.
102. However, approximately 8.91 metres of the proposed wall on boundary adjoins the rear secluded private open space of the adjoining property to the west. While the height of the 8.91 metre section of wall does not exceed 2.94 metres on the boundary, the overall length of the wall on the boundary fails the standard as it exceeds the length of wall abutting the boundary on the adjoining property.
103. Before deciding on an application, the decision guidelines of Clause 55.04-2 require the Responsible Authority to consider the following relevant matters:
  - (a) Any relevant neighbourhood character objective, policy or statement set out in this scheme.
  - (b) The design response.
  - (c) The extent to which walls on boundaries are part of the neighbourhood character.
  - (d) The impact on the amenity of existing dwellings.
  - (e) The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
  - (f) The orientation of the boundary that the wall is being built on.
  - (g) The width of the lot.
  - (h) The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
  - (i) Whether the wall abuts a side or rear lane.
  - (j) The need to increase the wall height to screen a box gutter.
104. In this instance, there are several examples of outbuilding and other structures constructed boundary to boundary and facing Little Buckingham Street. Specifically, at the rear of 54-54A Buckingham Street is a double storey structure built boundary to boundary on the laneway. At the rear of 86A and 92-94 Buckingham Street are also double storey buildings constructed boundary to boundary on the laneway. To the rear of 52, 76 and 84 Buckingham Street are boundary to boundary garages on the laneway.
105. Additionally, the design response ensures the first floor above is appropriately setback from the ground floor wall on boundary, with the first floor corridor linking Dwelling 2 to the home office only marginally failing Standard B17 as discussed earlier in this report. Where the proposed development is adjacent to the adjoining property's secluded private open space, it is articulated with varying materials which assist in reducing the perceived building mass of the proposed development.
106. Furthermore, as will be discussed in more detail later in this report, the proposed development complies with Standard B21 relating to the overshadowing of adjoining property to the west. For these reasons, the proposed wall along the western boundary of the subject site is considered acceptable in this inner city location, where housing growth is encouraged in locations offering good access to services and transport.

#### *Standard B19 – Daylight to Existing Windows*

107. Standard B19 of ResCode requires that buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
108. Additionally, walls more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.
109. All existing habitable room windows opposite the proposed building retain a light court that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. However, the proposal incorporates wall heights greater than 3 metres opposite existing habitable room windows to the east. The standard requires these to be setback half the height of the wall.
110. The maximum height on the eastern elevation reaches 8.25 metres to the top of the roof top terrace screens. This requires a setback to the habitable room windows of 4.13 metres. The walls are setback a minimum 2.84 metres from the eastern boundary and the habitable room windows are setback approximately 3 metres from the common boundary, thus complying with the standard.

*Standard B20 – North-facing Windows*

111. Standard B20 of ResCode aims to allow adequate solar access to existing north-facing habitable room windows. Given the orientation of the site and the generous width of Little Buckingham Street, there are no north facing habitable room windows impacted upon by the proposed development.

*Standard B21 – Overshadowing Open Space*

112. It is noted that the shadow diagrams advertised with the application omitted additional shadow impacts from each adjoining properties' opposite side fence. The shadows diagrams were subsequently updated after the advertising period, with the updated shadow diagrams included in the sketch plans. The assessment below is based on the updated shadow diagrams.
113. Clause 55.04-5 of ResCode aims to ensure buildings do not significantly overshadow existing secluded private open space. Specifically, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9:00am and 3:00pm on 22 September.
114. The shadow diagrams indicate that the adjoining property to the west achieves a minimum of 40 square metres of sunlight between 10:00am and 3:00pm on the Equinox, thereby meeting the standard.
115. However, the shadow diagrams show that the secluded private open space of the adjoining dwelling to the east only achieves 39 square metres of sunlight at 9:00am. It is also noted that the shadow diagrams indicate that 40 square metres remain in sunlight at 2:00pm. However, the thin area to the west of the garage (approximately 2 square metres) is not considered useable open space and should not be considered for the purpose of calculating the secluded private open space that receives sunlight. Therefore, only 38 square metres remains in sunlight at 2:00pm.

116. While the minimum 40 square metres is met between 10:00am and 1:00pm, the inability to achieve the minimum 40 square metres at 9:00am and 2:00pm results in the failure to meet the standard.
117. Overall, the exceedance of the standard by 1 and 2 square metres at 9:00am and 2:00pm, respectively, is not considered unreasonable and the dwelling will continue to achieve sunlight penetration to the secluded private open space over the course of the day. The existing use of the secluded private open space will not be significantly impacted upon and will continue to be useable by residents.

*Standard B22 – Overlooking*

118. Clause 55.04-6 aims to limit views into existing secluded private open space and habitable room windows. The proposed development incorporates appropriate measures to minimise overlooking. The standard does not apply to the ground floor habitable room windows on the eastern elevation as there is a visual barrier and the floor level of the building is less than 0.8 metres above the ground level at the boundary.
119. On the eastern elevation there are four windows at the first floor that would potentially overlook the property to the east. On the western elevation there is a first floor window associated with the corridor to the home office as well as a south facing window in the corridor that would potentially overlook the property to the west. All of these windows are screened with full height fixed timber screening with a maximum 25 per cent openings.
120. Both roof top terraces are screened to 1.7 metres above the finished floor level for the entire perimeter of these spaces, meeting the standard. The first floor south facing window of the home office does not overlook any secluded private open space or habitable room windows within 9 metres and therefore no screening is required for this window.

*Standard B23 – Internal Views*

121. Clause 55.04-7 aims to limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development. The proposed development has been designed to limit external overlooking and, in doing so, will also minimise any unreasonable overlooking between the two proposed dwellings.

*Standard B24 – Noise Impacts*

122. Given the proposed development, including the roof top decks, will be used for residential purposes, it is considered that there will be no unreasonable off-site acoustic amenity impacts to the surrounding area. Additionally, it is not considered warranted to require specific acoustic treatments for the dwellings to mitigate noise impacts as there are no commercial premises in the surrounding area and given the existing residential use of the site.

*Standard B25 – Accessibility*

123. This clause aims to encourage the consideration of the needs of people with limited mobility in the design of developments.
124. The proposed dwellings are accessed from ground floor level. However, living areas are located at the first floor and are accessed by internal stairways. It is unlikely that people of limited mobility would choose to occupy these dwellings given the proposed layout.



125. Overall, the proposed development is considered to meet the objective as both dwellings are provided with bedrooms and bathrooms on the ground floor. Given the relatively small scale of the proposed development, adequate consideration has been given in the design to the needs of people with limited mobility.

*Standard B26 – Dwelling Entry*

126. Standard B26 of ResCode requires entries to dwellings and residential buildings to be visible and easily identifiable from streets and other public areas and to provide shelter, a sense of personal address and a transitional space around the entry.
127. The proposed development incorporates a communal pedestrian path located along the eastern boundary of the site and an individual entrance to the front dwelling located centrally on the Buckingham Street frontage. Both of these pedestrian entries are clearly visible from the street providing a sense of personal address, in accordance with the standard.
128. A sign is also proposed indicating the location of the entrance to Dwelling 2, located perpendicular to the ground floor eastern wall of Dwelling 1. The sign is visible from the street, enhancing the sense of personal address to Dwelling 2.

*Standard B27 – Daylight to New Windows*

129. All new habitable room windows will receive daylight access in accordance with the standard requirements. The ground floor bedrooms of both dwellings are all provided with an outlook with a minimum dimension of 1.5 metres and a minimum area of 3 square metres, complying with the standard. The first floor habitable room windows are also provided with a minimum setback of 1.5 metres and a minimum area of 3 square metres. All habitable room windows therefore comply with the standard.

*Standard B28 – Private Open Space*

130. The standard requires a dwelling to be provided with private open space consisting of either:
- (a) An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
  - (b) A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
  - (c) A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
131. Both dwellings are provided with a roof top terrace with an area of 23 square metres and a minimum dimension that complies with the standard. The provision of private open space within the proposed development is therefore considered to adequately provide for the reasonable recreation and service needs of residents.

*Standard B29 – Solar Access to Open Space*

132. The objective of this clause seeks to allow solar access into the secluded private open space of new dwellings and residential buildings. Given that the main secluded private open space for both dwellings is provided on a roof top terrace, the objective is considered to be met.

*Standard B30 – Storage*

133. Standard B30 of ResCode requires each dwelling has convenient access to at least 6 cubic metres of externally accessible, secure storage space. Each dwelling has been provided with 6 cubic metres of storage space within the ground floor garage, meeting the standard.

*Standard B31 – Design Detail*

134. Standard B31 of ResCode calls for design detail that respects the existing or preferred neighbourhood character. Specifically, the design of buildings, including facade articulation and detailing, window and door proportions, roof form, and verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character.
135. The form of the proposed development is contemporary and is reflective of other recent development within the surrounding area. While the proposal incorporates a double storey built form presenting to Buckingham Street, this is not uncommon within the street, with the three storey walk up flats located at 66 Buckingham Street and numerous examples of double storey built form presenting to the street (e.g. 46, 52, 54, 70 and 76 Buckingham Street).
136. However, Council's urban design unit recommend cutting the raked first floor wall of Dwelling 1 on the eastern elevation to create a cleaner building line and setting the first floor 'bay' windows on the east elevation back to be more recessed, but still allowing for some articulation. A condition contained in the recommendation section of this report ensures this design outcome is achieved.
137. Additionally, Council's urban design unit encouraged the provision of a verandah/porch for the front dwelling to provide weather protection and to better respond to the character of the street. The plans appear to show a porch for each dwelling above the main entrance of each. However, a condition contained in the recommendation of this report seeks to clarify the location and extent of the porches proposed, ensuring an appropriate level of weather protection is achieved and the proposed development appropriately integrates with the streetscape.
138. Given the eclectic mix of built form in the surrounding area and the above recommendations, the proposed development will appropriately respond to the existing character through the various materials used, the setbacks proposed and the contemporary design.

*Standard B32 – Front Fence*

139. Clause 55.06-2 aims to encourage front fence design that respects the existing or preferred neighbourhood character. The proposal incorporates a 1.2 metre high horizontal metal slat front fence along the Buckingham Street boundary.
140. There is an eclectic range of front fence styles and heights within Buckingham Street. To the west is a 1.6 metre high solid brick front fence, while to the east is a 1.5 metre high timber paling front fence. The proposed front fence is therefore considered to be consistent with the objective and is also compliant with the standard.

*Standard B33 – Common Property*

141. The objective of this clause is to ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained and to avoid future management difficulties in areas of common ownership.
142. The designated common property and communal areas of the proposed development are practical and easily maintained. The private areas (e.g. bedrooms) are clearly delineated from the communal areas, which are functional and capable of efficient management.

