



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

**to be held on Wednesday 30 May 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Misha Coleman  
Councillor Danae Bosler  
Councillor Daniel Nguyen

- I. ATTENDANCE**  
Nish Goonetilleke (Senior Statutory Planner)  
Ally Huynh (Senior Co-Ordinator Statutory Planning)  
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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



## Guidelines for public participation at Internal Development Approval Committee meetings

### **POLICY**

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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  | 3 Station Street, Fairfield - PLN17/0585 - Development of the land for the construction of a double storey building containing 10 dwellings with basement car park.  | 5    | 31        |
| 1.2  | 9-17 Smith Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN13/0212.03 - Section 72 Amendment to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, and associated reduction in car parking requirements and amendments to conditions   | 36   | 52        |
| 1.3  | 10 and 20 River Boulevard, Richmond - PLN16/1156 - Development plan, Pedestrian amenity and access plan, Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the construction of a 13 storey building (plus basement levels) containing dwellings shops, food and drinks premises (cafes), medical centre, childcare centre and restricted retail premises (noting a permit is not required for these uses) [Development plan application] | 63   | 122       |
|      | PLN17/1143 - Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme [Planning permit application]   |      |           |

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**1.1 3 Station Street, Fairfield - PLN17/0585 - Development of the land for the construction of a double storey building containing 10 dwellings with basement car park.**

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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN17/0585 which affects the land at 3 Station Street, Fairfield and recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15.01 – Urban Environment;
  - (b) Clause 21.05 – Built form
  - (c) Clause 22.10 – Built Form and Design Policy;
  - (d) Clause 22.13 – Residential Built form Policy;
  - (e) Clause 32.09 – Neighbourhood Residential Zone (Schedule 2);
  - (f) Clause 52.06 – Car Parking; and
  - (g) Clause 55 - ResCode

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Clause 55 (ResCode);
  - (b) Built form; and
  - (c) Objector concerns.

### **Objector Concerns**

4. A total of 66 objections were received to the application, these can be summarised as:
  - (a) Overdevelopment high density development within a low density neighbourhood);
  - (b) Out of keeping with neighbourhood character (architectural design, built form, setbacks, loss of garden areas);
  - (c) Designated preferred development sites nearby;
  - (d) Demolition of the dwelling not acceptable;
  - (e) Car parking issues (increased visitor demand, blocking access to adjoining properties);
  - (f) Traffic movements (congestion, pedestrian safety);
  - (g) Minimal provision for bicycle spaces;
  - (h) Overlooking;
  - (i) Overshadowing;
  - (j) Loss of solar access/daylight access;
  - (k) Inappropriate site coverage (lack of garden space);
  - (l) Removal of trees not acceptable;
  - (m) Internal amenity (accessibility, balcony sizes, room functionality, dwelling diversity, access for persons with limited mobility);
  - (n) Disturbances during construction;
  - (o) Noise (from increased dwelling density, construction, traffic);
  - (p) Lack of transparency by the developers;
  - (q) Application not advertised correctly; and
  - (r) Precedent for future development.

### **Conclusion**

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

**CONTACT OFFICER:** Gary O'Reilly  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5040

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**1.1 3 Station Street, Fairfield - PLN17/0585 - Development of the land for the construction of a double storey building containing 10 dwellings with basement car park.**

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Trim Record Number: D18/81171

Responsible Officer: Senior Coordinator Statutory Planning

**.Proposal:** Development of the land for the construction of a double storey building containing 10 dwellings with basement car park  
**Existing use:** Dwelling  
**Applicant:** Giuseppe Vermiglio & Lucia Vermiglio  
**Zoning / Overlays:** Neighbourhood Residential Zone (Schedule 2)  
**Date of Application:** 18/07/2017  
**Application Number:** PLN17/0585

### Planning History

1. Planning Permit PLN16/0309 was refused by Council on 27 September 2016 for the development of the land for twelve dwellings.

### Background

2. The application was received by Council on 18 July 2017, with additional information received on 13 October 2017. The application was advertised on 2 November 2017, with sixty-six (66) objections received.

#### Sketch plans – 5 March 2018

3. In response to the concerns raised by Council, the Applicant submitted revised sketch plans on 5 March 2018. The sketch plans incorporate the following changes:
  - (a) Internal re-design of Apartment 1 including the relocation of bedroom 1, the kitchen/living area and bathroom;
  - (b) Internal re-design of Apartment 2 including the relocation of bedroom 1, bathroom and deletion of the study;
  - (c) Internal re-design of Apartment 3 including the relocation of the dining area adjacent to the living area and subsequent relocation of the kitchen and laundry.

#### Sketch Plans – 15 May 2018

4. In response to the concerns by residents during the consultation meeting, the Applicant submitted revised sketch plans on 15 May 2018. The sketch plans incorporate the following changes:
  - (a) Deletion of the first floor communal balcony adjacent to the lift and stairwell on the south side and installation of glazing;
  - (b) Notation that south-facing glazing associated with the first floor communal sitting area is to be "*fixed, frosted glazing to 1700h, clear, openable glazing above*"
  - (c) Notation stating "*builder to construct new fence upon demolition of existing garage boundary walls*", along boundary walls to be removed along southern boundary with No. 1 Station Street.

### Existing Conditions

#### Subject Site

5. The subject site is located on the eastern side of Station Street, approximately 65m south of the intersection between Heidelberg Road and Station Street in Fairfield.
6. The lot is rectangular in shape having a frontage to Station Street of 19.94m, a depth of 40.23m and covering a total area of approximately 802sqm. The title submitted does not show any restrictive covenants affecting the subject site.
7. The land is developed with a single storey rendered dwelling with a tiled, hipped roof form. The dwelling is single fronted with a minimum setback of 10m from the western (front) title boundary, with a verandah encroaching 2.6m into the front setback. There is small to medium sized landscaping within the front setback.
8. Vehicle access is provided via a single width crossover and accessway along the southern boundary and leading into a single width garage constructed along the southern boundary. To the rear is the dwelling's secluded private open space, with a single storey outbuilding constructed along the southern boundary. There is an existing 1.6m high brick and steel picket fence along the front boundary.
9. The site survey plan shows dimensions of 20.12m to the east and west boundaries which fails to match the title dimensions of 19.94m (west) and 20.07m (east). The difference is marginal (between 0.18m to the front and 0.05m at the rear), however a condition will be required to correctly show title dimensions.
10. As a result of the incorrect dimensions, this could have an impact on the mandatory garden area requirements of the NRZ. Given the marginal error however, it is considered that a condition can be included for the minimum garden area to be provided in accordance with the zone without compromising the overall design/layout.

#### Surrounding Land

11. The surrounding land is predominantly residential in nature, with properties to the north along Heidelberg Road located with a Commercial 2 Zone. Station Street is occupied predominantly by post-war dwellings, none of which are located within a heritage overlay. The built form in the area is a mix of single and double storey dwellings, with a triple storey apartment block at No. 10 Station Street. There are also a number of multi-unit developments along the street with examples at Nos. 1 and 5 Station Street.
12. The adjoining land to the north is developed as a multi-unit residential development containing a double storey dwelling fronting Station Street and two single storey dwellings to the rear. The front dwelling has a 6.2m setback from the street with a high brick fence and 5.7m wide driveway running along the common boundary with the subject site. The dwelling's secluded private open spaces are located along the northern boundary, towards the Heidelberg Street interface.
13. The adjoining land to the south is also developed as a multi-unit residential development containing three single storey brick dwellings. The front dwelling has a 6.2m setback from the street with a high brick fence and 6.2m wide driveway running along the common boundary with the subject site. The dwellings' secluded private open spaces are located along the eastern (rear) and southern (side) boundaries.
14. To the eastern (rear) boundary of the subject site are the rear setbacks of dwellings fronting Arthur Street. These spaces are occupied by the secluded private open space, associated with Nos. 4 Arthur Street (single storey dwelling), parking associated with No. 6 Arthur Street (triple storey apartment block) and the side setback (2.3m wide) of No. 44 Park Crescent (a single and double storey dwelling). The built forms vary between single to triple storey residential buildings.



15. To the west is Station Street, which is a two-way street with kerb side parking along both sides and street trees. On the opposite side of the street is a mix of single storey dwellings and a triple storey apartment block to the north-west at No. 10 Station Street.
16. The site is well serviced by public transport, shopping strips and public open space facilities, including:
  - (a) Heidelberg Road is serviced by the following bus routes:
    - (i) The 546 (Heidelberg – Melbourne University – Queen Victoria Market via Clifton Hill and Carlton) travels along Heidelberg Road;
    - (ii) The 609 (Hawthorn to Fairfield via Kew) travels along Heidelberg Road;
  - (b) Fairfield Train Station 510m to the north of the site;
  - (c) Heidelberg Road shopping strip located 50m to the north and extending east and west along Heidelberg Road;
  - (d) Station Street shopping strip located approximately 550m to the north;
  - (e) Yarra Bend Park located approximately 300m to the west; and
  - (f) Coate Park and Alphington Park located approximately 410m and 1km to the east.

## **The Proposal**

17. The proposed development is for ten (10) new dwellings within a two-storey building above a basement car parking level. The development can be summarised as follows:

### Basement level

18. Construction of fourteen (14) car parking spaces (1 for each apartment & 2 visitor spaces labelled as car share) accessed via a ramp into Station Street. The basement also contains an external storage area for each apartment, waste storage area, foyer, two bicycle spaces, 15,000 litre rainwater tank (for toilet flushing and landscaping etc.), and lift access area.

### Ground floor

19. This level contains Dwellings 1 to 5, containing a mix of 1 x 1-bedroom and 4 x 2-bedroom apartments. Each dwelling will also contain a bathroom, laundry and an open plan kitchen, dining and living area leading out onto the dwelling's individual secluded private open space located within the northern and eastern setbacks (Unit 1 has a courtyard within the front setback).
20. Vehicle access is via the existing crossover along the south-western corner, leading into a ramp into the basement car park. Above the ramp, it is proposed to construct four concrete columns as a design feature leading into the basement.
21. A common pedestrian entrance and communal sitting area is located towards the southern boundary of the building. Each of the proposed dwellings would be accessed via these shared areas. Setbacks vary between 1m to 5m from the various boundaries, with a front setback of 6.2m.

### First floor

22. This level contains Dwellings 6 to 10, containing a mix of 1 x 1-bedroom and 4 x 2-bedroom apartments. Each dwelling will also contain a bathroom, laundry and an open plan kitchen, dining and living area leading out onto the apartment's balconies (between 8sqm to 17.1sqm).

23. A communal seating area and 7sqm balcony is located towards the southern boundary of the building near the stairwell and lift entry. Each of the proposed dwellings would be accessed via these shared areas. Setbacks vary between 1m (balcony) to 5.6m from the various boundaries, with a varied front setback of 6.2m (balcony) to 8.2m (to façade of apartments 6 and 7). Wall heights vary between 5.35m (top of balcony balustrade) to 6.99m; with a maximum overall height of 7.8m.

Materials

24. The proposed development incorporates the following materials and finishes:
- (a) Austral bricks (Hawthorne 50 series);
  - (b) James Hardie, “matrix” cladding (dulux black & peplum quarter);
  - (c) Cement render finish (dulux peplum quarter & partita);
  - (d) Zinalume flat roof;
  - (e) Laser cut steel formwork feature;
  - (f) Semi-frameless glass balustrade;
  - (g) Colourbond downpipes (surfmist);
  - (h) Timber fence.

General

25. The following table provides an overview of the proposed development:

|                     |                                       |
|---------------------|---------------------------------------|
| No of dwellings     | Ten (2 x 1 bedrooms & 8 x 2 bedrooms) |
| Site area           | 809sqm                                |
| Garden area         | 35% of site (subject to condition).   |
| No of car spaces    | 14 spaces (no reduction required)     |
| Max building height | 7.22 metres                           |
| Site coverage       | 52.3%                                 |
| Permeability        | 30%                                   |

**Planning Scheme Provisions**

Zoning

*Neighbourhood Residential Zone (Schedule 2)*

26. The subject site is zoned Neighbourhood Residential Zone (Schedule 2). The following provisions apply:
- (a) Pursuant to clause 32.09-5 of the Yarra Planning Scheme (the Scheme), a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of clause 55;
  - (b) A building used as a dwelling or residential building must not exceed the height of 9 metres or two storeys;
  - (c) The zone requires a mandatory minimum garden area requirement for lots greater than 400 square metres and above. As the subject site is has a total area of 809sqm, a garden area of 35% is required and provided in this instance.

Overlays

27. The subject site is not affected by any overlays.

Particular Provisions

*Clause 52.06 – Car Parking*

28. Pursuant to the Car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

| Land Use | Rate   | No. of dwellings proposed            | Spaces required | Spaces proposed | Reduction sought |
|----------|--|--------------------------------------|-----------------|-----------------|------------------|
| Dwelling | 1 car space to each 1 and 2 bedroom dwelling.    | 10 dwellings (2 x 1-bed & 8 x 2-bed) | 10              | 12              | 0                |
|          | 2 car spaces to each 3 or more bedroom dwelling. |                                      | 0               | 0               | 0                |
|          | 1 visitor spaces to each 5 dwellings             | 2 x visitor spaces                   | 2               | 2               | 0                |
| Total    |  |                                      | 12              | 14              | 0                |

*Clause 52.34 – Bicycle facilities*

29. The above clause only requires bicycle facilities for development of four or more storeys. As such, the above provision is not applicable to this application.

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

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

General Provisions

*Clause 65 – Decision guidelines*

31. 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.
32. 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 11.02 – Urban growth*

33. The clause includes several strategies to achieve this objective including ‘*planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas*’ and ‘*Concentrate urban expansion into growth areas that are served by high-capacity public transport*’.

*Clause 11.06-2 – Housing Choice*

34. The objective of this clause is ‘*to provide housing choice close to jobs and services*’.

*Clause 11.06-4 – Place and amenity*

35. The objective of this clause is *'to create a distinctive and liveable city with quality design and amenity'*.

*Clause 15 – Built Environment and Heritage*

*Clause 15.01-1 – Urban environment*

36. 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 15.01-4 – Design for safety*

37. The objective of this clause is *'to improve community safety and encourage neighbourhood design that makes people feel safe'*.

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

38. The objective of this clause is *'to recognise and protect cultural identity, neighbourhood character and sense of place'*.

*Clause 15.02-1 – Energy and resource efficiency*

39. The objective of this clause is *'to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'*.

*Clause 15.03-2 – Aboriginal cultural heritage*

40. The objective of this clause is *'to ensure the protection and conservation of places of Aboriginal cultural heritage significance'*.

41. 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.*

42. The subject site is located within 200m of the Yarra River as defined in Division 3 of the *Aboriginal Heritage Regulations 2007*. The permit applicant has indicated that the development of this site does not trigger the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

*Clause 16 – Housing*

*Clause 16.01-1 – Integrated housing*

43. The objective of this clause is *'to promote a housing market that meets community needs'*.

*Clause 16.01-2 – Location of residential development*

44. The objective of this clause is *'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'*

*Clause 16.01-4 – Housing diversity*

45. The objective of this clause is *'to provide for a range of housing types to meet increasingly diverse needs'*.

Clause 16.01-5 – Housing affordability

46. The objective of this clause is *'to deliver more affordable housing closer to jobs, transport and services'*

Clause 18.02-1 - Sustainable personal transport

47. The objective of this clause is *'to promote the use of sustainable personal transport'*.

Clause 18.02-2 - Cycling

48. It is an objective *'to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.04 – Land use

50. The relevant objectives and strategies of this clause are *'to accommodate forecast increases in population'* and to *'support residual population increases in established neighbourhoods'*.

Clause 21.05 Built form

Clause 21.05-2 – Urban design

51. This clause incorporates the following relevant objectives:

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

Clause 21.06 – Transport

52. This clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage. The clause encourages the following:

- (a) *Yarra needs to reduce car dependence by promoting walking, cycling and public transport as viable and preferable alternatives.*

Clause 21.08 Neighbourhoods – Fairfield – Alphington

The policy describes this area as: *"to the east of Yarra Bend Park is a green, leafy, residential area, comprising late Victorian, Edwardian and interwar dwellings. Dwellings have generous front and side setbacks and allotments are double fronted and deep allowing for large spacious gardens and substantial backyards. The neighbourhood also has a significant amount of open space. The Northern Metropolitan Institute of Tafe and the Victorian Institute of Forensic Mental Health lie within the parkland'.*

Relevant Local Policies

*Clause 22.10 – Built form and design policy*

53. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:
- (a) *“Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
  - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
  - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land”*
54. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:
- (a) Urban form and character;
  - (b) Setbacks and building heights;
  - (c) Street and public space quality;
  - (d) Environmental sustainability.

*Clause 22.13 – Residential Built Form Policy*

55. This policy applies to the residentially zoned in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08. It is policy that development within each of the character types responds positively to the matters set out in clauses 22.12-3.1 to 22.12-3.4 referable to the location of the development.
56. The site is categorised as a Garden Suburban Residential built form type. Clause 22.13-3.2 outlines that Garden Suburban Residential is: *“residential areas with spacious garden settings and generous setbacks and spaces between buildings”*.
57. The design guidelines set out in this policy are as follows:
- (a) *Maintain the existing pattern of front setbacks;*
  - (b) *Landscaping the front setback in a style that reinforces the garden character of the streetscape;*
  - (c) *Provide a setback on at least one side of the building;*
  - (d) *Where the general pattern of development includes side setbacks on both sides of the building, replicate this characteristic;*
  - (e) *Orient buildings at right angles to the street frontage, unless the pattern of development is to site buildings at an angle;*
  - (f) *Provide front fencing that matches the character of the fencing in the street (eg with an open fence or a very low, solid fence);*
  - (g) *Maintain the existing scale of development, which is generally one or two storeys;*
  - (h) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties;*
  - (i) *Accommodate second storey extensions, or second storeys of new buildings, within an envelope that maintains the low, horizontal form of existing dwellings;*
  - (j) *Retain sufficient open space in the backyard to plant a tree with a high and spreading canopy.*

58. A further discussion on this policy will be provided later in this report.

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

59. This policy applies to new buildings. The objective of this clause is:

- (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).*

60. In response to the above provision, a STORM assessment has been submitted. The assessment provides a 15,000 litre rainwater tanks, collecting water from the roof areas of both dwellings and achieving a STORM rating of 129%.

*Clause 22.17 – Ecologically Sustainable Development Policy*

61. This policy applies throughout the City of Yarra for residential, mixed use and non-residential development to further implement environmentally sustainable design. The policy requires applications to be considered against the following objectives (where applicable):

- (a) Energy efficiency;
- (b) Water resources;
- (c) Indoor environmental quality;
- (d) Stormwater management;
- (e) Transport;
- (f) Water management; and
- (g) Urban ecology

**Advertising**

62. The application was originally advertised in November, 2017 with 66 letters sent to surrounding owners and occupiers, and by a sign on site. Six (6) objections were initially received. A further 60 objections were received after the consultation meeting was held in March 2018. Objections are summarised as follows:

- (a) Overdevelopment (high density development within a low density neighbourhood);
- (b) Out of keeping with neighbourhood character (architectural design, built form, setbacks, loss of garden areas);
- (c) Designated preferred development sites nearby;
- (d) Demolition of the dwelling not acceptable;
- (e) Car parking issues (increased visitor demand, blocking access to adjoining properties);
- (f) Traffic movements (congestion, pedestrian safety);
- (g) Minimal provision for bicycle spaces;
- (h) Overlooking;
- (i) Overshadowing;
- (j) Loss of solar access/daylight access;
- (k) Inappropriate site coverage (lack of garden space);
- (l) Removal of trees not acceptable;
- (m) Internal amenity (accessibility, balcony sizes, room functionality, dwelling diversity, access for persons with limited mobility);
- (n) Disturbances during construction;
- (o) Noise (from increased dwelling density, construction, traffic);
- (p) Lack of transparency by the developers;
- (q) Application not advertised correctly; and
- (r) Precedent for future development.

## Referrals

### External Referrals

63. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme

### Internal Referrals

64. The application was referred to the following internal Departments, with the advice included in the attachments to this report:
- (a) Engineering Department;
  - (b) Urban Design Unit;
  - (c) Environmental Sustainable Development Advisor

## OFFICER ASSESSMENT

65. The following key issues and policies will be used to frame the assessment of this planning permit application:
- (a) State and Local Planning Policy Framework;
  - (b) Neighbourhood Character Assessment;
  - (c) Clause 55 of the Yarra Planning Scheme (Rescode);
  - (d) Car parking; and
  - (e) Objector concerns.

### State and Local Policy Frameworks

66. When assessed against the State and Local Planning Policy Frameworks (SPPF & LPPF), there is strategic support for the development with regards to its location within close proximity to an activity centre (AC) and within the Neighbourhood Residential Zone (NRZ). The purposes of the NRZ are as follows:
- (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 recognise areas of predominantly single and double storey residential development.*
  - (c) *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
  - (d) *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
67. It considered that the proposed development fulfils these objectives, and allows for modern medium sized development within an inner city context that is ideally located to take advantage of existing public transport services including bus services available along Heidelberg Road (50m north) and Fairfield Train Station (470m north).
68. Clause 11 of the Scheme aims for an increase in diversity of choice, economic viability, accessibility and land use and transport integration, whilst facilitating sustainable development that takes full advantage of existing settlement patterns. The future residents of the dwellings will use the services available in the nearby commercial environment, in accordance with clause 11.02.
69. The development also accords with a number of key strategic policies within the Scheme, in particular clause 11.04-2 and 18.02-1 and 18.02-2, by providing higher density housing with connections to public transport and cycling networks and clauses 16.01-2, 16.01-4 and 21, by increasing and consolidating the supply and diversity of housing in existing urban areas.



For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant State and Local Planning policies.

70. The proposal, subject to the submission of an amended STORM report, complies with Clause 22.16 Stormwater Management (WSUD) and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool.
71. The applicant provided an ESD report committing to a number of ESD measures, such as:
  - (a) a 15,000 litre rainwater tank linked to all toilets;
  - (b) A STORM rating of above 100%.
72. Concerns have been raised by Council's ESD Officer with regards to daylight into bedroom 1 of Apartment 2 and the dining area of Apartment 3. To address these concerns, sketch plans were received on the 5 March 2018, which alter the dwelling layouts to both apartments to allow for better daylight and ventilation into these rooms. Council's ESD Officer has reviewed the sketch plans and has no objection to the proposed layout.
73. Council's ESD Officer further identified that the provision of two bicycle spaces is insufficient and has recommended that one bicycle space be provided to each dwelling. Given that clause 52.34 (Bicycle Facilities) is not applicable in this instance, it is not considered reasonable to request this of the applicant.
74. Additional concerns have been raised with regards to the developments cooling loads as a result of the northern, eastern and western glazing. Council's ESD Officer has recommended a condition to either install suitable exterior shading along the northern, eastern and western facing glazing or to demonstrate that no dwellings cooling loads exceed 30MJ/m<sup>2</sup> (BADS standard). This will be dealt with by condition.
75. Subject to conditions, Council's ESD officer was satisfied that the proposal can meet the Scheme requirements and satisfies clause 22.10-3.5, clause 15.01-2, and clause 22.17 of the Scheme.

#### Neighbourhood Character Assessment

76. Clause 22.10 (*Built form and design policy*) and Clause 22.13 (*Residential Built Form Policy*) provide specific guidance on assessing appropriate height and scale of new developments in residential contexts. Clause 22.10 provides design guidelines at Clause 22.10-3.2 (*Urban form and character*), Clause 22.10-3.3 (*Setbacks & building heights*), and Clause 22.10-3.4 (*Street and Public Space Quality*).
77. The building incorporates a minimum 6.2 metre setback from Station Street along both the ground and first floor levels, with only a nib wall between the balconies of Apartments 6 and 7 (along the first floor) encroaching into this setback (5.8m). A review of the surrounding area has identified 6.2m setbacks to both adjoining properties to the north and south (Nos. 1 and 5 Station Street). Furthermore, the living rooms facades to Apartments 6 and 7 are setback an additional 2m behind the balconies, providing a setback of 8.2m to the front boundary. The proposed setbacks are considered to be in keeping with the prevailing setbacks found in the immediate area and an acceptable design response in this instance.
78. The encroachment of the nib wall along the first floor is considered acceptable and in effect is a design feature of the building which adds to articulation and visual interest. The front setback also allows for the provision of landscaping, which softens the overall built form. The landscaping also reduces the impact of the vehicle accessway along the southern boundary, which only occupies 3m of a 20m frontage.

79. There are concerns however with respect to the concrete panel frames located above the basement ramp and extending into the front setback. Council's Urban Design Unit have stated, "*the entry arch, located less than two metres from the front boundary and spanning almost half the width of the site, reinforces the presence of built form on the site rather than garden character, and is not supported*". It is agreed that the structures would be imposing on the established garden areas along the street and as such a condition will be included for their removal.
80. The surrounding area is a mixture of single, double and triple storey built forms. To reduce the built form presenting to the street, the first floor façade (living room wall) to Apartments 6 and 7 incorporates a 2m setback/recession from the ground floor. This area is occupied by balconies, however the physical setback reduces the appearance of built form to the street. The upper floor built form is further reduced with the incorporation of a light render finish and the recessed bedroom and en-suite associated with Apartment 6. The setting back of the first floors ensures that the dominant element presenting to the street is the ground floors, with the upper floors presenting as recessive elements. As noted above, double storeys are not uncommon in the street with examples found at No. 1/5 Station Street and a triple storey residential building at No. 10 Station Street.
81. The built form within the wider area generally maintains spacing along both side boundaries and along the rear boundaries. The proposed development incorporates both side and rear setbacks, occupied by predominantly garden areas. This maintains the spacing between properties and reduces the visual bulk to adjacent dwellings. The adjoining dwellings to the north and south (Nos. 1 and 5 Station Street), have their common driveways and garages directly interfacing both side boundaries of the subject site. This results in non-sensitive interfaces to the proposed development.
82. Along the upper floor, articulation is provided through the incorporation of varied setbacks (including some cantilevering), provision of balconies, use of various materials and fenestration. The above responses, in addition to the generous setbacks to rear are considered an appropriate design response which will not unreasonably impact on the abutting properties in terms of visual bulk and off-site amenity impacts. The visual bulk is further reduced with the provision of landscaping along the rear and side boundaries. This aids in softening the visual impact of the proposed development.
83. The proposal incorporates a flat roof form, which is associated with more contemporary architectural designs. This type of roof form is considered acceptable given that examples can be found along the street at No. 10 Station Street and in developments along Heidelberg Road (50m to the north). The flat roof will also reduce the overall built form when viewed from the street. Furthermore, the subject site and all other dwellings along Station Street are not affected by a heritage overlay. As such, the design details (i.e. roof forms) of proposed developments are not as stringently controlled as that of properties affected by a heritage overlay.
84. The overall built form is considered acceptable given the incorporation of the combined design features identified above. The proposed development is considered to present an appropriate design response to the surrounding neighbourhood character.

Clause 55 of the Yarra Planning Scheme (Rescode)

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

*Standard B1 – Neighbourhood Character*

86. This standard encourages proposed development to respond to the existing neighbourhood character or to contribute to a preferred neighbourhood character of the area. An assessment of the proposed development in relation to neighbourhood character has been carried out above and found that the proposal provides an appropriate design response to respect both the existing and preferred neighbourhood character.

*Standard B2 – Residential Policy*

87. The proposal demonstrates consistency with State policies by contributing to urban consolidation and utilising existing infrastructure without unreasonably affecting the existing character of the surrounding neighbourhood and therefore the medium density can be supported.
88. The proposal has a reasonable level of consistency with local planning policies contained within the Scheme, including relevant components of the MSS. Accordingly, the proposed development is considered to adequately respond to the requirements of this Standard.

*Standard B3 – Dwelling Diversity*

89. This standard seeks, “to encourage a range of dwelling sizes and types in developments of ten or more dwellings”.
90. The proposed development incorporates 2 one-bedroom apartments and 8 two-bedroom dwellings, ranging in floor area from between 49sqm to 78sqm. This allows for a range of dwelling sizes and types within the development.
91. Further, Dwellings 1 to 5 have been located along the ground floor and contain their kitchen, bath and toilet facilities along the ground floor level, equivalent to 50% of the entire development.

*Standard B4 – Infrastructure*

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

*Standard B5 – Integration with the street*

94. The common vehicle and pedestrian entries will be orientated towards Station Street and provides good access to the subject site. A 1.5m high timber fence is provided to the Station Street frontage. A review of the streetscape has identified that high fences are characteristic and that the proposed fence would be beneficial to the street while maintaining views into the garden area.

*Standard B6 – Street setback*

95. Under the above standard a front setback of 6.2 metres is required. A minimum setback of 6.2 metres is proposed, meeting the above standard.

*Standard B7 – Building height*

96. The total overall building height of 7.8 metres is proposed. This is in accordance with the maximum 9 metres prescribed by the standard and the 9 metres mandatory height control of the Neighbourhood Residential Zone – Schedule 2.

*Standard B8 – Site coverage*

97. The site coverage is proposed to increase to approximately 55%, which complies with the maximum 60% recommended by the standard.

*Standard B9 – Permeability*

98. A site permeability of 30% of permeable surfaces retained on the subject site, located within the front, side and rear setbacks which the standard exceeds.

*Standard B10 – Energy efficiency*

99. Not applicable – refer to Standard B35

*Standard B11 – Open Space*

100. Not applicable – refer to Standard B36

*Standard B12 – Safety*

101. The pedestrian entry to the building will be located along Station Street and will be clearly visible from the street, with a pathway leading up to the door entry. The pedestrian pathway is separate from the vehicle accessway, ensuring no conflicts between pedestrians and vehicles. The location of the entries within the front setback ensure good surveillance and lighting from within the development.

*Standard B13 - Landscaping*

102. No landscape plan has been submitted at this stage, but the ground floor plans provides indicative landscaping within the front, side and rear setbacks. Given the setbacks provided it is considered the development is capable of accommodating contributing vegetation to each dwelling and within the front setback. A condition of approval will require a landscape plan to be submitted which show the location of planting and quantities.

*Standard B14 – Access*

103. The single width vehicle crossover within the south-west corner will be retained from Station Street. The accessway is to have a width of 3.9 metres or 19%. This width is under the maximum permitted width of 33%

*Standard B15 – Parking location*

104. The proposed development incorporates a basement car park for 14 vehicles. The basement is provided with both lift and stairwell access to the upper floors ensuring reasonable and convenient access to the apartments above. The garage would be reasonably secure and ventilated with the ramp.

105. A review of the building layout and sketch plans submitted, show no habitable room window within 1.5m of the accessway.

*Standard B17 – Side and rear setbacks*

106. “A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:  
(a) *At least the distance specified in a schedule to the zone, or*

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

107. A review of the proposed development has identified only one variation is required to the roof structure above apartment 6 and circulation area along the southern (side) boundary. The following table identifies the variations required:

| <b>Boundary</b> | <b>Setback required</b> | <b>Setback provided</b> | <b>Variation required</b> |
|-----------------|-------------------------|-------------------------|---------------------------|
| Northern        | 2.08m                   | 2.42m (min)             | 0                         |
| Eastern         | 2.06m                   | 3.6m (min)              | 0                         |
| Southern        | 1.9m                    | 1.6m                    | 0.3m                      |

108. A variation in the above standard is considered acceptable in this instance for the following reasons:

- (a) The roof structure interfaces a non-sensitive driveway associated with No. 1 Station Street, with no habitable room windows or open spaces affected;
- (b) The overshadowing created by the variation is limited to the driveway;
- (c) The variation is relatively minor in scale (i.e. 300mm) and would not be appreciable from the street.

*Standard B18 – Walls on boundaries*

109. It is not proposed to construct any walls along the boundaries. This standard is therefore not applicable.

*Standard B19 – Daylight to existing windows*

110. The proposal will continue to allow adequate daylight to existing habitable room windows in accordance with the above standard.

*Standard B20 – North-facing windows*

111. There are no north-facing windows within 3m of the site. The above standard is therefore not applicable.

*Standard B21 – Overshadowing*

112. This standard requires, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40 square metres with a minimum dimension of 3 metres should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. If existing sunlight to the secluded private open space (POS) of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

113. A review of shadow diagrams submitted has identified overshadowing is confined to within the front setback and adjoining driveway to the south associated with No. 1 Station Street and the rear/side setback of No 4 Arthur Street and No. 44 Park Crescent.

114. The only secluded private open space affected will be No 4 Arthur Street during the afternoon period. This open space is over 200sqm in area, with the proposal overshadowing an area of approximately 30sqm at 3pm. This area of overshadowing is within the permitted levels under the above standard.

*Standard B22 – Overlooking*

115. The above standard requires that any habitable room windows or balconies be located or designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres.
116. Along the ground floor, 1.8m to 1.9m high fences are proposed along the northern and eastern boundaries. With floor levels not exceeding 800mm above the ground level (max of 510mm above NGL), the fencing is in accordance with the above standard to prevent overlooking.
117. No details have been provided with regards to the southern (side) boundary fence on the floor plans. As such a condition will be included for fencing details along the southern boundary to be in accordance with the above standard (i.e. minimum height of 1.8m above the NGL).
118. Along the first floor, frosted glazing to a height of 1.7m above the Finished Floor Level (FFL) is proposed to all habitable room windows and balconies in accordance with the above standard. However clarification is required that windows (especially to the north) are also fixed below 1.7m in height.
119. No screening is provided to the south-facing circulation window or the communal sitting area. As a result of consultations with residents, the applicant has submitted sketch plans on the 15 May 2018 which delete the balcony and incorporate screening (fixed, frosted glazing to a height of 1.7m above the FFL) to both areas. These alterations will be included as conditions.

