

## 5 Proposal

The amended proposal is depicted on the application plans prepared by Jackson Clements Burrows Architects and the following plans and technical reports:

- The landscape plans prepared by Eckersley Garden Architecture.
- The Heritage Impact Assessment prepared by Lovell Chen.
- The Sustainable Management Plan prepared by GIW.
- The Transport Impact Assessment prepared by MGA.
- The Acoustic Report prepared by Aecom;
- The Waste Management Plan prepared by Leigh Design.
- The Noise Amenity Action Plan prepared by Piedimonte's.

In summary, the application proposes the partial demolition of some of the existing buildings on the site and the redevelopment of the land for a part five (5) and part seven (7) storey building to be used for the purposes of an expanded Supermarket, Retail Premises including café and an expansion to the existing red line area associated with the Supermarket Bottle Shop, Dwellings and a reduction in the statutory car parking requirements.

The application also proposes the realignment of the existing Right of Way that currently extends between the western side of the Supermarket building and No. 114 Scotchmer Street.

More specifically, the proposal includes the following elements:

### Partial Demolition

The proposal includes the retention and restoration of those elements of No's 25 – 31 Best Street, and No's 102 – 114 Scotchmer Street that have been recognised for having heritage significance.

Otherwise, the remaining buildings on the land which are not recognised as having heritage significance will be demolished, detail of which is provided in the demolition plans and elevations that forms part of the amended application material.

Further detail in relation to the proposed demolition works is provided on the demolition drawings prepared by Jackson Clements Burrows Architects and in the Heritage Impact Statement prepared by Lovell Chen which forms part of the application.

### New Buildings and Works

As detailed in the application plans, the proposal is for a part five (5), part seven (7) storey mixed development on the subject land. The seven storey component will be located along the eastern part of the site, adjacent to Best Street, whilst the five storey component will be located to that part of the building to the west of the existing laneway.

The expanded Supermarket, café and Bottle Shop uses are located in the eastern / seven storey part of the building at Ground and First



## 5 Proposal

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Floors, with five levels of apartments above. Basement access and loading areas are located centrally along Scotchmer Street.

In the western part of the development, the ground floor includes a residential lobby, back of house areas, and ground level dwellings with ground level retail / commercial spaces. The portion of the building includes a number of three storey townhouses, with two levels of apartments above.

The building adopts a contemporary design and comprises a range of materials and finishes including various brickwork including brick and concrete breezeblock, board formed concrete, tiles, various terrazzo, and timber.

### Land Use Composition

In terms of development yield, the proposal will provide for:

- An expansion to the existing Supermarket comprising 2,339m<sup>2</sup> of retail floor area and 1,436m<sup>2</sup> of 'back-of-house' floor area.
- An expansion to the existing Bottle Shop comprising 617m<sup>2</sup> of floor area.
- A 351m<sup>2</sup> café.
- 66 dwellings, comprising 6 one-bedroom apartments, 36 two-bedroom apartments, three-bedroom apartments and 8 townhouses.
- 126 car parking spaces.
- 138 bicycle spaces.

Further detail in relation to the development yield is provided in the Development Summary that forms part of the application.

### Basement, Car Parking and Vehicle Access

A basement access point is provided along the Scotchmer Street frontage, providing access to three levels of basement parking via a two way ramp. Located adjacent to the ramp is the truck delivery area. Further detail of the basement, car parking and vehicle access is provide in the accompanying report prepared by MGA.

### Sale of Liquor

It is proposed to extend the red line area to reflect the new Bottle Shop configuration. Otherwise, the Bottle Shop use will operate as per existing conditions, being a packaged liquor license trading between 12 noon and 11pm on ANZAC Day and between 7am and 11pm on any other day. The proposed red line area is shown on TP-050 and TP-100.

### ESD Initiatives

The proposal incorporates a range of ESD initiatives, detail of which is provided in the accompanying assessment prepared by GIW.

## 5 Proposal

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### Waste Management

Waste Management arrangements are described in the accompanying submission prepared by Leigh Design.

### Right of Way Reconfiguration

As described above, a key element of the proposal is to reconfigure the right of way that currently extends through the site. The relocated access will extend from Tranmere Street through to Egremont Street and has been designed to allow convenient resident vehicle movements removing conflict with delivery vehicles associated with the supermarket.

It is noted that a road closure application has been lodged separately and it is envisaged that this process will occur concurrently to the assessment of the planning permit application.

### New Laneway

The amended proposal also proposes to restore / improve the existing laneway between the subject site and No. 36 Egremont Street. The design and layout is to be coordinated with the City of Yarra.



Figure 5.1  
PHOTOMONTAGE OF PROPOSED DEVELOPMENT –  
VIEW FROM ST GEORGES ROAD



Figure 5.2  
PHOTOMONTAGE OF PROPOSED DEVELOPMENT –  
VIEW FROM SCOTCHMER STREET



# 6 Planning Assessment

## 6.1 Preamble

An assessment of the proposal requires the following to be considered:

- The strategic support for the proposed development having regard to the applicable policy guidance;
- The appropriateness of the design and built form having regard to the relevant provisions of the Yarra Planning Scheme;
- The onsite and offsite amenity implications of the proposal;
- The appropriateness of the proposed red line area; and
- The suitability of the traffic, parking waste management arrangements, as well as the proposed ESD initiatives for the development.