*Standard B34 – Site Services*

143. Clause 55.06-4 aims to ensure that site services can be installed and easily maintained and ensure that site facilities are accessible, adequate and attractive. The proposal incorporates space for bin storage and bicycle spaces for each dwelling within the garage. Mailboxes are also provided at the main pedestrian entrance to the development off Buckingham Street. The standard is therefore considered to be met.

#### Home Based Business

144. Clause 52.11 of the Yarra Planning Scheme aims to ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling. Clause 52.11-1 sets the requirements that a home based business must meet in order to operate.
145. Of relevance to this application, the net floor area used in conducting the home based business must not exceed 100 square metres or one third of the net floor area of the dwelling, whichever is the lesser. Dwelling 2 has an internal floor area of 213 square metres, resulting in one third of the floor area equalling 71 square metres. The proposed home office has a floor area of approximately 42 square metres, which meets the requirement.
146. Concern was raised in the objections that the home office is actually a third dwelling. The Planning Scheme's definition of a dwelling is *'a building used as a self-contained residence which must include:*
- a) *a kitchen sink;*
  - b) *food preparation facilities;*
  - c) *a bath or shower; and*
  - d) *a closet pan and wash basin.*
- It includes out-buildings and works normal to a dwelling'.*
147. It is clear from the plans that the home office currently contains all of the elements that constitute a dwelling in its own right. The plans also include annotations erroneously referring to the home office as Unit 3. Additionally, the internal connection between Dwelling 2 and the home office is closed off and allows the two spaces to be separated and easily converted into individual dwellings.
148. The applicant submitted sketch plans (Attachment 4) that address the above concerns by deleting all references to Unit 3, removing the staircase and internal corridor to the home office and deleting the kitchen sink.
149. Subsequent internal changes include an increase to the size of the master bedroom on the ground floor, introducing a winter garden to the rear of the home office with an outlook towards the laneway and relocating the laundry and bathroom on the first floor.
150. Additionally, the overall height of the home office has been increased from 7.1 metres to 7.56 metres as a result of removing the three steps between Dwelling 3 and the home office, bringing the floor level of the home office in line with the rest of the dwelling. The setback to the rear boundary from the first floor south-facing wall of the deleted internal corridor has slightly reduced from 5.9 metres to 5.6 metres, while the setback to the rear boundary from the first floor south-facing wall perpendicular to the western boundary has increased from 11.4 metres to 12 metres.
151. However, the setback of the first floor wall to the east boundary has been increased from 2.17 metres to 2.93 metres. To the west boundary, the setback has increased from 1.43 metres to 1.53 metres for the deleted internal corridor wall (now bathroom/store) and from 2.56 metres to 3 metres for the home office (now winter garden) wall. The setback to the rear boundary with the laneway has also increased from 0.52 metres to 2.18 metres.

152. These additional setbacks account for any additional overshadowing as a result of the additional height of the home office section of the building. This is confirmed on the updated shadow diagrams submitted with the sketch plans.
153. A condition contained within the recommendation section of this report therefore requires amended plans in accordance with the sketch plans prepared by One Design Office and dated 9 April 2018.
154. It is noted that the three first floor west-facing windows associated with the bathroom, laundry and store of Dwelling 2 are all obscured glass. However, it is unclear if and how these are operable. Whilst these are to non-habitable rooms, the window to the corridor proposed in the advertised plans was screened in accordance with the Standard B22. The applicant has agreed to continue this treatment. A condition contained within the recommendation ensures the operability of these windows all comply with Standard B22 (overlooking) of Clause 55.04-6.

#### Car Parking Reduction

155. Pursuant to Clause 52.06 of the Scheme, four car parking spaces are required for the two three-bedroom dwellings. As only three car parking spaces are provided, a reduction of one car parking space is sought.
156. As detailed earlier in the report, a reduction in the reliance on the private motor vehicle is one of the broader strategic objectives of Council's Municipal Strategic Statement. Allowing for a reduction in the car parking provision to new development can assist in achieving this objective. However, the proposed reduction will be subject to a more detailed assessment to follow.
157. Council's engineering service unit reviewed the proposal and noted that *'car ownership rates for three-bedroom dwellings in Richmond have been sourced from the 2011 census conducted by the Australian Bureau of Statistics. For townhouse type dwellings of two or more storeys, the car ownership rate for three-bedroom townhouses in Richmond is 1.5 cars. The proportion of three-bedroom townhouses in Richmond owning one vehicle is 43 per cent and the proportion of three-bedroom townhouses owning two cars is 41 per cent'*.
158. The statistics suggest that there is a market for three-bedroom townhouses in Richmond that own at least one car. Council's engineering services unit *'consider the car parking provision of one space for Dwelling 1 to be appropriate'*.
159. Council's engineering service unit also noted that *'the site is within walking distance of tram services operating along Church Street, Bridge Road, and Victoria Street'* and that *'the site has convenient pedestrian access to shops, businesses, supermarkets, essential services and amenities. The site also has good connectivity to the on-road bicycle network'*.
160. Clause 52.06 lists a number of considerations for deciding whether the required number of car parking spaces should be reduced. For the subject site, the following considerations are detailed as follows.
161. As observed by Council's engineering services unit *'the demand for on-street parking in the surrounding area is very high. It would be impractical for residents to own an additional car and attempt to park on-street'*.
162. Additionally, the proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use. Furthermore, all occupants of the new dwellings will be ineligible to apply for on-street resident and visitor car parking permits.

163. From a traffic engineering perspective, the waiver of one car parking space is considered appropriate in the context of the development and the surrounding area. The provision of one space for Dwelling 1 is reflective of the statistical trend where a proportion of three-bedroom dwellings in Richmond have one car or less. Council's engineering services unit *'has no objection to the waiver of car parking'*.
164. For the reasons provided, it is considered that a reduction of one car parking space is consistent with the purpose of Clause 52.06 and is supported. Council's engineering services unit also raised no issues with the marginal increase in traffic from the site. The estimated increase in traffic as a result of the proposed development is therefore not expected to adversely impact on the operation and performance in Little Buckingham Street or the surrounding streets.
165. Council's engineering services unit also raised no concerns with the car parking layout accessed from the rear laneway, with the exception of showing the vehicle crossover to Little Buckingham Street spanning the width of the garage door, including dimensions. A condition contained in the recommendation section of this report will ensure amended plans include the required information.

#### Objector Concerns

166. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:
- (a) Overdevelopment.
  - (b) Out of character.
  - (c) Excessive bulk and scale.
  - (d) High site coverage.
  - (e) Excessive wall on western boundary.
  - (f) Overshadowing.
  - (g) Overlooking.
  - (h) Increase in noise from the roof top terraces.
  - (i) Lack of car parking.
  - (j) Increased traffic congestion.
  - (k) Failure to address sustainable development initiatives.
  - (l) Reliance on roof top terraces for private open space.
  - (m) Home office appears to be a self-contained studio.
167. Outstanding concerns raised in objections are discussed below:
- (a) *Impacts during construction.*  
Concern has been raised in relation to damage of the adjoining buildings and public property during construction. Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. However, the developer has obligations under the Building Act 1993 to protect adjoining property from potential damage. It is the responsibility of the relevant building surveyor to require protection work as appropriate. Council's local laws require an asset protection permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged.
  - (b) *Asbestos removal.*  
Asbestos is subject to removal and disposal controls separate to planning legislation. Specifically, all asbestos must be removed in accordance with Worksafe requirements, and disposed of in accordance with EPA requirements.

(c) *Inaccurate documentation.*

Sufficient information to enable an informed view of the application has been made available for viewing. As discussed earlier in this report, the annotations erroneously referring to the home office as Unit 3 should be deleted from the plans and a condition contained within the recommendation section of this report ensures this is achieved.

## Conclusion

168. 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 and Council's preference to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
169. The proposal, subject to conditions outlined in the recommendation section below is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0900 for the construction of two double storey dwellings with roof top terraces and a reduction in the car parking requirement at 62 Buckingham Street, Richmond, subject to the following conditions:

### Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by One Design Office and dated 20 December 2017, but modified to show:
  - (a) The changes shown in the sketch plans prepared by One Design Office and dated 9 April 2018, which generally show:
    - (i) The deletion of all references to Unit 3.
    - (ii) The removal of the staircase and internal corridor to the home office.
    - (iii) The deletion of the kitchen sink from the home office.
    - (iv) The introduction of a winter garden to the rear of the home office with an outlook towards the laneway.
    - (v) Subsequent internal changes including an increase to the size of the master bedroom on the ground floor and relocating the laundry and bathroom on the first floor.
    - (vi) The overall height of the home office increased to 7.56 metres.
    - (vii) The setback to the rear boundary from the first floor south-facing wall of the deleted internal corridor reduced to 5.6 metres.
    - (viii) The setback to the rear boundary from the first floor south-facing wall perpendicular to the western boundary increased to 12 metres.
    - (ix) The setback of the first floor wall to the east boundary increased to 2.93 metres.
    - (x) The setback to the west boundary increased to 1.53 metres for the deleted internal corridor wall and to 3 metres for the home office wall.
    - (xi) The setback to the rear boundary with the laneway increased to 2.18 metres.

But further modified to show the following changes:

- (b) A notation on the plans that the rainwater tank is to be connected to toilet flushing.
- (c) The pedestrian paths within the proposed development constructed of a permeable material.
- (d) The raked first floor wall of Dwelling 1 on the eastern elevation cut back to create a clean building line with a minimum setback of 2.8 metres.

- (e) The first floor 'bay' windows on the east elevation of Dwelling 1 to be more recessed, but still allowing for some articulation.
  - (f) The vehicle crossing (including dimensions) onto Little Buckingham Street to match the width of the garage door.
  - (g) The first floor west facing windows associated with the bathroom, laundry and store of Dwelling 2 compliant with Standard B22 (overlooking) of Clause 55.04-6 of the Yarra Planning Scheme.
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.

### **Landscape Plan**

3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will form part of this permit. The landscape plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (c) provide a specification of works to be undertaken prior to planting,
- to the satisfaction of the Responsible Authority.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
  - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
  - (c) Replacing any dead, diseased, dying or damaged plants.
- to the satisfaction of the Responsible Authority.

### **Sustainable Design**

5. The provisions, recommendations and requirements of the endorsed sustainable design assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Car Parking**

6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans.
  - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
  - (c) Treated with an all-weather seal or some other durable surface.
  - (d) Line-marked or provided with some adequate means of showing the car parking spaces.

to the satisfaction of the Responsible Authority.

### **General**

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

8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
9. 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.
10. 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 car parking, pedestrian walkway, and dwelling entrances must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
11. 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.
12. Before the building is occupied, any wall located on a boundary facing public property (e.g. the rear laneway) must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
13. 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.
14. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
  - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
  - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

#### **Time Expiry**

15. 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**

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

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.



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

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

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

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

The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the permit holder.

The applicant must liaise with Council's open space unit for the protection of street trees in Buckingham Street.