*Standard B23 – Internal views*

120. No internal views have been identified, with first floor screening provided to all habitable room windows (subject to clarification). This prevents internal views from the first floor to the lower courtyards. Plans also show a 1.7m high screen between Apartments 9 & 10 and 6 & 7 to prevent overlooking although there are no details about the material or visual permeability. A condition will require compliance with this objective.
121. In addition, 1.8m high internal fencing between open spaces is provided to all relevant courtyards to prevent overlooking.

*Standard B24 – Noise impacts*

122. Not applicable – refer to Standard B40

*Standard B25 – Accessibility*

123. Not applicable – refer to Standard B41

*Standard B26 – Dwelling entry*

124. Not applicable – refer to Standard B42

*Standard B27 – Daylight to new windows*

125. The above standard requires all habitable room windows to face an “*outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky*”.
126. All of the proposed windows will face an area with a minimum space of 3sqm and minimum dimension of 1m clear to the sky.

*Standard B28 – Private open space*

127. Pursuant to Clause 55, the ground floor apartments are required to be assessed against the above standard (B28), with all apartments above the ground floor to be assessed against standard B42 (private open space above the ground floor).

128. Standard B28 generally requires that:

*A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.*

*If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:*

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

129. With regards to the above standard, each ground floor apartment should be provided with area of 40 square metres, with one part of the private open space to consist of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.

130. Variations are required for the following apartments:

| <b>Apartment No.</b> | <b>Total open space</b> | <b>Secluded private open space</b> | <b>Variation</b>  |
|----------------------|-------------------------|------------------------------------|-------------------|
| 1                    | 75.5m <sup>2</sup>      | 0m <sup>2</sup>                    | 40m <sup>2</sup>  |
| 2                    | 30m <sup>2</sup>        | 30m <sup>2</sup>                   | 10m <sup>2</sup>  |
| 3                    | 32.6m <sup>2</sup>      | 32.6m <sup>2</sup>                 | 7.4m <sup>2</sup> |

131. With regards to Apartment 1, a total area of 75sqm is provided within the rear and northern side setbacks, none of which is secluded (i.e. fenced off). The apartment does meet the requirement for an overall area of 40sqm but lacks any secluded open spaces. A condition could be included which would fence off the northern section of the garden (within the northern setback between the front façade and internal fence between apartments 1 and 2). This would result in a secluded private open space of 23sqm (2sqm below the recommended 25sqm). Given that this apartment has access to the garden area within the front setback, a 2sqm variation is considered acceptable in this instance.

132. With regards to apartments 2 and 3, both are provided with secluded private open spaces but do not have a total area of 40sqm. A variation to this recommended area is considered acceptable given the proximity of the site to public parks and as both spaces will be usable in terms of service needs for residents. Furthermore, other apartments within the development will not be providing this amount of open space.

133. Apartments 4 and 5 are provided with open spaces in accordance with the above standard.

*Standard B43 – Private open space above ground floor*

134. All first floor balconies provide a minimum area of 8sqm, with a minimum dimension of 2m in accordance with the above standard. No heating or cooling units are proposed to be located on the balconies. As the locations of the heating and cooling units have not been identified, a condition will be included for them not to be located on any balconies which would result in a non-compliance with the above standard.

*Standard B29 – Solar access to open space*

135. The open spaces to apartments will have an outlook to the front (western boundary), side (northern boundary) and rear (eastern boundary) in the form of ground floor courtyards and first floor balconies. The apartments are considered to receive sufficient solar access throughout the day, with no apartment relying on a south-facing open space.

*Standard B30 – Storage*

136. Not applicable – refer to Standard B44

*Standard B31 – Design detail*

137. The proposed development incorporates a mix of Austral bricks, cement rendered finishes, James Hardie matrix cladding, steel formwork and glazing along both the ground and upper floors. The proposed materials are considered appropriate with the brick and render finish reflecting external finishes commonly found within the streetscape while also incorporating the newer cladded finishes and steel formwork characteristic of more recent infill developments.
138. The proposed fenestration proportions are considered acceptable with a good ratio of window to solid finishes presenting to the street. The building also provides good façade articulation through the use of setbacks and use of materials. The proposal does incorporate a flat roof form which although not a dominant feature of the streetscape is considered acceptable given the contemporary design, proximity to other flat roof buildings (i.e. commercial zone & No. 10 Station Street) and as no heritage overlays affect the subject site. The provision of the basement garage also allows for a more active frontage, with a glazed communal sitting area located above the entry ramp in lieu of a garage.
139. Council's Urban Design Unit has recommended the deletion of glazing to the balcony balustrades, to remove the apparent commercial appearance of the building. The balconies incorporate some partial glazing to the top of the balustrade, with the majority of the balustrade incorporating solid brick or rendered finishes below. It is considered that the current appearance of the balconies (with a mix of glazing and solid finishes) is sufficient to allow the proposal to present as a residential development.
140. Further recommendations have been made for, "*the introduction of deep window recesses and projecting sunshades, contributing depth, shadow and articulation at a finer scale as well improving environmental performance*". It is considered that the proposed development provides sufficient articulation in the use of setbacks and materials. With regards to the environmental performance, Council's ESD Officer has made recommendations which will be incorporated as conditions to achieve an appropriate level of environmental performance.
141. The proposal picks up on a number of existing design details within the street including the use of brick and render finishes, provision of sheltered entry and proportioning of the windows. The combination of the above allows the proposed development to be absorbed into the streetscape.

*Standard B32 – Front fences*

142. The proposal incorporates a 1.5 metre high, 505 transparent timber fence. This is considered an acceptable fence height that respects the existing fence heights and allows for the garden area to be a highly visible component of the development.

*Standard B33 – Common property*



143. The basement car park and communal sitting areas throughout the development are clearly delineated, practical and could be easily maintained.

*Standard B34 – Site Services*

144. Site services are located throughout the building, with a waste storage area in the basement, mailboxes along Station Street and metres adjacent to the entry. The applicant has identified that waste will be collected by a private contractor.
145. Given the size of the proposed development a condition will be included for the submission of a waste management plan (WMP) to the satisfaction of the Responsible Authority. The WMP will need to ensure that the storage area provided within the basement is of a sufficient size and ensure an appropriate frequency of collections.

*Standard B35 – Energy efficiency*

146. Overall, it is considered that the proposal will achieve an appropriate level of energy efficiency, consistent with the objective of the standard. The dwellings will achieve adequate levels of solar access and natural ventilation through the provision of fenestration to all habitable rooms and also allow for some cross-ventilation. There are a number of living room areas with north-facing windows, with the remaining east and west facing. There are no south-facing windows proposed.
147. Given the east-west orientation of the subject site, overshadowing will be contained to the adjoining property at Nos. 1 Station Street and to the rear along Arthur Street and Park Crescent. A slight increase in overshadowing will occur during afternoon periods. However as was discussed earlier in this report, the extent of overshadowing is fully compliant with the relevant standard.
148. Council's ESD Advisor has reviewed the plans and BESS report and has concerns that the current development may not meet a cooling load of 30MJ/M<sup>2</sup> because of the extent of northern, eastern and western glazing. As such, a condition will be included for the development to demonstrate a maximum cooling load of 30MJ/M<sup>2</sup>. As noted in the ESD Officer's referral, this could be achieved through requiring the provision of blinds and shading devices to the northern, eastern and western glazing.

*Standard B36 – Communal open space*

149. This standard is not applicable as the overall dwelling density is less than 40 dwellings.

*Standard B37 – Solar access to communal outdoor open space*

150. Although not applicable (see above), the proposed development has provided some communal sitting area along the ground and first floors. Neither area will receive direct solar access but these locations are considered acceptable given that the ground floor area will have outlook to Station Street (as well as the southern boundary), and both areas will receive sufficient daylight. Furthermore the site is in close proximity to parks, as discussed earlier in this report.

*Standard B38 – Deep soil areas and canopy trees*

151. In accordance with the objective and standard, acceptable landscaping will be provided within the front, side and rear setbacks through means of planter boxes to medium and canopy trees. Plans identify an area of 40.47sqm (5% of the site area) within the front setback which has been designated for a deep soil area and provision of one canopy tree (Pyrus Calleryana Chanticleer - Chanticleer Pear). A condition will be included requiring a landscape plan to be submitted with the deep soil areas provided. A condition of approval will require a landscape plan to be submitted which shows the location of planting and quantities.

*Standard B39 – Integrated water and stormwater management*

152. The proposed development incorporates a 15,000 litre rainwater tank located underneath the vehicle ramp. The collected rainwater is to be connected to all toilets for flushing, laundry use and landscaping irrigation. The provision of the tank provides an alternative water source and reduces stormwater run-off on the drainage system in accordance with the above standard.

*Standard B40 – Noise impacts*

153. The subject site is located within 300 metres of a Heidelberg Road and two Industrial 3 Zones to the north-east and north-west. No assessment has been provided by the applicant with respect to table B6. The applicant has also not provided details of the location of plant equipment.
154. With regards to the proximity of Heidelberg Road, the average daily traffic volume does not exceed 40,000 vehicles. As such the proposed development does not need to be assessed with regards to the road as being a noise influence.
155. With regards to the proximity of the industrial zone, a condition will be included for an acoustic report to be submitted and to achieve the specified noise levels under the above standard.
156. All noise sensitive rooms have been located away from the lift and car parking areas in accordance with the above standard. It is proposed however, to relocate a south-facing bedroom window associated with Apartment 1, adjacent to the building entry along Station Street (sketch plan 5 March 2018). This window is setback 2m from the driveway, in accordance with Standard B15. Additionally, it is proposed to locate an east-facing bedroom window associated with Apartment 6 above the communal sitting area which is located above the vehicle access. Given the separation distances to the vehicle accessway (i.e. 2m plus the ramp for Apartment 1 and the sitting area for Apartment 6) and the medium sized scale of the development where pedestrian and vehicle movements would not be of a high frequency it is considered acceptable.
157. Furthermore, it has been identified that there are two bedrooms along the first floor (Apartments 6 and 10) in close proximity to the communal sitting area/balcony. Given that these areas are unlikely to be used after hours and as the balcony is to be deleted, the location is considered acceptable.
158. An additional condition will be included for the location of the mechanical plants to be shown and not to be located near bedroom of immediately adjoining bedroom or noise sensitive rooms within the subject site.
159. Given the nature of the proposal is not anticipated that the proposed development will result in any levels of noise above what can be reasonably expected from a residential development.

*Standard B41 – Accessibility*

160. Apartments 3, 6, 8, 9 and 10 appear to have been designed to meet the needs of people with limited mobility in accordance with the above standard. However a condition will be included however for a notation that all the relevant showers are to be hobless (step free) to ensure 50% of apartments meet this standard.

*Standard B42 – Building entry and circulation*

161. The building has been provided with entry off Station Street which is visible and easily identifiable, through the provision of a pathway and front door. The first floor has been cantilevered above the entry which provides shelter and sense of address.
162. The internal layout clearly distinguishes between the circulation areas and apartments, with the communal area, lifts and stairwell located in close proximity to the entry. The building entries and lift areas are also in close proximity or directly adjacent to daylight sources from glazing along the southern interface.
163. The majority of circulation areas have one source of light and natural ventilation. The only exception is the corridor leading into Apartments 6 and 7. Given the limited length of the corridor and as the remaining 8 entries meet the above standard a variation is considered acceptable in this instance. All spaces are clear of obstructions from building services.

*Standard B44 - Storage*

164. The above standard requires the following storage areas:

| Dwelling type              | Total minimum storage volume | Minimum storage volume within the dwelling |
|----------------------------|------------------------------|--|
| Studio                     | 8m <sup>3</sup>              | 5m <sup>3</sup>                            |
| 1 bedroom dwelling         | 10m <sup>3</sup>             | 6m <sup>3</sup>                            |
| 2 bedroom dwelling         | 14m <sup>3</sup>             | 9m <sup>3</sup>                            |
| 3 or more bedroom dwelling | 18m <sup>3</sup>             | 12m <sup>3</sup>                           |

165. A review of plans submitted has identified that all apartments have been provided with the relevant storage areas in accordance with the above standard.

*Standard B45 – Waste and recycling*

166. The proposed development has provided a waste storage area within the basement and located for convenient access by all residents. The area provides for the 10 dwellings with capacity for bin wash facilities and rubbish separation. The storage area is also in close proximity to the ramp which will allow for easy access to the street for bin collection.
167. However, given the scale of the development, a condition will be included for the submission of a Waste Management Plan (WMP).

*Standard B46 – Functional Layout*

168. The above standard requires the following layouts to bedrooms and living rooms:

**Table 10 Bedroom dimensions**

| Bedroom type       | Minimum width | Minimum depth |
|--------------------|---------------|---------------|
| Main bedroom       | 3 metres      | 3.4 metres    |
| All other bedrooms | 3 metres      | 3 metres      |

**Table 11 Living area dimensions**

| Dwelling type             | Minimum width | Minimum area |
|---------------------------|---------------|--------------|
| Studio and 1 bed dwelling | 3.3 metres    | 10sqm        |
| 2 or more bed dwelling    | 3.6 metres    | 12sqm        |

169. A review of plans submitted has identified that all apartments have been provided with bedroom and living rooms in accordance with the above standard.

*Standard B47 – Room depth*

170. Standard B47 states:

*Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.*

*The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:*

- *The room combines the living area, dining area and kitchen.*
- *The kitchen is located furthest from the window.*
- *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*

*The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.*

171. Subject to the re-arrangement of the internal layout, as per sketch plan submitted 5 March 2018, all apartments would be provided with adequate daylight in accordance with the above standard. All open plan living, dining and kitchen areas would be provided with a floor-to-ceiling height of 2.7m, do not exceed a length of 9m and combines all three rooms with the kitchen to the rear. A condition will be included for the internal layout to be amended as per the sketch plans received on the 5 March 2018.

#### *Standard B48 – Windows*

172. With the exception of Apartments 2 and 3, all units allow adequate daylight into new habitable room windows in accordance with the above standard.
173. With regards to Apartment 2, there is insufficient daylight into bedroom 1 and with regards to Apartment 3, the dining area is inappropriately located to the rear of the apartment and receives very limited daylight. To address the above concerns, sketch plans have been received on the 5 March 2018. These plans incorporate a revised internal layout to both apartments which include:
- (a) The re-locating of both bedrooms to apartment 2 towards the northern setback and clear to the sky.
  - (b) A revised internal layout to apartment 3 which put the laundry and bathroom to the rear of the apartment and an open plan living, dining and kitchen area. This area also meets the requirements of Standard B47 (room depth).

#### *Standard B49 – Natural ventilation*

174. Five apartments have been provided with breeze paths in accordance with the above standard. The breeze paths will allow for effectively managed natural ventilation.

#### Clause 52.06 – Car Parking

175. Pursuant to clause 52.06 of the Scheme, a development is required to provide a total of 12 car spaces. A total of 14 have been provided, which is above the requirement of Clause 52.06.

#### *Traffic generation*

176. Council's Traffic Engineers have adopted a rate of 3 vehicle trips per dwelling per day. This equates to 30 vehicle movements per day, with the peak hour traffic volume approximately 10% of the daily traffic volume generated. Council's Engineers have concluded that the peak hour traffic would be 3 vehicle trips per peak hour. These traffic volumes are not unduly high and should not adversely impact the traffic operation of Station Street or the surrounding roads.

#### *Car parking layout*

177. Council's Engineers have reviewed the car parking layout including the access arrangements via Station Street and use of the basement. The access arrangement into the site is considered satisfactory with a minimum width of 3m provided and visibility splays also provided. A condition will be required for the landscaping within the visibility splay to have a mature height of no more than 900mm.
178. A review of the basement layout has identified that subject to conditions the proposed layout is satisfactory. These conditions include:
- (a) The re-location of the visitor car spaces to the spaces designated for apartments 1 and 2;
  - (b) Swept path diagrams to demonstrate vehicles passing movements within the curved internal ramps;
  - (c) The headroom clearances dimensioned at the development entrance;
  - (d) The installation of a 300mm wide kerb along the southern edge of the accessway;
  - (e) All car spaces along the southern side of the car park to have a minimum length of 4.9m (without encroaching onto the 6.4m wide aisle or car spaces along the northern side).
179. With regards to the final point, if the car spaces along the southern side are lengthened this may reduce the accessway width from 6.4m to 5.9m. Council's Engineers have confirmed that any reduction in the aisle width (with a car space width of 2.6m) will impact on internal movements and as such is not supported.
180. The applicant has therefore two options to allow for safe and efficient movements within the basement. The first being to increasing the overall width of the basement by 0.5m. This will allow for car space lengths of 4.9m (along both sides of the basement) and an aisle width of 6.4m. Given that both basement walls are setback of their respective boundaries, an increased width can be accommodated. The increased width may slightly impact on the overall permeability, but with a current permeability of 30%, the increased would be well below the minimum requirements of 20%. Furthermore, the increased width should not impact on the minimum garden area requirements given its location within the basement.
181. A condition will therefore be included for car spaces along the southern side of the basement to be increased to a minimum length of 4.9m (without encroaching onto the 6.4m wide aisle or car space lengths along the northern side).
182. Alternatively, the car space widths could be increased to 2.9m with a reduction in the aisle width to 5.9m. This would require the deletion of one of the car spaces along the southern side but is considered acceptable given that there is an excess of 2 car spaces.

### Objector Concerns

183. The objections received raised the following (summarised) concerns with the proposal:
- (a) Overdevelopment (high density development within a low density neighbourhood);

The proposed development demonstrates a high level of compliance with the objectives and most standards of clause 55. This is often a test as to whether a proposal results in an overdevelopment, such as site coverage, private open space, building heights and setbacks as well as the applicable amenity related standards under Clause 55. Given the high level of compliance it is considered to warrant a development of the scale which is proposed, and is not considered to be an overdevelopment of the land.

- (b) Neighbourhood character (architectural design, built form, setbacks, loss of garden areas);

Refer to paragraphs 76-84.

(c) Designated preferred development sites nearby;

References have been made to recent developments within the surrounding area (in particular the AMCOR site) and that a limit should be put on any further development. The subject site is located within a NRZ, which has no maximum number of dwellings allowed on a particular site and given the largely compliant development with Clause 55 and minimal amenity impacts; a refusal of any increased dwelling density based on preferred development sites in the surrounding neighbourhood is considered unreasonable and unsupportable.

(d) Demolition of the dwelling;

The subject site is not located within a heritage overlay and therefore the demolition of the dwelling is not a planning matter to consider.

(e) Car parking (increased visitor demand, blocking access to adjoining properties);

An assessment of car parking access and layout is maintained within paragraphs 175 to 182.

With regards to potential blocking of accessways, this is a Local Laws/Police matter.

(f) Traffic movements (congestion, pedestrian safety);

Refer to paragraphs 103 to 105 and 175 to 182.

(g) Minimal provision for bicycle spaces;

Pursuant to Clause 52.34 of the Yarra Planning Scheme, the proposed development is not required to provide any bicycle spaces. However two spaces have been provided.

(h) Overlooking;

Refer to paragraphs 115-119.

(i) Overshadowing;

Refer to paragraphs 112 to 114.

(j) Solar access/daylight access;

Refer to paragraphs 125 to 126, 135 and 170 to 173.

(k) Site coverage (lack of garden space);

Refer to paragraph 97.

(l) Removal of trees;

The subject site is not affected by any tree controls and as such the removal of trees cannot be considered under this planning permit.

(m) Internal amenity (accessibility, balcony sizes, room functionality, dwelling diversity, access for persons with limited mobility);

Refer to Clause 55 assessment at paragraphs 125 to 135 and 143 to 174.

(n) Disturbances during construction;

It would be anticipated there would be some disruption during construction (as with any construction project). To reduce the impacts during the construction phase, a condition will be included for the submission of a Construction Management Plan (CMP) prior to the commencement of works. The CMP regulates (among other things) hours of construction to ensure no unreasonable impacts to adjoining neighbours.

(o) Noise

Refer to paragraphs 153 to 159.

(p) Lack of transparency by the developers;

The applicant and developer has provided residents with plans and written submissions as to the proposed development before Council. The applicant has also attended a consultation meeting with residents to discuss concerns.

(q) Application not advertised correctly; and

Notice of the application was given to all adjoining residents as per the requirements of the *Planning and Environment Act 1987*.

(r) Precedent for future development.

All applications are assessed on their own merits and compliance with the *Planning and Environment Act 1987* and Yarra Planning Scheme. Developments are not determined on the precedent of other developments.

## Other matters

184. The floor plans and BESS report includes the provision of a visitor car share facility operated by Go Get. This facility, although generally supported, is not considered acceptable in this instance as it could result in members of the public entering the basement (private property) to gain access to the car space. It is unlikely that the applicant meant for the car space to be a publically available car share (and the resultant access/security issues) and more probable that the space be shared within the development itself (which can then be managed by body corporate). Given other requirements of the Scheme (in particular Clause 55.03-10 – Parking Location which requires car spaces to be secure) the provision of a car share to the public is on balance not considered appropriate.

## Conclusion

185. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

## RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0585 for the development of the land for the construction of a double storey building containing 10 dwellings with basement car park at 3 Station Street, Fairfield VIC 3078, generally in accordance with the decision plans and 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 and sketch plans received on the 5 March 2018 and 15 May 2018 which show:

- (a) The deletion of first floor communal balcony and replacement with glazing and roofing as per sketch plans received on the 15 May 2018;
- (b) The revised internal layout to Apartments 1, 2 and 3 as per sketch plans received on the 5 March 2018;

but further modified to show:

- (c) Plans drawn to accurately reflect title dimensions;
  - (d) A minimum garden area of 35% of the overall site;
  - (e) The deletion of all concrete panel frames over the driveway ramp;
  - (f) Details of the southern boundary fence to be in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
  - (g) All mechanical plant equipment (including heating and cooling units) to be clearly identified and not to be located near any bedrooms of immediately adjoining bedroom or noise sensitive rooms within the subject site;
  - (h) Locations of the heating and cooling units (not to be located on balconies);
  - (i) Notation on floor plans associated with TPA10 and TPA11 stating that all relevant showers are to be hobless (step free) in accordance with Clause 55.07-7 (Accessibility) of the Yarra Planning Scheme.
  - (j) The overall heights shown on all elevations (from natural ground level).
  - (k) The re-location of the visitor car spaces to the designated spaces for Apartments 1 and 2;
  - (l) Swept path diagrams to demonstrate vehicles passing movements within the curved internal ramps.
  - (m) The headroom clearances dimensioned at the development entrance.
  - (n) The installation of a 300mm wide kerb along the southern edge of the accessway.
  - (o) All car spaces along the southern side of the car park to have a minimum length of 4.9m (without encroaching onto the 6.4m wide aisle or car space lengths along the northern side), or otherwise designed to comply with Australian Standards;
  - (p) Deletion of the car share/go-get notation of visitor space;
  - (q) First floor windows to be shown as fixed and frosted glazing, or otherwise screened to comply with Standard B22 and B23 of clause 55 of the Yarra Planning Scheme; and
  - (r) Any requirements as a result of conditions 3 and 5.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit.

The Acoustic Report must assess the following:

- (a) The relevant requirements of Clause 55.07-6 (Noise impacts – Standard B40) of the Yarra Planning Scheme.

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



5. 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 Passivenergy and dated 11 October 2017, but modified to include or show:
  - (a) External shading or demonstrate that no dwellings' cooling loads exceed 30MJ/m<sup>2</sup> (BADS standard);
6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. 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;
  - (c) Provide a specification of works to be undertaken prior to planting; and
  - (d) Deep soil area with provision for a canopy tree in accordance with Clause 55.07-4 of the Yarra Planning Scheme.
  - (e) All landscaping located within the visibility splays adjacent to the accessway entrance to have a mature height of no more than 900mm.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) Replacing any dead, diseased, dying or damaged plants.To the satisfaction of the Responsible Authority.
11. 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.
12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible.
13. Before the buildings are 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.
14. 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.
15. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to 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.
16. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery.
  - (i) the construction program;

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) 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.

17. 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 5585 to confirm.

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

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

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

**CONTACT OFFICER: Gary O'Reilly**  
**TITLE: Senior Statutory Planner**  
**TEL: 9205 5040**

**Attachments**

- 1 PLN17/0585 - Locality plan
- 2 PLN17/0585 - Plans Part 1
- 3 PLN17/0585 – Plans Part 2
- 4 PLN17/0585 - Engineering comments
- 5 PLN17/0585 - ESD comments
- 6 PLN17/0585 - Urban Design comments
- 7 PLN17/0585 - Sketch Plan - 5 March 2018
- 8 PLN17/0585 - Sketch Plan - 15 May 2018

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**1.2 9-17 Smith Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN13/0212.03 - Section 72 Amendment to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, and associated reduction in car parking requirements and amendments to conditions**

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**Purpose**

1. This report provides Council with an assessment of a planning permit application lodged for 9-17 Smith Street, Fitzroy, which seeks approval for changes to the current planning permit to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, an associated reduction in car parking requirements and amendments to conditions. The report recommends approval of the application, subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 17 – Economic Development;
  - (b) Clause 18 – Transport;
  - (c) Clause 22.05 – Interface uses policy;
  - (d) Clause 22.09 – Licensed premises policy;
  - (e) Clause 52.06 – Car Parking;
  - (f) Clause 52.27 – Licensed Premises; and
  - (g) Clause 65 – Decision guidelines.

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Sale and consumption of liquor,
  - (b) Car parking;
  - (c) Objector concerns; and
  - (d) Other matters

**Objector Concerns**

4. Sixteen (16) objections were received to the application, these can be summarised as:
  - (a) The existing building has not been built as per the endorsed plans;
  - (b) Amenity impacts (e.g. noise and anti-social behaviour) associated with extended hours for sale/consumption of liquor;
  - (c) Possible odours from restaurant;
  - (d) Inadequate provision of on-site car parking;
  - (e) Lack of detail regarding waste management; and
  - (f) Loss of privacy/ security concerns relating to access within the building;

**Conclusion**

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

**CONTACT OFFICER: Catherine Balagtas**  
**TITLE: Statutory Planner**  
**TEL: 03 9426 1425**

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**1.2 9-17 Smith Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN13/0212.03 - Section 72 Amendment to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, and associated reduction in car parking requirements and amendments to conditions**

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Trim Record Number: D18/67062

Responsible Officer: Senior Coordinator Statutory Planning

**Proposal:** To replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, an associated reduction in car parking requirements and amendments to conditions

**Existing use:** Mixed use, residential and commercial

**Applicant:** 9-17 Smith Street Developments Pty Ltd

**Zoning / Overlays:** Commercial 1 Zone

**Date of Application:** 7 September 2017

**Application Number:** PLN13/0212.01

**Planning History**

1. Planning permit PLN13/0212 was issued on 22 January, 2014 for the construction of a building, use for dwellings, sale and consumption of liquor associated with the restaurant and food and drink premises (café), reduction in the associated car parking requirements and waiver of the loading and unloading requirements.
2. An amendment to this permit under Section 72 of the *Planning and Environment Act 1987* was approved on 30 June 2015 to include:
  - (a) An additional basement level for 17 extra car spaces;
  - (b) 1 additional apartment;
  - (c) Relocation of plant equipment;
  - (d) Reconfiguration of apartment layouts; and
  - (e) Various design variations.
3. A further amendment to this permit under Section 72 of the *Planning and Environment Act 1987* was approved on 16 March 2016 to include:
  - (a) An increase in the height of the stair canopy and lift-override;
  - (b) Reduction of two dwellings (from 43 to 41);
  - (c) Relocation of plant equipment; and
  - (d) Various design modifications.
4. This amendment approved on 16 March 2016 also included a correction of the permit under Section 71 of the *Planning and Environment Act 1987* to revise the property address to read '9-17 Smith Street' and correct the previous amendment description to include:
  - (a) A reduction of two apartments (from 45 to 43) – rather than "1 additional apartment";
  - (b) An increase in three commercial tenancies (from 4 to 7).
5. An application to amend the endorsed plans under secondary consent was submitted to Council on 21 November 2017 to show:
  - (a) The replacement of 5 scooter parking spaces with storage spaces at basement;
  - (b) Reconfiguration of the landscaping and doors within the common foyer at ground floor;
  - (c) Additional west-facing door to the C02 office leading to the central foyer;
  - (d) Deletion of the plant platforms and associated screening on the roof; and
  - (e) Minor design modifications.

This application is currently under assessment.

## Existing Conditions

### Subject Site

6. The overall site (as originally approved) is located on the western side of Smith Street, approximately 70m north of Victoria Parade and 10m south of Little Victoria Street, in Fitzroy. It is rectangular in shape and has a frontage to Smith Street of 27.4m, depth of 39.8m and overall area of approximately 1,092sqm. It has a rear abuttal to Little Smith Street (to the west). The approved development of a part-5, part-7 storey building has been constructed, which contains commercial tenancies at ground level and dwellings at upper levels.
7. The specific site to which this amendment is subject to is Lot C01 of PS718137U. It is located at the north-eastern corner of the building at ground level and has a frontage to Smith Street of approximately 6.5m and depth of 16.9m. Lot C01 is currently vacant, with the sale and consumption of liquor associated with a food and drinks premises (café) approved under the original permit.

### *Restrictive Covenants*

8. There are no restrictive covenants shown on the copy of title.

### Surrounding Land

9. The subject site is located within the Smith Street Activity Centre with access to a range of facilities and services. Specifically, this stretch of Smith Street is occupied by predominantly two storey commercial/ office buildings.
10. To the immediate north of the subject is a two-storey commercial building occupied by a radio station. The building to the south is a three-storey office building with a restaurant at ground level and is constructed to all boundaries.
11. To the west, across Little Smith Street, are residential properties which largely front Gore Street. These properties extend through to Little Smith Street at the rear.
12. The site is well serviced by public transport with trams running along Smith Street, Gertrude Street (200m north of the site) and along Victoria Parade (70m south of the site).
13. There are a number of existing licensed premises within 500m of the subject site, particularly further north of Smith Street. The nearest licensed premises within 50m of the site include:
  - (a) The British Crown Hotel at No. 14-18 Smith Street, which has a General Licence allowing consumption of liquor on the premises until 1am on Fridays and Saturdays, 12 midnight on Mondays to Thursdays and 11pm on Sundays; and
  - (b) Major Major at No. 5 Smith Street, which has a Restaurant and Café Licence, allowing consumption of liquor on the premises until 11pm on any day.

## The Proposal

14. The application proposes to amend the existing planning permit to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, and associated reduction in car parking requirements, by modifying:
15. The preamble of the planning permit from:

*Construction of a building, use for dwellings, sale and consumption of liquor associated with the restaurant and food and drink premises (café), reduction in the associated car parking requirements and waiver of the loading and unloading requirements.*

to:

*Construction of a building, use for dwellings, sale and consumption of liquor associated with the **restaurants**, reduction in the associated car parking requirements and waiver of the loading and unloading requirements.*

16. The heading of Condition 9 from “Food and drinks premises (café)” to “**Restaurant (north side)**” and Condition 9 from:

*Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am – 5pm Monday to Sunday.*

to:

*Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - **11pm** Monday to Sunday.*

17. Condition 11 from:

*The communal courtyard must not to be used by patrons of the restaurant and café.*

to:

*The communal courtyard must not to be used by patrons of the **restaurants**.*

18. Condition 12 from:

*Doors to the restaurant and food and drink premises (café) from the communal courtyard are to be kept closed at all times except for access use to the premises.*

to:

*Doors to the **restaurants** from the communal courtyard are to be kept closed at all times except for access use to the premises.*

19. Condition 14 from:

*During all hours in which the restaurant and food and drink premises (café) businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.*

to:

*During all hours in which the **restaurant** businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.*

20. Condition 15 from:

*During all operating hours of the restaurant and food and drink premises (café), there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").*

to:

*During all operating hours of the **restaurants**, there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").*

## Planning Scheme Provisions

### Zoning

#### *Commercial 1 Zone*

21. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for a restaurant use.

### Overlays

22. No overlays apply to the subject site.

### Particular Provisions

#### *Clause 52.06 – Car parking*

23. Pursuant to Clause 52.06-2 of the Scheme, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Where the required number of car parking spaces is not provided, Clause 52.06-3 allows a planning permit to be granted to reduce the requirement (including a reduction to zero).
24. The use of the land as a restaurant generates a different car parking requirement from the approved café, as described below:

| Use                             | Quantity/ Size | Car parking measure                            | Statutory Requirement | No. of spaces provided |
|---------------------------------|----------------|--|-----------------------|------------------------|
| Food and drinks premises (café) | 108sqm         | 4 spaces to each 100sqm of leasable floor area | 4                     | 1                      |
| Restaurant                      | 70 patrons     | 0.4 spaces to each patron permitted            | 28                    | 1                      |

25. Based on the permitted capacity of 70 patrons, the Restaurant has a statutory parking requirement of 28 spaces. With one car space provided on site, the proposal seeks a reduction of 27 spaces (which is a difference of 24 spaces from the approved reduction of 3 spaces).