**CONTACT OFFICER:**     **Nikolas Muhllechner**  
**TITLE:**                    **Principal Planner**  
**TEL:**                      **9205 5456**

**Attachments**

- 1 PLN17/0900 - 62 Buckingham Street Richmond - Subject Land Map
- 2 PLN17/0900 - 62 Buckingham Street Richmond - Development Plans
- 3 PLN17/0900 - 62 Buckingham Street Richmond - Engineering comments
- 4 PLN17/0900 - 62 Buckingham Street Richmond - Sketch Plans from One Design Office

- 
- 1.2 32 - 68 Mollison Street and 10 Victoria Crescent, Abbotsford - Planning Application No. PLN17/0679 - Development of the land for the construction of a five-storey building(s) generally on land within the Incorporated Plan Overlay (Schedule 1) - 32-68 Mollison Street; and 10 Victoria Crescent (not within the Incorporated Plan Overlay), and a change of use to office and shop, including a reduction in the associated car parking requirement.**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of Planning Application PLN17/0679 at 32 - 68 Mollison Street and 10 Victoria Crescent, Abbotsford and recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 21.05 – Built Form;
  - (b) Clause 22.05 – Interface Uses Policy;
  - (c) Clause 22.10 – Built Form and Design Policy;
  - (d) Clause 33.01 – Industrial 1 Zone;
  - (e) Clause 34.02 – Commercial 2 Zone;
  - (f) Clause 43.03 – Incorporated Plan Overlay; and
  - (g) Clause 52.06 – Car Parking.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification;
  - (b) Built form with regard to the Incorporated Plan (Schedule 1);
  - (c) On-site amenity;
  - (d) Off-site amenity;
  - (e) Traffic, access, bicycle parking and car parking reductions;
  - (f) Waste management; and
  - (g) Objector concerns.

### **Objector Concerns**

4. Six (6) objections were received to the application that are summarised as:
  - (a) Excessive building height and bulk;
  - (b) Inadequate on-site parking and loading areas and traffic impacts on the broader area; and
  - (c) Overshadowing of the public domain.

### **Conclusion**

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

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

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- 1.2 32 - 68 Mollison Street and 10 Victoria Crescent, Abbotsford - Planning Application No. PLN17/0679 - Development of the land for the construction of a five-storey building(s) generally on land within the Incorporated Plan Overlay (Schedule 1) - 32-68 Mollison Street; and 10 Victoria Crescent (not within the Incorporated Plan Overlay), and a change of use to office and shop, including a reduction in the associated car parking requirement.**
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Trim Record Number: D18/58225

Responsible Officer: Senior Coordinator Statutory Planning

<b>Proposal:</b>	Development of the land for the construction of a five-storey building(s) generally on land within the Incorporated Plan Overlay (Schedule 1) - 32-68 Mollison Street; and 10 Victoria Crescent (not within the Incorporated Plan Overlay), and a change of use to office and shop and reduction in the associated car parking requirement.
<b>Existing use:</b>	Car park / Offices/ Former warehouse
<b>Applicant:</b>	Natasha Liddell – Meydan Group
<b>Zoning / Overlays:</b>	Commercial 2 Zone / Industrial 1 Zone / Environmental Audit Overlay / Incorporated Plan Overlay (Schedule 1)
<b>Date of Application:</b>	21 August 2017
<b>Application Number:</b>	PLN17/0679

### Planning History

1. Planning permit no. PLN13/1025 was issued on 06 June 2014 for the *development and use of the land for a seven-storey car park (in association with offices at Nos. 32-68 Mollison Street and in accordance with IPO -Schedule 1), ground floor shop and a reduction in the car parking requirements associated with the shop.* Works associated with this permit have not commenced. An extension of time was granted on 11 August 2017, allowing the works to commence no later than 6 June 2018 and be completed no later than 6 June 2020, and the use to commence no later than 6 June 2021.

### Background

#### Amendment C170

2. Amendment C170 was approved by the Minister for Planning and gazetted into the Yarra Planning Scheme (the "Scheme") on 17 October 2013. The land affected by the Amendment is the land at 32-68 Mollison Street, Abbotsford and 61-69 William Street, Abbotsford. The application before Council relates to the land at 32-68 Mollison Street, but also includes the land at 10 Victoria Crescent, Abbotsford (not covered by the Incorporated Plan Overlay).
3. Amendment C170 made the following changes to the Scheme:
  - (a) Rezoned the land at 32-68 Mollison Street, Abbotsford from Industrial 1 Zone to Business 3 Zone (now known as Commercial 2);
  - (b) Rezoned the land at 61-69 William Street, Abbotsford from part Industrial 1 Zone and part Residential 1 Zone to Mixed Use;
  - (c) Applied the Incorporated Plan Overlay;
  - (d) Introduced a new schedule to the Incorporated Plan Overlay (Schedule 1);
  - (e) Included the subject site in the Environmental Audit Overlay, and
  - (f) Inserted a new incorporated document into the schedule to Clause 81.01 entitled: "32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013."

4. The application before Council was lodged on the 21 August 2017. Following the submission of further information, the application was advertised and objections were received.
5. A consultation meeting was held on the 13 March 2018 and was attended by the applicant, objectors and planning officers. No changes have been made to the advertised plans.

**Existing Conditions**

Subject Site

6. The subject site is located on the northern side of Mollison Street, and is bounded by Little Nicholson Street to the west and Victoria Crescent to the east.
7. The site is trapezium in shape (with the title boundary to Victoria Crescent acutely angled) and comprises the following titles:

Address	Title Vol/ Folio number	Easements or restrictions
32 – 68 Mollison Street, Abbotsford	Vol. 09762 Fol. 250 Vol. 09762 Fol. 251 Vol. 11049 Fol. 625 Vol. 10395 Fol. 989 Vol. 11847 Fol. 124	Party wall and carriageway easements.
10 Victoria Crescent, Abbotsford	Vol. 09762 Fol. 252	Party wall easement.

8. Combined, the site has a frontage to Mollison Street (south) of approximately 146.8m, a frontage to Little Nicholson Street (west) of 45.1m, a frontage to Victoria Crescent (east) of 44.8m with a site area of approximately 5547.5sqm.



View looking north-east from the Little Nicholson Street and Mollison Street intersection.



View looking north-west from the Mollison Street and Victoria Crescent intersection.

9. The site is occupied by an open-air, at grade, car park to the west (bounded by Little Nicholson Street to the west) with two and three-storey, hard-edged commercial buildings that extend across the Mollison Street and Victoria Crescent interfaces as depicted in the above photos (also known as property No's 32, 38, 40 and 68 Mollison Street). The buildings are constructed of painted masonry with large industrial windows on each floor level. The corner of the three-storey building (furthest from the car park – No. 68) is splayed at the south-east corner where Mollison Street intersects with Victoria Crescent. There are several vehicle crossovers and pedestrian entries across the Mollison Street interface. This site is zoned Commercial 2.
  
10. No. 10 Victoria Crescent is located to the north-east of the subject site and is occupied by a former industrial building, constructed of masonry with a painted finish. Vehicle and pedestrian access are provided from Victoria Crescent. This site is zoned Industrial 1 and is not covered by any overlays.



Subject Site outlined in black – No. 32-68 Mollison Street zoned Commercial 2 coloured purple and 10 Victoria Crescent zoned Industrial 1 coloured orange.

### Surrounding Land

11. The surrounding area is characterised by a mixture of uses and architectural styles including industrial and commercial buildings of various types and eras as well as older style dwellings and recently constructed apartment developments. This is also depicted within the zoning of the land, between Nicholson Street to the west and Victoria Crescent to the east, includes Industrial 1, Industrial 3, Commercial 2 and Mixed Use Zones.

12. The area contains a range of businesses including light industry, manufacturing, warehousing and other commercial uses. The area comprises of a mix of allotment sizes and building types ranging from industrial to warehouses, office and commercial reflecting the historic industrial nature of the area. Some sites are now vacant or underutilised. Other sites have been redeveloped for residential and commercial uses.



Subject site identified with a yellow outline

13. To the north of the subject site, and extending from the north-west corner is a laneway beyond which is a two storey building occupied by Spotless and Ensign Services and is currently used for a commercial laundry service. Further east, and extending to Victoria Crescent, is a large single-storey industrial building constructed of masonry and used as a panel beater (i.e. property no. 10A Victoria Crescent). To the north of this, is an open-air, at grade, carpark associated with the commercial laundry service, including the continuation of its building through to Victoria Crescent.
14. To the west is Little Nicholson Street and opposite that is land zoned Industrial 3. The building immediately opposite is two-storeys and is built hard to the street and addressed to Mollison Street. A planning application (no. PLN17/0535) to develop this site with a mixed use, commercial building of up to 12 storeys is pending for a decision. To the north of this, buildings are addressed to Nicholson Street and are primarily one and two storeys.
15. To the south is Mollison Street that includes the Denton Mills residential redevelopment at the intersection of Nicholson and Mollison Streets. This development features both the historic mill building, as well as a new structure containing three and four storey apartment buildings. The ground floor is partly occupied by cafes and business uses, with the upper levels containing residential apartments. Pedestrian access to the building is from both Mollison and Nicholson Streets. Current vehicle access to the site is via Little Nicholson Street with the building constructed boundary to boundary fronting Little Nicholson, Nicholson and Mollison Streets.
16. The southern side also includes property no. 61-69 William Street which also forms part of the Incorporated Plan (discussed earlier) and has development approval for a four-storey residential development that is currently under construction.
17. To the east is Victoria Crescent and opposite that are two-storey, hard-edged buildings with a central car park accessed through a centrally located crossover / driveway to Victoria Crescent, including a single-storey, hard-edged masonry building. The buildings are generally used as offices with some light industrial uses. To the south-east, on the opposite corner of the Mollison Street and Victoria Crescent intersection is an Edwardian-era timber dwelling with a hipped and gabled corrugated iron roof, including an open air, at-grade car park to the south east of this.

The Abbotsford Primary School is located approximately 120m south-east of the subject site and is addressed to Albert Street.

18. Beyond Victoria Crescent are the Yarra River to the east and the Carlton United Brewery to the north-east along Church Street. The Victoria Street Major Activity Centre (MAC) is located 320m to the south and includes a number of commercial uses as well as tram routes and a train line. Tram routes are also available along Church Street 420m south-east and bus routes along Hoddle Street 450m further to the west.

## The Proposal

19. The application proposes to develop the site in three stages through the construction of three office buildings (with each building identified as Stages 1, 2 and 3 on the plans), with two shops at ground floor and a reduction in car parking requirements. The key elements of the development can be summarised as follows:

### Use

20. Overall, the buildings combined would contain up to 18,045sq.m. of office floor area with approximately 2,608sq.m. of this space located at no. 10 Victoria Crescent (permit required use in the Industrial 1 Zone). The permit applicant has indicated that as the latter would be an extension to the office use at no. 32-68 Mollison Street (i.e. where there is no planning permit requirement for the office use), the hours are unspecified (ie. can operate 24 hours a day).
21. The shops at the ground would equate to a total area of 925sq.m. (permit required use in the Commercial 2 Zone) and would operate from 8.00am to 8.00pm - Monday to Sunday.