#### *Clause 52.27 – Licensed Premises*



26. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use land to sell or consume liquor if any of the following apply:
- (a) *A licence is required under the Liquor Control Reform Act 1998.*
  - (b) *A different licence or category of licence is required from that which is in force.*
  - (c) *The hours of trading allowed under a licence are to be extended.*
  - (d) *The number of patrons allowed under a licence is to be increased.*
  - (e) *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*
27. Given the hours of trading allowed under a licence are to be extended, a planning permit is required in this instance.
28. This clause aims to ensure that licensed premises are situated in appropriate locations and ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.
29. In assessing the proposed licensed premise, it is necessary to consider the following decision guidelines of Clause 52.27:
- (a) *The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) and local planning policies.*
  - (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
  - (c) *The impact of the hours of operation on the amenity of the surrounding area.*
  - (d) *The impact of the number of patrons on the amenity of surrounding area.*
  - (e) *The cumulative impact of any existing and the proposed liquor license.*

*Clause 52.34 – Bicycle parking*

30. Pursuant to Clause 52.34-3 of the Scheme, 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.
31. A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
32. The use of the land as a restaurant generates a bicycle parking requirement as follows:

| <b>Use</b>              | <b>Quantity/ Size</b> | <b>Car parking measure</b>   | <b>Statutory Requirement</b>       |
|-------------------------|-----------------------|--|------------------------------------|
| Restaurant (north side) | 108sqm                | 1 staff space to each 100sqm of floor area available to the public and 2 visitor spaces plus 1 space to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm | 1 staff space and 2 visitor spaces |

33. Based on the original permit, the on-site provision far exceeds the minimum statutory requirement of Clause 52.34-4. The original development required the provision of 18 spaces, which was satisfied with the provision of 49 bicycle spaces on site. The amended plans approved on 30 June 2015 increased the on-site provision to 57 spaces despite a reduction in dwelling numbers, which resulted in a surplus of 42 bicycle spaces. As outlined in the above table, the proposed restaurant requires 3 bicycle spaces which can be readily accommodated in the 42 excess bicycle spaces. The proposal, therefore, continues to satisfy the bicycle parking requirement of Clause 52.34 of the Scheme.

## General Provisions

### *Clause 65 – Decision Guidelines*

34. The Decision Guidelines outlined in 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 Planning Policy Frameworks, Local Planning Policy Frameworks, including the Municipal Strategic Statement and any local policy, as well as the purpose of the Zone, Overlay or any other Provision.

## State Planning Policy Framework (SPPF)

### *Clause 11.01-2 – Activity centre planning*

35. The objective of this clause is *“to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community”*.
36. The primary strategy to achieve this objective is to *“broaden the mix of uses in activity centres to include a range of services over longer hours appropriate to the type of centre and needs of the population served”*.

### *Clause 17.01-1 – Business*

37. The objective of this clause 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”*.
38. Relevant strategies include:
- (a) *Locate commercial facilities in existing or planned activity centres.*
  - (b) *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
  - (c) *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

## Local Planning Policy Framework (LPPF)

39. The following provisions of the LPPF are the most relevant to this application:
- (a) Clause 21 - Municipal Strategic Statement [MSS]; and
  - (b) Clause 22 - Local Planning Policies.

### *Municipal Strategic Statement*

40. 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 21.04-2 – Activity Centres*

41. The objective of this clause is to *‘support the regional role of the Major Activity Centres as an important component of Yarra’s economy and as a metropolitan destination’*.

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

42. This policy states the following:

- (a) *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.*

43. The objective of this clause is to “*increase the number and diversity of local employment opportunities*”.

*Clause 21.08-7 – Fitzroy (Neighbourhoods)*

44. As described in this clause, the site is located within the area designated as the Smith Street Major Activity Centre. Given the Smith Street centre borders Collingwood to the east, it is described in Clause 21.08-5 as follows:

- (a) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys. The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.*

*The Activity centre has developed a strong factory outlet focus including a sports retail focus, at the north of the centre between Johnston Street and Alexandra Parade. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes. The southern precinct, south of Gertrude Street is home to an array of galleries and clothing stores.*

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

45. This policy applies to applications for use or development within (amongst others) a Business Zone (now Commercial Zone). The policy supports the objectives of the MSS by protecting Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.

46. The policy has the following objective (as relevant):

- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

*Clause 22.09 – Licensed premises*

47. This policy applies to all applications for new licensed premises and for the extension (including the extension of hours) of existing licensed premises.

48. The objectives of this clause are:

- (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.*
- (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
- (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises*

49. This policy outlines a range of guidance at Clause 22.09-3 (including hours of operation).

## **Advertising**

50. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act* (1987) by sending 124 letters to the owners and occupiers of adjoining and surrounding land and displaying signs on the street frontages at Smith and Little Smith Streets.
51. A total of sixteen (16) objections have been received.
52. The grounds of objection are summarised as follows:
- (a) The existing building has not been built as per the endorsed plans;
  - (b) Amenity impacts (e.g. noise and anti-social behaviour) associated with extended hours for sale/consumption of liquor;
  - (c) Possible odours from restaurant;
  - (d) Inadequate provision of on-site car parking;
  - (e) Lack of detail regarding waste management; and
  - (f) Loss of privacy/ security concerns relating to access within the building;

## **Referrals**

### External Referrals

53. The proposed changes do not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

### Internal Referrals

54. The application was referred to the following internal parties and their recommendations are contained below (as summarised):

#### *Compliance Branch (Community Amenity)*

- (a) No concerns in relation to the proposed hours being 7am-11pm Monday to Sunday;

#### *Engineering Services Unit*

- (b) No objection. The waiver of car parking spaces associated with the restaurant is considered appropriate in the context of the site and surrounding area. The operation of this restaurant would not be dissimilar to that of several small scale shopfront businesses that are already operating without on-site car parking.

55. Full details of the referral comments are attachments to this report.

## **OFFICER ASSESSMENT**

56. In assessing this application, the primary planning considerations are:
- (a) Sale and consumption of liquor;
  - (b) Car parking;
  - (c) Objector concerns; and
  - (d) Other matters.

### Sale and consumption of liquor

57. The policy framework for licensed premises is contained within Clauses 22.09 (Council's Licensed Premises Policy) and 52.27 (State Licensed Premises Policy). Having regard to the decision guidelines of Clauses 22.09 and 52.27, the relevant considerations are as follows:

*Location and access*

58. Policy at Clause 22.09-3 states that:

- (a) *Licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts (defined by the Commercial 1 Zone and limited to properties fronting (and with pedestrian access) from the listed main streets):*
- (i) *Swan Street west of Church Street*
  - (ii) *Bridge Road west of Burnley Street*
  - (iii) *Victoria Street west of Burnley Street*
  - (iv) *Smith Street between Gertrude Street and Alexandra Parade*
  - (v) *Brunswick Street between Gertrude Street and Alexandra Parade*
- (b) *Licensed premises should be located where:*
- (i) *The land is not zoned Residential (excluding the Mixed Use Zone).*
  - (ii) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.*
  - (iii) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.*
  - (iv) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*

59. The subject site is located within Commercial 1 Zone and is within the Smith Street Activity Centre, which is identified as a Core Entertainment Precinct where licensed premises are encouraged. With the main entry to the proposed restaurant being via Smith Street, patron access will be primarily focused towards a currently busy interface, away from residential areas to the rear along Little Smith Street. Condition 12 of the permit will also continue to be in place requiring the door leading to the common courtyard of the building to be closed at all times except for access use to the premises to minimise any noise impacts to the residents within the building. Accordingly, the location and access of the proposed licensed premises are appropriate.

*Licensed hours*

60. A relevant policy at Clause 22.09-3 as relevant to this application is that:

- (a) *Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- (b) *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area; and*
- (c) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*

61. The licensed hours proposed, being between 7am and 11pm on any day, are consistent with the 1am closing time encouraged by policy for licensed premises in a commercial zone and with the 11pm stated for land within 30m of a residential zone. Whilst the 7am commencement of the sale and consumption of liquor is not consistent with the 9am commencement time encouraged by policy, this amendment does not seek to change these approved licensed hours. Therefore, Council cannot re-consider the commencement time.

62. Accordingly, the proposed increase in licensed hours is considered appropriate.

*Venue Design and Patron Numbers*

63. The application does not propose to change the venue design and maximum patron capacity (70 patrons) of the licensed restaurant; hence these aspects of the licensed premises remain appropriate.

*Noise*

64. It is policy at Clause 22.09-3 that:

- (a) *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
- (b) *Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.*
- (c) *On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.*
- (d) *Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.*

65. Given the restaurant use does not require a planning permit under the Commercial 1 Zone, noise consideration is limited to the extension of the licensed hours of the premises. The sale and consumption of liquor from 5pm until 11pm is not considered to cause unreasonable noise impacts given the type of licence (Restaurant and Café Licence) will remain unchanged with the serving of meals continuing to be the primary activity on site. No live music or entertainment is proposed and patron numbers will not be increased. Patron noise associated with a licensed restaurant is not considered to result in a perceptible difference to those associated with a restaurant which is as-of-right in the zone (i.e. can operate 24 hours a day). Also, the existing restaurant on the southern part of the building is licensed until 11pm as is the southern adjacent restaurant at No. 5 Smith Street.

66. Council, in the original proposal, required an acoustic report and a Noise and Amenity Action Plan (NAAP) for the development, which was challenged at VCAT. In *9-17 Smith Street Developer Pty Ltd v Yarra CC (Correction) [2014] VCAT 77* at paragraphs 37-44, the Tribunal has stated that the requirement for an acoustic report or a Noise and Amenity Action Plan (NAAP) is not deemed necessary where noise sources are typical of those experienced in a typical inner suburban locality, where dwellings are part of multi-storey mixed use building with commercial premises at ground floor.

67. Conditions will continue to be in place requiring noise from the venue to comply with EPA requirements, notably SEPP N-1 which controls equipment noise and N-2 which controls music from public premises. The condition requiring the door to the restaurant from the communal courtyard to be kept closed at all times except for access use to the premises will assist in minimising noise impacts from the restaurant to the dwellings at the upper levels of the building. These combined with the restricted hours, will regulate the premises in terms of noise emissions.

68. Additionally, the existing planning permit allows the emptying of bottles between 7:00am and 10:00pm. This will continue to be in force and further minimises any potential off-site amenity impacts from noise.

*Cumulative impact*

69. The State Government has prepared Practice Note 61 ('Licensed premises: Assessing cumulative impact') which provides guidance for assessing the cumulative impact of licensed premises under Clause 52.27 of the Scheme. According to the practice note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises and is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.
70. The practice note states that it 'should' be used for new or expanded licensed premises that will trade past 11pm and are located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land. While the proposed restaurant is located in a cluster of licensed premises (with the majority of this cluster located along Smith Street), the proposed restaurant will not trade past 11pm; therefore, the practice note does not apply to this application.
71. Furthermore, a planning decision made by the Victorian Civil and Administrative Tribunal (VCAT) known as the *Corner Hotel* decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) formulated a potential assessment methodology for considering applications that may result in cumulative impacts, which developed a risk factor matrix as follows:

| <b>Type of premise</b>   | <b>Risk Factor</b> |
|--------------------------|--------------------|
| <b>Café / Restaurant</b> | <b>0</b>           |
| Bar / Restaurant / Café  | 1                  |
| Bar                      | 3                  |
| Hotel / Tavern           | 3                  |
| Nightclub                | 3                  |
| Place of assembly        | 2                  |

| <b>Size of premise</b> | <b>Risk Factor</b> |
|------------------------|--------------------|
| 0-49 patrons           | 0                  |
| <b>50-99 patrons</b>   | <b>1</b>           |
| 100-199 patrons        | 2                  |
| 200+                   | 3                  |

| <b>Closing hours of premise</b> | <b>Risk Factor</b> |
|---------------------------------|--------------------|
| <b>11.00 pm</b>                 | <b>0</b>           |
| 12.00 am                        | 1                  |
| 1.00 am                         | 2                  |
| 2.00 am                         | 3                  |
| 3.00 am                         | 3                  |
| Beyond 3.00 am                  | 4                  |

72. Applying the risk factor matrix, a reasonable consideration would suggest a score of 0-3 would be no risk, higher than three (3) would be a potential risk and requires a cumulative impacts assessment.
73. The proposal is afforded a risk factor score of one (1) for the licensed restaurant. Accordingly, a cumulative impact assessment is not warranted for the proposal. The proposal to change the type of use and increase the licensed hours does not impact on the risk factor score of the licensed premises.
74. In addition, Council's Compliance Branch did not raise concerns with the increased licensed hours of the restaurant.
75. Given the above, it is considered that the proposed licensed premises will not detrimentally impact on the amenity of nearby residential properties, satisfying the objectives of Clauses 22.09 and 52.27 of the Scheme.

Car parking

76. The use of land as a restaurant generates a different car parking requirement from the approved café. Based on the permitted capacity of 70 patrons, the restaurant has a statutory parking requirement of 28 spaces, which requires a reduction of 27 spaces (given the one on-site car space provided on site). This is a difference of 24 spaces from the approved reduction of 3 spaces.
77. Relevant decision guidelines in Clause 52.06-7 include:
- (a) *The availability of alternative car parking in the locality of the land, including:*
    - (i) *Public car parks intended to serve the land.*
    - (ii) *On street parking in non-residential zones.*
    - (iii) *Streets in residential zones specifically managed for non-residential parking.*
  - (b) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
  - (c) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
  - (d) *Any car parking deficiency associated with the existing use of the land.*
  - (e) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
  - (f) *The need to create safe, functional and attractive parking areas.*
  - (g) *Access to or provision of alternative transport modes to and from the land.*
  - (h) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
78. Clause 22.09-2 also seeks to *protect residential and other commercial uses from excess noise, traffic and car parking issues.*
79. The submitted car parking assessment report prepared by Ratio Consulting specified that the proposed restaurant use would generate a car parking rate of 0.10-0.21 spaces per patron (i.e. 7-15 spaces for a 70-patron restaurant). These figures are based on the empirical assessment undertaken of existing restaurants within the City of Port Phillip by Ratio Consulting. This is lower than the rate for a restaurant in Clause 52.06 as outlined above which is a state-wide policy. The report also provides an assessment of car parking spaces in the area (encompassing Smith Street, Victoria Parade, Gore Street, Gertrude Street, Little Oxford Street, Derby Street, Oxford Street and Mason Street) on a Friday between 12 noon and 10pm and on a Saturday between 12 noon and 10pm. The report found that there are minimum of 33 spaces available on Friday lunchtime, 48 spaces available on Friday dinner times, 32 spaces available on Saturday lunchtime and 62 spaces available on Saturday dinner time.
80. Council's Engineering Services Unit has reviewed the proposed use and commented that the empirical rate of 0.1-0.20 spaces was acceptable and a reasonable rate for a licensed restaurant given the context of the site and the surrounding area.
81. Having regard to policies at Clauses 18, 22.09 and 52.06-7, the proposed car parking reduction is considered acceptable for the following reasons:
- (a) Clause 21.06-3 of the Scheme encourages the reduction in reliance on private motor cars. One approach to achieving this is to not provide additional spaces for patrons to park in.
  - (b) The site has good access to public transport, with tram route 86 (200m north of Smith Street) and tram routes 12 and 109 (70m south, along Victoria Parade) available within close proximity of the site. These provide alternatives to car use and the need for car parking.



- (c) The site is highly accessible on foot and by bike being well connected to the bicycle network, with on-street bicycle lanes along Smith Street. This would assist patrons in accessing the site without a car.
- (d) The site is positioned adjacent to other industrial and commercial properties and within the Smith Street Activity Centre. It is highly likely that patrons to the restaurant either would be local to the area or would have already parked in the area and be engaged in other activities or businesses particularly during daytime.
- (e) The parking occupancy surveys undertaken by Ratio Consulting indicate that there was a minimum of 33 vacant spaces in the study area on a Friday and a minimum of 32 vacant spaces on a Saturday. Hence, the car parking demand associated with the restaurant, which is likely to peak in the evenings of up to 15 spaces (based on the empirical rate of 0.21 space per patron), can be accommodated within the on-street parking spaces in the area.
- (f) It would be difficult to detect any noticeable impact of on-street parking associated with the operation of the restaurant alone. Throughout the entire municipality, on-street parking (a public asset) is shared by a multitude of different user classes. The current restrictions in place reflect the nature of parking and needs of various stakeholders who live or work in the area, with the surrounding on-street parking generally shared parking and not limited to residential parking only.
- (g) It is impractical to provide the additional 27 on-site car parking spaces given the development as approved by the permit is already constructed to all boundaries. Also, it is commonplace that restaurants in inner-city locations do not provide on-site car parking, especially where viable alternative transport options exist.
- (h) Council's Engineering Services Unit has reviewed the car parking reduction associated with the proposed restaurant and commented that it would not unreasonably impact on car parking in the area.

82. It is therefore considered that the availability of public transport, local parking options and the provision of 1 on-site car space and 57 shared on-site bicycle spaces are sufficient for the proposed use as a restaurant.

#### Objector Concerns

83. Sixteen (16) objections were received to the application, with grounds summarised as:

(a) *The existing building has not been built as per the endorsed plans;*

84. An application to amend the endorsed plans under secondary consent has been submitted seeking approval for works not built in accordance with the endorsed plans. These matters will be addressed in the assessment of the secondary consent application and is a separate matter.

(a) *Amenity impacts (e.g. noise and anti-social behaviour) associated with extended hours for sale/consumption of liquor;*

85. Noise impacts have been considered within the body of the assessment at paragraphs 64 to 68. Numerous conditions are already imposed to ensure that amenity impacts are reduced and the likelihood of any anti-social behaviour for this type of liquor license is low.

86. Conditions 14-17 of the permit are in place to reduce any impacts from anti-social behaviour. Also, Council's Local Law No.8 prohibits the consumption of liquor in public places and Council's Civic Compliance Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner.

Victoria Police generally focus on patron behaviour on the street and Council's Civic Compliance Unit generally deals with issues of noise from within premises. This is considered sufficient to address the potential for anti-social behaviour.

(a) *Possible odours from restaurant;*

87. Whilst the potential for cooking smells and other odours to impact on resident amenity is a valid concern, this issue is not a relevant planning consideration in the exercise of discretion under Clauses 52.06 (Car Parking) and 52.27 (Licensed Premises) of the Yarra Planning Scheme. The restaurant use is as-of-right under the Commercial 1 Zone and regulation of this use (apart from its licensing) does not require a planning permit.

(a) *Inadequate provision of on-site car parking;*

88. This matter has been addressed in the car parking assessment in paragraphs 76 to 82 of this report.

(a) *Lack of detail regarding waste management;*

89. A concern was raised regarding the potential for waste from the restaurant to cause a mess in the common courtyard as it will require being carried across to the bins lift on the southern side of the building. It can be expected that this matter would be addressed through Body Corporate rules as with anyone littering on common property. It is beyond planning consideration, particularly as the restaurant use does not require a planning permit. Relevant details regarding waste management for the entire development have already been addressed and outlined in the endorsed Waste Management Plan.

(a) *Loss of privacy/ security concerns relating to access within the building;*

90. Concerns were raised regarding the landscaping and doors within the common courtyard not being constructed in accordance with the endorsed plans, leading to perceived security and privacy issues. This is not a planning consideration under this amendment to the liquor licence and use.

#### Other Matters

91. Based on the above, the following changes will be required to be made to the planning permit (changes in **bold and italics**):

92. The preamble of the planning permit modified from:

*Construction of a building, use for dwellings, sale and consumption of liquor associated with the restaurant and food and drink premises (café), reduction in the associated car parking requirements and waiver of the loading and unloading requirements.*

to:

*Construction of a building, use for dwellings, sale and consumption of liquor associated with the **restaurants**, reduction in the associated car parking requirements and waiver of the loading and unloading requirements.*

93. The heading of Condition 9 modified from "Food and drinks premises (café)" to "**Restaurant (north side)**" and Condition 9 modified from:

*Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am – 5pm Monday to Sunday.*

to:

*Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - **11pm** Monday to Sunday.*

94. Condition 11 modified from:

*The communal courtyard must not to be used by patrons of the restaurant and café.*

to:

*The communal courtyard must not to be used by patrons of the **restaurants**.*

95. Condition 12 modified from:

*Doors to the restaurant and food and drink premises (café) from the communal courtyard are to be kept closed at all times except for access use to the premises.*

to:

*Doors to the **restaurants** from the communal courtyard are to be kept closed at all times except for access use to the premises.*

96. Condition 14 modified from:

*During all hours in which the restaurant and food and drink premises (café) businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.*

to:

*During all hours in which the **restaurant** businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.*

97. Condition 15 modified from:

*During all operating hours of the restaurant and food and drink premises (café), there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").*

to:

*During all operating hours of the **restaurants**, there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").*

## **Conclusion**

98. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN13/0212 to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor and associated reduction in car parking requirements at 9-17 Smith Street, Fitzroy, subject to the following conditions (new or amended conditions highlighted in **bold and italics**):

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the VCAT plans dated 11 October 2013 Revision C prepared by MA Architects but modified to show:

### **Building Design**

#### *Smith Street building*

- (a) use of a light colour treatment to the mansard at the top two levels of the building;
- (b) a fixed and continuous folding arm awning for the full length of the Smith Street frontage at ground level;

#### *Little Smith Street building*

- (c) a 7.5m setback from the western title boundary to the 3rd floor (4<sup>th</sup> level) of the Little Smith Street building with balconies, pergolas and blinds moved accordingly and the consequential reconfiguration of affected units;
- (d) a 4.57m setback from the western title boundary to the 1<sup>st</sup> and 2<sup>nd</sup> floors (2<sup>nd</sup> and 3<sup>rd</sup> levels) with balconies, pergolas and blinds moved accordingly);
- (e) relocate access to the raised planter zone and services platform to the interface with the commercial premises, away from the residential unit;
- (f) the east-west walkway to be increased to 1.8m wide at all relevant levels;
- (g) the area between the lift and adjacent walkway to be increased to 1.8m wide at all relevant levels;
- (h) reconfiguration of units to provide a 6.0m separation between units 102 and 103; 107 and 108; 202 and 203; 207 and 208; 302 and 303; 307 and 308; and 402 and 403; 407 and 408;
- (i) 1.7m high privacy screen with 25% maximum transparency to common corridors to be shown on all relevant floors plans;
- (j) units with bedroom windows along the common corridors to be treated appropriately to prevent overlooking opportunities from the corridor, with treatment details to be shown on all relevant floor plans and a detailed section;
- (k) all pergolas on levels 4 and 5 (floors 3 and 4) are to incorporate battens to prevent overlooking into the private open space of properties on the west side of Lt Smith Street, but where pergolas are not present, 1700mm high screening is to be used for this purpose;

- (l) Screening along balconies to the first and second floors (2<sup>nd</sup> and 3<sup>rd</sup> levels) is to be 1550 mm high to infill rebates or recesses created by the spaces created by any angled balconies;
- (m) Any rooftop plant and equipment, platform, solar panels and associated screens are to be setback above Lt Smith Street at least 12 metres from the western property boundary;
- (n) Olive trees shown on the plans are to be replaced with an alternative variety, 3m high at planting;
- (o) The upstands to the balconies on first and second floor on the Lt Smith Street façade are to be a textured or patterned concrete and the undersides of these balconies are to be in a similar tone either by a wash or concrete colouring;
- (p) Sight screens to the first and second floor (2<sup>nd</sup> and 3<sup>rd</sup> levels) balconies are to be made from perforated metal with 25% openings to a minimum of 1550 mm high;
- (q) The precast concrete panel north boundary walls of the Lt Smith Street building on Drawing 11020TP202C are to be textured or patterned; and
- (r) The taper to the top floor of the East (Smith Street) Elevation is to be replicated on the top floor of the West (Lt Smith Street) Elevation (to the full extent of the north and south boundary).

#### **Environmentally Sustainable Design Principles**

- (s) all works recommended in the ESD report referred to in condition 18;

#### **Car parking**

- (t) the installation of a traffic signalling system to the basement car park;

#### **Bicycle Parking**

- (u) a minimum 1 bicycle parking space to each unit, 5 spaces for visitor; and 4 spaces for the commercial tenancies;

#### **General**

- (v) the specification and location of all proposed external plant and equipment (including roof top plant and equipment, car park ventilation and individual air conditioning and hot water units). All plant and equipment must be screened to prevent views from the street and habitable room windows of nearby dwellings; and
- (w) areas set aside within the property boundaries for pits, meters and essential services.

#### **Endorsed Plans**

- 2 All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
- 3 Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

## **General**

- 4 Before the dwellings are occupied, privacy screens as required in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.
- 5 Prior to the completion of the development, all new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6 All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

## **Sale and Consumption of Liquor**

### *Restaurant*

- 7 Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - 11pm Monday to Sunday.
- 8 No more than 100 patrons are permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.

### ***Restaurant – north side***

- 9 Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - **11pm** Monday to Sunday.
- 10 No more than 70 patrons are to be permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.

### *Use*

- 11 The communal courtyard must not to be used by patrons of the **restaurants**.
- 12 Doors to the **restaurants** from the communal courtyard are to be kept closed at all times except for access use to the premises.
- 13 No emptying of bottles (glass) into garbage bins is permitted after 10pm on any night, or before 7am on any day.
- 14 During all hours in which the **restaurant** businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.
- 15 During all operating hours of the **restaurants**, there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
- 16 The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
- 17 The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the sale and consumption of liquor.

### *Environmentally Sustainable Design Principles*

- 18 The recommendations of the Environmentally Sustainable Report (22 March 2013) prepared by Ark Resources and any updates must be implemented into the development to the satisfaction of the Responsible Authority with details submitted to the Responsible Authority demonstrating compliance with the report and addressing the following:
- (a) provision of adjustable shading or other appropriate devices to the east and west facing windows of units at upper most level of Smith Street building;

### **Waste Management**

- 19 All waste must be collected via a private collection service, to the satisfaction of the Responsible Authority.
- 20 Before the occupation of the development, an updated Waste Management Plan generally in accordance with the Leigh Design report dated 20 March 2013 must be submitted to Council in consultation with and to the approval of the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must include:
- (a) the frequency and time of collection; and
  - (b) a mechanism to ensure future owners and occupiers of the development (residential and commercial) are made aware of all collection agreements.
- 21 Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and managed in accordance with the approved Waste Management Plan. All waste and recycling collect to be undertaken between the hours specified in Council's Local Law No. 3.

### **Green Travel Plan [GTP]**

- 22 Before the development is occupied, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.
- The plan must encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:
- (a) the objectives for the Green Travel Plan;
  - (b) the location in the context of alternative modes of transport;
  - (c) the provision of real time passenger information displays for nearby stops within the residential lobby;
  - (d) welcome packs of information provided to staff and residents upon commencement of employment/occupation of residence (e.g. provision of Met Cards/Myki);
  - (e) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (f) details of bicycle parking and bicycle routes;
  - (g) details of GTP funding and management responsibilities; and
  - (h) include provisions to be updated not less than every 5 years.

## **Transport Management**

- 23 Before the development is occupied, a Car Parking Management Plan prepared by an appropriately qualified traffic engineer must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and form part of this permit. The Car Parking Management Plan must address:
- (a) An internal signage plan distinguishing permanent parking areas from visitor parking areas, directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
  - (b) The number and location of the car parking spaces to each commercial tenancy and dwelling, and the clear identification of dwelling or commercial uses without any car parking;
  - (c) The number and location of car spaces for shared use, including time of shared use;
  - (d) Details of way finding, cleaning, security of end of trip bicycle facilities;
  - (e) Policing arrangements and/or formal agreements; and
  - (f) Details regarding the management of loading and unloading of goods and materials for the commercial and residential uses;
- 24 The Car Parking Management Plan must be implemented to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority. No alterations may be made without the prior written approval of the Responsible Authority.

## **General parking areas**

- 25 Unless with the prior written consent of the Responsible Authority, no fewer than 42 car parking spaces and 49 bicycle parking spaces must be provided at all times once the development is completed.
- 26 The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be designed, provided and completed to the satisfaction of the Responsible Authority before the development is occupied;
  - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
  - (c) be made available for such use at all times and not used for any other purpose;
  - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - (e) be drained and sealed with an all weather seal coat.
- 27 Bicycle access must at all times be clearly signed and marked, to the satisfaction of the Responsible Authority.
- 28 Before the occupation of any dwelling, car parking must be allocated in accordance with the Car Parking Management Plan.



- 29 The car stacker must be installed and thereafter maintained as per manufacturer requirements all to the satisfaction of the Responsible Authority.

### **Landscaping**

- 30 Before the development starts, updated landscape plans generally in accordance with the Landscape plans prepared by Oculus Landscape Architects Revision B dated November 2013 to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the landscape plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show/include:
- (a) an existing conditions plan and the tree and tree guard protection measures for the street trees along Smith Street;
  - (b) the replacement of two weed species (*Olea europea* and *Hedera helix*) with an alternative specie i.e. *Olea paniculata* and *Notelaea venosa* & *N. longifolia*;
  - (c) details of the raised planters to communal courtyard including (height, construction and tree planting details);
  - (d) details on the semi-transparent fence treatment and how this integrates with the planting bed;
  - (e) details of an automatic irrigation system for the watering of the ground floor communal spaces (including trees), the Smith Street façade and Little Smith Street façade.
  - (f) details about the on-going maintenance and upkeep of the landscape works including:
    - (i) the trimming/pruning, hedging, fertilising, mulching, weeding and spraying, watering and staking etc of all planted areas within the development;
    - (ii) details of annual fertilisation to the topsoil by hand;
    - (iii) the de-heading of feature planting following flowering;
    - (iv) replacing, as appropriate, any dead, diseased, damaged or stolen plants;
    - (v) the regular inspection and collection of rubbish from garden beds;
    - (vi) regular weeding;
    - (vii) removal of all clippings off-site; and
    - (viii) regular maintenance inspections of the automatic irrigation systems.
- 31 Before the development is occupied or by such later date as it approved by the Responsible Authority in writing, the landscaping works shown on the endorsed landscaping plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 32 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority in accordance with the approved landscaping plans.

### **Crossovers and footpaths**

- 33 Before the development starts, plans must be submitted to the satisfaction of the Responsible Authority confirming the construction of a new vehicle crossing on the east side of Little Smith Street addressing the following:
- (a) The vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
  - (b) A 1 in 20 cross-sectional drawing is to be prepared showing the proposed crossing, the existing road carriageway (entire width), the existing kerb and channel, the existing footpath and the new basement ramp for the first 10 metres inside the building line;
  - (c) A 30 mm high bull-nose may be permitted;
  - (d) The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
  - (e) Existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.
- 34 Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 35 The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
- 36 All existing kerb and channel, and road pavement surface levels must not be altered unless with the prior written consent of the Responsible Authority.
- 37 Prior to completion the DDA compliant ramp crossing to Little Smith Street must be designed to Council's satisfaction.
- 38 All redundant vehicle crossings along the property's Smith Street and Little Smith Street road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction. All costs associated with these reinstatement works shall be borne by the permit holder.

### **General amenity**

- 39 Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
- 40 The development and use must be managed so that the amenity of the area is not detrimentally including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials; and
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

- 41 All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 42 Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 to the satisfaction of the Responsible Authority.
- 43 Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

### **Lighting**

- 44 Before the development is occupied, lighting capable of illuminating access to each car parking space, storage, rubbish bins, recycling bins, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no unreasonable loss of amenity is caused within and beyond the site, to the satisfaction of the Responsible Authority.
- 45 Before the development is occupied, the permit holder must confirm if the two street lights on Little Smith Street closest to the site have the minimum lighting level of P4 required by the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The permit holder must ensure adequate lighting is installed to the satisfaction of the Responsible Authority, with all costs borne by the permit holder.
- 46 Before the development is occupied and in consultation with the relevant authorities, the permit holder must investigate if street light baffles are required to protect the new dwellings from light pole No. 21794 on Little Smith Street. If baffling is required, all costs associated with their installation must be paid for by the permit holder and installed to the satisfaction of the Responsible Authority.

### **Construction**

- 47 Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
- 48 During the construction, the following must occur:
  - (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
  - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the site;
  - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and

- (f) all site operations must comply with the EPA Publication TG302/92.
- 49 The development once commenced, must be completed to the satisfaction of the Responsible Authority.
- 50 Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide:
- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
  - (e) on site facilities for vehicle washing;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
  - (i) construction program;
  - (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

- (p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
  - (i) using lower noise work practice and equipment
  - (ii) the suitability of the site for the use of an electric crane
  - (iii) silencing all mechanical plant by the best practical means using current technology; and
  - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

### **Soil conditions**

- 51 Before commencement of construction or carrying out of any buildings and works, save for demolition, bulk excavation and site preparation/remediation works, the permit holder must submit to the satisfaction of the Responsible Authority either:
  - (a) A site assessment prepared by a suitably qualified environmental professional that determines if an environmental audit is required and, if not, the assessment:
    - (i) confirms that the site is or can be made suitable for sensitive uses (residential); and
    - (ii) specifies requirements to effectively manage contamination prior to the occupation of the land for residential use; or
  - (b) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - (c) 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 residential and childcare uses.
- 52 A copy of the site assessment, certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
- 53 The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.
- 54 Prior to the occupation of dwellings a letter must be submitted to the Responsible Authority by a suitably qualified environmental consultant, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.

- 55 Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

**Expiry**

- 56 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) the uses are not commenced 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 after the expiry date for commencement, or within twelve months after the expiry date for completion.