### Stage 1 Building (occupying the west portion of the site)



22. The building would contain the following:

### Layout

- Vehicular access is provided from Little Nicholson Street to 12 car spaces, located at ground floor; 60 car spaces over two basement levels, and to a split level mezzanine (labelled as level 1 and 1A) above the ground floor that would accommodate 35 car spaces;
- Shop located in the south-west corner that would occupy 295sq.m. of the ground floor area. The pedestrian entrance at the south-east corner of the ground floor would provide immediate access into a lobby with two lifts and stairwell to the upper floors;
- Services, waste rooms, substation and a switch room are also located on the ground floor and in the basement;
- On-site bicycle parking is provided in the basement and split level (total of 54 bicycle spaces);

- (e) On-site motorcycle parking is also provided in the basement areas, the ground floor and split level (total of 9 motorcycle spaces);
- (f) Office space is provided over four levels with each level providing 1,015sq.m;

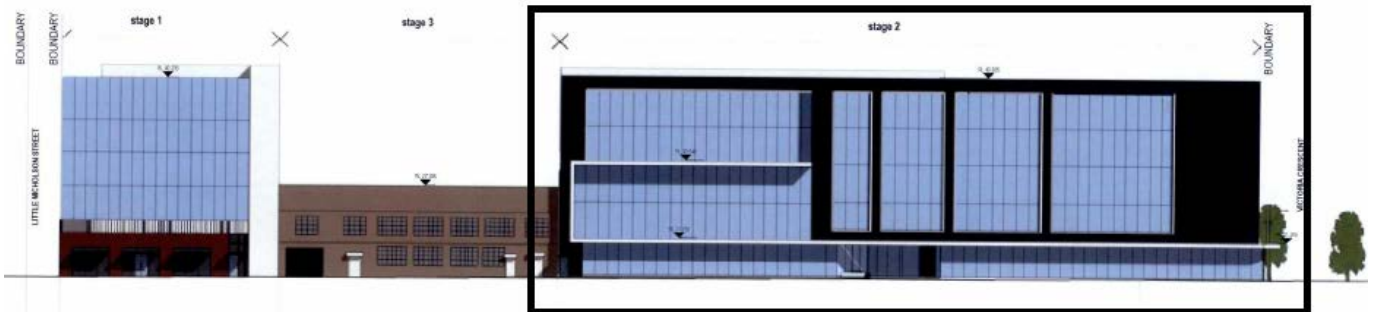
*Building Massing*

- (g) A maximum building height of 25.7m high above the natural ground level (as measured at the south-west corner) with the building extending to the northern, western and southern boundaries at all levels;
- (h) Shop-front windows across the ground floor to Mollison Street;

*Materials and Finishes*

- (i) External walls would be constructed of red coloured masonry at the ground floor with the upper levels constructed of blue coloured glass;

*Stage 2 Building (occupying the eastern portion of the site)*



23. The building would contain the following:

*Layout*

- (a) A shop would occupy 630sq.m. of the ground floor area at the south-east corner with 570sq.m. of office space located in the western portion of the building separated by a central pedestrian entry and lobby setback approximately 4.3m from the Mollison Street boundary with a double lift core and stairwell to the upper floors;
- (b) Services and waste rooms are also located on the ground floor including a loading bay with vehicle access from Victoria Crescent at the north-east corner;
- (c) A two level basement would provide a total of 144 car spaces with 52 bicycle spaces and 6 motorcycle spaces;
- (d) Further office space is provided over four levels with each level providing 1,920sq.m;

*Building Massing*

- (e) A height of 23.5m with a maximum building height of 25.4m to the highest point of the stairwell core, above the natural ground level;
- (f) The ground, first and second floors constructed to the Mollison Street boundary (with the exception of the setback to the main entry) with the third and fourth floors setback 2m for a length of approximately 28m at the south-west corner;
- (g) The building would be setback between 1-2m from the Victoria Crescent boundary from the first through to the fourth levels;
- (h) The building would extend to the northern boundary for its entire length at the ground floor and would be setback 4m at the first through to the fourth levels with the exception of the roof that would extend 2.1m into this setback but maintaining a minimum setback of 2m;



- (i) The building would include a horizontal framing element that would extend from the second floor and snake to the south-west before extending across the ground floor at a height of approximately 4m above the footpath of Mollison Street and extending to Victoria Crescent (i.e. serving as a canopy);

*Materials and Finishes*

- (j) External walls would be constructed with dark and white coloured concrete and blue glass with white frames that would extend over several levels across the Mollison Street elevation;
- (k) The Victoria Crescent elevation would also include a small portion that would be constructed of red masonry at the north-east corner;

*Stage 3 Building (occupying the central portion of the site)*



- 24. The building would contain the following:

*Layout*

- (a) The ground floor would be occupied by an office area of 715sq.m. with a pedestrian entrance at the south-west corner that would provide immediate access into a lobby with two lifts and a stairwell;
- (b) The ground floor would provide 18 car spaces, a loading bay and 6 bicycle spaces north of the office;
- (c) A two level basement would provide a total of 95 car spaces with 64 bicycle spaces and 6 motorcycle spaces with services and amenities. Vehicle access would be provided to this building upon its completion with the internal driveways linked to the Stage 2 building (vehicle access to Victoria Crescent);
- (d) Further office space is provided over four levels with each level providing 1,280sq.m;

*Building Massing*

- (e) A predominant height of 23.2m with a maximum building height of 25.7m to the highest point of the lift / stairwell core, above the natural ground level;
- (f) The ground floor extended to the north and south boundaries with the north-east corner of the building above setback from the northern boundary by approximately 15.5m for a length 10.7m;

*Materials and Finishes*

- (g) External walls would be primarily constructed of smoke grey glass with white concrete walls at the ground floor of the northern elevation, including the perimeters of the building;

*ESD Features*

- 25. Collectively the development would incorporate the following ESD commitments:

- (a) Exceed the minimum BCA/NCC energy efficiency standards;
- (b) Three STORM reports have been received with the following details:
  - (i) Stage 1 building - A STORM score of 107% that is reliant on 1,015sq.m. of roof draining to a 10,000 litre tank for flushing in toilets for 100 occupants;
  - (ii) Stage 2 building - A STORM score of 102% is included that is reliant on 1,870sq.m. of roof draining to two 10,000 litre tanks for flushing in toilets for 200 occupants;
  - (iii) Stage 3 - A STORM score of 101% is included that is reliant on 1,390sq.m. of roof draining to 10,000 litre tank for flushing in toilets for 100 occupants;
- (c) A 140 kW solar PV array installed on the rooftop to contribute to onsite energy consumption;
- (d) Good access to daylight with ~60% of the office floor area reaching the target daylight factor of 2% or greater;
- (e) Energy efficient LED lighting;
- (f) Lockers and showers provided for cyclists;
- (g) Water efficient taps, fixtures and irrigation system; and
- (h) Six electric vehicle charge points.

## Planning Scheme Provisions

### Zoning

*Clause 33.01 – Industrial 1 Zone (10 Victoria Crescent, Abbotsford)*

- 26. Pursuant to Clause 33.01-1 of the Scheme:
  - (a) a planning permit is required for the use of the land for offices.
- 27. Pursuant to Clause 33.01-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.
- 28. Clause 33.01-4 of the Yarra Planning Scheme exempts an application for buildings and works from the notice requirements of Section 52 of the Planning and Environment Act, 1987 (the Act) if the works are not *within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre*. In this instance the buildings and works component was exempt as this site meets the minimum threshold distances specified.

*Clause 34.02 – Commercial 2 Zone (32 – 68 Mollison Street, Abbotsford)*

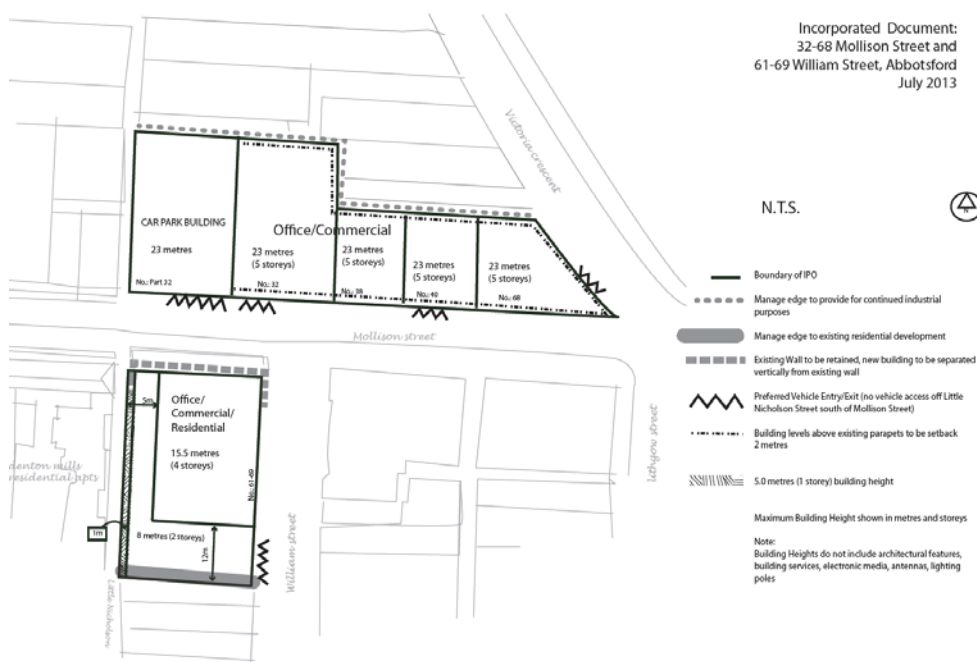
- 29. Pursuant to Clause 34.02-1 of the Scheme:
  - (a) a planning permit is not required for the use of the land for offices; and
  - (b) a 'Shop' is a Section 1 – no permit required use unless it is not located on the same land as a supermarket, the leasable floor area exceeds 500 square metres and the site does not have access to or adjoins a Road Zone.
- 30. In this instance the "Shop" use of the site requires a planning permit.
- 31. Pursuant to Clause 34.02-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.