**CONTACT OFFICER:** Catherine Balagtas  
**TITLE:** Statutory Planner  
**TEL:** 03 9426 1425

**Attachments**

- 1 PLN13/0212.03 - 9 - 17 Smith Street Fitzroy - Location map
- 2 PLN13/0212.03 - 9 - 17 Smith Street Fitzroy - Decision Plan
- 3 PLN13/0212.03 - 9 - 17 Smith Street Fitzroy - Engineering comments
- 4 PLN13/0212.03 - 9 - 17 Smith Street Collingwood - Community Amenity Unit comments

- 1.3 10 and 20 River Boulevard, Richmond -  
 PLN16/1156 - Development plan, Pedestrian amenity and access plan,  
 Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9  
 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the  
 construction of a 13 storey building (plus basement levels) containing  
 dwellings shops, food and drinks premises (cafes), medical centre, childcare  
 centre and restricted retail premises (noting a permit is not required for these  
 uses) [Development plan application]**
- PLN17/1143 - Car parking reduction associated with dwellings, retail, food and  
 drinks premises, office, restricted retail premises, childcare centre and medical  
 centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the  
 Yarra Planning Scheme [Planning permit application]**

## Executive Summary

### Key Planning Considerations

1. Key planning considerations include:
  - (a) Comprehensive Development Zone, Schedule 1;
  - (b) Design and Development Overlay, Schedule 2;
  - (c) Clause 52.06 – Car parking;
  - (d) Clause 52.34 – Bicycle facilities;
  - (e) Clause 21.04-1 – Accommodation and housing;
  - (f) Clause 21.04-2 – Activity centres;
  - (g) Clause 21.04-3 – Industry, office and commercial;
  - (h) Clause 21.04-4 – Community facilities, hospitals and medical services;
  - (i) Clause 21.05-2 – Urban design;
  - (j) Clause 21.05-3 – Built Form character;
  - (k) Clause 21.05-4 – Public environment;
  - (l) Clause 21.06-1 – Walking and cycling;
  - (m) Clause 21.06-2 – Public transport;
  - (n) Clause 21.06-3 – The road system and parking;
  - (o) Clause 21.07-1 – Ecologically sustainable development;
  - (p) Clause 21.08-9 – North Richmond (area north of Bridge Road);
  - (q) Clause 22.03 – Landmarks and tall structures;
  - (r) Clause 22.10 – Built form and design policy;
  - (s) Clause 22.11 – Victoria Street East Precinct Policy;
  - (t) Clause 12 – Public open space contribution;
  - (u) Clause 22.16 – Stormwater Management (water sensitive urban design);
  - (v) Clause 22.17 – Environmentally Sustainable Development; and
  - (w) Victoria Gardens Urban Design Guidelines [VGUDG].

### Key Issues

#### PLN16/1156 – Development plan

2. The key issues for Council in considering the development plan relate to:
  - (a) Strategic policy and the CDZ1;
  - (b) Area of Aboriginal Cultural Heritage Sensitivity;
  - (c) Urban design;
  - (d) On-site amenity;
  - (e) Off-site amenity/ equitable development;
  - (f) Wind;
  - (g) Environmentally sustainable design [**ESD**]
  - (h) Strategic transport;
  - (i) Car park layout and access;
  - (j) Development plan;

- (k) Pedestrian amenity and access plan;
- (l) Landscape plan;
- (m) Transport plan;
- (n) Management plan;
- (o) Submitter concerns; and
- (p) Other matters.

PLN17/1143 – Planning permit

3. The key issues for Council in considering the planning relate to:
- (a) Car parking, traffic and loading; and
  - (b) Objector concerns.

**Objector Concerns**

Planning permit application PLN17/1143

4. A total of 29 objections were received to the planning permit application and can be summarised as follows:
- (a) insufficient car parking (including for residents, shoppers, child care drop-offs/pick-ups, tradespersons and visitors);
  - (b) DDA to the development and car parking is required; and
  - (c) traffic congestion (including intersection with Victoria Street, loading vehicles currently block River Boulevard and cumulative impacts).

Development plan application PLN16/1156

5. As opposed to planning permit applications, the development plan application is placed on exhibition (not advertising) and there are no third-party appeal rights (i.e. submissions as opposed to objections).
6. A total of 24 submissions were received to the development plan and can be summarised as follows:
- (a) pedestrian and cyclist safety (including due to traffic, insufficient footpaths and impact on the Walmer Street bridge) and connectivity to the neighbourhood;
  - (b) off-site amenity (including noise, pollution, overlooking, overshadowing [including winter]);
  - (c) dwelling density is too high (including impact on infrastructure, services and public transport and considering the residential approval at 25-35 River Boulevard);
  - (d) urban design and architectural quality (building is too high, street wall height, insufficient setbacks);
  - (e) impact on the heritage of Richmond;
  - (f) too many uses are proposed;
  - (g) insufficient landscaping/green space;
  - (h) this site should provide a land contribution to public open space;
  - (i) inconsistent with the purpose of the zone;
  - (j) on-site amenity does not comply with clause 58 (including sunlight, use of rainwater, internal storage, dwelling diversity and hard waste);
  - (k) impact on wildlife; and
  - (l) confusion as to the development plan process.

**Conclusion**

7. Based on the following report, the proposals are considered to comply with the relevant planning policy and should therefore be supported.



**CONTACT OFFICER:** Sarah Thomas  
**TITLE:** Principal Planner and Advocate  
**TEL:** 9205 5046

**1.3 10 and 20 River Boulevard, Richmond -  
 PLN16/1156 - Development plan, Pedestrian amenity and access plan,  
 Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9  
 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the  
 construction of a 13 storey building (plus basement levels) containing  
 dwellings shops, food and drinks premises (cafes), medical centre, childcare  
 centre and restricted retail premises (noting a permit is not required for these  
 uses) [Development plan application]**

**PLN17/1143 - Car parking reduction associated with dwellings, retail, food and  
 drinks premises, office, restricted retail premises, childcare centre and medical  
 centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the  
 Yarra Planning Scheme [Planning permit application]**

Trim Record Number: D18/86245

Responsible Officer: Senior Coordinator Statutory Planning

**Proposal:** Development plan, pedestrian amenity and access plan, landscape plan, transport plan and management plan (application PLN16/1156) under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) for the development of the land for the construction of a 13 storey building (plus basement levels) containing dwellings shops, food and drinks premises (cafes), medical centre, childcare centre and restricted retail premises (noting a permit is not required for these uses).

Planning permit application PLN17/1143 - Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme.

**Existing use:** Car park and undeveloped land

**Applicant:** Salta Pty Ltd

**Zoning / Overlays:** Comprehensive Development Zone (Schedule 1), part Environmental Audit Overlay, part Design and Development Overlay (Schedule 2)

Victoria Street is a Road Zone (Category 1)

**Date of Application:** 16 December 2016

**Application Numbers:** PLN16/1156 – Development plan, pedestrian amenity and access plan, landscape plan, transport plan and management plan  
 PLN17/1143 – Planning permit application

## Planning History

1. The relevant planning history on Council's files include:

### VicGardens

(a) the site is part of the broader 'Victoria Gardens' complex, comprising a range of retail, office and residential land uses. A detailed planning history of the site is offered in the IDAC report for PL10/0156:

#### Victoria Gardens – Comprehensive Development Zone

##### Background to planning controls

12. *Victoria Gardens ("the CDZ site") is the land bound by Victoria Street to the north, the Yarra River to the east, Burnley Street to the west and Doonside Street to the south (in part).*

13. *The site was rezoned on 4 February 1987 from 'General Industrial' to 'Comprehensive Development Zone No. 8' by Amendment 409 to the Melbourne Metropolitan Planning Scheme. The amendment permitted the site to be used for a mixture of office, retail, motel, residential and high technology industry uses.*
14. *On 8 October 1987, the Minister for Planning (in their capacity as the Responsible Authority for the site) endorsed a development plan, traffic control and management plan for the site.*
15. *On 16 February 1988, Council became the Responsible Authority such that any request to the previously approved plans must be made to Council.*
16. *In November 1989, Carlton United Brewery ("CUB") sought an amendment to develop the western part of the site as a large scale distribution centre. Council received a number of objections and the amendment was abandoned in September 1990.*
17. *Amendment L8 to the Yarra Planning Scheme was gazetted on 21 May 1997. The amendment rezoned the site to the 'Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development' which allows for retail, warehouse, cinema, and office development subject to the approval of development plans. The amendment also addressed car parking requirements and building height controls (among other things).  
History of approvals within the CDZ1*
18. *On 11 November 1997, Council approved an office development in the north-east corner of the site which also included a restaurant. An amendment to the landscape plan was approved on 15 December 1999, modifying the planting schedule, and an amendment to the development plan was also approved on 6 February 2006, reflecting internal layout changes and modifications to advertising signage.*
19. *On 12 December 1997, Council approved a development plan, traffic plan, management plan, and landscape plan for stage 2 (residential development). The approval was subject to a number of conditions, including a requirement to meet EPA standards and regulations, and to conduct an Environmental Audit in accordance with the Environment Protection Authority Act 1970. On 29 March 1999, an amendment was approved to the development plan, modifying the roof terraces of apartments 7, 8 and 15 and increasing the height of the river front residential apartment building by 708mm. On 23 September 1998, Council approved an amendment to the landscape concept plan. On 8 September 1999, Council approved a further amendment to the development plan to delete awnings and address overlooking issues.*
20. *On 9 December 1999, Council approved a development plan for the Victoria Gardens Shopping Centre in the north-west corner of the site. The plans allowed for a cinema, fitness centre, and a number of retail tenancies (including a supermarket) and take away food premises.*
21. *On 26 September 2000, a planning permit (ref: 001089) was issued for the construction of business identification and directional signage associated with the Victoria Gardens Shopping Centre.*
22. *On 27 March 2001, a planning permit (ref: 010094) was issued to increase seating to the food and drinks premises within the Victoria Gardens Shopping Centre from 460 to 1800.*
23. *On 19 December 2001, Council approved a development plan, traffic plan, management plan and landscape plan as part of the 'Plaza' offices in the north-west corner of the CDZ1 site.*
24. *On 31 July 2002, Council conditionally approved a development plan for an office and document service centre (copy centre) with associated car parking (ref: PL01/1408). Plans forming part of this approval (including a construction management plan and car parking and traffic plan) were approved on 23 July 2007. A staged site works and drainage plan and amended staged landscape plan were approved on 27 September 2007. On 2 October 2007, the development plan was amended, including a redistribution of floor area from building 1 to 3, an adjustment to the car parking, and external alterations to the presentation of building 3. At this stage only building 3, the southernmost building approved within the development plan, has been constructed and is known as the 'BAE Building'.*
25. *On 6 September 2002, a planning permit (ref: PL01/1407) was issued for an office development incorporating a floor area of 6,440sqm above the maximum 30,000sqm 'as-of-right' floor space as specified under the CDZ1 provisions.*
26. *On 6 May 2004, a planning permit application (ref: PL03/0672) for the construction of a temporary staff car park was withdrawn at the applicant's request.*

27. *On 18 January 2007, Council refused a modification to the approved Development Plan for Stage 3 - Retail and Activity Centre of the Victoria Gardens project, to allow for an additional 656 car parking spaces over two new levels (levels 7 and 8) on the existing multi level car park at 620 Victoria Street, Richmond.*
28. *On 1 May 2007, a planning permit application (ref: PL03/0805) for the construction of a multi level car park at the rear of the Victoria Gardens Shopping Centre was withdrawn at the applicant's request.*
29. *On 22 September 2008, a planning permit (ref: PL08/0684) was issued for land at 15 Christine Crescent Richmond for the removal of two (2) trees and replacement with five (5) yellow box trees.*  
*Amendments to the CDZ1 Controls*
30. *An amendment to the Yarra Planning Scheme (Amendment C31) was gazetted on 2 May 2002, modifying the 'Table of Uses' within the CDZ1 to include 'Motor repairs' as a Section 1 use, subject to specific conditional requirements.*
31. *An amendment to the Yarra Planning Scheme (Amendment C121) was gazetted on 16 April 2009 which modified Schedule 1 to the Comprehensive Development Zone to increase the 'as-of-right' caps for office and retail floor areas; modified provisions to allow for greater heights in Precinct 2 (applicable to this report) in exchange for increased setbacks and more open space provision along the river; introduced requirements for a Transport Plan and a Pedestrian amenity and access plan; and introduced provisions to create improved urban design and activated ground street frontages.*

### 10 River Boulevard

- (b) on 3 May 2012, Council issued Planning Permit PLN12/0161 for the construction and display of externally illuminated major promotion signage. This permit expired on 3 May 2013;
- (c) on 6 March 2013, Council issued Planning Permit PLN12/0929 for the use of the site as a temporary car park and associated buildings and works. This permit expires on 6 March 2019; and

### 20 River Boulevard

- (d) no relevant planning history could be found for this address.

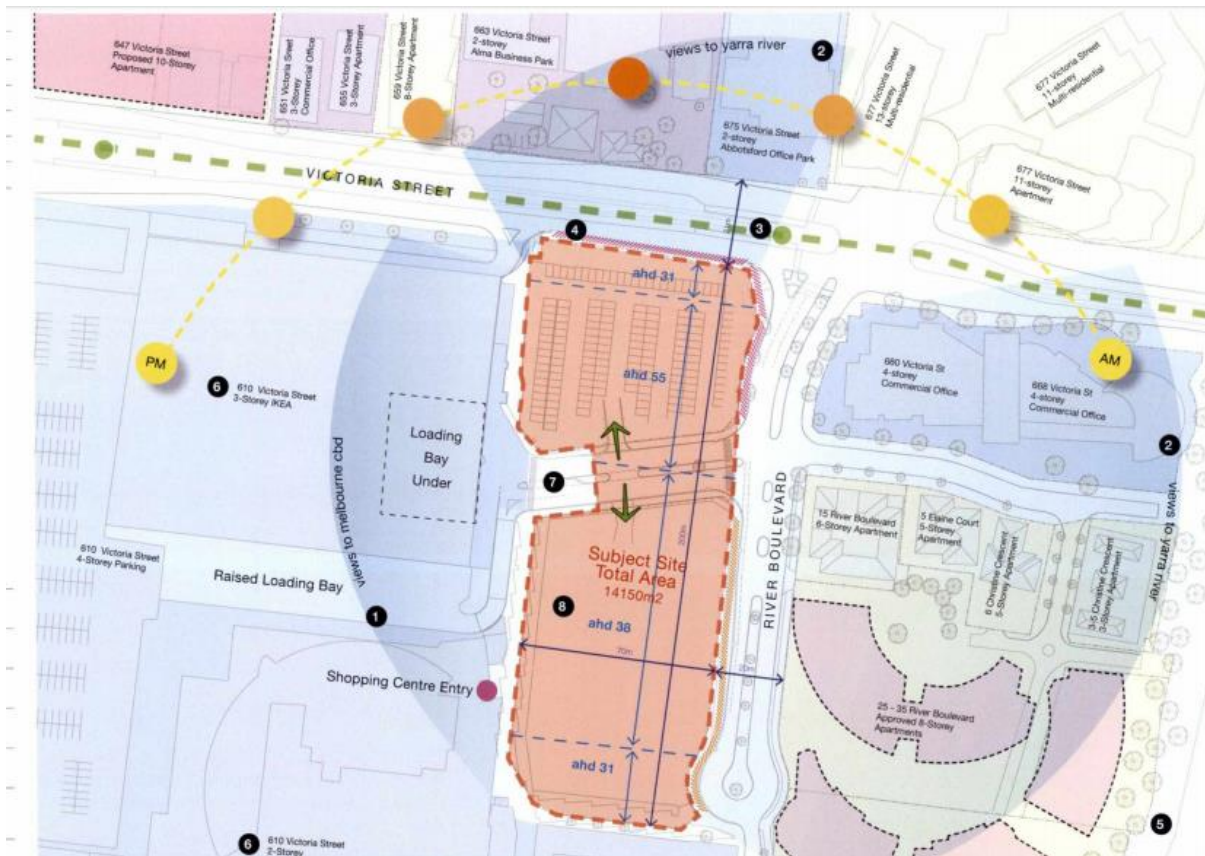
## **Existing Conditions**

### Subject Site

2. The subject site is located on the south-west corner of Victoria Street and River Boulevard. The site has a frontage of approximately 75.5m to Victoria Street, a frontage of approximately 203.8m to River Boulevard and an overall site area of 14,766m<sup>2</sup>.
3. Vickers Drive is a carriageway easement that dissects the two lots that make up the subject site and provides a carriageway easement in favour of the shopping centre west of the site. It is noted that River Boulevard is a private road.
4. The site is also subject to a number of easements, however this application does not seek to vary or remove these easements:
  - (a) E7 – carriageway, water supply, sewerage and drainage easement in the north-east corner of the site;
  - (b) E-10 – drainage easement; and
  - (c) E-12 – powerline easement.
5. The northern segment of the site is currently developed as a car park (north of Vickers Drive) and the southern segment is undeveloped.

### Surrounding Land

6. To the west of the subject site is the Victoria Gardens Shopping centre, containing a range of retail, food and drink and office uses with associated car parking. It is noted that a loading bay abuts the subject site and Vickers Drive provides vehicular access from River Boulevard, through the subject site to the shopping centre car park.
7. To the south of the subject site is the 4 storey BAE office building. The building is a contemporary style, glass office building. It is noted that the footpath along River Boulevard extends south to link with River Street.
8. To the east of the subject site, across River Boulevard is a 4 storey office/commercial building fronting Victoria Street. A café and restaurant are also located at the ground floor. South of this building are 4 groups of 3-6 storey residential buildings. Car parking is accessed via Elaine Court, which extends from River Boulevard. South again is an undeveloped parcel of land with a development plan approval for a maximum 8 storey residential development (PL10/0156). East of these properties is the main Yarra Trail and the Yarra River.
9. To the north of the subject site, across Victoria Street, are two, 2 storey office buildings with parking and 2 single storey heritage buildings within the front setbacks. To the north-east of the subject site is the 11-13 storey 'Honeywell' residential development.
10. Victoria Street contains 2 inbound and 2 outbound vehicular lanes and a tram route. Victoria Street is a declared Road Zone and a Major Activity Centre and east of the Yarra River, the street becomes 'Barkers Road in Kew/Hawthorn.



Extract of Applicant's Urban Context Report

**The Proposal**

11. The applications are for:

- (a) PLN16/1156 - Development plan, Pedestrian amenity and access plan, Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the construction of a 13 storey building (plus basement levels) containing dwellings shops, food and drinks premises (cafes), medical centre, childcare centre and restricted retail premises (noting a permit is not required for these uses); and
- (b) PLN17/1143 - Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme.

12. More specifically:

*Built form*

- (a) development of the land for a maximum 13 storey building, plus 4 basement levels;
- (b) the development would be a maximum height of 40.8m, plus a 3m high plant and lift overrun level. The street wall to Victoria Street would be 16.8m high. The southern end of the development would be a height of 17.1m;
- (c) basements 3 and 4 would generally be north of Vickers Drive, with a maximum width of 75.6m and depth of 67.8m;
- (d) basement levels 1 and 2 are separated into 2 segments across Vickers Drive. The northern segment would be a maximum width of 75.6m and depth of 67.8m. The southern segment would be a maximum width of 67m and depth of 110.9m;
- (e) the ground and upper ground floors continue to be split into 2 sections across Vickers Drive. The northern section would be a maximum width of 75m and a depth of 72m and the southern section would be a maximum width of 78m and a depth of approximately 11.3m;
- (f) level 1 is the first to link both the northern and southern sections of the lower levels, with a maximum width of 74.9m and length of approximately 190m;
- (g) at level 2, the tower forms begin to emerge, with the development partially constructed to the northern, western and eastern boundaries and setback a minimum 2m from the southern boundary. The development would be separated centrally along a north-south axis with a 8.4m to 24.8m separation;
- (h) level 3 would be a similar footprint to the level below, with the exception of the southern 19.8m deep portion being developed partially as a rooftop play area for the childcare centre;
- (i) level 4 would be setback further from the northern and southern boundaries than the levels below, with a maximum 29m from the southern boundary and due to the introduction of a roof deck at the northern end, setting back built form generally 9.7m from the northern boundary;
- (j) level 5 would continue the tower forms, with a maximum 29m south boundary setback, minimum 800mm eastern setbacks, minimum 10.5m northern boundary setbacks and minimum 1.8m western boundary setbacks;
- (k) level 6 would only extend the northernmost residential towers, north of Vickers Drive. These towers would extend from level 6 to 11 and would be setback a minimum 10.5m from the north title boundary, 800mm from the east title boundary and 1.8m from the west title boundary;

*Layout*

- (l) basement 4 would contain 76 residential car parking spaces, storage cages and services;
- (m) basement 3 would contain 13 office parking spaces and 110 residential car parking spaces, along with storage cages and service areas;
- (n) basement level 2 would contain 58 restricted retail and 65 office car parking spaces, 134 residential car parking spaces and 45 lease car spaces, along with space for rainwater tanks, services, bicycle stores, storage cages, car park exhaust room and a bicycle shower/change facility;

- (o) basement level 1 would contain 26 restricted retail car parking spaces, 30 shop car parking spaces, 26 medical centre car parking spaces and 116 lease car parking spaces, along with a carpark exhaust/supply rooms, service areas, retention tank/fire tank rooms, a substation, switch room, water metres, communications room, a travelator to the retail area and along Victoria Street, a 2,381m<sup>2</sup> restricted retail premises;
- (p) the ground floor would contain a 2330.8m<sup>2</sup> restricted retail premises along Victoria Street, along with an office lobby. A 66.1m<sup>2</sup> shop would be located along the River Boulevard frontage, along with a residential lobby entrance. Vickers Drive would provide access to the car park entry to the northern basement segments and to a loading dock. Across Vickers Drive would be a loading dock, with 2 lobby entrances and 4 shops (61.1m<sup>2</sup> to 150m<sup>2</sup> along River Boulevard). A travelator would also provide access up to the retail podium, linking into Victoria Gardens Shopping centre. A second vehicular entrance would then be provided, this time off River Boulevard and link down to the basement levels, as well as providing 65 shop and 11 childcare car parking spaces at this level. This level would also contain service areas, stores, bicycle parking and at the southern end, a childcare and medical lobby;
- (q) the upper ground floor would contain an 801.7m<sup>2</sup> mezzanine area for the restricted retail premises with a series of voids around. The southern segment of the upper ground floor would contain 12 shop areas (ranging from 25m<sup>2</sup> to 518.6m<sup>2</sup>) and 3 food and drink areas (ranging from 52.1m<sup>2</sup> to 493.7m<sup>2</sup>);
- (r) level 1 introduces residential land uses, along with office floor space at the northern end adjacent to Victoria Street and a residential pool, childcare centre and medical centre at the southern end. A central communal open space area would also be provided at this level, running along a north-south axis;
- (s) level 2 would also include a mixture of office floor space, dwellings and an extension of the medical centre and childcare centre land uses below;
- (t) level 3 would contain a commercial office at the northern end, dwellings centrally and a rooftop play area for the childcare centre at the southern end;
- (u) level 4 would contain a roof deck for residents at the northern end (including a BBQ area) and dwellings;
- (v) levels 5 to 11 would all be used for dwellings;

*Land uses*

- (w) extract of the Applicant’s traffic report is included below:

**Table 1.1: Development Schedule**

| Use                   | Size   |
|-----------------------|--|
| Residential Dwellings | 81 x one-bedroom                             |
|                       | 322 x two-bedroom<br>(including 10 duplex’s) |
|                       | 23 x three-bedroom                           |
| Restricted Retail     | 5,520sqm                                     |
| Commercial/Office     | 3,924sqm                                     |
| Shop                  | 3,369sqm                                     |
| Food and Drink        | 859sqm                                       |
| Childcare             | 100 children                                 |
| Medical Centre        | 551sqm                                       |

*Materials*

- (x) the podium levels would primarily be constructed of light, dark and off-site textured concrete finishes;
- (y) the tower forms would primarily be constructed of glazing (clear and grey), paint finishes (charcoal, white and dark grey) and metal finishes (black, silver and dark grey);

*Car parking, bicycle parking*

- (z) extract of the Applicant’s traffic report is included below:

**Table 5.2: Proposed Car Parking Demand and Allocation**

| Use                             | Peak Demand         | Shared Demand                |                                  | Proposed On-Site Provision |
|---------------------------------|---------------------|------------------------------|----------------------------------|----------------------------|
|                                 |                     | Peak Weekday Demand          | Peak Saturday Demand             |                            |
| Resident                        | 320 spaces          | 320 spaces                   | 320 spaces                       | 320 spaces                 |
| Residential Visitors            | 17 spaces           | 0 spaces                     | 17 spaces                        | 0 spaces                   |
| Commercial                      | 78 spaces           | 78 spaces                    | 8 spaces<br>(10% occupancy)      | 78 spaces                  |
| Shop (including Food and Drink) | 127 spaces          | 95 spaces<br>(75% occupancy) | 127 spaces                       | 95 spaces                  |
| Restricted Retail               | 110 spaces          | 84 spaces (75% occupancy)    | 110 spaces                       | 84 spaces                  |
| Childcare                       | 22 spaces           | 11 spaces                    | 0 spaces                         | 11 spaces                  |
| Medical Centre                  | 26 spaces           | 26 spaces                    | 26 spaces                        | 26 spaces                  |
| Leased Office Spaces            | 161 spaces          | 161 spaces                   | 81 spaces<br>(50% occupancy) (1) | 161 spaces                 |
| <b>Total</b>                    | <b>1,010 spaces</b> | <b>775 spaces</b>            | <b>689 spaces</b>                | <b>775 spaces</b>          |

[1] Adopted for conservatism, noting weekend commercial / office car parking demands are likely to be ≤ 10%

- (aa) 346 bicycle parking spaces (including 278 resident/staff spaces and 68 visitor spaces);
- (bb) provision of 4 change rooms/showers;

*Waste management*

- (cc) waste would be stored within the ground level bin stores and would be collected on-site from loading docks and the vehicular entries (with waste vehicles propping);

*ESD*

- (dd) average 6.5 Star (minimum) NatHERS ratings for dwellings;
- (ee) non-residential areas to be 15% improvement on NCC energy efficiency standards for thermal performance and a 5% improvement on glazing allocations for each level, or a 10% improvement via JV3 modelling;
- (ff) a MUSIC model demonstrating best practice has been submitted that relies on ~9,978m<sup>2</sup> of roof connected to 60,000 litres of rainwater storage for landscape irrigation and toilet flushing. Overflow to be filtered through a propriety filtering device;
- (gg) access to ventilation is good to most dwellings. Single sided dwellings have reasonable access to natural ventilation. Non-residential areas to have mechanical air-flow rates at least 50% above the AS1668 requirements;
- (hh) good daylight access good to most dwellings;
- (ii) reverse-cycle split systems (minimum 3 Star) and a centralised VRF system with heat recovery. Energy efficient non-residential HVAC below NCC requirements;
- (jj) energy efficient hot water and lighting;
- (kk) water efficient fixtures and taps; and
- (ll) electric vehicle charging facilities provided.

**Planning Scheme Provisions**

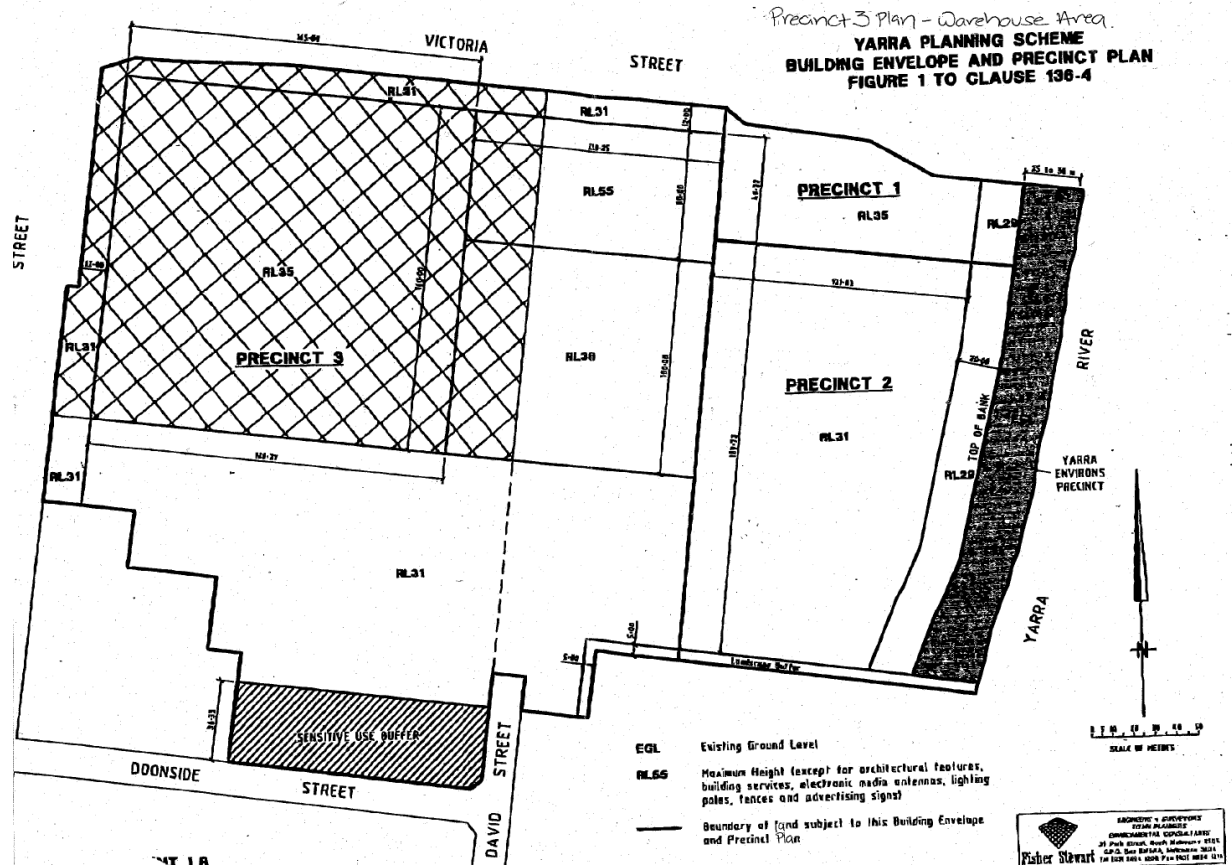
Zoning

*Comprehensive Development Zone – Schedule 1*

- 13. The relevant purposes of the zone are:
  - (a) *To encourage the comprehensive redevelopment of land on the south side of Victoria Street between Burnley Street and the Yarra River, City of Yarra.*
  - (b) *To ensure that development on the site will complement and enhance the Yarra River environment.*
  - (c) *To assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses.*



- (d) *To ensure that the combination of uses, their overall density and the scale, character and level of redevelopment are compatible with:*
    - (i) *The amenity of the surrounding area and the nature of the surrounding uses.*
    - (ii) *The visible skyline as seen from and along the Yarra River and the River's general environs, and views along Victoria Street and Barkers Road.*
    - (iii) *The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic.*
    - (iv) *The capacity of existing essential services and proposed modifications.*
  - (e) *To ensure retailing in the zone is compatible with and serves the existing and future commercial, industrial and residential uses in the surrounding area.*
  - (f) *To provide greater public access, in particular for pedestrians and cyclists, to and along the Yarra River bank.*
  - (g) *To ensure that the land is developed in an orderly and proper manner.*
  - (h) *To encourage a high standard of urban design.*
  - (i) *To encourage the provision of active frontages to streetscapes and high quality interfaces with the public realm and internal pedestrian interfaces.*
  - (j) *To improve pedestrian amenity and safety and enhance connectivity within and to surrounding development.*
  - (k) *To limit overshadowing affecting the amenity of adjoining land and, in particular, areas of public open space and the Yarra River.*
  - (l) *To avoid adverse wind conditions in pedestrian areas.*
  - (m) *To ensure that buildings and works along the Yarra River do not adversely affect drainage or flooding.*
14. Under section 1 of Schedule 1 to the CDZ, a permit is not required to use the land as dwellings, a medical centre, food and drinks premises, a child care centre, shops, a restricted retail premises or an office. The zone specifies that although tavern and hotel uses are nested within food and drinks premises, these uses are section 2, permit required uses. A condition should therefore be imposed to clarify that the food and drinks premises must not include these uses.
  15. Under section 4 of Schedule 1 to the CDZ, a permit is not required to construct a building or to construct or carry out works if in accordance with a development plan prepared to the satisfaction of the responsible authority.
  16. Under section 5 of Schedule 1 to the CDZ, the provisions of clause 44.04 Land Subject to Inundation Overlay, Clause 42.03 Significant Landscape Overlay, Clause 43.02 Design and Development Overlay and Clause 43.01 Heritage Overlay do not apply to any development constructed in accordance with an approved development plan.
  17. Sections 6, 7, 8, 9 and 10 outline requirements for a development plan, pedestrian amenity and access plan, management plan, transport plan and landscape plan.
  18. Section 17 states that a building or works must not exceed the height above the Australian Height Datum for any particular site as shown on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area incorporated in this Planning Scheme.



19. Section 17 continues to state that this does not apply to:
  - (a) the height of architectural features, building services, electronic media antennas, flagpoles, lighting poles, fences and advertising signs approved under Part 22 of this Schedule.
  - (b) limited built form projections in the 'height projection area' shown in Precinct 2 which project above RL31 height limit but which do not exceed RL37 and do not exceed 10% of the precinct height projection area.
20. Section 18 outlines car parking controls. This will be outlined further in conjunction with the particular provisions later in this report.
21. Section 19 states that the dimensions of the car spaces, access lanes and driveways and layout of parking areas must meet the requirements of Clause 52.06 unless the responsible authority agrees otherwise.
22. Section 20 states that facilities for vehicles to load and unload must be provided on the land to the satisfaction of the responsible authority.
23. Section 21 states that goods must be stored and transported to, from and on the land to the satisfaction of the responsible authority.

Overlays

*Design and Development Overlay – Schedule 2 – Main Roads and Boulevards*

24. Section 5 of the CDZ1 states that the provisions of this overlay do not apply for developments constructed in accordance with an approved development plan.