### Overlays

*Incorporated Plan Overlay – Schedule 1 - (32 – 68 Mollison Street, Abbotsford)*

- 32. The purpose of the Incorporated Plan Overlay 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 identify areas which require:*
  - (i) *The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land; and*
  - (ii) *A planning scheme amendment before the incorporated plan can be changed.*
- (c) *To exempt an application from notice and review if it is generally in accordance with an incorporated plan;*
- (d) *A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until an incorporated plan has been incorporated into this scheme;*
- (e) *This does not apply if a schedule to this overlay specifically states that a permit may be granted before an incorporated plan has been incorporated into this scheme;*
- (f) *A permit granted must:*
  - (i) *Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise; and*
  - (ii) *Include any conditions or requirements specified in a schedule to this overlay.*
- (g) *The relevant purpose of the IPO (Schedule 1) is to facilitate the use and development of the land at 32-68 Mollison Street for office, commercial and compatible uses that will provide jobs and business activity for the local area.*
- (h) *An application to construct a building at 32-68 Mollison Street must include:*
  - (i) *A design response to the satisfaction of the responsible authority having regard to the proximity of properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements; and*
  - (ii) *An active ground floor frontage incorporated into the design of the car park building at 32 Mollison Street.*
- (i) *The Incorporated document shows the following:*



- (j) *The above incorporated document anticipates an office / commercial building on the subject site with:*

- (a) A building height of 23m (five storeys);
- (b) The building levels above the existing parapets setback 2m across the northern, southern, and eastern boundaries (where dotted finely);
- (c) The management of the northern edge to provide for the continued industrial use of the land to the north; and
- (d) Three vehicle entries along Mollison Street and one to Victoria Crescent (shown zig-zagged).

33. The following decision guidelines are provided within the schedule:

- (a) *The impact of the height, bulk, design and appearance of the building or works on the character and amenity of the surrounding area*
- (b) *The extent to which environmentally sustainable design features and practices are adopted.*
- (c) *The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement.*
- (d) *The design of the car park building including how it relates visually to the street environment and the extent of activation of the frontage at street level.*
- (e) *Whether new buildings provide an attractive and engaging edge to the street environment through landscaping and/or architectural design features.*
- (f) *The visibility and layout of the development, and the extent to which screening of mechanical plant equipment is required.*
- (g) *Any reverse amenity impacts of the proposal on existing and on-going operations of existing commercial and industrial activity in the adjoining and surrounding area.*
- (h) *The effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial and industrial activity.*
- (i) *Whether the proposed development has regard to the heritage values of the site as applicable*

*Environmental Audit Overlay (32 – 68 Mollison Street, Abbotsford)*

34. Pursuant to Clause 45.03-1, before a sensitive use (residential use, child care centre, pre-school centre or primary school) 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.*

35. The development does not include any sensitive uses (i.e. residential), and the requirements of this clause do not apply. As such, this is not a permit trigger.

Particular Provisions

*Clause 52.06 – Car parking*

36. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. A permit is required to reduce the number of car parking spaces required under this clause.

37. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.

38. The table below outlines the car parking requirements for the office and shop and the allocation of car parking which would be provided in association with each use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
<b>Office</b>	18,045sq.m. net floor area	3.5 car parking spaces per 100sq.m. of net floor area	631	364	267
<b>Shop</b>	925sq.m. leasable floor area	4 car parking spaces per 100sq.m. of leasable floor area	37	0	37
<b>Total</b>			<b>668</b>	<b>364</b>	<b>304</b>

39. A total of 364 car spaces are proposed on site, therefore the application seeks a reduction of 304 car spaces.

*Clause 52.34 – Bicycle facilities*

40. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

41. The table below outlines the bicycle parking requirements for the proposed uses:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
<b>Office</b>	18,045sq.m. net floor area	1 to each 300sq.m. net floor area (if the net floor area exceeds 1000sq.m.)  1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000sq.m.)	60  18	170	Surplus of 92
<b>Shop</b>	925sq.m. leasable floor area	1 to each 600sq.m. of leasable floor area if the leasable floor area exceeds 1000sq. m. for employees  1 to each 500sq.m. of leasable floor area if the leasable floor	N/A  N/A		

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
		area exceeds 1000sq. m. for visitors			

42. As indicated in the table above, the proposal would provide a surplus of 82 bicycle parking spaces above the requirements of this clause.

General Provisions

*Clause 65 – Decision Guidelines*

43. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. 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 Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

*Clause 13.04-1 – Noise abatement*

44. The objective under this clause is *‘to assist the control of noise effects on sensitive land uses’*.

*Clause 15.01-1 – Urban Design*

45. The objective of this clause is *‘to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity’*.

*Clause 15.01-2 – Urban design principles*

46. Policy objective is *‘to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties’*.

*Clause 15.01-4 – Design for safety*

47. The objective is *‘to improve community safety and encourage neighbourhood design that makes people feel safe’*. The clause includes several strategies to achieve this objective.

*Clause 15.01-5 – Cultural identity and neighbourhood character*

48. The objective is *‘to recognise and protect cultural identity, neighbourhood character and sense of place’*.

*Clause 15.02-1 – Sustainable development: Energy and resource efficiency*

49. The objective is *'to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'*.
50. The clause has the following strategies:
- (i) *Ensure that buildings and subdivision design improves efficiency in energy use.*
  - (ii) *Promote consolidation of urban development and integration of land use and transport.*
  - (iii) *Improve efficiency in energy use through greater use of renewable energy.*
  - (iv) *Support low energy forms of transport such as walking and cycling.*

*Clause 15.03-2 - Aboriginal cultural heritage*

51. The objective of this clause is *'to ensure the protection and conservation of places of Aboriginal cultural heritage significance'*.
52. This clause has the following strategies:
- (a) *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme;*
  - (b) *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
  - (c) *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*
53. Planning must consider as relevant:
- (a) *The Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage;*
  - (b) *The findings and recommendations of the Aboriginal Heritage Council;*
  - (c) *The findings and recommendations of the Victorian Heritage Council for post - contact Aboriginal heritage places where relevant.*
54. The subject site is located within 200m of the Yarra River as defined in Division 3 of the *Aboriginal Heritage Regulations 2007* and therefore triggers the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.
55. The Permit Applicant engaged Ecology and Heritage Partners to prepare a CHMP. This was provided to and approved by the Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation on 16 November 2017, and therefore the requirements of this clause have been met.

*Clause 17.01-1 – Business*

56. The objective is *'to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'*.

*Clause 18.02-2 – Cycling*

57. It is an objective *'to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'*.
58. The clause includes several strategies to achieve this objective including requiring the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

*Clause 18.02-5 – Car parking*

59. The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located.
60. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

*Municipal Strategic Statement*

61. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

Relevant clauses are as follows:

*Clause 21.04-3 – Industry, office and commercial*

62. Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base. The objective of this clause is to increase the number and diversity of local employment opportunities.

*Clause 21.05-2 – Urban design*

63. The relevant Objectives of this clause are:

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



- (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

*Clause 21.05-3 – Built form character*

64. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
- (a) The general objective of this clause is to maintain and strengthen the identified character of each type of identified built form within Yarra.
    - (i) *Strategy 23.1 - Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*

*Non Residential Areas*

- (b) *Objective 27 - To improve the interface of development with the street in non-residential areas.*
  - (i) *Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes); and*
  - (ii) *Strategy 27.2 Require new development to integrate with the public street system.*

*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 28.2 Ensure that buildings have a human scale at street level.*
    - (ii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
    - (iii) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
    - (iv) *Strategy 28.8 Encourage public art in new development.*

*Clause 21.06-3 – The road system and parking*

66. The relevant objectives and strategies of this clause are:
- (a) *To reduce the reliance on the private motor car; and*
  - (b) *To reduce the impact of traffic.*

*Clause 21.07 – Environmental sustainability*

67. This clause seeks to promote ecologically sustainable development with the following strategies:
- (a) *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 – Neighbourhoods (Abbotsford)*

68. Figure 6 – Built Form Character Map under clause 21.08 of the Scheme identifies the subject site as being located in a non-residential area which includes the objective to:
- (a) *Improve the quality of the environment and the interface of development with the street.*

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

69. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others). A relevant objective is *‘to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity’*.

*Clause 22.07 – Development abutting laneways*

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

*Clause 22.10 – Built Form and Design Policy*

71. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:
- (a) *Setbacks and building heights;*  
(b) *Street and public space quality;*  
(c) *Environmental sustainability;*  
(d) *On-site amenity;*  
(e) *Off-site amenity;*  
(f) *Landscaping and fencing; and*  
(g) *Parking, traffic and access.*
72. The policy has the following objectives:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.*  
(b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*  
(c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*  
(d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and ‘walkability’ of the City’s streets and public spaces.*  
(e) *Encourage environmentally sustainable development.*

*Clause 22.16 – Stormwater Management*

73. The objectives under this clause are:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
  - (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

*Clause 22.17 – Environmentally Sustainable Development*

74. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.
75. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

**Advertising**

76. Pursuant to clause 43.03-2 (Incorporated Plan Overlay) of the Yarra Planning Scheme, an application under any provision of this scheme which is generally in accordance with the incorporated plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.
77. The proposal is generally in accordance with the Incorporated Document and therefore, the portion of the proposal at property no. 32 – 68 Mollison Street is exempt from the notice requirements.
78. However, the application was advertised pursuant to Section 52 of the Act because the subject site includes the parcel of land at no. 10 Victoria Crescent, which is zoned Industrial 1 and is not included in the Incorporated Plan Overlay.
79. The provisions of the IN1Z exempt buildings and works not within 30m of land zoned residential, however do not exempt notice of the office use and associated reduction in the car parking requirement. As such, notice of the application was given by way of 89 letters sent to adjoining and neighbouring owners and occupiers and four notices displayed on site, at the Mollison Street, Victoria Crescent and Little Nicholson Street frontages.
80. A total of six (6) objections were made to Council, the grounds of which are summarised as follows:
- (a) Excessive building height and bulk;
  - (b) Inadequate on-site parking and loading areas and traffic impacts on the broader area; and
  - (c) Overshadowing of the public domain.

81. A planning consultation meeting was held on the 13 March 2018 and was attended by the applicant, objectors and planning officers.

## Referrals

### External Referrals

82. The application was not required to be referred to any external authorities under the provisions of the Scheme.

### Internal Referrals

83. The application was referred to Council's Traffic Engineering Unit, Waste Management and ESD advisor. The comments are generally supportive but with several recommendations for changes. These comments have been included as an attachment to this report.
84. The application was also referred to Council's Urban Design Unit who raised several concerns that will be addressed in the body of the assessment. These comments have been included as an attachment to this report.

## OFFICER ASSESSMENT

85. The primary considerations for this application are:

- (a) Strategic justification;
- (b) Land Use
- (c) Built form with regard to the Incorporated Plan;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Traffic, access, bicycle parking and car parking reductions;
- (g) Waste management; and
- (h) Objector concerns.

### Strategic justification

86. For the purpose of this assessment all three buildings will be addressed as one building, given that, in time, these will be interconnected. With this in mind, the subject site is located within a Commercial 2 Zone (C2Z) and partly in an Industrial 1 Zone (IN1Z). The C2Z has the objective of encouraging development of commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. The IN1Z has the objective *to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*
87. An office use does not require a planning permit in the C2Z (indicating strong strategic support); and whilst the shop use and the construction of buildings and works at no. 32-68 Mollison Street require a planning permit under the C2Z, these elements are supported by the Incorporated Plan detailed earlier, which anticipates a five-storey office / commercial development. A planning permit is required under the IN1Z for buildings and works, office use and reduction in the car parking requirement at no. 10 Victoria Crescent; and similarly to the remainder of the site, there is strong strategic support for a development of the scale proposed over this site.
88. In regards to the proposed building and works, State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport to ensure efficient use of existing infrastructure.

89. The application proposes the construction of a predominantly five storey (with a mezzanine level within the Stage 1 building), office building with shops on a site which is currently underutilized in an area identified for increased development under the Incorporate Plan Overlay (IPO). The proposal is highly consistent with the purpose of the relevant zones and strategic intent for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities. The proposal is also in general accordance with the Incorporated Plan, but will be further conditioned to achieve greater compliance as detailed later in this assessment.
90. Furthermore whilst not a strategic redevelopment site, the subject site has the characteristics of one whereby strategy 17.2 of Clause 21.05-2 (Urban Design) encourages development to be no more than 5-6 storeys unless as outlined earlier in the LPPF section. The building would be five storeys and hence, compliant with this policy.
91. The site is well connected to public transport infrastructure being in proximity to train and tram services along Victoria Street, and tram services along Church Street, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, are encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*.
92. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clauses 22.05 – *Interface uses* and 22.10 - *Built Form and Design Policy* of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area, and the Incorporated Plan.

#### Land Use

93. In accordance with the purpose of the both the Industrial 1 and Commercial 2 zones and the relevant State and Local Planning Policy Provisions, as outlined earlier, the proposed 'office' at No. 10 Victoria Crescent and 'shop' use at no. 32-68 Mollison Street can be supported given that:
  - (a) Both uses will help support and broaden the mixed use function and economic viability of this precinct;
  - (b) Both uses will provide for a mix of business land use on the one site with combined commercial and industrial zoning;
  - (c) Both uses provide employment opportunities as required by Objective 8 at Clause 21.04-3 of the Scheme; and
  - (d) The unspecified hours of operation at no. 10 Victoria Crescent can be supported given that this would be an extension of the office use on land zoned Commercial 2 and would be on land zoned Industrial 1, and surrounded by non-sensitive interfaces and uses;
  - (e) There will be no adverse overlooking opportunities given the office at no. 10 Victoria Crescent would comprise north and east-facing windows. The north-facing windows are oriented over the roof of a commercial building and the east-facing windows, over Victoria Crescent;
  - (f) The shop use is at the ground floor and would operate between 8.00am to 8.00pm, Monday to Sunday (i.e. within typical commercial hours);
  - (g) The noise generated by the office and the shops is expected to be limited to arriving and leaving staff and clients and patrons and will otherwise be contained within the building. Due to the nature of both uses and surrounding land zones that prohibit dwellings, it is expected that these will generate limited noise volumes / impacts and are compliant with policy at Clause 22.05 (Interface Uses policy) of the Scheme; and
  - (h) Generally in accordance with the policy guidelines at Clause 22.05-4.3, rubbish and recycling must be managed to ensure no adverse impact on surrounding land.

Therefore, it is necessary that all rubbish is stored on site and concealed from external view, does not spill out onto the street reserves and waste collection is restricted to between 7.00am and 8.00pm, on any day. These requirements will be addressed via Council's standard conditions.

#### Built form with regard to the Incorporated Plan

94. The relevant permit triggers for the development are the C2 and IN1 Zones, and the primary considerations for the proposed development are the decision guidelines at clauses 33.01-4 and 34.02-7 and within Schedule 1 of the IPO. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at clauses 15.01-2 - *Urban design principles*; 21.05 - *Urban design*; 22.05 - *Interface uses policy*; 22.10 - *Built form and design policy* and the Incorporated Plan.
95. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the height and massing, street setbacks, relationship to adjoining buildings, and existing context and to the relevant decision guidelines within Schedule 1 of the IPO.
96. Consideration of the built form and design is assessed under the following headings with regard to the relevant decision guidelines within Schedule 1 of the IPO:

#### *Context*

97. The existing character of the surrounding area is predominantly one and two storeys in height with taller built forms interspersed (between three and four storeys). Most commercial buildings are built hard to the street with limited, or no setbacks.
98. The direct interfaces to the subject site include hard-edged walls of one and two-storey commercial buildings to the north and opposite sides of Little Nicholson Street to the west and Victoria Crescent to the east. On the opposite side of Mollison Street are dwellings within the Denton Mills residential redevelopment (three-storeys) at the intersection of Nicholson and Mollison Streets and a single-storey dwelling to the south-east.
99. The majority of the subject site, together with land on the opposite side of Victoria Crescent is zoned Commercial 2, whilst land to the immediate north, including no. 10 Victoria Crescent, is zoned Industrial 1. The land to the west and opposite side of Little Nicholson Street is zoned Industrial 3. The land on the south side that includes the property no. 61-69 William Street (also forming part of the Incorporated Plan) is zoned Mixed Use with land to the east of this, zoned Industrial 3.
100. The subject site includes two and three-storey commercial buildings that will be demolished and the proposal would be generally in accordance with the Incorporated Plan through the development of the site with a five-storey building with commercial uses. With regard to the portion of built form and the office use at no. 10 Victoria Crescent, the proposed five-storey building would be taller than the buildings immediately interfacing the site and those in the broader area. However this is consistent with the strategic direction provided by policy in an area which is generally underutilised.
101. Given the site's commercial and industrial zoning it is expected that higher built form would take place especially if development is to achieve State and Local strategic policy of increased development and employment opportunities near activity centres and public transport as outlined earlier in this report. While this may be the case, the site's context requires careful consideration with the built form objectives for its presentation to each street, including the laneway to the north-west.

#### *Height, scale and massing of the development*

102. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.
103. The Scheme provides guidance to assist in determining whether the proposed height is acceptable within the site context. In relation to the SPPF, building heights are best derived from specific design objectives; the aspirations for urban consolidation and issues of minimising adverse off-site amenity impacts rather than outlining arbitrary height limits.
104. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra’s identity as a low-rise urban form with pockets of higher development.*
105. Strategy 17.2 reads as follows:
- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
    - (i) *Significant upper level setbacks*
    - (ii) *Architectural design excellence*
    - (iii) *Best practice environmental sustainability objectives in design and construction*
    - (iv) *High quality restoration and adaptive re-use of heritage buildings*
    - (v) *Positive contribution to the enhancement of the public domain*
    - (vi) *Provision of affordable housing*
106. Based on the policy above the proposal is supported given that it would be five storeys. The proposal can also be supported in light of the policy guidance under Strategy 17.2 with the development best practise ESD outcomes (some of which will be further conditioned) and positive contributions to the public realm as follows:
- (a) The development is considered of good quality and in that regard responds to the design objectives at clause 15.01-2. The contemporary design is appropriate and responds well to this part of Abbotsford (discussed further in the sections below);
  - (b) The application largely meets Council’s best practise standards for ESD outcomes, and any deficiencies outlined later in this assessment can be addressed by condition.
107. The proposal creates a façade that will read at five-storeys and in this regard, the development is supported. However, the Incorporated Plan requires the maximum building height to be no greater than 23m above the natural ground level (with the exception of architectural features and building services) and in this instance the building would range between 23.5m with a maximum building height of 25.7m above the natural ground level. Council’s Urban Designer also found that the *height of the building at the street edges and lack of setbacks results in the building presenting as one large mass* and recommended that changes are made to the street wall height and upper level setback to reflect the Incorporated Plan that requires the building levels above the existing parapets to be setback 2m from their respective boundary.
108. The setbacks would largely translate to the Stage 2 and 3 buildings (with the former already adopting a 2m setback at the south-west corner of the third and fourth floors). Given that the development can comfortably incorporate these changes in both height and setbacks (particularly as the floor-to-ceiling heights range between 4.2m and 4.87m) a condition will require full compliance with the Incorporated Plan in relation to the setbacks adopted from both Mollison Street and Victoria Crescent.

109. With the included setbacks as a result of bringing the development into compliance with the Incorporated Plan, the height of the street wall along Mollison Street (with the exception of the Stage 1 building) and along Victoria Crescent would be reduced to a prominent three-storey scale with recesses at the third and fourth floors of a minimum 2m.
110. Council's Urban Designer also indicated a preference for retaining and incorporating the existing buildings on site and raised concerns in relation to the solid to void ratio of the proposed building. However, the site is not in a Heritage Overlay and has already been earmarked for a five-storey building (i.e. the existing buildings area incapable of supporting multiple upper floor additions and the lack of the basement parking would further impact the area). The design detail and overall choice of materials with a varied approach to the façades of each building; with ground level, shop-front windows and framing elements that would divide the building (when entirely developed in all completed three-stages) into three components.

This, combined with the setbacks envisaged in the Incorporated Plan, would assist the development making a positive contribution to the public realm, and particularly to Mollison Street and Victoria Crescent which are the primary frontages, and where some variation in materials that supports better interaction with the public realm is much needed.

111. To the north, and beginning from the north-west corner of the development, the Stage 1 building would be extended to the boundary on all levels where it abuts the laneway. The Stage 3 building would follow and would extend on all levels across the boundary where abutting the laneway but would be setback approximately 15.5m at its north-east corner. This would be followed by the Stage 2 building that would be setback 4m from the northern boundary at the upper levels. The setbacks to the north are supported, as these would not jeopardise the equitable ability of any of the surrounding sites to be further developed in the future (also remembering that residential uses are prohibited).
112. The surrounding physical context can comfortably absorb the height and zero setbacks without appearing dominating and creating visual bulk because surrounding buildings already have zero setbacks to their frontages and are constructed to their side and rear boundaries. Additionally, the extent of glazing adopted softens the overall massing of the building and the incorporated framing vertical and horizontal elements particularly to the Stage 2 building will provide variation that will assist in creating a visual connection at the lower levels to the surrounding streetscape. The Stage 1 building would include masonry at the ground floor as an appropriate reference to the masonry found on surrounding buildings in the area. The horizontal massing of the development with some vertical framing, will also assist in blending the proposal into the surrounding neighbourhood at the lower levels and the overall choice in materials combined with the general design is considered to provide a high standard of architecture.
113. Further, by including a condition that sets back the development at the upper levels in line with the Incorporated Plan, the development would present a strong three-storey podium and would be dropped to a human scale. This is considered to achieve the policy direction under clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which requires developments to provide pedestrian/human scaled designs at street level. A three-storey podium effect is acceptable in this particular instance, where there is policy direction for a more robust design approach and taller building. The site is also separated to the south and east, by Mollison Street that is approximately 20m wide, and Victoria Crescent that is 25m wide.
114. Overall, subject to appropriate conditions requiring further compliance with the Incorporated Plan, the development will achieve a reasonable outcome. The development would also use materials that include coloured glass, masonry and rendered finishes to the walls which are materials all used in the area.