Particular Provisions

*Clause 52.06 – Car Parking*

25. Where the CDZ1 does not specify parking rates for particular uses, clause 52.06 rates apply.
26. The purpose of this provision (amongst others) is to ensure the an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality.
27. Under clause 52.06-3 of the Scheme, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

| Use                      |                               | CDZ1 rate                        | Clause 52.06 rate  | Planning Scheme requirement | Provision | Reduction sought |
|--------------------------|-------------------------------|----------------------------------|--|-----------------------------|-----------|------------------|
| Dwellings                | 426 dwellings                 | 1.5 spaces per dwelling          |  | 639                         | 320       | 319              |
| Restricted retail        | 5520m <sup>2</sup>            | 2 spaces per 100m <sup>2</sup>   |  | 110                         | 84        | 26               |
| Office                   | 3924m <sup>2</sup>            | 2.5 spaces per 100m <sup>2</sup> |  | 98                          | 161       | -63              |
| Shop                     | 3369m <sup>2</sup>            | 4.5 spaces per 100m <sup>2</sup> |  | 151                         |           |                  |
| Food and drinks premises | 859m <sup>2</sup> (282 seats) | 0.3 spaces per seat              |  | 84                          | 95        | 140              |
| Childcare                | 100 children                  |                                  | 0.22 spaces to each child  | 22                          | 11        | 11               |
| Medical centre           | 8 practitioners               |                                  | 5 spaces to the first person providing health services plus 3 spaces to every other person providing health services | 26                          | 26        | 0                |

28. Decision guidelines are listed at clause 52.06-6 of the Scheme and within section 18 of the CDZ1 and include a car parking demand assessment.

*Clause 52.34 – Bicycle facilities*

29. A permit is required under clause 52.34-2 of the Scheme to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
30. The bicycle requirements for this application are as follows:

| Use  |                    | Clause 52.34 rate   | Planning Scheme requirement | Provision  | Reduction sought                              |
|--|--------------------|---|-----------------------------|--|---|
| Dwellings  | 426 dwellings      | Resident - In developments of four or more storeys, 1 to each 5 dwellings<br><br>Visitors - In developments of four or more storeys, 1 to each 10 dwellings   | 128                         |  |   |
| Restricted retail  | 5520m <sup>2</sup> | Employee - 1 to each 300 sq m of leasable floor area<br><br>Shopper - 1 to each 500 sq m of leasable floor area   | 29                          |  |   |
| Office   | 3924m <sup>2</sup> | Employee - 1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m<br><br>Visitor - 1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m                              | 17                          |  |   |
| Shop   | 3369m <sup>2</sup> | Employee - 1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres<br><br>Shopper - 1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres | 12                          |  |   |
| Food and drinks premises (nested within Retail Premises) | 859m <sup>2</sup>  | Employee - 1 to each 300 sq m of leasable floor area<br><br>Shopper - 1 to each 500 sq m of leasable floor area   | 5                           |  |   |
| Childcare  | 100 children       | Not specified   | Not specified               |  |   |
| Medical centre   | 8 practitioners    | Employee – 1 to each 8 practitioners<br><br>Visitors – 1 to each 4 practitioners  | 3                           | 278 resident/employee spaces and 68 visitor spaces | 152 spaces above minimum requirement provided |

31. The application did not include permission for a bicycle parking reduction (1 visitor space short). In the event the development plan is approved, a condition should require the bicycle parking provision to be as per clause 52.34 of the Scheme.
32. The application has a requirement for 4 showers/change rooms. It is unclear how many are provided at the ground level (adjacent to the bicycle parking spaces). This will be discussed in the bicycle parking section of this report.

*Clause 58 – Apartment developments*

33. These standards do not apply to an application for a planning permit lodged before the approval date of VC136 (13 April 2017). However, these standards will still be referenced throughout this report and used as a guide when assessing internal and external amenity of the proposed apartments/dwellings.

General Provisions

*Clause 65 – Decision Guidelines*

34. 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 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 11.03-1 – Activity centre network*

35. The objective of this clause is: To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

*Clause 11.03-2 – Activity centre planning*

36. The objective of this clause is: To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

*Clause 11.06-1 – Jobs and investment*

37. The objective of this clause is: To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.

*Clause 11.06-2 – Housing choice*

38. The objective of this clause is: To provide housing choice close to jobs and services.

*Clause 11.06-4 – Place and identity*

39. The objective of this clause is: To create a distinctive and liveable city with quality design and amenity.

*Clause 11.06-6 – Sustainability and resilience*

40. The objective of this clause is: To create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way.

*Clause 11.06-8 – Open space network in Metropolitan Melbourne*

41. The objective of this clause is: To strengthen the integrated metropolitan open space network.

*Clause 12.05-1 – River corridors*

42. The objective of this clause is: To protect and enhance the significant river corridors of metropolitan Melbourne.

*Clause 12.05-2 – Yarra River protection*

43. The objective of this clause is to: Maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

*Clause 13.03-1 – Use of contaminated and potentially contaminated land*

44. The objective of this clause is: To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

*Clause 13.04-1 – Noise abatement*

45. The objective of this clause is: To assist the control of noise effects on sensitive land uses.

*Clause 13.04-2 – Air quality*

46. The objective of this clause is: To assist the protection and improvement of air quality.

*Clause 15.01-1 – Urban design*

47. 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*

48. The objective of this clause 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.

49. A list of 11 design principles is listed for development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.

*Clause 15.01-4 – Design for safety*

50. The objective of this clause is: To improve community safety and encourage neighbourhood design that makes people feel safe.

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

51. The objective of this clause is: To recognise and protect cultural identity, neighbourhood character and sense of place.

*Clause 15.02-1 – Energy and resource efficiency*

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

*Clause 15.03-2 – Aboriginal cultural heritage*

53. The objective of this clause is: To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

*Clause 16.01-1 – Integrated housing*

54. The objective of this clause is: To promote a housing market that meets community needs.

*Clause 16.01-2 – Location of residential development*

55. The objective of this clause is to: To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.

*Clause 16.01-3 – Housing opportunity areas*

56. The objective of this clause is: To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

*Clause 16.01-4 – Housing diversity*

57. The objective of this clause is: To provide for a range of housing types to meet increasingly diverse needs.

*Clause 16.01-5 – Housing affordability*

58. The objective of this clause is: To deliver more affordable housing closer to jobs, transport and services.

*Clause 17.01-1 – Business*

59. The objective of this clause is: To encourage development which meet 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 18.02-1 - Sustainable personal transport*

60. The objective of this clause is: To promote the use of sustainable personal transport.

*Clause 18.02-2 - Cycling*

61. It is an objective: To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

*Clause 18.02-5 – Car parking*

62. It is an objective: *To ensure an adequate supply of car parking that is appropriately designed and located.* The clause includes the following (relevant) strategies to achieve this objective:

- (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
- (b) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

*Clause 21.04-1 – Accommodation and housing*

63. The relevant objectives of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
- (b) *Objective 2 To retain a diverse population and household structure.*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

*Clause 21.04-2 – Activity centres*

64. The relevant objectives of this clause are:

- (a) *Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
- (b) *Objective 5 To maintain the long term viability of activity centres.*

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

65. The objective of this clause is: Objective 8 To increase the number and diversity of local employment opportunities.

*Clause 21.04-4 – Community facilities, hospitals and medical services*

66. The relevant objectives of this clause are:

- (a) *Objective 9 To provide community services that meet the needs of a diverse and changing community.*
- (b) *Objective 10 To provide accessible community services.*

*Clause 21.05-2 – Urban design*

67. The relevant objectives and strategies 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 22 To encourage the provision of universal access in new development.

*Clause 21.05-3 – Built Form character*

68. Being within the CDZ, the site does not have a nominated built form character type in the Scheme.

*Clause 21.05-4 – Public environment*

69. The relevant objective and strategies of this clause are:
- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
- (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
  - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
  - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
  - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
  - (v) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

*Clause 21.06-1 – Walking and cycling*

70. The relevant objective and strategies of this clause are:
- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
- (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*
  - (ii) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
  - (iii) *Strategy 30.3 Use rear laneway access to reduce vehicle crossovers.*

*Clause 21.06-2 – Public transport*

71. The relevant objective and strategies of this clause are:
- (a) *Objective 31 To facilitate public transport usage.*
- (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

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

72. The relevant objective and strategies of this clause are:
- (a) *Objective 32 To reduce the reliance on the private motor car.*
- (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
  - (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
- (b) *Objective 33 To reduce the impact of traffic.*
- (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

*Clause 21.07-1 – Ecologically sustainable development*

73. The relevant objective of this clause is: Objective 34 To promote ecologically sustainable development.

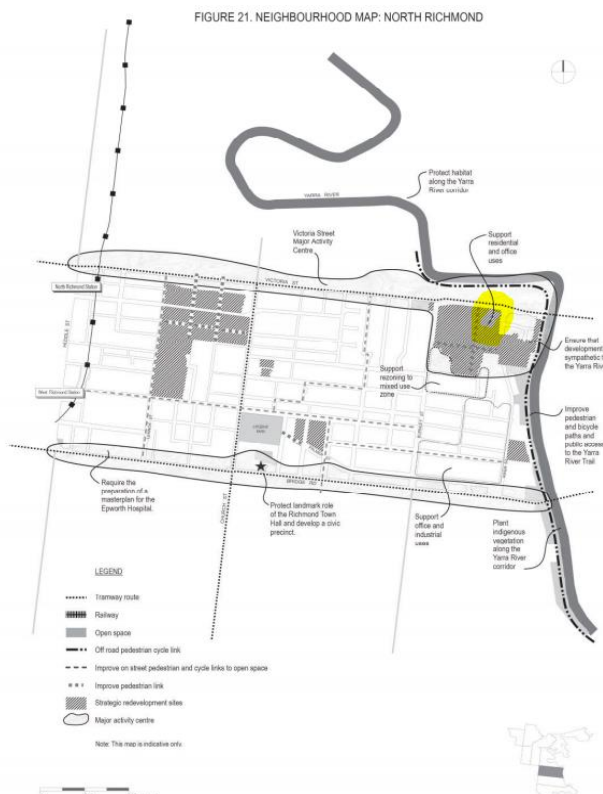
*Clause 21.08-9 – North Richmond (area north of Bridge Road)*

74. The following relevant elements are offered at this Clause:



- (a) *This part of Richmond is largely residential and Victorian and Edwardian in its origins. The consistent character of the residential areas must be protected. The Victoria Street Major Activity centre runs along the northern boundary of this neighbourhood. This activity centre spans approximately 2 kilometres and incorporates a variety of land uses along its length – some vibrant and others more dormant in terms of activity and street frontage.*
- (b) *Within the centre are three precincts:*
- (i) *Victoria Street East This precinct incorporates the area between Grosvenor Street in the west and the Yarra River to the east. It includes a combination of retail, bulky goods, entertainment, residential and office land uses. The centre has a key interface with the Yarra River, which defines its northern and eastern boundaries. Significant parts of this precinct have recently undergone extensive redevelopment. With a number of key sites in the area still up for redevelopment, it will continue to evolve. New development must enhance the landscape qualities of the Yarra River and include active frontages on Victoria Street and the River. The Victoria Gardens development has the capacity to incorporate further residential development. To the east of Burnley Street is an area of mixed industrial character with a pocket of low rise residential development. Given the proximity of this area to Victoria Gardens and the limited demand envisaged for the reuse of large industrial sites, there is potential for a wider range of employment uses including offices to locate in this precinct. It is important to:*
- *Protect the pocket of Residential 1 zoned land.*
  - *Provide land use close to the Victoria Gardens Activity Centre that supports the role of the centre i.e. residential plus mixed uses.*
  - *Continue to retain industry but allow office development further south and east of the Residential 1 and Mixed Use areas.*

75. Figure 21 of this clause also identifies the site as being a strategic redevelopment site, which ‘support residential and office land uses’ (site highlighted below).



Relevant Local Policies

*Clause 22.03 – Landmarks and tall structures*

76. The site is within close proximity to the Skipping Girl sign on Victoria Street, however the sign is on the north side of the street. A detailed assessment against this policy is therefore not warranted as it will not impact the sign.

*Clause 22.10 – Built form and design policy*

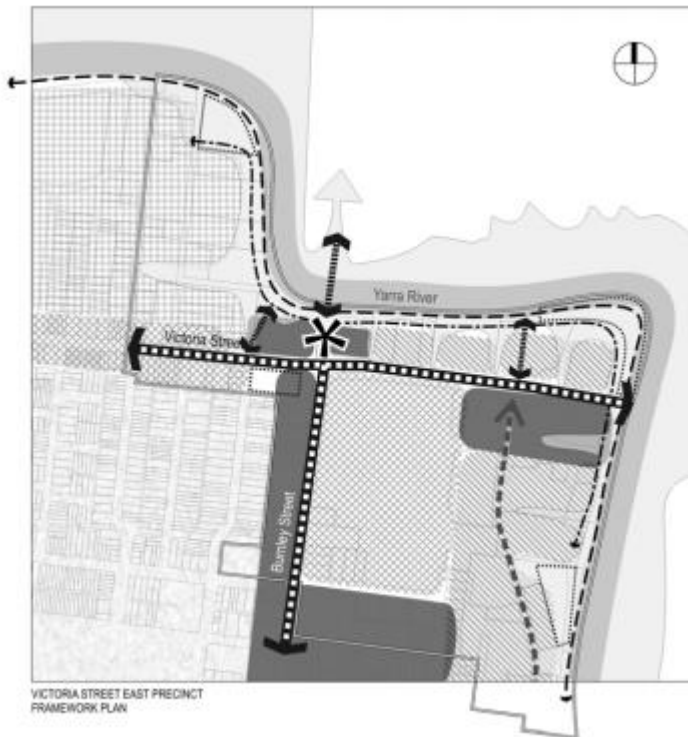
77. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and ‘walkability’ of the City’s streets and public spaces.*
- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*

78. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives.

*Clause 22.11 – Victoria Street East Precinct Policy*

79. This policy applies to the following area (including the subject site):



80. The relevant objectives of this clause are:

*Yarra River and open spaces*

- *To create strong public links to the Yarra River and improve the accessibility and amenity of the River corridor as a significant public open space*
- *To capitalise on the northerly aspect and proximity to public transport, while protecting and maintaining the recreational use of the river corridor.*

- *To enhance the landscape character of the river corridor and to ensure that the natural vegetation character is integrated into new development.*
- *To minimise the impact of building massing and siting when viewed from within the river corridor and ensure a vegetation dominated setting along the River edge,*
- *To improve natural surveillance, general safety and public accessibility of public space within the River corridor while maintaining the environmental qualities of the corridor.*

#### *Traffic and Access*

- *To improve the pedestrian environment along main roads, within the Precinct and along the River corridor, particularly at the intersection of Victoria Street with Burnley and Walmer Streets.*
- *To encourage the use of public transport, cycling and walking for access within the Victoria Street Precinct and between it and other parts of Melbourne.*
- *To provide for adequate access to, from and within redevelopment sites that contributes to the development of an integrated pedestrian and cycling network within the Precinct.*
- *To reduce vehicular traffic conflicts with tram services in Victoria Street without the requirement of future road widening.*

#### *Provision of infrastructure*

- *To develop and improve existing infrastructure in and around the Precinct, including parklands on both sides of the River and community infrastructure.*
- *To ensure new development contributes to the provision of appropriate physical and social infrastructure to support the change of uses in the Precinct.*

#### *Land use, activity and development opportunities*

- *To facilitate a mix of land uses appropriate for land forming part of the Victoria Street Major Activity Centre.*
- *To maximise opportunities for new development on former industrial sites and other disused sites while protecting the amenity of the surrounding area and enhancing the landscape character of the River corridor.*
- *To provide for higher intensity residential development within the Major Activity Centre where this will not be discordant with the built form and amenity of residential areas to the west and south of the Precinct.*
- *To protect existing industrial activities in the Industrial 1 Zone adjacent to the Precinct, while supporting opportunities for a shift from industrial activity to business activity within the Precinct.*
- *To create new local employment opportunities and protect existing ones, especially in the nearby CUB precinct*
- *To encourage the relocation of dangerous industry from the area south of Victoria Gardens and encourage more appropriate redevelopment as a transition between Victoria Gardens and residential areas.*

#### *Urban Design and Built Form*

- *To relate the siting scale bulk and massing of new development to the distinctive landscape and ex-industrial character of this section of the Yarra River Corridor*
- *To encourage high quality urban design and architecture throughout the precinct which contributes to the public realm, including the Yarra River corridor and street scapes.*
- *To ensure that the development or redevelopment of this precinct protects the character and amenity of neighbouring residential areas.*
- *To ensure access to sunlight and amenity is maintained in public spaces and that sensitive community facilities are protected from overshadowing and other detrimental impacts –*
- *To protect views to important landmarks, such as the 'Skipping Girl' sign.*

#### *Clause 12 – Public open space contribution*

81. The public open space contribution requirements do not apply as a Section 173 Agreement (executed in 1997) already required payment of the public open space contribution for this site. Payment was made in September 1999.

*Clause 22.16 – Stormwater Management (water sensitive urban design)*

82. This policy applies to applications for new buildings, amongst others. The policy aims to achieve best practice water quality performance.

*Clause 22.17 – Environmentally Sustainable Development*

83. This policy applies to developments for non-residential buildings with a gross floor area greater than 100m<sup>2</sup>. In this instance, the policy calls for the submission of a Sustainable Management Plan [**SMP**]. This has been provided.

84. The relevant objective of this policy is: ...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

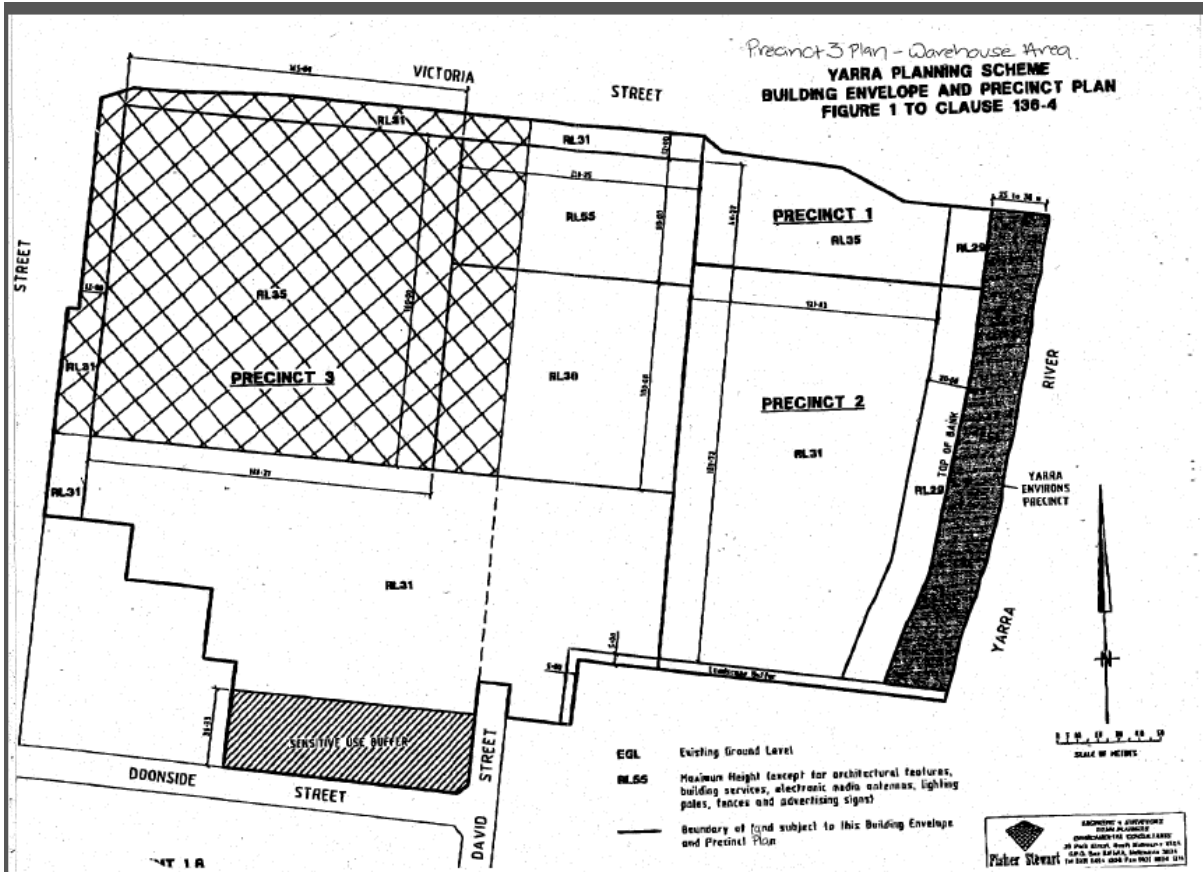
Other Policies

*Victoria Gardens Urban Design Guidelines [VGUDG]*

85. These guidelines are incorporated into the Scheme and outline 11 Design Objectives (copy contained as an attachment to this report. (Noting that many of the guidelines refer to the Yarra River, where these works are over 180m from the river corridor itself.)
- (a) 4.1 Design Element 1 - Setbacks, building envelopes and height limits;
  - (b) 4.2 Design Element 2 – Building form, materials and colour;
  - (c) 4.3 Design Element 3 – Orientation, overshadowing and overlooking;
  - (d) 4.4 Design Element 4 – Streetscape and landscape;
  - (e) 4.5 Design Element 5 – Views and vistas;
  - (f) 4.6 Design Element 6 – Car park access and treatment;
  - (g) 4.7 Design Element 7 – Open space;
  - (h) 4.8 Design Element 8 – Pedestrian movement and security;
  - (i) 4.9 Design Element 9 – Advertising signs;
  - (j) 4.10 Design Element 10 – Interface areas; and
  - (k) 4.11 Design Element 11 – Boat landings.

*Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area [VGBEPP]*

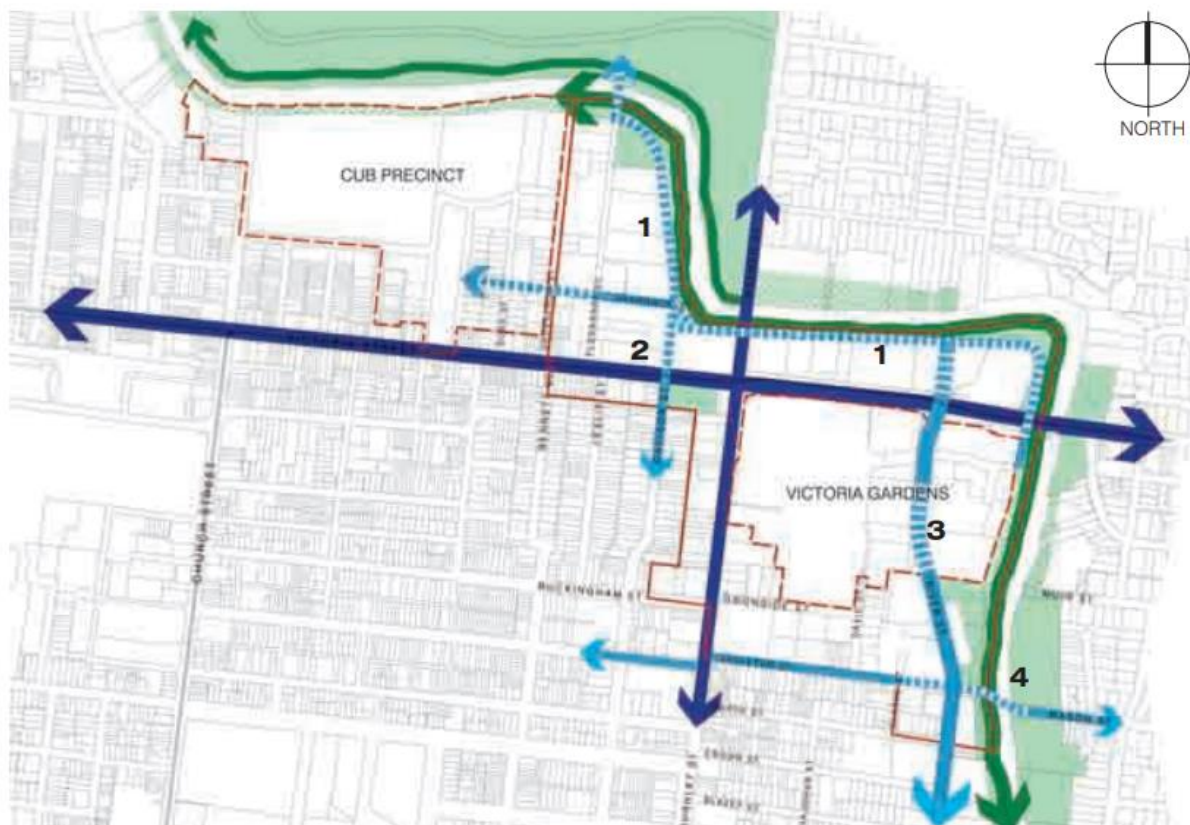
86. The plan depicts the following:



87. This plan translates to:
- (a) a maximum street wall of RL31 for a depth of 12m;
  - (b) a maximum RL55 for the next 60m depth;
  - (c) a maximum RL38 for the next 100m; and
  - (d) a maximum RL of 31 for the rear segment of the site.
88. As per Section 17 of the CDZ1, a building or works must not exceed the AHD (which translates to RL on the plan) for any particular site as shown on this plan. This does not apply to:
- (a) *the height of architectural features, building services, electronic media antennas, flagpoles, lighting poles, fences and advertising signs approved under Part 22 of this Schedule.*
  - (b) *limited built form projections in the 'height projection area' shown in Precinct 2 which project above RL31 height limit but which do not exceed RL37 and do not exceed 10% of the precinct height projection area.*

Victoria Street East Precinct, Richmond Urban Design Framework, 16 November 2005 [UDF]

89. The relevant elements of this clause are:



## SECONDARY PEDESTRIAN ROUTES

*Recommended new links include:*

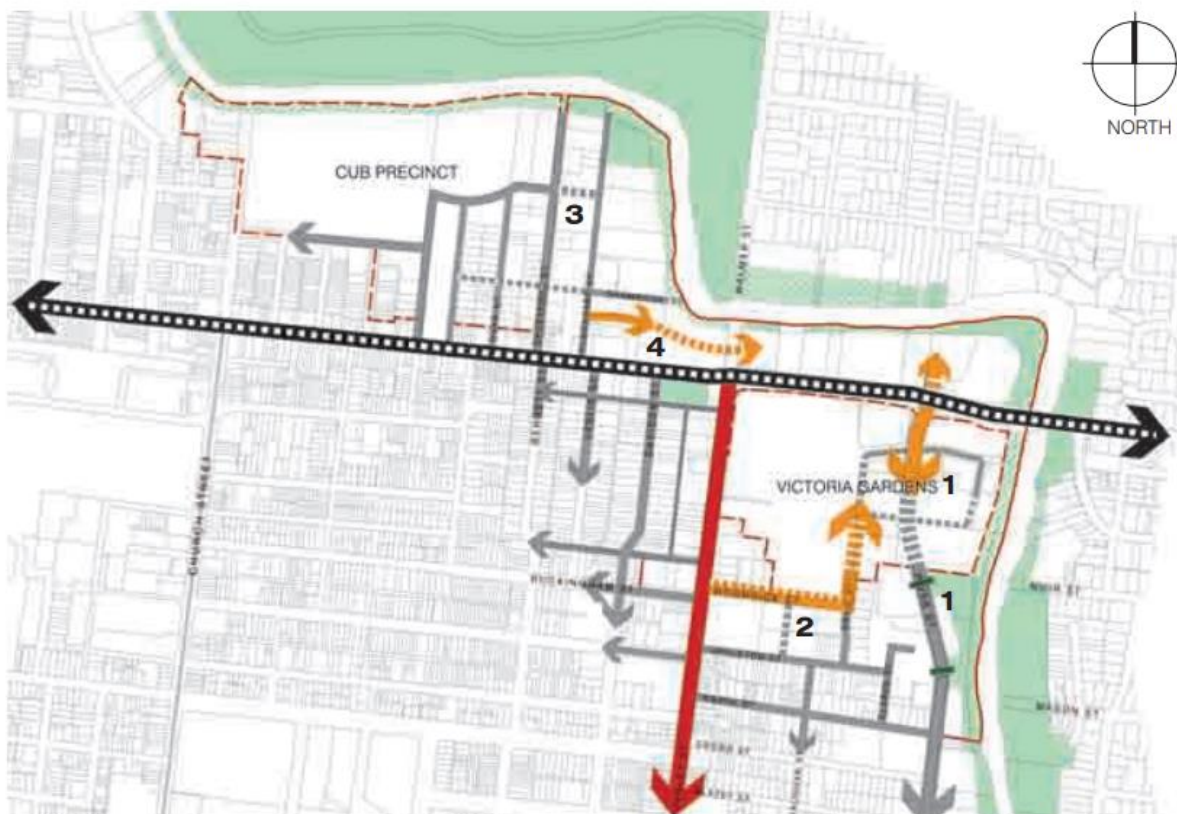
1. A new upper-level pathway along the Yarra north of Victoria Street, from Victoria Street Bridge to Flockhart Street. Further detailed design is required to resolve its alignment and levels.
2. New mid-block links at the MFB site connecting the riverside paths west to Flockhart and Grosvenor Streets, and south to Davison Street.
3. Extension and linking of River Street as a pedestrian-priority boulevard. This should be a generous, integrated public space linking Victoria Gardens with the area to the south although its traffic role will vary along its length. Traffic calming, part closures or barriers may be appropriate in various locations to prevent undesirable through traffic.
4. Enhanced link from Appleton Street to the river and new footbridge to Mason Street, Hawthorn.



### TERTIARY PEDESTRIAN ROUTES

Create a fine-grained pedestrian network throughout the precinct. New links should be created including:

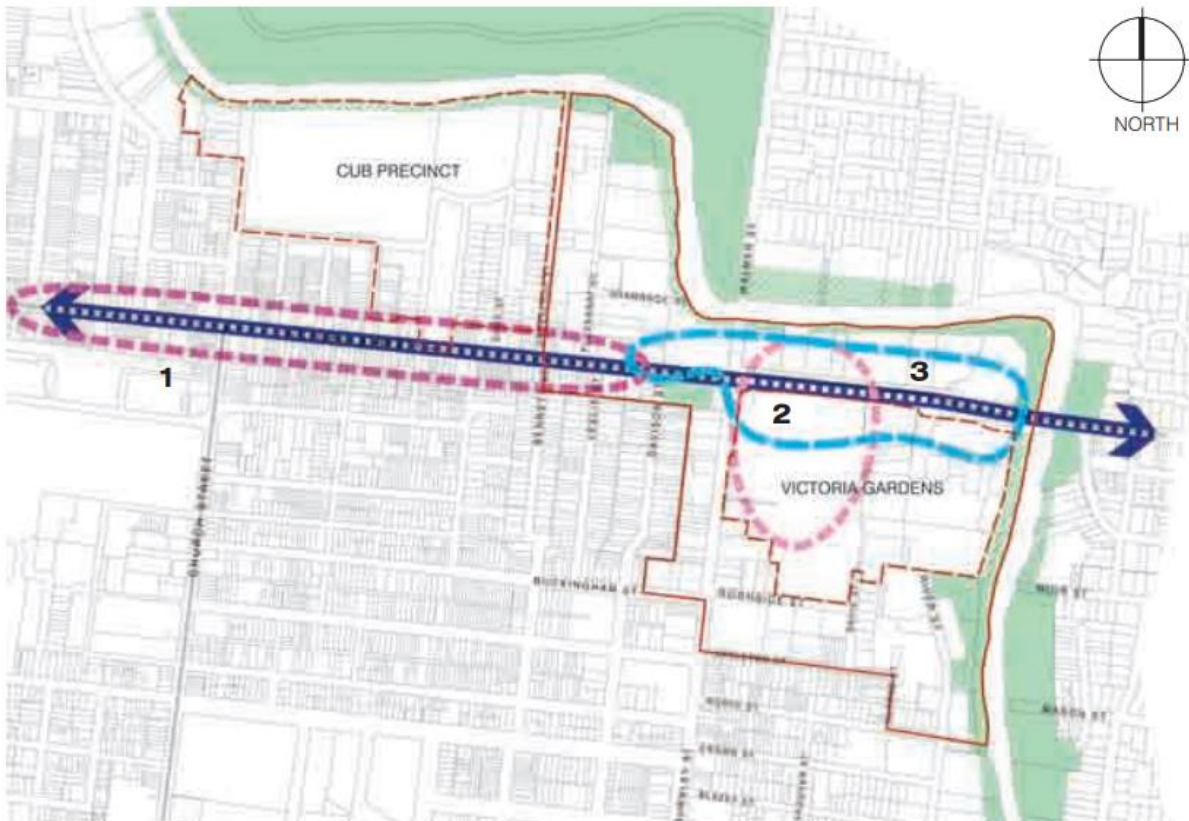
1. Multiple routes through Victoria Gardens, extending and linking with existing. These include internal links through the shopping centre, although preference should be given to the creation of open-air routes that are fully accessible to the public at all hours.
2. Victorian Chemical Company (new north-south street past 26 Doonside Street)
3. Vaughan Street extension north of North Street
4. Southampton Street extension (Westons site, 30 Grosvenor Street)
5. Shamrock Street extension (Going Going Gone site, Flockhart to Grosvenor Street)



#### TRAFFIC ACCESS ROUTES

4. *River Boulevard provides a major traffic entry into Victoria Gardens from the north. It should be continued as a pedestrian boulevard to link with River Street, using traffic calming or barriers as appropriate to prevent its abuse as a through route. As a public space, it should form a continuous spine for the precinct, but its varying traffic role should be carefully managed along its length.*
2. *Doonside Street should be improved as a major vehicular entry to Victoria Gardens and the area to its south, to keep traffic away from Victoria Street and housing south of Appleton Street. Doonside Street should be widened (on the north side, to create an overall road reserve width of 18 to 20m) and extended north into Victoria Gardens via David Street.*
3. *Southampton Street link to Flockhart Street (Westons site) to improve local access without use of Victoria Street.*
4. *Vehicular access to the MFB and Walmer Street sites should be via Flockhart Street and then underground below Walmer Street to minimise impacts on Victoria Street frontages and the pedestrian-priority space at Walmer Street.*





**ORIENTATION OF ACTIVITIES TO VICTORIA STREET**

1. Integrate the western end of the Victoria St East Precinct with the fine-grained retail strip to the west. Encourage 'shop top' housing and other complementary uses.
2. Victoria Gardens shopping centre: Encourage opening of the centre out towards Victoria Street and provision of retail complementing the remainder of the strip.
3. Extension of Victoria Street strip to the Yarra: Support continued commercial emphasis within a mixed-use area including residential above street level.