### *The Public Realm & Pedestrian spaces*



115. The extensive glazing to the southern and eastern elevations associated with the shops and offices at ground floor would substantially improve surveillance and activation of both Mollison Street and Victoria Crescent. This outcome is encouraged within commercial areas, as outlined as a decision guideline of the Commercial 2 zone at Clause 34.02-7 and under the policy direction at Clause 22.10-3.4 of the Scheme. The building is also designed with a canopy / awning across the southern and eastern elevations of the Stage 2 building which is the longest of the three, to provide weather protection outside the subject site which in conjunction with the office and shop use of the ground floor would improve the level of interaction and pedestrian experience between the subject site and the street. Whilst the framing element / awning was not supported by Council's Urban Designer, there is strong policy support in the Scheme for such improvements.
116. The removal of existing vehicle crossovers to Mollison Street is also a significant improvement to the pedestrian experience of the street. The curved entrances and clear sightlines of the doors / entrances into the building, combined with 24 hour access and use is supported given the interaction and activity that this would encourage on a large parcel of land that is underutilised.
117. Council's Urban Designer also raised concerns with regard to the two key lobby entrances from Mollison Street because of their depth, suggesting that these would become hiding spots and areas for loitering. A recommendation was made for the inclusion of landscaping within the recessed entrances which is already shown on the plans.
118. Another concern raised by Council's Urban Designer related to the removal of the splay at the south-east corner as a result of the development extending into this, because it *significantly reduces the footpath width at this corner and near the pedestrian crossing; which are well-used by pupils and parents walking to the nearby Abbotsford Primary School*. The application was referred to Council's Traffic Engineering Unit who indicated that the removal of the splay should not be supported and must remain intact as it is deemed to be part of a Public Highway by virtue of its previous and existing use by the public (i.e. – pedestrians). As such, a condition will require the splay to be retained at the ground floor whilst allowing for the upper levels to cantilever above.
119. Another condition will require the deletion of the "fin" wall along Mollison Street at the south-east corner, as this is considered to be an unnecessary element that does not add any articulation to the building but provides additional mass to Mollison Street.

#### *Landmarks, Views and Vistas*

120. It is policy at clause 15.01-2 of the Scheme that important landmarks, views and vistas be protected or enhanced, or where appropriate, created by new additions to the built form. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to landmarks.

#### *Consolidation of Sites and Empty Sites*

121. The subject site is under-utilised and provides a car park, offices and former warehouse buildings that will be replaced with built form that is encouraged by policy within the Scheme as discussed in this report and where hard edged development to the street is a desired outcome (as identified under clause 21.08 of the Scheme and the Incorporated Plan).

#### *Light and Shade*

122. Due to the east-west orientation of the site the proposed development would result in overshadowing to Little Nicholson Street to the west, Mollison Street to the south (including the footpath opposite), and Victoria Crescent to the east. While this may be the case, the level of shadowing cast by the proposed development is unavoidable as a result of the orientation of the site. The shadows would not extend to the eastern side of Victoria Crescent and would shift as the day progresses across different sections of the Mollison Street footpath on the opposite side and as such will not be in shadow for the entire day.
123. It is also acceptable given that there will be no overshadowing of secluded private open space associated with any dwellings within the Denton Mill residential development and the development approved at property no. 61-69 William Street (four-storey mixed use development that includes dwellings).
124. The subject site is located in a commercial location and some degree of overshadowing is inevitable due to the hard-edge built form character which has been established. It is considered that the shadowing from the development would not affect the usability of the public realm and the amount of overshadowing to Mollison Street particularly, is considered to be reasonable as this has been envisaged by the Incorporated Plan. Nonetheless, the shadow impact will be reduced with the setback and height conditions bringing the development into greater compliance with the Incorporated Plan.

#### *Energy and Resource Efficiency*

125. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances; through the provision of water tanks to reticulate stormwater in the toilet facilities; installation of solar panels to contribute to energy consumption; on-site bicycle parking and electrical vehicle charging points. The design of the building also provides for good access to daylight.
126. While outlining that project's commitments, Council's ESD advisor has recommended some changes to ensure the building is designed appropriately with regard to energy efficiency and include:
  - (a) Mechanical ventilation with fresh air rates exceeding AS1668 rates by at least 50%;
  - (b) Appropriate shading devices to the western elevation and glare control throughout the development to reduce cooling loads;
  - (c) The spelling of "Indoor Environment Quality" used in the section headings of the report;
  - (d) Details of all air conditioning and hot water systems and their standard of energy efficiency.
127. A condition requiring an amended Sustainable Management Plan will be included requiring the above information to be included. This will ensure best practice in environmentally sustainable development in accordance with the overarching objectives under clause 22.17 – *Environmentally Sustainable Development* of the Scheme.

#### *Site Coverage*

128. The proposal occupies 100% of the site area, resulting in a higher level of site coverage from that of the existing conditions (given the open air car park to the west of the site).
129. While this may be the case, full site coverage is considered to be appropriate and consistent with the commercial character of the wider area that accommodates predominantly hard-edged built form with little or no areas of open space or landscaping.

#### *Architectural Quality*

130. The development subject to the conditions outlined within this assessment, is considered of high architectural quality and in that regard responds to the design objectives of clause 15.01-2 of the Scheme. The contemporary design is appropriate and responds well to this part of Abbotsford with the design offering a modern built form that revitalises the street frontage by activating this with shops and offices. The development provides articulation and activation through the inclusion of windows / glazing and generous recesses to the entries and lobby areas allowing for staff to congregate in and around the building.
131. The reduction of the height as required by the Incorporated Plan including the minimum setback of 2m across the upper floors to the Mollison Street and Victoria Crescent elevations will significantly improve the human scale of the building and address Council's Urban Design advice in relation to providing a three-storey podium. The deletion of built form at the south-east corner of the ground floor would assist in maintaining the splay and the deletion of the projecting fin will also reduce the mass of the building at this intersection.
132. Overall it is considered that the proposed development (subject to conditions) will provide appealing aesthetics and improve the building's interface to the street through an active and transparent frontage and use of good quality materials. A condition will also require the ongoing engagement of Wireframe Architecture (or an architectural firm to the Council's satisfaction) to ensure that the level of architectural quality is maintained.

On-site amenity

133. In accordance with the design objectives of the On-site Amenity heading outlined in Clause 22.10 of the Scheme, the office building has been designed to include appropriate services for future users. In addition, the design incorporates a significant level of glazing that will provide excellent daylight/solar access to staff. Each floor level would be provided with service amenities and accessible to staff with lifts and a stairwell.
134. The proposed design response and site coverage negates the need for any significant landscaping or fencing, which is appropriate within the commercially zoned site context of Mollison Street and provides bicycle parking in excess of the requirements at Clause 52.34 of the Scheme. The development would also provide 364 on-site car spaces including motorcycle spaces (not technically required by any Scheme provision).

Off-site amenity

135. The policy framework for external amenity considerations is contained within Clauses 22.10-3.8 – (*Off-site amenity*) and 22.05 - *Interface uses policy*. Clause 22.10-3.8 - *Off-Site Amenity* outlines objectives and decision guidelines for considering whether a development has adequate regard to the site's context and surrounding pattern of development. Following is an assessment of the development against the potential off-site amenity impacts.
136. As previously outlined, the subject site is zoned Commercial 2 as is land to the east of Victoria Crescent; whilst land to the immediate north, including no. 10 Victoria Crescent, is zoned Industrial 1. The land to the west and opposite side of Little Nicholson Street is zoned Industrial 3. The land on the south side that includes the property at no. 61-69 William Street (also forming part of the Incorporated Plan) is zoned Mixed Use with land to the east of this, zoned Industrial 3. As such, the most sensitive zone closest to the site is the Mixed Use Zone at no. 61-69 William Street which is yet to be fully developed and the Denton Mills residential development.
137. The appropriateness of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the site being located within a Commercial 2 Zone. This issue is further discussed within the Tribunal matter of *Calodoukas v Moreland CC* [2012] VCAT 180:

[13] ...owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas.

138. With the above in mind the following assessment is provided:

*Noise*

139. Clause 22.05 – *Interface uses policy* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.

140. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Furthermore, the majority of the office space is enclosed.

As the office and shop use is sited on land zoned commercial and industrial, and within the building envelope already approved by the Incorporated Plan for a commercial building, there are no further controls that can be applied in regards. In addition, the location of vehicle access away from Mollison Street is also a positive response to the surrounding context given that it is well removed from any residential interface.

141. The location of services/plant equipment as shown are opposite the commercial premises within the neighbouring building to the north. Nonetheless, a condition will require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).

142. In light of the above it is considered unlikely that the use of the building would result in any unreasonable amenity impacts to the surrounding area, including property no. 61-69 William Street which is yet to be fully developed and the Denton Mills residential development. Further, Mollison Street to the south provides a distance of approximately 20m from these properties, including the Edwardian-era timber dwelling to the south-east, on the opposite corner of the Mollison Street and Victoria Crescent intersection.

*Visual bulk and overlooking*

143. With the north, west and eastern interfaces with the subject site being to commercial buildings, the development would not be subject to unreasonable visual bulk impacts and would not result in unreasonable overlooking. The standard relating to overlooking only relates to habitable room windows and secluded areas of private open space located within a 9m radius at a 45 degree angle of a development. In this instance, there are no secluded private open spaces within a 9m radius of the subject site with Mollison Street to the south providing a 20m separation distance and buffer.

144. The bulk of the height of the proposed building would face onto roofed areas of adjoining commercial premises to the north or the hard-edged wall of the commercial building to east and opposite side of Little Nicholson Street.

*Overshadowing*

145. As discussed earlier in the report, the proposed development would increase the shadow impact into the public domain. There is no secluded area of private open space associated with any existing or future dwelling (i.e. when considering the endorsed development at no. 61-69 William Street opposite) that would be impacted by the additional shadows cast over Little Nicholson Street to the west, Mollison Street to the south or Victoria Crescent to the east.

The additional shadows cast into the public domain are considered reasonable when having regard to the site's inner city context and policy support for a taller built form on the subject site (i.e. as evidenced by the Incorporated Plan). However, height and setback conditions will further reduce this impact.