90. The Plan then outlines the RLs or building envelope controls as now incorporated into the Scheme (and referenced throughout this report).

**Advertising**

Application PLN16/1156 – Development plan, pedestrian amenity and access plan, landscape plan, transport plan and management plan

91. Section 15 of the CDZ1 states that:

*Before deciding to approve a development plan, landscape plan, traffic plan and management plan the responsible authority must display the plan for public comment. The plan must be displayed:*

- *Within 28 days after the plan is received by the responsible authority.*
- *For at least 14 days, but no longer than 28 days.*

*The responsible authority may request further information before deciding to display the plan.*

*The responsible authority must take account of any public comments received in response to this procedure.*

*The responsible authority must make a decision on the plan or amendment within 28 days after the completion of the display.*

92. A total of 24 submissions were received to the development plan and can be summarised as follows:
- (a) pedestrian and cyclist safety (including due to traffic, insufficient footpaths and impact on the Walmer Street bridge) and connectivity to the neighbourhood;
  - (b) off-site amenity (including noise, pollution, overlooking, overshadowing [including winter]);
  - (c) dwelling density is too high (including impact on infrastructure, services and public transport and considering the residential approval at 25-35 River Boulevard);
  - (d) urban design and architectural quality (building is too high, street wall height, insufficient setbacks);
  - (e) impact on the heritage of Richmond;
  - (f) too many uses are proposed;
  - (g) insufficient landscaping/green space;
  - (h) this site should provide a land contribution to public open space;
  - (i) inconsistent with the purpose of the zone;
  - (j) on-site amenity does not comply with clause 58 (including sunlight, use of rainwater, internal storage, dwelling diversity and hard waste);
  - (k) impact on wildlife; and
  - (l) confusion as to the development plan process.

Planning Permit Application PLN17/1143 – Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme.

93. The planning permit application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987 [the Act]* by letters sent to surrounding owners and occupiers and signs being placed on the Victoria Street and River Boulevard frontages.
94. A total of 29 objections were received to the planning permit application and can be summarised as follows:
- (a) insufficient car parking (including for residents, shoppers, child care drop-offs/pick-ups, tradespersons and visitors);
  - (b) DDA to the development and car parking is required; and
  - (c) traffic congestion (including intersection with Victoria Street, loading vehicles currently block River Boulevard and cumulative impacts).

## Referrals

95. The application was required to be referred to PTV (now TfV) (clause 66 of the Scheme) under Section 55 of the *Planning and Environment Act 1987 [the Act]*. The views of Melbourne Water, Parks Victoria and VicRoads must also be considered as per section 15 of the CDZ1 (clause 37.02, schedule 1).
96. Melbourne Water and Parks Victoria did not object to the application. TfV did not object, however the following comments were received:
- TfV is pleased to provide commentary on the proposed Development Plan provided by SJB Planning. Overall, TfV supports the ideas, principles and direction outlined in the proposal. Development at the site will increase patronage of the public transport facilities on Victoria Street at the front of the site, therefore pedestrian connectivity towards the tram stop at River Boulevard should be considered.*
97. VicRoads did not object, but requested the following conditions on any approval:
1. *Prior to the occupation of the building the following roadworks at the intersection of Victoria Street and River Boulevard, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:*
    - a. *The modification and relocation of various elements of the intersection of Victoria Street and River Boulevard adjacent to the development, including (but not limited to) any such inclusions or changes to the traffic signal phasing and associated road works.*

Notes:

- a) *Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works may include provision of:*
- *Works associated with the new and or modified traffic signal phasing adjacent to the development site,*
  - *Signs and associated road works.*
  - *Road line marking, kerb and channel.*
  - *Appropriate lighting of roadway.*
- b) *Signage has not been considered as part of this application. VicRoads requests further details to be submitted in due course for its consideration and consent/approval.*
- c) *Separate Consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (including canopies and projections) undertaken outside the title boundary within a Road Zone Category 1 (Victoria Street). Please contact VicRoads prior to commencing any works.*

98. Given the scale of this development, and as Victoria Street is a Road Zone, Category 1, the above conditions should be imposed on any development plan approval.

99. The application was also referred to the following:

- (a) Urban Design Consultant (DLA);
- (b) Council's Urban Design Unit;
- (c) Council's Heritage Advisor;
- (d) External Acoustic Consultant (SLR);
- (e) Council's Engineering Services Unit;
- (f) External Traffic Consultant (Cardno);
- (g) Council's ESD Advisor;
- (h) Council's Strategic Transport Unit;
- (i) Council's Services Contracts Unit;
- (j) Wind Consultant (ViPac); and
- (k) Council's Open Space Unit.

100. Their advice is contained as appendices to this report.

## Assessment

101. This assessment will be broken into the PLN16/1156 application (development plan, pedestrian amenity and access plan, landscape plan, transport plan and management plan) and the PLN17/1143 application (car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme).

## Application PLN16/1156 – Development plan, pedestrian amenity and access plan, landscape plan, transport plan and management plan

### Strategic policy and the CDZ1

102. In addition to the site being part of a strategic redevelopment site as per clause 21.08 of the Scheme, the relevant purpose of the CDZ1 is:

- (a) *To encourage the comprehensive redevelopment of land on the south side of Victoria Street between Burnley Street and the Yarra River, City of Yarra.*
- (b) *To ensure that development on the site will complement and enhance the Yarra River environment.*
- (c) *To assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses.*

- (d) *To provide greater public access, in particular for pedestrians and cyclists, to and along the Yarra River bank.*
- (e) *To ensure that the land is developed in an orderly and proper manner.*
- (f) *To encourage a high standard of urban design.*
- (g) *To encourage the provision of active frontages to streetscapes and high quality interfaces with the public realm and internal pedestrian interfaces.*
- (h) *To improve pedestrian amenity and safety and enhance connectivity within and to surrounding development.*
- (i) *To limit overshadowing affecting the amenity of adjoining land and, in particular, areas of public open space and the Yarra River.*
- (j) *To avoid adverse wind conditions in pedestrian areas.*
- (k) *To ensure that buildings and works along the Yarra River do not adversely affect drainage or flooding.*

103. The development is over 165m from the Yarra River and would not generally be visible from the river or pedestrian/bicycle paths themselves. The land uses proposed are all as-of-right in the zone and would complement the existing mix of residential, retail and office in the area.
104. Bicycle and pedestrian links will be considered later in this report and subject to conditions, would improve linkages through and around the site.
105. Urban design considerations (including active frontage and interfaces) will be outlined later in this report, along with overshadowing and wind. It is noted that Melbourne Water responded that 'Land and flood level information available at Melbourne Water indicates that the above property is not subject to flooding from a Melbourne Water drain or waterway', confirming that flooding is not an issue at this site.
106. Subject to the conditions contained in this report, the proposal is considered to achieve the relevant objectives of the CDZ1 and would result in orderly planning.

#### Area of Aboriginal Cultural Heritage Sensitivity

107. The site is within close proximity to the Yarra River and is partially within an area of Aboriginal Cultural Heritage Sensitivity under the Aboriginal Heritage Regulations 2007.
108. The Applicant provided an Aboriginal Heritage Background Review and Implications Report prepared by Andrew Long and Associates, dated 8 February 2016.
109. The report states that both 10 and 20 River Boulevard have been subject to significant ground disturbance (car park at 10 River Boulevard and works for the terraced site at 20 River Boulevard). The report concluded:

*This desktop study has determined that no known Aboriginal cultural heritage places will be impacted by the proposed development, and the risk of encountering as yet unidentified Aboriginal cultural heritage place is negligible given the high degree of prior disturbance.*

*As such, the Aboriginal Heritage Regulations 2007 do not specify the need for a mandatory CHMP for the activity, as required in Section 46 of the Aboriginal Heritage Act 2006, on the basis that there are no areas of cultural heritage sensitivity, as defined in Section 39 of the Aboriginal Heritage Regulations 2007.*

*The preparation of a voluntary CHMP is an option, though not recommended in this instance. A voluntary CHMP is entirely at the discretion of the proponent.*

#### Urban design

##### *Context, urban form and character*

110. There are general context, urban form and character guidelines offered at clauses 15.01-2 and 22.10 of the Scheme. These aim (amongst others): *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.*
111. These guidelines will be referenced where relevant throughout this report, however this site is also affected by more specific controls, being the Victoria Street East Precinct Policy (Clause 22.11), the incorporated documents the VGBEPP and the VGUDG. These will be referenced (as relevant) throughout this assessment.
112. Establishing the existing urban character (as required by Standard D1 of Clause 85), the external urban design advice received by Council (David Lock and Associates) included the following detailed summary:

*The subject site is a large, vacant landholding comprising a total area of 1.4ha (approx.) located on the southern side of Victoria Street, Richmond, within the broader block bound by the Yarra River (to the east) and Burnley Street (to the west). The site abutted to the west by the Victoria Gardens Shopping Centre ("Victoria Gardens"), has a direct eastern street frontage to River Boulevard, and is dissected by Vickers Drive (which we understand to be a private road). A gentle slope runs NE-SW through the site.*

*In terms of abuttals, Victoria Gardens is a large commercial 'big box' regionally-significant shopping centre that presents to the public realm with an equivalent four storey commercial envelope. Victoria Gardens interfaces to the subject site with a mix of pedestrian entrances, ramped vehicle accessways and benign retail sideage, noting that the shopping complex sets back approximately 15m from Victoria Street itself. Victoria Street is located directly north of the subject site, which is a 30m (approx.) wide regionally-significant road reserve that forms the spine of the Victoria Street MAC. River Boulevard abuts the subject site for the entirety of the site's eastern interface, which is a 24m wide (approx.) local access cul-de-sac flanked by a mix of existing residential and commercial built form of approximately 4-5 storeys in height. Finally, a four storey commercial complex used for the purpose of 'Bae Systems' is located directly south of the subject site, across a privately-owned east-west public landscape linkage.*

*In terms of broader context, the subject site's broader area is clearly undergoing transformative built form change in the achievement of a preferred, intensive future character. The magnitude of development occurring in proximity to the subject site is such that the subject site effectively presents as one of the last 'remnant' development sites within the broader Victoria Street East precinct. The intensity of development occurring within proximity of the subject site is juxtaposed by the natural qualities of the Yarra River linear open space corridor, which is located approx. 150m east (and downslope) of the subject site.*

113. The next step of the assessment process after the urban context is understood is to then understand the policy objectives that affect the site and area.
114. The site is located within the Victoria Street Activity Centre, where clause 21.08-9 acknowledges that *'The Victoria Gardens development has the capacity to incorporate further residential development'*. This is also supported in State and local policies (clause 11 and 21.04-2), which encourage *'...the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community'*. The site specific CDZ1 also includes the purpose:

*To ensure that the combination of uses, their overall density and the scale, character and level of redevelopment are compatible with:*

- *The amenity of the surrounding area and the nature of the surrounding uses.*
- *The visible skyline as seen from and along the Yarra River and the River's general environs, and views along Victoria Street and Barkers Road.*
- *The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic.*
- *The capacity of existing essential services and proposed modifications.*

115. The CDZ1, VGUDG, VGBEPP and clause 22.11 provide more specific built form guidance which will be considered (as relevant) throughout this assessment.

*Setbacks and building heights*

116. The CDZ1 (and incorporated documents) include building height controls for this site. While Standard D14 of Clause 58 and more general urban design policies in the Scheme (including clauses 15.01-2 and 21.05-2) direct that built form respect the character of the area, the CDZ1 is more relevant when considering heights and setbacks of new built form.
117. In particular, the VGUDG (detailed guidelines) directs that '*Tall buildings should be restricted to the northern boundary, at a mid point on the site in accordance with the Building Envelope and Precinct Plan*'. This site abuts the northern boundary, with the tallest (12 storey) sections adjacent to Victoria Street (save for the required RL31 street wall for the first 12m). While the UDF states that building heights should not exceed 10 storeys in this section, that would be when considering an office building with taller floor-to-ceiling heights than dwellings. The following assessment outlines the proposal's compliance with the VGBEPP, albeit subject to minor conditions:
- (a) a maximum street wall of RL31 for a depth of 12m – The plans show a RL31.35 parapet to Victoria Street (and roofline for a depth of over 12m). While this may be considered to be an 'architectural feature', a condition should require the parapet and roofline behind for a minimum depth of 12m to be lowered 350mm to meet the envelope. The plans also show 'relocation of existing sign' above the height control, however this sign is outside title boundaries and a condition should require it's deletion from the plans.
  - (b) a maximum RL55 for the next 60m depth – The next section of the development would be RL55, with rooftop plant extending above for a height of 3m. This services projection is permissible under the CDZ1 and is supported in this instance as it is setback from the building edges to ensure it is a recessive form.
  - (c) a maximum RL38 for the next 100m – The next 100m long building segment is RL37.75 and complies with the VGBEPP. Again, services extend 3m above the building line. However, this is permitted under section 17 of the CDZ1 and again, the services and screen are setback from the building envelope below to ensure it is a recessive element.
  - (d) a maximum RL of 31 for the rear segment of the site – The building does not exceed RL 27.3 at this point, however a shade sail extends above RL31. Reading the clause 72 definitions (albeit not a dwelling), 'domestic services normal to a dwelling' includes shade sails. It is therefore accepted that the shade sail is a 'service' which can be permitted above RL31 under section 17 of the CDZ1. Further, the shade sail is considered to be a lightweight structure, is setback over 8m from the nearest boundary and would therefore not result in unreasonable visual bulk.
118. Compliance with the VGBEPP does not necessarily grant automatic approval of heights or setbacks, however the following assessment will outline why (on balance), the proposal should be supported due to a number of factors, including the site responsive design (off-site amenity and pedestrian amenity) and architectural quality, subject to the conditions contained in this report.

119. The height and setbacks of the proposal from each interface will now be considered in more detail:

North

120. The proposal incorporates a 5 storey equivalent street wall to Victoria Street, ensuring the pedestrian scale of Victoria Street is reasonably protected. This is also in keeping with the scale of the adjacent shopping complex to the west, as shown in the following perspective:



Application material – perspective looking north-west along Victoria Street.

121. The proposal then extends up to the envisaged RL54.5 at a distance of 12m behind the northern title boundary as per the VGBEPP. At this setback, the 13 storey (RL54.5 towers) would be read as a secondary building element and would not unreasonably dominate Victoria Street. This is also demonstrated in the following perspective, also confirming that the proposal would not unreasonably impact viewlines from the Barkers Road Bridge as per the VGUDG (design element 5).
122. The site is affected by the DDO2, which aims ‘To recognise the importance of main roads to the image of the City’ and ‘To encourage urban design that provides for a high level of community safety and comfort’.
123. In light of this, the interface to Victoria Street was further supported in the external urban design advice received by Council (David Lock and Associates), which noted:

*Significantly, the applicant’s architectural resolution of the Development Plan’s response to the Precinct Plan’s envelope parameters has been skilfully handled. Insofar as the Development Plan relates to Victoria Street, the proposed ‘horizontal’ of the architectural expression responds to the broad allotment width characteristic of the southern side of Victoria Street in a manner that responds to the primary transient experience of this space at higher speeds by vehicle. Similarly, the proposed upper levels of the Development Plan’s Victoria Street interface have been diffused into two distinct tower forms by way of an internal minimum inter-tower separation of 25.9 meters, which – when combined with the juxtaposing of materiality between ‘tower’ and ‘base’ y – results in a high quality and visually interesting architectural composition that is suitably responsive to the prominent location of the subject site within the broader Victoria Street streetscape and aspirations of DDO2.*

### East

124. The proposal incorporates a dynamic range of podium and tower forms to River Boulevard, including part 3, part 8 storey podiums accentuated in vertically patterned concrete finishes in light and dark tones. The towers then project at 13, 6 and 5 storey glass forms above.



View looking West across River Boulevard

View taken at 1.7m above NGL

Lot 9C & 10B River Boulevard, Richmond / 216081\_9C&10B River Blvd\_TP DOC - RFI 04.12.17

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View from currently vacant site at 25-35 River Boulevard looking north-west.



View looking North West along River Boulevard

View taken at 1.7m above NGL

Lot 9C & 10B River Boulevard, Richmond / 216081\_9C&10B River Blvd\_TP DOC - RFI 04.12.17

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View from south-east of the subject site, along River Boulevard looking north-west.

125. This form is quite sophisticated and serves to break up the building vertically and horizontally and provides an appropriate interface to the street from both a pedestrian and amenity perspective (detailed further in the off-site amenity section of this report).

126. The external urban design advice received by Council noted:

*As with the Development Plan's proposed interface to Victoria Street, again the architectural resolution of the Development Plan's streetscape interface has been ably handled by way of a well-resolved application of juxtaposing materials (tactile 'light and dark textured concrete finishing' [CF01 and CF02] as well as glazing) to achieve a clear distinction between 'base' and 'upper form'. In particular, the 'framing element' to the eastern (and western) elevations of the Development Plan's Victoria Street streetwall is elegant and simple and of particularly high design quality.*

*Whilst the resultant visual outcome is generally high quality and well-modulated, further consideration should be given to the sheer extent of concrete materiality proposed for the full height of the southernmost childcare 'nodule' of the Development Plan's proposed River Boulevard as a means of achieving a higher degree of architectural resolution at the southern terminus of River Boulevard. Refer also to the discussion on 'Public Realm Amenity' below.*



*Subject to this, the Development Plan's propose interface to River Boulevard is appropriate from a character perspective.*

127. The south-east corner is generally supported at ground level, however it is agreed that the upper ground level should incorporate additional glazing to reduce the dominance or expanse of concrete at this corner. This should be imposed by way of a condition.

#### South

128. The proposal is the lowest at the rear where it is adjacent to the 4 storey 'BAE' office building. The proposal would be lower than the BAE office building at this point and is setback approximately 8.5m from this site. With BAE being setback 4m from the shared boundary and a proposed setback of 4.5m, this is considered to be a site responsive and appropriate design response. The proposal also includes a shop at the south-east corner and the childcare and medical lobby area to the south, creating a high level of pedestrian amenity and activity to compliment the entry to the office building.

#### West

129. The proposal would be generally constructed to the western boundary, with the site enjoying access to easement E-9, being a footway (amongst other service easement rights) further west within the 'shopping centre' site. Again, the plans show a new roof to the west which is not part of the subject site. This should be removed by way of a condition.
130. The height and setback of the proposal would not generally impact the shopping centre to the west, which itself presents predominantly blank walls, car parking areas and loading bays towards the site. However this interface will be considered in greater detail in the off-site amenity/equitable development section of this report.
131. Subject to the conditions contained in this report, the proposal appropriately responds to the physical features and policy context of the site.

#### *Site coverage*

132. Clause 22.10-3.6 states that buildings should generally not exceed a site coverage of 80% unless:
- (a) the pattern of site coverage in the immediate area is higher than this figure (as identified in the Site Analysis Plan and Design Response); or
  - (b) there is a need to cap the site to deal with contamination.
133. Firstly, the site is partially affected by the EAO (noting that the south-east corner of the site is not affected by the Overlay), however the childcare centre would extend into this segment. Should the development plan be approved, a condition should require the audit be undertaken for the whole site as per the requirements of the CDZ1 (and given the site's industrial history).
134. Secondly, the subject site is in an area dominated by high levels of site coverage. This is due to the shopping centre to the west, the transitioning industrial area to the south-west (Doonside precinct) and the medium/high density office/residential developments east of River Boulevard.



Source: Google maps, with subject site highlighted in yellow.

135. The proposed site coverage (with minor western, southern and eastern boundary setbacks) is supported in this context and provides reasonable amenity and public realm outcomes for the site and area.

*The public realm, street and public space quality*

136. While not applicable to this application, Standard D5 of Clause 58 (Integration with the street objective) aims to integrate the layout of development with the street, offering passive surveillance opportunities and vehicular and pedestrian links that maintain or enhance local accessibility.

137. The proposal is generally an improvement to existing conditions, activating a vacant/car park site. Council’s external urban design advice (David Lock and Associates) recommended the following public realm improvements:

- (a) improving the pedestrian experience of Vickers Drive (e.g. greater details or perspectives of this space with passive wayfinding appropriate); and
- (b) introducing control points or gates to prevent public access into the level 1 communal area and into the western services area adjacent to the northern building segment.

These items should be addressed by way of conditions, should the development plan be approved. Further, a public art management plan should be required to improve the interface with the street and potentially treat Vickers Drive.

138. The external urban design advice also suggested the following:

- (a) rationalising the shop and childcare centre/medical lobby in the south-east corner of the site; and
- (b) provision of weather protection to Victoria Street and River Boulevard.

139. It is considered that the activation of the southern and south-east corner is site responsive, particularly with the BAE office building to the south. There is no need to rationalise these elements.
140. A condition should also be imposed to add weather protection along the River Boulevard face of the building (some or part) as it would add weather protection to the identified main pedestrian route to the shopping centre.
141. The objections also raised concern with the interface with Victoria Street. The Applicant has responded with a sketch plan setting the building back a further 1m from Victoria Street to widen the footpath.



142. This should be imposed by way of a condition, should the development plan be approved.
143. The external urban design advice concluded:
 

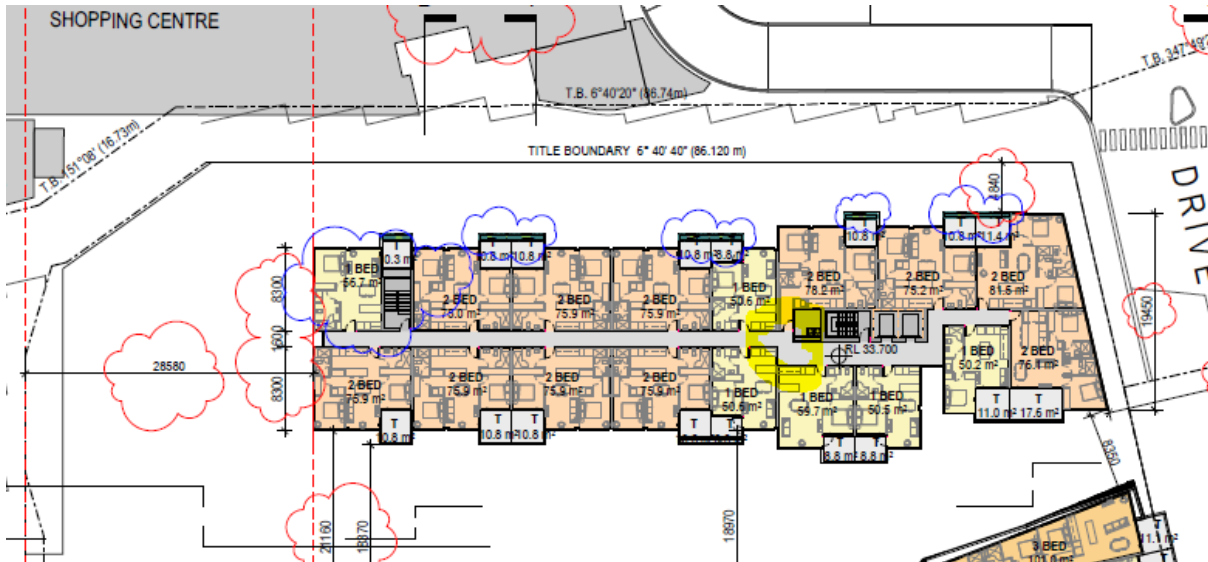
...the applicant's approach to 'funelling' pedestrian movements between Victoria Gardens and River Boulevard is logical, the extent of upper public realm activation and passive surveillance to both Victoria Street and River Boulevard is sound, and the extent of public realm Equinox overshadowing is of limited public realm amenity consequence. Importantly, the proposed Development Plan will not unreasonably impact upon the existing qualities and character of the Yarra River Corridor.

*Safety and pedestrian spaces*

144. As a useful guide, standard D9 of Clause 58 relates to safety and states that it is an objective 'To ensure the layout of development provides for the safety and security of residents and property'. The VGUDG also aim 'To create high levels of community safety within the site' and design element 8 is to 'Avoid dark and secluded areas internally and externally.

*Ensure safe and effective pedestrian linkages. Ensure safe environment for entire site. Through the design of buildings, clearly mark entrances to all public building frontages.*

145. While the residential lobbies are of a generous size and do not raise safety concerns, a condition should require the corridors to be a minimum 1.8m wide to ensure that viewlines are provided from the lobby areas through to the residential wings branching to the north and south. That would ensure that these 'kinks' would be opened up (see yellow highlighted area below).



146. Should the development plan be approved, a condition should require details of lighting to ensure there are no unsafe enclaves or passageways, including along the Vickers Drive footpath (discussed further in this report).
147. As already discussed, a condition should also ensure that mechanisms (gates/fences, etc.) are installed to prevent public access of the level 1 communal roof area.
148. Vehicular access and parking locations are also important when considering safety and pedestrian amenity. Standards D11 (Access objective) and D12 (Parking location objectives) are relevant guides.
149. The application meets Standard D11, with approximately 18% of the River Boulevard frontage being vehicular entries/exits (less than 33% of the frontage as per this standard). The car parking areas are also located behind an active skin to River Boulevard and the pedestrian lane to the south or within basement levels, ensuring that the car park areas would not unreasonably impact the amenity of the area by way of noise or appearance.
150. Subject to the conditions contained in this report, the development would result in a reasonable level of safety for residents and visitors to and around the site. Further, a condition should require a Section 173 Agreement (as suggested by Council's Engineering Services Unit) to ensure that all publically assessable footpaths remain open for this purpose, and that the landowner takes out appropriate public liability and indemnity insurance.

*Landmarks, views and vistas*

151. The VGUDG objectives aim to:
- (a) *Encourage development in keeping with the character and appearance of the area.*
  - (b) *The viewline from the Barkers Road "Cutting" to the west should be reasonably maintained.*
  - (c) *To ensure views from the north and east across the site are reasonably maintained.*

152. Views from Barkers Road would not be unreasonably 'cut' given the proposal has adopted a 5 storey podium to the street, with the tower forms commencing at least 10.5m from the northern boundary.



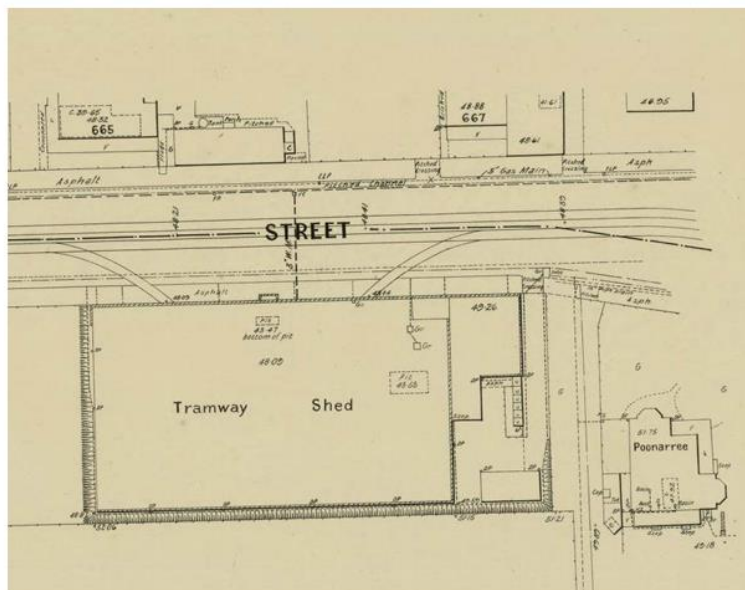
View looking west along Barkers Road from bridge

View taken at 1.7m above NGL

153. The site is also within close proximity to the Skipping Girl sign, an identified landmark sign as per clause 22.03-4 of the Scheme. However, being on the south side of Victoria Street and over 124m from the sign, the proposal is afforded enough separation so as to not unreasonably impact views to the sign from either end of Victoria Street.

### Heritage

154. The site is not affected by a Heritage Overlay, however Council's Heritage Advisor indicated that there was once a cable tram shelter on the car park site.



Extract from MMBW plans (plan 1071 dated 1903).

155. The Applicant then advised that the former cable tram shed site is a listed heritage inventory site with Heritage Victoria (H7922-0469). The landowner will need separate approval from Heritage Victoria before starting works, even though the site is not affected by a Heritage Overlay. No development plan conditions are therefore required to deal with this issue.

*Consolidation of sites and empty sites*

156. The proposal consolidates 2 lots within the Victoria Gardens complex, however the design response is site responsive and adds to the architectural diversity and complexity of the forms along this section of Victoria Street and River Boulevard.

*Light and shade*

157. Being on the south side of Victoria Street, the proposal would not impact this footpath. In the afternoon (midday onwards) the proposal would overshadow the western footpath of River Boulevard (this is unavoidable for any development on this site given the site orientation, however the shadows would not reach the eastern footpath until approximately 1pm at the Winter Solstice and 2pm at the September Equinox. These September shadows are considered to offer the most appropriate guidance as they are the mid-point between Summer and Winter. This is also the accepted 'overshadowing' tool when undertaking clause 54 and 55 assessments (albeit not applicable in this instance).
158. This would achieve a reasonable balance of amenity for the public realm, while achieving the intensity or scale of development envisaged on this identified strategic redevelopment site.

*Energy and resource efficiency*

159. Standards D6 (Energy efficiency objectives) and D13 (Integrated water and stormwater management objectives) offer policy guidance. However, these items will be considered in greater detail in the ESD section of this report.

*Architectural quality*

160. Strategically, the site is quite important, being a strategic redevelopment site along an Activity Centre and DDO2. Specific to this site, the VGUDG objectives (design element 2) aim:

*To encourage a variety of architectural forms, roofscapes and façade treatments across the site which is reflective of the cultural and architectural diversity of the surrounding area.*

161. Detailed guidelines of the VGUDG include:

*Form*

*The strategic importance of the corner of Burley and Victoria Streets to be emphasised through design.*

*Materials and colour*

*Reflective glazing is not encouraged unless it can be demonstrated to the Responsible Authority that reflections will not have a detrimental impact on surrounding properties and existing and proposed built form within the site.*

*External wall for residential developments*

*To be predominantly masonry or timber construction but other materials may be used to achieve diversity. Where concrete panels are used, these are to have a finish which is complementary with the masonry theme to the satisfaction of the Responsible Authority.*

162. While the Guidelines aim to encourage masonry or timber as the primary materials, this site is a transition between the Victoria Gardens Shopping Centre and the finer grained residential/office development further east towards the river. This proposal includes vertically patterned concrete panelling along the podium to transition between the concrete panels of the shopping centre and the fine grain of the masonry residential buildings to the east. This approach is supported in this context. Further, the glazing is a range of clear, grey and dark grey tones. Should the development plan be approved, a condition should require a schedule of colours and materials (ensuring the glazing is not too reflective), including samples.
163. As per the external urban design advice received by Council, it is agreed that the proposal is site responsive and appropriately responds to its context.

#### *Landscape architecture and fencing*

164. Standard D10 of Clause 58 (Landscaping objectives) and the VGUDG aim for landscaping themes that respect the character of the area and in the case of the design guidelines ‘...encourage appropriate planting themes which soften the impact of the development and create pedestrian friendly environments’.
165. As per the requirements of section 8 of the CDZ1, the submitted landscape plan will be assessed later in this assessment.

#### *Service infrastructure*

166. Standards D4 (Infrastructure objective) and D21 (Site services objectives) give guidance to these items.
167. The site is located within a well-developed and established area of Richmond, with access to services and infrastructure. There is also no information to suggest that the proposal would unreasonably impact the capacity of utility services or infrastructure.
168. The proposal includes service areas on top of each tower, obscured with black metal screens. This is supported from an urban design and noise perspective as it avoids air conditioner units (e.g. ) being visible from the public realm and also makes it easier to acoustically attenuate these items (as opposed to air conditioner units being scattered across individual balconies).

#### *Summary*

169. Subject to the conditions contained in this report, the proposal would achieve a high quality urban design response to the policy and physical context of the site.

#### On-site amenity

170. Clause 15.01-2 of the Scheme deals with urban design, with the *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017) being a relevant policy guideline. This policy underpins clause 58, and while clause 58 of the Scheme is not strictly applicable, the relevant Standards of Clause 58 will be referenced throughout this assessment.

#### *Standard D3 – Dwelling diversity objective*

171. The development includes a range of dwelling styles and types, with 19% being 1 bedroom, 73.2% being 2 bedroom, 5.4% being 3 bedroom and 2.3% being a duplex/split level style. The objective of this standard is met.

#### *Standard D7 – Communal open space objective*

172. Under this Standard, the proposal should include at least 250m<sup>2</sup> of communal open space. At level 1, the proposal includes a 3,048m<sup>2</sup> area of communal open space and at level 4 an additional 1000m<sup>2</sup> is provided with BBQ areas, far exceeding the minimum requirements of this Standard.
173. The central and north-facing dwellings would look into this space (approximately half of all dwellings) and the layout does not bring rise to unreasonable noise concerns. The plans do not clearly show how the level 1 and 4 dwellings would be screened from this space with regard to overlooking, however a condition could be imposed to address this in any development approval. The plans also do not outline the use of the northernmost rooms at level 4, adjacent to the communal space. This should be addressed by way of a condition on any development plan approval.
174. This communal open space would be functional, easily maintained by the owner's corporation and meets the objectives of this Standard.

*Standard D8 – Solar access to communal open space objective*

175. The primary area of communal open space is on level 1, with a secondary area of 1,000m<sup>2</sup> at the north site of level 4. The level 1 area would receive at least 770m<sup>2</sup> of direct sunlight at the winter solstice throughout the day between 9am and 3pm, exceeding the minimum requirements of this standard.

*Standard D15 – Internal views objective*

176. Limited screening information is shown on the plans, however this could easily be achieved by way of a condition on any development plan approval, ensuring the amenity of new dwellings is of a reasonable standard.

*Standard D16 – Noise impacts objectives*

177. This standard recommends that dwellings be configured to avoid noise sources and that services and mechanical plants be positioned way from bedrooms of dwellings on and off-site.
178. Firstly, the plans show new plant and equipment on the roof of each tower, not on balconies or directly adjacent to bedrooms.
179. Secondly, the site is not within a noise influence area as per table D3 of Standard D16 (Victoria Street as an average daily traffic volume of 24,000 as per the VicRoads Website).
180. The application material included an acoustic report prepared by Acoustic Logic. Council had this report peer reviewed by SLR, noting the following items should be addressed by way of conditions in any development approval to achieve a reasonable level of amenity on and off-site with regard to noise:
- (a) *SEPP N-1 criteria need to be re-evaluated to ensure the correct criteria are provided for more shielded locations on the site. The presented criteria (and the associated internal SEPP N-1 criteria) are in the order of 2 dBA too high. This will have implications in the mechanical design targets, and in the assessment of existing loading dock / plant equipment noise to the western interface apartments;*
  - (b) *Traffic noise should be assessed to the recommended criteria in this report, which are more in line with the current BADs targets. This will have implications on the selected glazing for traffic noise control;*
  - (c) *Domestic Noise Guideline Criteria need to be reviewed and must be based on the lowest short term background levels at a shielded / setback location on the site;*
  - (d) *Mechanical plant noise assessment from Victoria Gardens – Acoustic Logic should confirm if their site testing from 2016 is still representative of current plant equipment installation and noise emissions;*



- (e) *Loading dock noise, if it occurs at night, should also be assessed to sleep disturbance criteria at the future apartments;*
- (f) *Noise from any loading dock and gates / doors on the site has not been commented on. There would be a number of apartments overlooking Vickers Drive (and also directly above the loading areas) that could potentially be exposed to this. The report recommends restricted loading access (7am -6pm weekdays and Saturdays, 9am - 6pm Sunday). This is a reasonable amenity protection approach, but must be implemented. Noise from commercial loading docks is strictly required to comply with SEPP N-1;*
- (g) *The southern end of the development includes the childcare centre. A rooftop play area is shown within very close proximity to the south most apartments. Noise from outdoor play areas may provide some amenity impact to the nearest residential apartments. This should be assessed. While there are no mandatory requirements for voice noise, appropriate assessment can be provided using SEPP N-1 based targets (or lowest background + 10 dB). Provision of perimeter screening, or upgraded glazing may suffice given the nature of the noise source;*
- (h) *The report should recommend that a full detailed acoustical mechanical review be undertaken during the design stage of the development, given the scale and significant sources of noise likely;*
- (i) *given the scale of the development, and the risk associated with the Victoria Gardens mechanical plant and loading docks, we would recommend that the permit include a requirement for post construction noise testing to confirm the appropriate internal design targets have been met. We also recommend this approach for the traffic noise façade design.*

181. It is also acknowledged that a development plan/planning permit approval has recently been granted for Ikea, allowing a larger home delivery area and reconfiguring the car park at levels 5 and 6 to improve usage. Should the development plan approved, the acoustic report should also be updated to have regard to this modified configuration, although it is not anticipated this would have a significant impact on this proposal.

182. Subject to conditions as per the above, the proposal would result in reasonable levels of on and off-site amenity with regard to noise.

#### *Standard D17 – Accessibility objective*

183. The Applicant's Clause 58 assessment (Attachment 1) notes that all dwellings will meet this standard, however the detailed layout plans (TP11.01-TP11.04) indicate that only some apartments will meet this standard. Nevertheless, acknowledging that clause 58 is not technically applicable, it is accepted that all of the dwellings are of a reasonable size and will meet the objective of Standard D17, being reasonable layouts for people of limited mobility.

#### *Standard D18 – Building entry and circulation objectives*

184. The development includes 5 cores, with corridor areas not being too long or difficult to navigate. However, a condition should require a signage plan to direct visitors, tradespersons, etc.

185. The entrance to the cores is via 3 clearly delineated entrances from River Boulevard. These entrances or lobbies are clearly visible from the street and accentuated with double space voids to mark the entry.

186. The dwelling entries and circulation within corridors are generally reasonable, however a condition should require the corridors to be a minimum width of 1.8m, with 2.1m clearances adjacent to lift areas and a minimum 100mm inset for dwelling entry doors.

187. A number of corridors include windows, however not all. This arrangement is however supported given the length of corridors and the complexity of the tower configurations. A condition however, should require any windows to corridors to be operable.

*Standard D19 – Private open space objective*

188. The typical apartment layout plans confirm that the:
- (a) 1 bedroom dwellings would be provided with minimum 8m<sup>2</sup> balconies (minimum dimension of 2.7m);
  - (b) 2 bedroom dwellings would be provided with minimum 10.5m<sup>2</sup> balconies (minimum dimension of 3.1m);
  - (c) duplexes would be provided with a minimum of 2 x 9.9m<sup>2</sup> balconies for a total area of 19.8m<sup>2</sup> (minimum dimension of 2.6m); and
  - (d) 3 bedroom dwellings would be provided with minimum 12.6m<sup>2</sup> balconies (minimum dimension of 3.2m).
189. The layout of these spaces is also functional, with access provided from living areas. The objective of this standard is met.

*Standard D20 – Storage objective*

190. The requirements of this standard are:

**Table D6 Storage**

| Dwelling type              | Total minimum storage volume | Minimum storage volume within the dwelling |
|----------------------------|------------------------------|--|
| Studio                     | 8 cubic metres               | 5 cubic metres                             |
| 1 bedroom dwelling         | 10 cubic metres              | 6 cubic metres                             |
| 2 bedroom dwelling         | 14 cubic metres              | 9 cubic metres                             |
| 3 or more bedroom dwelling | 18 cubic metres              | 12 cubic metres                            |

191. The storage provision is as follows:
- (a) 1 bedroom – 4.6m<sup>3</sup> internal and a minimum 6m<sup>3</sup> external;
  - (b) 2 bedroom – 6.4m<sup>3</sup> internal and a minimum 6m<sup>3</sup> external; and
  - (c) 3 bedroom – 12m<sup>3</sup> internal and a minimum 6m<sup>3</sup> external.
192. The only areas of non-compliance is with the 1 bedroom internal storage falling shy of the standard by 1.4m<sup>3</sup> and the two bedroom internal space by 2.6m<sup>3</sup> and the external by 1.6m<sup>3</sup>. The 1 bedroom apartment sizes are at least 50m<sup>2</sup>, so they are of a reasonable size. While a condition could require the additional storage to be provided, this would then impact dwelling access and layout requirements as per standard D17 (e.g. if the bedroom robes are wider or the kitchen island bench is longer). On balance, the storage provision is considered appropriate and reasonable for the needs of residents. The objective of this standard is met.

*Standard D21 – Common property objectives*

193. The development clearly delineates public, private and communal open space, with no concerns in terms of maintenance or owner’s corporation management. The objective of this standard is met.

*Standard D24 – Functional layout objective*

194. Plans TP11.01 to TP11.04 do not include dimensions for all bedrooms or living areas, however the Applicant’s Clause 58 assessment notes that the development achieves compliance with this Standard. Should the development plan be approved, a condition should be imposed requiring these plans to be updated to demonstrate compliance with this standard.

*Standard D25 – Room depth objective*

195. All of the 1, 2 and 3 bedroom dwellings (including duplex style townhouses) have a maximum depth of 8m, meeting this standard. However, a condition should be imposed to ensure the ceiling height is at least 2.7m (excluding services above the kitchen).

*Standard D26 – Windows objective*

196. The layout of the dwellings does not include any borrowed light or light courts to habitable rooms. The dwellings would therefore receive adequate natural daylight as per the objective of this standard.
197. It is also acknowledged that there are a number of internally illuminated and floodlit signs to the west associated with the shopping centre. Should the development plan be approved, a condition should require external, operable screens be provided to the bedroom windows at levels 1-5 (generally inline or below these adjacent signs) to enable occupants to be able to block out these lights at night.

*Standard D27 - Natural ventilation objectives*

198. The detailed floor plans do not show that all habitable room windows are openable. This should be required by way of a condition, to ensure that adequate cross-ventilation opportunities are provided.
199. Subject to the conditions contained in this report, the proposal would achieve a reasonable level of on-site amenity for future residents.

Off-site amenity/ equitable development

200. This section of the assessment will be primarily guided by the relevant standards within Clause 58 of the Scheme and the VGUDG. Firstly, noise will be considered, along with each interface in turn.
201. In terms of the VGUDG, the objectives include:

*To address potential overlooking from commercial buildings into dwellings*

(Noting the detailed design guidelines refer to the Good design guide – now ResCode).

*To allow sun access into private open spaces of residential dwellings.*

*To ensure adequate daylighting and direct sunlight to private open spaces of dwellings, public areas and outdoor commercial areas.*

*To maximise opportunities for views from the site, such as the Yarra River Corridor and the city skyline and surrounding areas.*

*Noise*

202. Standard D16 (Noise impacts objectives) of Clause 58 is twofold, aiming to protect both new dwellings and existing dwellings. As has already been outlined, the application material included an acoustic report, prepared by Acoustic Logic, which Council had peer reviewed by SLR. As already outlined, subject to the conditions contained in this report, the proposal would not unreasonably impact amenity on or off-site for residents.

*West*

203. To the west, the main consideration is ensuring the proposed dwellings are reasonably protected from the commercial land uses, plant and equipment and loading bays within the shopping complex to the west.

204. The development would be generally constructed to the western boundary of both lots, with a minimum 6m separation between the proposal and the shopping centre. At level 1, the setback between the shopping centre and the closest dwelling is 14m, ensuring the proposal does not unreasonably impact the equitable development of the shopping centre, while also providing a reasonable level of amenity for the proposed dwellings.
205. There are loading bays within the car park to the west and on level 5 associated with IKEA. These bays deal with deliveries and waste collection. To ensure these commercial tenancies can reasonably operate and the new dwellings enjoy a reasonable level of amenity, this report recommends a modified acoustic report to address these items. Subject to the conditions contained in this report, the proposal would not adversely affect the normal business operations or development potential of the shopping centre to the west.
206. The loading docks within the development (save for the loading bay in the south-west corner) would not unreasonably impact the shopping centre to the south as sufficient space has been provided within these bays for the needs of the development.

*North*

207. The site is over 41m to the south-west of the nearest dwellings across Victoria Street (being within the Honeywell development). Due to this separation, the proposal does not raise off-site amenity or equitable development concerns at this interface.

*East*

208. The proposal is over 23.7m west of the dwellings across River Boulevard. This separation ensures the proposal would not create unreasonable overlooking to any habitable room windows or private open space areas across the street.
209. The shadow diagrams provided by the Applicant also demonstrate that at the equinox, the proposal would not overshadow the private open space to the east until after 2pm. Having regard to the planning controls (these dwellings are also within the CDZ1) and the current level of amenity of this open space to the east (the space is not 'private' given the transparent fences fronting River Boulevard), the amenity of these dwellings would not be unreasonably impacted by the proposal.
210. Considering noise, as outlined throughout this report, subject to conditions, the proposal would not unreasonably impact the amenity of the dwellings to the east. Conditions recommended relate to plant and equipment and the proposed loading bays.

*South*

211. The development is setback over 8.7m from the office building to the south and only presents a 4 storey form adjacent to this building. Given the orientation of this building, the extensive glazing and its use, the proposed height and setback opposite the BAE office building would not unreasonably impact the amenity of the office or future development potential of this site.

*Summary*

212. To summarise, the external urban design advice received by Council noted:

The subject site does not have any direct abutments to residential developments, or properties located within a residential zone. Whilst a number of residential buildings are located to the east of the subject site across River Boulevard, all are sufficiently well separated by way of the road network with respect to overlooking, overshadowing and visual bulk commensurate with reasonable amenity expectations for CDZ-zoned properties in identified future change areas.

With respect to equitable development, we are not of the opinion that any of the subject site's abutting properties are likely future development site's given their existing built form condition relative to the maximum mandatory building heights of the CDZ1 and underpinning precinct plan. In any event, any proposed residential use that is reliant on an abutting property for primary amenity is sufficiently set back from an equitable development perspective.

### Wind

213. The Applicant provided a wind report, prepared by MEL Consultants, dated April 2017, which included wind tunnel testing of a 1:400 model. Council had the report peer reviewed by Vipac. The only issue raised was that the MEL Consultants report did not review the ground level (including entrances). However, Vipac reviewed the plans and available data and found that the walking comfort criterion would be fulfilled for the entrances.
214. Vipac agreed with the Mel Consultants report that the proposal would not adversely affect wind conditions around the site.

### Environmentally sustainable design [ESD]

215. The Applicant provided a Sustainable Management Plan, prepared by Norman, Disney and Young dated 12 September 2017. Specifically, the following commitments have been made:
- (a) average 6.5 Star (minimum) NatHERS ratings for dwellings;
  - (b) non-residential areas to be 15% improvement on NCC energy efficiency standards for thermal performance and a 5% improvement on glazing allocations for each level, or a 10% improvement via JV3 modelling;
  - (c) a MUSIC model demonstrating best practice has been submitted that relies on ~9,978m<sup>2</sup> of roof connected to 60,000 litres of rainwater storage for landscape irrigation and toilet flushing. Overflow to be filtered through a propriety filtering device;
  - (d) access to ventilation is good to most dwellings. Single sided dwellings have reasonable access to natural ventilation. Non-residential areas to have mechanical air-flow rates at least 50% above the AS1668 requirements;
  - (e) good daylight access good to most dwellings;
  - (f) reverse-cycle split systems (minimum 3 Star) and a centralised VRF system with heat recovery. Energy efficient non-residential HVAC below NCC requirements;
  - (g) energy efficient hot water and lighting;
  - (h) water efficient fixtures and taps; and
  - (i) electric vehicle charging facilities provided.
216. Council's ESD advisor raised the following issues with the application/outstanding items:

*There are large areas of glazing exposed to summer sun angles and very high levels of summer solar heat gain. Recommend additional external shading systems on all exposed east, west and north facing facades to reduce cooling loads and improve thermal comfort. Please provide sample NatHERS ratings for dwellings and demonstrate that cooling loads do not exceed the 30MJ/m<sup>2</sup> threshold.*

217. To minimise energy usage and improve occupant comfort, the above should be required by way of a condition on any approval. The Applicant's ESD Consultant agreed that this could be addressed, with modified glazing and/or the addition of curtain walls to some wall segments to achieve the 30MJ/m<sup>2</sup> threshold.

218. In relation to stormwater management:

*The site area and lot boundaries in the Stormwater Management Plan do not match the architectural drawings and omit a large component of the connecting podium area. The Stormwater Management Plan describes all roof runoff from both sections of the building connecting to a common rainwater tank on Lot 9C (southern), but the architectural drawings show rainwater tank in basements of both areas. Toilet flushing is proposed but it not clear where the toilets are located, how many toilets will be connected and what the annual demand will be. This is fundamental for understanding the effectiveness of the stormwater management system proposed. Under-utilised rainwater tanks will constantly overflow.*

219. A condition should require the stormwater management plan to accurately reflect the architectural drawings, include all areas to collect stormwater and clearly detail re-use (including which toilets, how many and what the actual demand will be).
220. Council's ESD officer found:  
*The carpark exhaust is located in the common area podium garden. Recommend that the carpark exhaust is relocated away from the common area garden and is filtered to remove carpark pollutants.*
221. Officers could not see this detail on the plan. Further, the Applicant's ESD consultant confirmed that the car park exhaust does not extend into the garden.
222. In relation to bicycle parking, the comments included:  
*278 secure bicycle parking spaces on ground floor and carparking levels for staff, residents and an additional 44 spaces for visitors. Recommend increasing the number of residential, staff and visitor bike spaces to 426 for residents, plus spaces for staff, plus visitor bike parking spaces. Ensure that adequate end of trip facilities are provided to support cyclist riding to work.*
223. These issues will be addressed further in the strategic transport section of this assessment.  
  
*Please provide sample NatHERS ratings for dwellings and demonstrate that cooling loads do not exceed the 30MJ/m<sup>2</sup> threshold. Ensure that glazing VLT is no less than 0.6% as used in the daylight modelling.  
Please provide a completed JV3 model or DTS Section J report prior to occupancy demonstrating non-residential energy efficiency standards have been met.*
224. This should be required by way of conditions, to ensure that targets can be achieved.  
  
*It appears on the detailed dwelling plans that some bedrooms do not have operable windows. Ensure that all habitable rooms have an operable window to facilitate natural ventilation.*
225. This should be addressed by way of a condition on any approval to ensure adequate ventilation is provided.  
  
*A solar PV array(s) of unknown size and capacity to contribute to onsite electricity consumption. Please provide more details regarding the solar PV array, including approximately size and location and contribution to electricity consumption.  
Please indicate the number of location of electric vehicle charging infrastructure.*
226. This information should be required by way of conditions on any approval.
227. The following additional items were also recommended:  
  
*Consider a clear commitment to the 6.8 Star average NatHERS standard, as recommended in the SMP.  
Consider providing composting for organic residential waste.*
228. The Applicant's ESD consultant indicated that 6.8 stars are targeted to ensure that through the construction process the minimum commitment of 6.5 stars is achieved. This is considered reasonable.
229. Further, the Applicant's ESD consultant raised maintenance issues with a large scale organic compost system. It is agreed that this could lead to amenity and management issues and should not be conditioned.
230. Subject to the conditions outlined in this report, the development would achieve a reasonable level of energy and water efficiency as per clauses 22.16 and 22.17 of the Scheme.

### Strategic transport

*Bicycle parking provision*

231. It has been identified that the visitor/shopper provision does not meet the clause 52.34 rate, however the application has not sought a waiver. In any event, Council's Strategic Transport Unit have requested a minimum 107 visitor spaces due to the following:
- (a) the best practice office rate is 1 visitor space per 500m<sup>2</sup> (requiring 8 in this instance);
  - (b) the best practice residential visitor rate is 0.25 spaces per dwelling (requiring 107 spaces in this instance);
  - (c) the statutory rate for the remaining uses is 22 spaces; and
  - (d) given residential visitors would likely compliment the other uses peak demand, a total of 107 is likely to meet the best-practice demand.
232. While the employee residential rate meets the clause 52.34 requirements, a 366 space car parking reduction is sought. Further, the BESS guidelines suggest a best practice rate of 1 bicycle parking space per dwelling. As the employee and residential demand is likely to complement each other, Council's Strategic Transport Unit suggested that at least 426 resident/employee bicycle parking spaces should be provided. This should be imposed by way of a permit condition. In addition, Council's Strategic Transport Unit suggested that at least 6 change room /shower facilities be provided to meet anticipated demand.
233. While Council's Strategic Transport Unit generally support the design and layout of the bicycle parking spaces, the following should be addressed by way of conditions on any approval:
- (a) *Walkways and storage area dimensions to demonstrate compliance with Australian Standard AS2890.3;*
  - (b) *At least 20% of bicycle spaces within each floor, to each basement provided as horizontal rails as per the requirements of AS2890.3.*
  - (c) *All additional spaces (as required above) located between Basement Levels 2 and Ground Floor.*
234. Council's Strategic Transport Unit also suggest that at a minimum, a minimum 40A single phase electrical sub circuit be installed in the basement to encourage electric car charging. This should be imposed by way of a condition on any approval. Further, a condition should be imposed requiring a detailed green travel plan outlining the following (noting a brief plan was provided in the traffic report):
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee and resident welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) the provision of real time passenger information displays for nearby stops within each lobby;
  - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (f) details of bicycle parking and bicycle routes;
  - (g) details of GTP funding and management responsibilities;
  - (h) security arrangements to access the employee bicycle storage spaces; and
  - (i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (j) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
  - (k) provisions for the Green Travel Plan to be updated not less than every 5 years.

*Safety*

235. The following issues should be addressed by way of conditions on any development plan approval:

- (a) the plans show a taxi-rank on the west side of River Boulevard, however the plans fail to show a bicycle lane also on the west side of River Boulevard. Council's Strategic Transport Unit have requested that to avoid taxi/bicycle conflict that the taxi rank be relocated further south. A condition should also be imposed to correctly show the bicycle lane on the west side of River Boulevard;
- (b) the 'loading bay' along River Boulevard should only be used as a 'kiss and drive' bay for cars and not encouraged for use by trucks due to potential conflict with cyclists;
- (c) the entry door to the 94 space bicycle storage room repositioned closer to River Boulevard (the door is currently setback);
- (d) River Boulevard bicycle parking spaces spread apart further along the footpath (not in 2 large bays or blocks);
- (e) Deletion of the landscaping area west of the Vickers Drive footpath, with a pedestrian link from River Boulevard to the shopping centre; and
- (f) Deletion of the loading bay in the south-west corner of the site due to potential pedestrian and cyclist conflicts.

236. Subject to the conditions contained in this report, the proposed bicycle parking layout and provision is supported.

#### Car park layout and access

237. The car park layout is generally supported, subject to the following conditions as recommended by Council's Engineering Services Unit and in the external traffic advice received by Council:

- (a) provision of sightline triangles for the exit lane of the entrance onto Vickers Drive and on the north side of the River Boulevard entrance, or provision of a CCTV monitor to view pedestrians walking along the relevant footpath areas;
- (b) headroom clearances dimensioned;
- (c) all columns within car parking areas shown, with depths and setbacks as per clause 52.06;
- (d) clearances to walls and blind aisle extensions dimensioned on plans;
- (e) lengths of the ramp grades for the internal ramps in the north building dimensioned;
- (f) deletion of the indented loading bay on the west side of River Boulevard (safety issue) and replacement with a short-stay car parking space/drop off bay;
- (g) deletion of the indented taxi rank on the west side of River Boulevard (too close to the intersection with Victoria Street); and
- (h) the height clearance above Vickers Drive dimensioned and at least 4.8m.

#### Development plan

238. The section 6 decision guidelines of the CDZ1 have been used throughout this assessment as a guide to assess the development plan. However a condition should also be imposed on any approval granted to ensure that any inconsistencies between the development plans and landscape plans including bicycle parking locations, pedestrian crossings and footpaths and loading bay locations are addressed.

#### Pedestrian amenity and access plan

239. Section 7 of the CDZ1 refers to a pedestrian amenity and access plan

*For a development plan that proposes use or development of land for office or retail purposes, no new buildings and works may be constructed until a detailed pedestrian amenity and access plan has been prepared to the satisfaction of the responsible authority. The pedestrian access and amenity plan must demonstrate, as relevant, how the use and development of the land will:*

- *Contribute to improving the amenity and public safety of pedestrian spaces and the public realm*
- *Activate internal and external frontages*
- *Improve pedestrian access to public transport facilities*



- *Improve pedestrian permeability within the site, to the river environs and enhance connectivity to other redevelopment precincts surrounding Victoria Gardens*

240. The plan is generally sufficient, with key pedestrian links already provided through and around the site. However, should the plan be approved, additional details of the pedestrian link through Vickers Drive must be provided, along with wayfinding signage and lighting. Although the Applicant is trying to divert the main pedestrian link through the main retail entry further south, pedestrians may still be inclined to enter the existing shopping centre at the ground level through Vickers Drive.
241. A condition should also require details of the pedestrian, cyclist and vehicular link delineation as per page 4 of the Town Planning Submission/landscape plan to be included on the pedestrian amenity and access plan.

#### Landscape plan

242. Section 8 of the CDZ1 states that '*No new buildings and works may be constructed until a detailed landscape plan has been prepared to the satisfaction of the responsible authority*'. The CDZ1 then outlines a range of requirements, which will be used to guide this section of the assessment.
243. The Applicant's landscape plan (prepared by Rothe Lowman and Aspect Studios) outlines their overall design response as '*...tessellated landscape terraces to building facades and entry stairs that integrates the landscape with the architectural built form*'.
244. A total of 15 trees would be removed from the site and 4 palms will be re-used (where possible).
245. At street level along River Boulevard, street trees are proposed along with a bluestone unit paving treatment. Within the site, a granite unit paving would delineate public and semi-public/private spaces. The footpaths to Victoria Street and along Vickers Drive would be a brushed concrete.
246. At level 1, the podium would be heavily landscaped, with terraces extending down and linking to River Boulevard at the ground level. This area includes a number of bench seats and breakout areas for residents. The plans do not show how the podium would be secured for residents only, which should be addressed by way of a condition on any approval.
247. This landscaping approach is generally considered appropriate as the site is setback from the river and offers a transition between the Yarra River (with the residential and office developments between) and the shopping centre. As per the VGUDG the landscaping proposed would activate the ground level interfaces and would positively contribute to the amenity and safety of pedestrian spaces. The podium landscaping treatment also provides an appropriate transition between the Yarra River and the shopping centre.
248. Council's Open Space Unit have also reviewed the landscape plan and generally support the proposal subject to the following conditions:
- (a) River Boulevard street tree planting should be consistent with the dominant native species in the street [Rose Gum (*Angophora costata*)] and/or local indigenous trees that enhance urban biodiversity values .i.e. Yellow Box (*Eucalyptus Melliodora*) and Melbourne Yellow Gum (*Eucalyptus leucoxylon ssp. connata*). London Plane trees are not supported for any new tree planting;
  - (b) *Eucalyptus leucoxylon megalocarpa* 'Elite' (Large Fruited Yellow Gum) should be replaced with the local indigenous Melbourne Yellow Gum (*Eucalyptus leucoxylon ssp. connata*);
  - (c) River Boulevard street tree planting must be regularly spaced;
  - (d) no trees in the small outstand at the Victoria Street intersection;

- (e) landscape plans must show all street lights, poles, gas metres, public infrastructure, etc. with confirmation that planting would not impact this infrastructure;
- (f) the correct number of median street trees in the northern most section, with no additional trees in this section due to a street light pole and a pedestrian link;
- (g) deletion of the proposed River Boulevard taxi rank (too close to existing street trees);
- (h) low planting areas closer to Victoria Street (maintaining pedestrian, cyclist and vehicular safety);
- (i) new tree at the western end of the southern pedestrian link as a palm to match the adjacent species;
- (j) the provision of small footpath trees along the Victoria Street frontage. Native trees such as Water Gum (*Tristanopsis laurina* 'Luscious') are preferable due to the proximity of the Yarra River;
- (k) provision of a Tree Protection Management Plan (TMP), including:
  - (i) a non-destructive exploratory root excavation for all street trees along the west boundary of the current carpark area; and
  - (ii) consideration of the canopies of trees along River Blvd.
- (l) the removal of the one juvenile Council tree at the south western end of River Boulevard is supported subject to the applicant covering reinstatement costs;
- (m) the species list must include accurate names and mature heights/spreads;
- (n) water systems utilising on-site water must be shown and detail ongoing maintenance requirements; and
- (o) tree planting spaces need to be defined to provide accurate soils areas, volumes and if planting spaces are planned to extend below hard landscape areas.

249. It is also noted that the following trees which may require a local law permit for removal:

- (a) one (1) London Plane tree in the Vickers Drive centre median;
- (b) three (3) Poplars located in the south west corner; and
- (c) the palms at the southern end of the site.

This requirement should be conveyed to the applicant in the form of a notation should development approval be granted.

250. Council's Open Space Unit also raised issue with overshadowing of the level 1 communal open space area. However, the following areas are free of shadow throughout the day, even at the Winter Solstice:

- (a) 11am, 770m<sup>2</sup>;
- (b) midday, 1510m<sup>2</sup>; and
- (c) 1pm, 960m<sup>2</sup>.

This report has already outlined that the solar access to open space objective of Clause 58 is already met by this proposal, albeit this clause is not technically applicable.

251. Council's Open Space Unit also raised concern for light availability to the remaining palms on the south boundary (north of the neighbouring site) and the Pyrus on the west boundary (east of the neighbouring property). Should the landscape plan be approved a tree management plan should also be required by way of a condition.

252. Subject to the conditions contained in this report, the landscape plan is satisfactory.

### Transport plan

253. The application material included a transport impact assessment, prepared by GTA Consultants dated 19/12/17. This is to be read in conjunction with the development plans, which also show car park access, layout and provision.

254. With reference to Section 15 of the CDZ1 and as per the requirements of Section 9, the following must be shown (as appropriate), noting that VicRoads responded with no objection to the transport plan (or development plan):

*Proposed traffic management and traffic control works considered necessary in adjoining and nearby roads when the development or any stage is completed.*

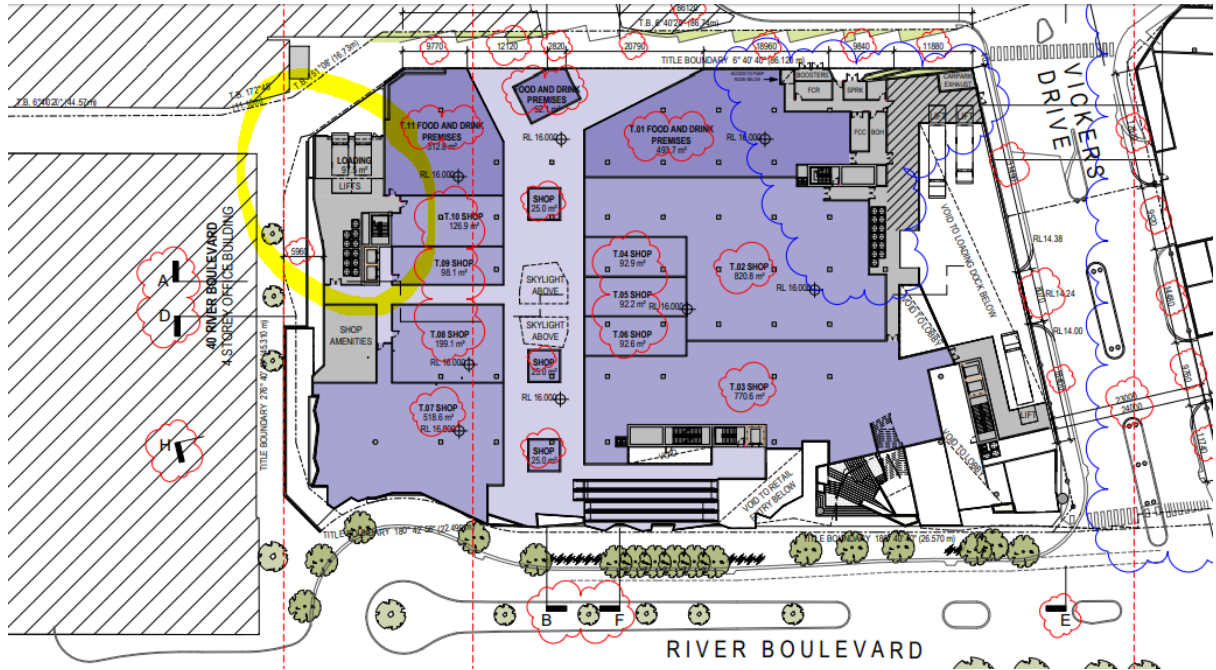
255. There are no changes proposed to the signalisation of River Boulevard and Victoria Street, noting these works occurred when the shopping centre was originally developed.
256. The Applicant's peak traffic generation rates (extracted from the GTA report) are also 178 and 245 in the weekday AM/PM peaks and 199 in the Saturday midday peak hour.
257. The Applicant's traffic report also considered the cumulative impact of recently approved developments at 607-627 Victoria Street, 647-649 Victoria Street and 25-35 River Boulevard. Council's Engineering Services Unit supported the analysis that the post-development modelling indicate that the intersection of River Boulevard and Victoria Street would continue to operate satisfactorily, however concern was raised with the proposed Victoria/Burnley Street intersection works and the impact on this development. (It is proposed to remove the west bound left turn lane). VicRoads have since responded that they have no objection to the application, but have requested the Applicant to undertake the Burnley/Victoria Street works as already required by the 647-649 Victoria Street development (noting this is the same developer). The signalisation works are noted as possibly impacting vehicular movements into and out of River Boulevard and therefore there is a nexus with this development.

*Means of vehicular ingress to and egress from the site.*

258. Vehicular egress/ingress would be provided via River Boulevard, Vickers Drive, the lane to the west (loading bay only) and through the basement 1, northern car park to the shopping centre car park.
259. Council's Engineering Services Unit raised no major issue with the car park access or layout, subject to the conditions contained in this report.  
*The arrangements for internal access and movement including details of internal access roads.*
260. There are no new internal access roads proposed (Vickers Drive and River Boulevard already exist).