Traffic, access, loading and car parking reductions

146. Clauses 18.02-5 - *Car parking*, 21.06 - *Transport*, and Clause 52.06 - *Car parking*, of the Scheme will be used to frame this car parking assessment for the proposed development.
147. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to an assessment requirements of Clause 52.06-6. A car parking reduction is considered to be justified in this instance based on the above decision guidelines for the following reasons:

*Car parking demand:*

148. Council's Traffic Engineering Unit have indicated that the proposed office would have a car parking provision rate of 1.89 spaces per 100sq.m. and have identified similar developments at Nos. 2-16 Northumberland Street, Collingwood, 71-93 Gipps Street, Collingwood, 4 Brown Street, Collingwood, and 3/29 Cromwell Street, Collingwood that were approved (i.e. planning permit no's PLN16/0435, PLN16/1150, PLN16/0848 and PLN14/0841). These developments have been approved with on-site car parking provisions of 0.89, 0.96, 1.35 and 1.4 spaces per 100sq.m, respectively with office floor areas of 15,300sq.m. 8,923sq.m. 371sq.m. and 640sq.m, respectively.
149. Council's Traffic Engineering Unit are satisfied that the office parking rate of 1.89 spaces per 100sq.m. for the proposed development that equates to a requirement of 341 car spaces (i.e. for 18,045sq.m. is appropriate given the site's accessibility to public transport services.

*The availability of car parking in the surrounding area:*

150. A Transport Impact Assessment was prepared by One Mile Grid traffic engineering and this accompanied the original application. This report was submitted as part of the original application before Council's request for further information, hence making reference to the original area of office floor area of 19,085sq.m. However, the information within the report remains relevant as there has been a lessened car parking rate as a consequence of the introduction of further shop areas at the ground floors of the development.
151. One Mile Grid consultants conducted on-street parking occupancy surveys which encompassed Mollison Street, Victoria Crescent, Albert Street, Murray Street, Gipps Street (Nicholson St to east end) and Nicholson Street (Victoria Pde to Gipps St). An inventory of 228 to 230 publicly available parking spaces were identified between 9.00am and 5.00pm on Friday 2 June 2017. The results of the survey indicate that the peak parking occupancy occurred at 9:30am, with only two spaces vacant within the study area. On the same date, One Mile Grid had also conducted occupancy surveys of the on-site car parks at the subject site (inventory of 60 spaces). The survey of the on-site parking revealed that parking utilisation ranged from 58% to 79% occupied.
152. According to One Mile Grid, the existing office on the site was provided with parking at a rate of around 1.3 spaces per 100 square metres of floor area and the subsequent deficiency could be transferred to the new site. Council's Traffic Engineering Unit are satisfied with these findings and have supported a reduction in the car parking requirement.

153. The removal of the existing vehicle cross-overs along Mollison Street would also provide additional on-street car parking directly in front of the subject site. The development provides much better locations for the vehicle crossovers that would utilise Little Nicholson Street to the west and Victoria Crescent at the north-east corner (which already has a vehicle crossover) and limit the number of crossovers to two in lieu of the permissible four (as shown in the Incorporated Plan).

*The availability of public transport in the locality and convenient access:*

154. The subject site is well connected to public transport being closely located to the Victoria Street MAC 320m to the south that includes a number of commercial uses as well as tram routes and a train line. Tram routes are also available along Church Street 420m south-east and bus routes along Hoddle Street 450m further to the west.
155. These public transport services are all in walking distance of the subject site and provide viable transport options in north-south and west-east corridors. Reducing the rate of car parking provided for an office and shop use based on the surrounding transport options is also generally in line with the policy direction under clause 21.03 – *Vision (Transport)* which states that in the City Of Yarra in 2020, *most people will walk, cycle or use public transport for the journey to work.*

*State and Local Policy consideration:*

156. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not encourage sustainable transport options as outlined in clauses 18.02 and 21.06 of the Scheme.

*Traffic and local amenity:*

157. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion.
158. The findings of the level of traffic generated by the proposed development within the traffic report were reviewed by Council's Engineer who responded favourably.
159. In conclusion, and with the above in mind, the reduction in the car parking requirement being sought is considered appropriate for the following reasons:
- (a) For the shop use, dedicated off-street parking for customers and patrons is not usually provided for these types of uses in Yarra and areas of inner metropolitan Melbourne and it is highly likely that it would attract people who work or reside locally (or are already in the area for other purposes).
  - (b) For the offices:
    - (i) The subject site has good access to public transport facilities with established tram routes, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources particularly along the Victoria Street MAC;
    - (ii) Employee or visitor permits will not be issued for the development, which will encourage employees to use alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with local policy such as Clause 21.06;
    - (iii) Pressure on traffic and congestion is not exacerbated through the provision of more car spaces; and

- (iv) The level of traffic which would be associated with the proposed development would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area.

*Car park design:*

- 160. Clause 52.06-8 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
- 161. These details, along with the proposed ramp designs have been reviewed by Council's Traffic Engineering Unit who are generally satisfied with the layout of the vehicle access arrangements. Council's Engineer has requested that the plans be revised to include the following details that will be addressed with a condition:
  - (a) The installation of convex mirrors at the Little Nicholson Street entrance and the entrance for the truck access off Victoria Crescent;
  - (b) The modifications suggested in relation to the accessible parking spaces and widening of the truck access-way and the parking module of Stage 03 at ground level by One Mile Grid consultants in Appendix A of the submitted report incorporated into the design;
  - (c) The dimensions of all column depths and setbacks annotated;
  - (d) All car spaces that have not been provided with additional clearances to be widened to 2.7m;
  - (e) The maintenance of the existing corner splay at Mollison Street and Victoria Crescent must remain intact and this shown in asphalt (consistent with the surrounding footpaths) or other materials used in the reconstruction of the footpaths;
  - (f) A translucent material to the wall at the south-west corner of the site to provide visibility for motorists exiting Little Nicholson Street; and
  - (g) The deletion of the annotation "Truck Delivery Access Only" as this also provides access to the parking area in Stage 03.
- 162. Overall, the proposed reduction in car parking numbers and design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Traffic Engineering Unit.

*Green Travel Plan (GTP)*

- 163. The permit applicant has also submitted a GTP that will be endorsed as part of the material. A condition has been included requiring the provisions, recommendations and requirements of the GTP to be implemented and complied with.

*Bicycle parking*

- 164. The development would provide bicycle parking, within a range of areas (not just basement). The number of bicycles provided exceed the requirements of the Scheme with the, further complying with the objectives under clause 22.10-3.7 of the Scheme.

*Loading bay*

- 165. The Stage 2 and 3 buildings of the development would provide loading bays that have been reviewed by Council's Traffic Engineering Unit and are supported.

Waste management

166. This Waste Management Plan (WMP) has been reviewed by Council's Waste Management Unit who have provided comments requesting an updated WMP that excludes any collections from taking place from surrounding laneways and provides bin washing facilities.

Objector concerns

167. Objector concerns have been addressed within the body of this report. The following section provides a summary of the assessed outcomes discussed earlier:

*Excessive building height and bulk*

- (a) The height and massing of the proposed building has been assessed as an appropriate response to the context of the subject site with additional conditions ensuring compliance with the Incorporate Plan (paragraphs 102 to 114).

*Inadequate on-site parking and loading areas and traffic impacts on the broader area*

- (b) Issues relating to car parking have been assessed earlier in this report under paragraphs 146 to 165 and found to achieve an acceptable outcome. One objector raised concerns with the removal of the splay at the south-east corner as a result of the impacted sightlines between drivers and pedestrians at this intersection. A condition will require the existing splay to be maintained at the ground floor.

*Overshadowing of the public domain*

- (c) Overshadowing has been addressed at paragraphs 122 to 124 and 145.

**Conclusion**

168. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the zoning of the land and relevant Particular Provisions under the Yarra Planning Scheme as outlined in the above assessment and should therefore be approved, subject to conditions.

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0579 for the development of the land for the construction of a five-storey building(s) and a change of use to office and shop and reduction in the associated car parking requirement at 32 – 68 Mollison Street and 10 Victoria Crescent, Abbotsford subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans received by Council on 01 November 2017 but modified to show:
  - (a) A maximum building height of 23m above the natural ground level (not including architectural features, building services, electronic media, antennas and lighting poles);
  - (b) The existing splay at the south-east corner maintained at the ground floor of the building and shown as part of the footpath;
  - (c) The third and fourth floors of the Stage 2 building setback a minimum 2m from Mollison Street and Victoria Crescent
  - (d) The third and fourth floors of the Stage 3 building setback a minimum 2m from Mollison Street;
  - (e) The deletion of the extended "fin" at the south-east corner of the Stage 2 building;



- (f) The installation of convex mirrors at the Little Nicholson Street entrance and the entrance for the truck access off Victoria Crescent;
  - (g) The widening of the truck access-way and the parking module of Stage 03 at ground level as recommended by One Mile Grid consultants in Appendix A of the Transport Impact Assessment;
  - (h) The column depths and setbacks in the car park areas dimensioned;
  - (i) All car spaces without additional clearances widened to 2.7m;
  - (j) A translucent material to the wall at the south-west corner of the site (i.e. the Stage 1 building) to provide visibility for motorists exiting Little Nicholson Street;
  - (k) The deletion of the annotation "Truck Delivery Access Only" from the ground floor plan of the Stage 2 building; and
  - (l) Any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to be shown on the plans); and
  - (m) Any requirement of the endorsed Waste Management Plan (condition 5) (where relevant to be shown on the 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.

### Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by the Meydan Group prepared June 2017, but modified to include or show:
- (a) Mechanical ventilation with fresh air rates exceeding AS1668 rates by at least 50%;
  - (b) Appropriate shading devices to the western elevation and glare control throughout the development to reduce cooling loads;
  - (c) Correct spelling of "Indoor Environment Quality" used in the section headings of the report;
  - (d) Details of all air conditioning and hot water systems and their standard of energy efficiency.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 28 July 2017, but modified to:
- (a) exclude any rubbish collections from taking place from any surrounding laneways;
  - (b) include bin washing facilities.
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Use

7. Except with the prior written consent of the Responsible Authority, the shops authorised by this permit may only operate between the hours of 8.00am to 8.00pm, Monday to Sunday.
8. The amenity of the area must not be detrimentally affected by the shop or office use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

#### Road Infrastructure

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.

#### Car parking

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

### Green Travel Plan

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

### Lighting

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

### General

17. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
18. As part of the ongoing progress and development of the site, Wireframe Architecture 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.
19. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. 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.
22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Construction Management

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

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

### Time expiry

26. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

### **Attachments**

- 1 Site Location Map - 32-68 Mollison Street and 10 Victoria Crescent, Abbotsford
- 2 Design Response - Plans / calculations
- 3 Site plan, existing condition plans and demolition plans.
- 4 Existing conditions plans, proposed floor plans (whole site), shadows, 3D perspective.
- 5 Proposed elevations, cross-sections, materials schedule and Stage 01 building / plans.
- 6 Stage 01 building plans continued, Stage 02 building plans and Stage 03 building plans.
- 7 Stage 03 building plans continued and 3D coloured perspectives.
- 8 Advice from Council's Traffic Engineer.
- 9 Waste Management advice
- 10 Advice from Council's ESD advisor
- 11 Advice from Council's Urban Designer