*The timing of the proposed traffic works relative to the staging of the development under the development plan.*

261. Significant traffic works are not required as a result of this development.  
*Preferred locations for loading and unloading facilities*
262. As has been outlined in the strategic transport section of this report, the loading bay in the south-west corner of the site may unreasonably impact the amenity of this area for pedestrians and cyclists.



- 263. With loading docks under each building segment along Vickers Drive, this loading bay should be deleted due to safety concerns. There are 2 other, larger viable alternative loading bays for the commercial tenancies within the development.
- 264. Car parking numbers, location and allocation will be assessed in the following assessment against planning permit application PLN17/1143.  
*Public transport arrangements and access routes and means of integration with public transport.*
- 265. The proposal (measured from the childcare centre at the southern end of the site) is 190m from the nearest tram stop. The GTA report acknowledges that the service is 'high frequency', however a number of objectors noted that the trams are often full.
- 266. The application was referred to PTV under Clause 66 of the Scheme, so they are aware of the ongoing development within this area. The provision of tram services cannot be controlled at the local government level. PTV noted that pedestrian connectivity towards the tram stop at River Boulevard be considered, however the western River Boulevard footpath is already linked to the tram stop via a zebra crossing and signalised crossing over Victoria Street.



Source: Google maps – River Boulevard looking north  
*Pedestrian access and movement network*

267. Page 6 of the GTA report outlines existing pedestrian access and movement network. A number of urban design, engineering and strategic transport items have been outlined throughout this report and can be improved by way of conditions (including cyclist/pedestrian safety).

*Bicycle paths and their connection to the existing bicycle network*

268. Pages 8 and 9 of the GTA report cover this matter. Issues with the bicycle parking layout and access within and around the site have been addressed throughout this report.  
*Proposed sustainable travel initiatives, including estimated mode share targets and actions to encourage use of public transport and non-motorised travel.*
269. The mode share targets and sustainable transport initiatives are outlined on pages 10 and 11 of this report. The targets are for greater than existing Yarra mode shares for cycling and public transport (being a 3% and 15% mode share increase respectively). This is supported in the development plan, with a number of bicycle parking spaces being provided (albeit additional are recommended as per this report) and given the site's accessibility to public transport services. These mode share targets were supported in the external engineering advice received by Council.
270. While a traffic/parking issue, the development plan approval should also be subject to the conditions recommend in this report to ensure the layout and access to the car parking areas is efficient and meets relevant standards (be it the Scheme or Australian Standards).

Management plan

271. Section 10 of the CDZ1 refers to the requirement to provide a management plan addressing:
- (a) *General amenity provisions.*
  - (b) *Set out proposals for the permanent management and maintenance of public areas. If the land is to be developed in stages, detail the management of the vacant land at each stage.*
  - (c) *Operation matters applying to the operation of the retail, entertainment and office components.*
  - (d) *The maintenance of undeveloped land on the site.*
  - (e) *The operation of waste collection.*
  - (f) *Litter management.*
272. The Applicant submitted a management plan (and separate waste management plan), however a number of conditions must be imposed to ensure it satisfactorily addresses the requirements of this clause:
- (a) the plan must correctly refer to the site as 10-20 River Boulevard;
  - (b) the plan must incorporate the details of the WMP prepared by Leigh Design and dated 16 October 2017, but modified to include a medical waste plan;
  - (c) correctly identify that the River Boulevard footpath is a private road (not Council responsibility);
  - (d) details of the car park payment system;
  - (e) details as to how loading/deliveries will be managed; and
  - (f) details as to how residential loading (deliveries and people moving in and out) will be managed.

Submitter concerns

*pedestrian and cyclist safety (including due to traffic, insufficient footpaths and impact on the Walmer Street bridge) and connectivity to the neighbourhood;*

273. The application has been referred to Council's Engineering Services Unit, Council's Sustainable Transport Unit and also to an external traffic consultant (Cardno). The application has been assessed in terms of pedestrian, cyclist and vehicular safety and is supported subject to the conditions contained in this report.  
*off-site amenity (including noise, pollution, overlooking, overshadowing [including winter]);*
274. Off-site amenity has been addressed at paragraphs 200-212.  
*dwelling density is too high (including impact on infrastructure, services and public transport and considering the residential approval at 25-35 River Boulevard);*
275. The site has been earmarked for intensive residential development (being within the Comprehensive Development Zone) with a building envelope generally as per the application (subject to the conditions outlined in this report). There is no information to suggest that the application would unreasonably load existing infrastructure. Further, TfV have been referred this application and are aware of the residential growth in this area when considering additional tram services.  
*urban design and architectural quality (building is too high, street wall height, insufficient setbacks);*
276. Urban design is considered throughout paragraphs 110-131.  
*impact on the heritage of Richmond;*
277. The site is not within a Heritage Overlay, however heritage matters are assessed at paragraphs 154-155.  
*too many uses are proposed;*
278. All of the uses proposed are section 1, as-of-right uses in the CDZ1.  
*insufficient landscaping/green space;*
279. The proposal offers sufficient landscaping within this context, as outlined at paragraphs 242-252.  
*this site should provide a land contribution to public open space;*
280. Addressed at paragraph 81.  
*inconsistent with the purpose of the zone;*
281. This assessment is primarily framed around the purpose of the zone and it's relevant decision guidelines.  
*on-site amenity does not comply with clause 58 (including sunlight, use of rainwater, internal storage, dwelling diversity and hard waste);*
282. While clause 58 is strictly not applicable, the relevant standards have been referenced throughout this report.  
*impact on wildlife; and*
283. The site is not affected by any environmental or landscape overlays. Further, the site is over 180m from the Yarra River, not bringing rise to any wildlife impact concerns.  
*confusion as to the development plan process.*
284. There was confusion from one objector as to why the development plan was being considered (in their view, as the development plan has not been approved, then a planning permit is required for buildings and works). However, application PLN16/1156 is for approval of the development plan, which if approved, would mean that the buildings and works do not require a planning permit under the Zone.

#### Other matters

285. Section 13 of the CDZ1 states that:

*Before a sensitive use commences or before a building is constructed for a sensitive use and before works are constructed or carried out in association with a sensitive use, to comply with Ministerial Direction 1, the following must be complied with:*

- *A Certificate of environment audit must be issued for the land in accordance with Section IXD of the Environment Protection Act 1970; or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

#### *Definitions*

*In this Schedule, a “sensitive use” means a residential use, a child care centre, a pre-school, a primary school or public open space.*

286. While this is not a permit requirement under the scheme, this requirement should be conveyed to the permit holder in the form of a condition on any development approval.
287. Section 15 of the CDZ1 also outlines decision guidelines relating to Land Subject to Inundation and Environmental Significance, heritage character and native vegetation. However, the site is not within a Land Subject to Inundation Overlay or Environmental Significance Overlay, is not affected by a Heritage Overlay and no native vegetation is proposed to be removed. These guidelines are therefore of no relevance to this application.

### **Planning Permit Application PLN17/1143 – Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme.**

#### Car parking, traffic and loading

288. Section 15 of the CDZ outlines the following relevant decision guidelines to the car parking reduction:

##### *General*

- *The purposes of the zone*
- *Any views on the traffic plan by VicRoads.*

##### *Traffic and Transport*

- *The location of any proposed off street parking area.*
- *Points of access to and from the land and whether they are suitably located.*
- *The layout of car parking areas and accessways to them.*
- *The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood.*
- *The provision of adequate loading facilities.*
- *The provision of safe and efficient pedestrian and cyclist movement to, from and on the land and adjoining roads.*
- *Strategies for encouraging sustainable travel, including use of public transport and non-motorised travel.*

289. Under section 18 of the CDZ1, the following decision guidelines apply (as relevant):
- The likely demand for car parking spaces.*
  - The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times.*
  - The possible multi-use of car spaces.*
  - The demand for car spaces generated by the uses established in previous stages of the development.*
  - The accessibility of the site to vehicle traffic.*
  - The proposed layout of parking areas.*

150. Clause 52.06-7 also outlines the following (as relevant):

*Car parking demand assessment:*

- (a) *The variation of car parking demand likely to be generated by the proposed use over time.*
- (b) *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- (c) *The availability of public transport in the locality of the land.*
- (d) *The convenience of pedestrian and cyclist access to the land.*
- (e) *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- (f) *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- (g) *Any empirical assessment or case study.*

*Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:*

- (a) *The Car Parking Demand Assessment.*
- (b) *Any relevant local planning policy or incorporated plan.*
- (c) *The availability of alternative car parking in the locality of the land, including:*
  - (i) *Efficiencies gained from the consolidation of shared car parking spaces.*
  - (ii) *Public car parks intended to serve the land.*
  - (iii) *On street parking in non residential zones.*
  - (iv) *Streets in residential zones specifically managed for non-residential parking.*
- (d) *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- (e) *The future growth and development of any nearby activity centre.*
- (f) *Any car parking deficiency associated with the existing use of the land.*
- (g) *Local traffic management in the locality of the land.*
- (h) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
  - (i) *The need to create safe, functional and attractive parking areas.*
  - (j) *Access to or provision of alternative transport modes to and from the land.*
- (k) *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- (l) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- (m) *Any other relevant consideration.*

290. The VGUDG also offer the following at design element 6:

Car Park Access and Treatment

*Objectives:*

- *Shared provision of car parking spaces is encouraged, where possible to minimise areas of parking;*
- *To ensure adequate landscaping of ground level car parking areas;*
- *To ensure that the appearance, location and entrances to on site car parking do not detrimentally affect streetscape amenity;*
- *To minimise pedestrian/vehicle conflict.*

291. Detailed guidelines are provided and call for access from Victoria Street to take into account any need for traffic signalisation (there are now traffic lights at the intersection of Victoria Street and River Boulevard) and that pedestrian footpaths be at least 1m wide through large car parking areas.

292. Again, this application is seeking a 319 car parking space reduction associated with dwellings, a 23 car space restricted retail reduction, provides a 63 space office surplus, a 140 space food and drinks premises reduction, an 11 car space childcare centre reduction and meets the medical centre requirements.



293. Having regard to the relevant decision guidelines, the car parking reduction is supported as follows:

- (a) dwelling – The Applicant’s traffic report (prepared by GTA) referred to ABS census data as empirical evidence from 2006, 2011 and 2016. These rates are 0.75 space per 1 bedroom dwelling, 1.04 spaces per 2 bedroom dwelling and 1.49 spaces per 3 bedroom dwelling. These rates are significantly lower than the CDZ1 rate of 1.5 spaces per dwelling. Having regard to the bicycle parking provision, access to public transport and these empirical rates, both the Council Engineering Services Unit and External Traffic advice received by Council support the 0.75 space parking rate proposed as part of this application;
- (b) residential visitor – The CDZ1 does not specify a requirement for residential visitors. The Applicant’s traffic report has applied an empirical rate of 0.04 car parking spaces per dwelling, based on surveys of similar developments in inner-city locations. Notwithstanding this, residents would be required to use car parking within the Victoria Gardens Shopping Centre car park. Both the Council Engineering Services Unit and External Traffic advice received by Council accept that the residential visitor car parking can be accommodated within the Victoria Gardens Shopping complex. Especially considering the site’s access to public transport, walking and cycling accessibility. Multi-purpose trips are also highly likely given the services in the immediate vicinity;
- (c) restricted retail – The application is seeking a 26 space parking reduction for the restricted retail premises, with 84 spaces being provided on-site. This is supported given the site’s accessibility to public transport, walking and cycling options. Further, Council’s Engineering Services Unit and external traffic advice (Cardno) support the car parking provision for this use;
- (d) office – The application is proposing a parking rate of 1.99 spaces per 100m<sup>2</sup> of nett office floor area. While 2.5 spaces per 100m<sup>2</sup> is outlined as the car parking rate in the CDZ1, this is supported again given the site’s accessibility to public transport, walking and cycling options. Both the internal and external traffic advice supported this provision. Further, Council’s Engineers have cited at least 3 examples in the surrounding area (within Richmond and Cremorne) with rates of 0.88-0.96 spaces per 100m<sup>2</sup> of parking being approved. In addition, Cardno’s site inspection revealed that the lot 10 at-grade car park (for which car parking is to be provided for the office development within the Fenix building to the east of River Boulevard) is currently underutilised (9.30am on a typical weekday). The Cardno advice was that staff in these areas are highly likely to choose alternative transport options, as is encouraged in clause 18 and 21.06 of the Scheme;
- (e) food and drinks premises and shop – A 140 space car parking reduction is sought for these uses, with 95 spaces being provided. The Applicant’s traffic report included a car parking demand survey of the existing Victoria Gardens Shopping Centre. The survey was undertaken on a Saturday between 9am and 7pm. The peak car parking occupancy was found to be 62% at 3pm, indicating a car parking demand of 3 spaces per 100m<sup>2</sup> of new floor area. This rate would then generate a demand of 127 spaces for this application based on the food and drinks premises and shop floor area. With 140 spaces being provided, the application is expected to meet the empirical parking demands. This rate was also supported in the internal and external traffic advice received by Council;
- (f) child care centre – With 11 car parking spaces allocated to the child care centre, an 11 space reduction is sought. It is noted that some material refers to 120 child care spaces where the traffic report relies on 100 child care spaces. A condition should confirm this. Council’s Engineering Services Unit support this provision, noting that a child care centre on Swan Street was approved with a parking rate of 0.134 spaces per child.

The external advice received by Cardno also supported this provision if the childcare parking spaces were allocated to residential visitors and retail customers outside childcare hours. A car park management plan should be imposed by way of a permit condition to manage the sharing of parking spaces to ensure their efficient use; and

- (g) medical centre – The medical centre provision meets the clause 52.06 car parking requirements and is supported.

294. In light of the above, the proposed car parking provision will:

- (a) not adversely impact the economic viability of the Victoria Street Activity Centre;
- (b) not adversely affect the future growth or development of the Activity Centre;
- (c) as outlined throughout this report, the proposal would not adversely affect traffic conditions in the area;
- (d) subject to conditions contained in this report, not adversely affect the pedestrian amenity of the area;
- (e) not unreasonably impact the character of the area with parking being provided in basement levels.

295. Based on the above and subject to the conditions contained in this report, the car parking reduction sought under the CDZ and clause 52.06 is supported.

#### Objector concerns

*insufficient car parking (including for residents, shoppers, child care drop-offs/pick-ups, tradespersons and visitors)*

296. This has been assessed throughout paragraph 293.

*DDA to the development and car parking is required*

297. Should the development plan be approved, the relevant building surveyor would need to consider DDA requirements.

*traffic congestion (including intersection with Victoria Street, loading vehicles currently block River Boulevard and cumulative impacts).*

298. Assessed at paragraphs 255-257.

#### **Conclusions**

299. PLN16/1156 - The proposed development plan, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported

300. PLN17/1143 – The proposed planning permit application for a reduction in parking is also an acceptable planning outcome with regard to relevant planning policies and is supported subject to the conditions contained in this report.

#### **RECOMMENDATION – Development plan application PLN16/1156**

That development plan application PLN16/1156 for 10 and 20 River Boulevard, Richmond for the Development plan, Pedestrian amenity and access plan, Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the construction of buildings and works be approved subject to conditions:

1. Prior to the endorsement of the development plan, an amended acoustic report must be submitted to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified consultant and be generally as per the Acoustic Logic report dated 19/09/2017, but modified to show/address:

- (a) hours of deliveries/loading bay use;
  - (b) SEPP N-1 criteria re-evaluated to ensure the correct criteria are provided for more shielded locations on the site. The presented criteria (and the associated internal SEPP N-1 criteria) are in the order of 2 dBA too high. This will have implications in the mechanical design targets, and in the assessment of existing loading dock / plant equipment noise to the western interface apartments;
  - (c) Traffic noise assessed to the recommended criteria in this report, which are more in line with the current clause 85 targets. This will have implications on the selected glazing for traffic noise control;
  - (d) Domestic Noise Guideline Criteria need to be reviewed and must be based on the lowest short term background levels at a shielded / setback location on the site;
  - (e) confirmation if the mechanical plant noise assessment from the Victoria Gardens shopping centre (undertaken by Acoustic Logic) is still representative of current plant equipment installation and noise emissions;
  - (f) loading dock noise, if it occurs at night, assessed to sleep disturbance criteria at the future apartments;
  - (g) Noise from any loading dock and gates / doors on the site has not been commented on. There would be a number of apartments overlooking Vickers Drive (and also directly above the loading areas) that could potentially be exposed to this. The report recommends restricted loading access (7am -6pm weekdays and Saturdays, 9am -6pm Sunday). This is a reasonable amenity protection approach, but must be implemented. Noise from commercial loading docks must comply with SEPP N-1;
  - (h) An assessment of the impact of the open childcare centre area on the southern end of the apartments with regard to SEPP N-1 based targets (or lowest background + 10 dB). Provision of perimeter screening, or upgraded glazing may suffice given the nature of the noise source;
  - (i) a commitment to a full detailed acoustical mechanical review during the design stage of the development, given the scale and significant sources of noise likely;
  - (j) a commitment to post construction noise testing to confirm that targeted noise levels are achieved;
  - (k) consideration of the recently approved amendment to the IKEA home delivery area on the proposed dwellings.
2. Prior to the endorsement of the development plan, an amended Sustainability Management Plan must be submitted to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified consultant and be generally as per the Norman Disney and Young report dated 12 September 2017, but modified to show/address:
- (a) commitments further confirmed in NDY memo dated 11 April 2018;
  - (b) sample NatHERS ratings for dwellings, demonstrating that cooling loads do not exceed the 30MJ/m2 threshold. Glazing VLT must be no less than 0.6% in daylight modelling;
  - (c) details of the solar PV array size and capacity to contribute to onsite electricity consumption;
  - (d) the number of location of electric vehicle charging infrastructure.
3. Prior to the endorsement of the development plan, an amended Stormwater Management Plan must be submitted to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified consultant and be generally as per the Bonacci report dated May 2017, but modified to:
- (a) reflect the architectural drawings;
  - (b) include all areas to collect stormwater; and
  - (c) detail re-use (including which toilets, how many and what the actual demand will be).
4. Prior to the commencement of the development, an amended development plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the development plan will be endorsed and will then form part of this permit. The development plan must be drawn to scale with dimensions, and three copies must be provided. The development plan must be generally in accordance with the decision plans but modified to show:

- (a) a maximum street wall of RL31 for a depth of 12m;
- (b) the correct location of bicycle lanes within River Boulevard;
- (c) a maximum of 100 children within the child care centre (not 120 as shown);
- (d) deletion of reference to works outside the site (including 'relocation of existing sign' and 'new roof' to the west);
- (e) weather protection to part or all of the River Boulevard façade;
- (f) confirmation the food and drinks premises do not include hotel or tavern uses;
- (g) an improved pedestrian experience along Vickers Drive, with the southern footpath prioritised for pedestrians, including lighting, wayfinding signage and public art to activate this space;
- (h) control points/gates to prevent public access into the level 1 communal area and into the ground level western services area (adjacent to the northern building segment);
- (i) a minimum additional 1m northern setback (as shown on the sketch plan received by Council on 4 May 2018);
- (j) residential corridors a minimum 1.8m wide, with residential lift lobbies being a minimum 2.1m wide and dwelling entry doors recessed a further minimum 100mm;
- (k) windows to corridors must be operable;
- (l) all habitable rooms with at least one operable window;
- (m) a schedule of colours and materials, including samples. The schedule must confirm limited reflectivity of glazing;
- (n) internal overlooking screening treatments between habitable room windows/balconies/communal open space areas within a 9m radius and 45 degree arc;
- (o) additional glazing to the south-east corner of the building to activate this area;
- (p) the use of the level 4, northernmost rooms (south of the communal open space area);
- (q) the following minimum dimensions for each dwelling:
  - (i) main bedroom – minimum 3m wide and 3.4m deep;
  - (ii) all other bedrooms – minimum 3m wide and 3m deep;
  - (iii) 1 bedroom living area – minimum 3.3m wide and 10m<sup>2</sup>; and
  - (iv) 2+ bedroom living area – minimum 3.6m wide and 12m<sup>2</sup>.
- (r) minimum ceiling heights of at least 2.7m (excluding services above the kitchen);
- (s) wayfinding signage (in particular for visitors, customers and tradespersons, etc.) to both the commercial and residential components of the development;
- (t) external, operable screens to the bedroom windows at levels 1-5 or internal blinds/screens to enable occupants to be able to block out illuminated signs associated with the shopping centre at night;
- (u) a minimum of 426 resident/employee bicycle parking spaces;
- (v) a minimum of 6 shower/change room facilities for cyclists;
- (w) walkways and storage area dimensions to demonstrate compliance with Australian Standard AS2890.3;
- (x) at least 20% of bicycle spaces within each floor, to each basement provided as horizontal rails as per the requirements of AS2890.3;
- (y) any vertical wall-mounted racks with an offset of at least 500mm;
- (z) all additional bicycle parking spaces (as required in these conditions) located between Basement Levels 2 and Ground Floor;
- (aa) at least 30% of all residential cars able to be connected to electric car charging;
- (bb) the taxi rank be deleted or relocated further south along River Boulevard to avoid taxi/bicycle conflict;
- (cc) cross-sections and treatments of the southern footpath to relate to the office building footpath further south;
- (dd) confirmation the steps to level 1 meet the relevant Australian Standards;
- (ee) footpaths along Victoria Street and River Boulevard as asphalt or otherwise to the satisfaction of the Responsible Authority;
- (ff) the 'loading bay' along River Boulevard only used as a 'kiss and drive' bay (not used by trucks);
- (gg) the entry door to the 94 space bicycle storage room repositioned closer to River Boulevard (the door is currently setback);
- (hh) River Boulevard bicycle parking spaces spread apart further along the footpath (not in 2 large bays or blocks);

- (ii) bicycle parking signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (jj) deletion of the landscaping area west of the Vickers Drive footpath, with a pedestrian link from River Boulevard to the shopping centre;
- (kk) deletion of the loading bay in the south-west corner of the site;
- (ll) turning circles for vehicles using the left turn lane into the car park;
- (mm) a minimum 300mm offset between car parking spaces L 10-B2-006 and L 10-B2-008;
- (nn) a green travel plan, outlining:
  - (i) a description of the location in the context of alternative modes of transport;
  - (ii) employee and resident welcome packs (e.g. provision of Myki/transport ticketing);
  - (iii) the provision of real time passenger information displays for nearby stops within each lobby;
  - (iv) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (v) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (vi) details of bicycle parking and bicycle routes;
  - (vii) details of GTP funding and management responsibilities;
  - (viii) security arrangements to access the employee bicycle storage spaces; and
  - (ix) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (x) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
  - (xi) provisions for the Green Travel Plan to be updated not less than every 5 years.
- (oo) a public lighting plan including:
  - (i) a lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
  - (ii) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
  - (iii) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
  - (iv) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
  - (v) a maintenance regime for the lighting scheme within the curtilage of the property; and
  - (vi) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission, if possible.
- (pp) provision of sightline triangles for the exit lane of the entrance onto Vickers Drive and on the north side of the River Boulevard entrance, or provision of a CCTV monitor to view pedestrians walking along the relevant footpath areas;
- (qq) headroom clearances dimensioned;
- (rr) all columns within car parking areas shown, with depths and setbacks as per clause 52.06;
- (ss) clearances to walls and blind aisle extensions dimensioned on plans;
- (tt) lengths of the ramp grades for the internal ramps in the north building dimensioned;
- (uu) deletion of the indented loading bay on the west side of River Boulevard and replacement with a short-stay car parking space/drop off bay;
- (vv) the height clearance above Vickers Drive dimensioned and at least 4.8m;
- (ww) a notation confirming that loading and unloading may only be undertaken on the site between 7.00am and 6.00pm weekdays and Saturdays and between 9.00am and 6.00pm Sundays;
- (xx) all commitments and amendments to the plans as per the Acoustic report (condition 1), ESD report (condition 2), stormwater management plan (condition 3) and submitted wind report; and

- (yy) all changes to the landscape, pedestrian amenity and access plan, including bicycle parking locations, location of pedestrian crossings, footpaths, loading bay locations as per the above conditions.

5. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

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

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

- (o) 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
- (p) any site-specific requirements.

6. During the construction:

- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the land;
  - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
7. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Before the building is occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) the location of the artwork (to be consistent with the endorsed development plans);
  - (b) outline of methodology for commission;
  - (c) details of the commissioned artist(s);
  - (d) description of art work, including:
  - (e) materials;
  - (f) colours;
  - (g) dimensions;
  - (h) conceptual and site context rationale;
  - (i) special features (for example lighting);
  - (j) details of the installation process;
  - (k) details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (l) attribution plans (e.g. signage or plaque)
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.
10. Before the development 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.
11. If, pursuant to condition 10, a Statement is issued:
- (a) the
    - (i) use; and
    - (ii) development,authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
  - (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);

- (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
12. Prior to the occupation of the dwellings, a completed JV3 model or DTS Section J report must be provided demonstrating non-residential energy efficiency standards have been met.
  13. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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) Monday to 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.
  15. 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 basement car park, pedestrian walkway, laneway 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.
  16. 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.
  17. 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.
  18. As part of the ongoing consultant team, Rothe Lowman Architects 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. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
  20. 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.
  21. The amenity of the area must not be detrimentally affected by the use or development, 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.
  22. The use and/or development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
  23. The use and/or development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
  24. 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.
  25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
  26. 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.
  27. 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.
  28. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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.
  29. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's River Boulevard, Vickers Drive and Victoria Street road frontages must be reconstructed to Council's satisfaction and at the landowners cost.

30. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath along the property's River Boulevard, Vickers Drive and Victoria Street road frontages must be reconstructed to Council's satisfaction and at the landowners cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
31. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossings servicing the development's entrances on the north side of Vickers Drive and the west side of River Boulevard must be constructed to Council's satisfaction. Materials to be used must comply with Council's *Infrastructure Road Materials Policy*. The vehicle crossings must satisfy the vehicle ground clearance requirements for the B99 design vehicle.
32. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the northbound carriageway of River Boulevard, from the south end to the intersection with Victoria Street must be profiled (grind the top layer of asphalt, up to a depth of 50 mm) and re-sheeted to Council's satisfaction and at the landowners cost.
33. All redundant vehicle crossings within and surrounding the site must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
34. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external public lighting capable of illuminating footpaths, pedestrian walkways and dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority by way of a Public Lighting Plan.
35. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
36. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
37. Before the development is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an amended agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
  - (a) The Owner must provide unfettered 24 hour public access over those parts of the land to be used for the widened Victoria Street, modified River Boulevard, new Vickers Drive and new south boundary link footpaths;
  - (b) Until such time as such the land is vested in the Yarra City Council, the owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 37(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
  - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 37(a).

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

### VicRoads Condition

38. Prior to the occupation of the building the following roadworks at the intersection of Victoria Street and River Boulevard, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) The modification and relocation of various elements of the intersection of Victoria Street and River Boulevard adjacent to the development, including (but not limited to) any such inclusions or changes to the traffic signal phasing and associated road works.

### **Pedestrian amenity and access plan**

39. Before the development commences, an amended Pedestrian Amenity and Access Plan 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 but modified to show:
- (a) additional details of the pedestrian link through Vickers Drive, including wayfinding signage and lighting;
  - (b) details of the pedestrian, cyclist and vehicular link delineation as per page 4 of the Town Planning Submission/landscape plan; and
  - (c) details generally as per the development plan (i.e. the plans must correlate).

### **Landscape plan**

40. Before the development commences, an amended Landscape Plan 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 but modified to show:
- (a) deletion of the proposed planter bed at the western end of Vickers Drive to enable a pedestrian link to the shopping centre to the west;
  - (b) materials of the footpath to the west adjacent to the Victoria Gardens Shopping centre as per Council Standard Drawing YSD416;
  - (c) details as to how the level 1 podium would be secured for residents only;
  - (d) the River Boulevard street tree planting consistent with the dominant native species in the street [Rose Gum (*Angophora costata*)] and/or local indigenous trees that enhance urban biodiversity values .i.e. Yellow Box (*Eucalyptus Melliodora*) and Melbourne Yellow Gum (*Eucalyptus leucoxylon ssp. connata*). London Plane trees are not supported for any new tree planting;
  - (e) *Eucalyptus leucoxylon megalocarpa* 'Elite' (Large Fruited Yellow Gum) should be replaced with the local indigenous Melbourne Yellow Gum (*Eucalyptus leucoxylon ssp. connata*);
  - (f) The River Boulevard street tree planting regularly spaced;
  - (g) no trees in the small outstand at the Victoria Street intersection;
  - (h) all street lights, poles, gas metres, public infrastructure, etc. with confirmation that planting would not impact this infrastructure;
  - (i) the correct number of median street trees in the northern most section, with no additional trees in this section due to a street light pole and a pedestrian link;
  - (j) deletion or relocation of the proposed River Boulevard taxi rank further south;
  - (k) low planting areas closer to Victoria Street (maintaining pedestrian, cyclist and vehicular safety);

- (l) the new tree at the western end of the southern pedestrian link as a palm to match the adjacent species;
- (m) the provision of small footpath trees along the Victoria Street frontage. Native trees such as Water Gum (*Tristaniopsis laurina* 'Luscious') are preferable due to the proximity of the Yarra River;
- (n) provision of a Tree Management Plan (TMP), including:
  - (i) a non-destructive exploratory root excavation for all street trees along the west boundary of the current carpark area;
  - (ii) consideration of the canopies of trees along River Blvd; and
  - (iii) consideration of the potential impact on the Pyrus on the west boundary (east of the neighbouring property).
- (o) a notation confirming the landowner will pay for reinstatement costs associated with the removal of the one juvenile Council tree at the south western end of River Boulevard;
- (p) the species list must include accurate names and mature heights/spreads;
- (q) water systems utilising on-site water must be shown and detail ongoing maintenance requirements;
- (r) tree planting spaces need to be defined to provide accurate soils areas, volumes and if planting spaces are planned to extend below hard landscape areas; and
- (s) details generally as per the development plan (i.e. the plans must correlate).

### Transport plan

41. Before the development commences, an amended Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Plan will be endorsed and will then form part of this permit. The plan must be drawn to scale with dimensions, and three copies must be provided. The plan must be generally in accordance with the plan prepared by GTA but modified to show:
- (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (f) policing arrangements and formal agreements (e.g. ticketing systems);
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
  - (h) management of the ticketed parking system;
  - (i) security systems (e.g. boom gates, intercoms for residential visitors, etc) for entries/exits into/out of the car park areas;
  - (j) a traffic safety audit (addressing loading dock and crossover interfaces with footpaths). This must be undertaken in accordance with the guidelines set out in *Austrroads Guide to Road Safety Part 6: Road Safety Audits.*;
  - (k) additional information to support the queuing analysis at section 8.7, including cycle time and phase-specific details; and
  - (l) details generally as per the development plan (i.e. the plans must correlate).

### Management plan

42. Before the development commences, an amended Management Plan 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 but modified to:
- (a) Show the plan correctly referring to the site as 10-20 River Boulevard;
  - (b) incorporate the details/recommendations of the WMP prepared by Leigh Design and dated 16 October 2017, but further modified to include a medical waste plan;

- (c) correctly identify that the River Boulevard footpath is a private road (not Council responsibility);
- (d) include details of the car park payment system;
- (e) include details as to how loading/deliveries will be managed; and
- (f) include details as to how residential loading (deliveries and people moving in and out) will be managed.

**NOTES:**

The following trees which may require a local law permit for removal:

- (a) one (1) London Plane tree in the Vickers Drive centre median;
- (b) three (3) Poplars located in the south west corner; and
- (c) the palms at the southern end of the site.

Please contact Council's Compliance Branch on 9205 5166 to confirm.

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

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

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

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

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

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

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.

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.

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the landowner to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

**VicRoads NOTES:**

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works may include provision of:

- (a) Works associated with the new and or modified traffic signal phasing adjacent to the development site,
- (b) Signs and associated road works.
- (c) Road line marking, kerb and channel.
- (d) Appropriate lighting of roadway.

Signage has not been considered as part of this application. VicRoads requests further details to be submitted in due course for its consideration and consent/approval.

Separate Consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (including canopies and projections) undertaken outside the title boundary within a Road Zone Category 1 (Victoria Street). Please contact VicRoads prior to commencing any works.

**RECOMMENDATION – Planning permit PLN17/1143**

That a Notice of Decision to Grant a Permit (PLN17/1143) for 10 and 20 River Boulevard, Richmond be approved a reduction in parking subject to the following conditions:

1. The floor area / childcare centre numbers / number of people providing health services as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. No more than 282 seats are to be provided in association with the food and drinks premises at any one time.
3. No more than 100 children are permitted to be in the child care centre at any one time.
4. No more than 8 medical centre practitioners are permitted to operate from the land at any one time.
5. This permit will expire if the use is not commenced within three years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

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

**CONTACT OFFICER:** Sarah Thomas  
**TITLE:** Principal Planner and Advocate  
**TEL:** 9205 5046

**Attachments**

- 1** Advertising Plans & Perspectives
- 2** Internal urban design advice
- 3** Acoustic peer review (SLR)
- 4** Engineering comments
- 5** ESD advice
- 6** Strategic Transport Comments
- 7** Wind peer review (Vipac)
- 8** Open space advice
- 9** External urban design advice
- 10** Council Heritage Advice (extract of emails)
- 11** External traffic review (Cardno)
- 12** Services Contract Unit advice