An assessment of each of these matters is provided below.

## 6.2 Strategic Policy Considerations

There is strong policy support within the Planning Policy Framework for the establishment of a higher density mixed use development on the subject site given its Commercial 1 Zoning, its location within the North Fitzroy Village Neighbourhood Activity Centre and its access to public transport, shopping, employment, open spaces and community services and facilities.

The proposed development will assist in providing housing and retail facilities to service the expanding local population and will continue to strengthen the role of the activity centre through the retention and expansion of the existing Supermarket and associated retail land use.

With specific reference to 'Housing,' Clause 16 states that new housing should be in areas which offer access to jobs, services and transport, as well as identifying various redevelopment opportunities within established urban areas to reduce the pressure of fringe development.

In this regard, the site is located within an activity centre that has excellent access to a range of existing physical and social infrastructure, including various public transport options which include tram services along St Georges Road as well as a variety of employment opportunities.

Clause 17.02-1S encourages the aggregation and sustainability of commercial facilities in existing activity centres, as well as strengthening the existing land uses within the centre to meet the needs of local residents whilst also providing additional employment opportunities.

Having regard to the LPPF provisions, the proposal also responds positively to the applicable provisions as follows:

- The proposal responds positively to the objectives and strategies of Clause 21.04 as it:





## 6 Planning Assessment

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- Assists to accommodate forecasted population growth.
  - Provides a diversity of housing stock within the area.
  - Improves residential amenity and safety in and around the subject site.
  - Represents a high quality design that will have no unreasonable amenity impacts and incorporates a range of sustainable development initiatives.
  - The expanded supermarket will continue to support the role of the Fitzroy North Activity Centre in providing local day-to-day needs of residents and will increase local employment opportunities.
- The proposal respects the surrounding built form character by retaining and incorporating the individually significant and contributory buildings and providing a well-considered and articulated building form, with appropriate setbacks and a building height that is commensurate with the site's activity centre context.
  - In built form terms, the proposal provides for a contemporary and well-designed architectural outcome that will contribute positively to North Fitzroy's urban fabric, in accordance with Clause 21.05.
  - The development will encourage pedestrian, bicycle and public transport movements in accordance with Clause 21.06.
  - Environmentally Sustainable Development Initiatives are incorporated into the development as promoted by Clause 21.07.

For the above reasons, the proposal is consistent with the strategic directions contained within the Yarra Planning Scheme.

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### 6.3 Design and Built Form Considerations

The most relevant assessment provisions in determining the appropriateness of the proposed design and built form are:

- The applicable provisions of the Local Planning Policy Framework, including Clauses 21.05, Clause 22.02, Clause 22.03, 22.05, 22.07 and 22.10; and
- Clause 58 (Apartment Developments).

These matters are addressed as follows:

#### Local Planning Policy Framework

The following local policies provide objectives and guidelines in relation to Urban Design and Built Form:

- Clause 21.05 (Built Form)
- Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)
- Clause 22.03 (Landmarks and Tall Structures)
- Clause 22.05 (Interface Uses Policy)
- Clause 22.07 (Development Abutting Laneways)

## 6 Planning Assessment

The proposal provides an appropriate response to these policies for the following reasons:

- The heritage building façades along Scotchmer Street and a portion of the Best Street frontages have been retained and integrated into the overall redevelopment of the site. The retention and restoration of these existing façades will enable the adaptive re-use of the building for retail and residential purposes. The two storey street wall within the new elements of the proposal has been informed by the existing heritage façades and will ensure that the scale and significance of the existing heritage fabric within the streetscape is maintained (Clause 21.05-1).
- The proposal provides upper level setbacks above the street wall along both Best and Scotchmer Streets resulting in a human scale presentation to the street and maintaining the prominence of the existing heritage façades being retained (Clause 21.05-1).
- The highly articulated upper level facades and building separation at the upper levels as the building presents to Scotchmer Street provide visual interest to the building and breaks up the building mass along the site's long street frontages.
- The development proposes a maximum height of seven storeys which is contemplated by local policy for sites within activity centres, such as the subject site (Clause 21.05-2). Strategy 17.2 within Clause 21.05-2 states that *"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 (inter alia) 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 and positive contribution to the enhancement of the public domain."*

To this end, the proposal responds in a positive manner to the abovementioned policy aspirations as follows:

- The proposal provides for significant upper level setbacks.
- Jackson Clements Burrows Architects has formulated a proposal that results in architectural design excellence.
- The proposal exceeds best practice environmental excellence standards.
- The proposal results in high quality restoration and adaptive re-use of heritage buildings.
- The proposal provides for a significant enhancement to the public realm, including through a new high quality active ground level interface to Best and Scotchmer Streets.



## 6 Planning Assessment

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Having regard to the above, there is strong policy support for a proposed building height exceeding 6 storeys, and the proposed 7 storey development satisfies the policy principles for higher density development as contemplated for activity centres by Clause 21.05-2.

- The development will enhance and positively contribute to the public realm. In particular, the retention of the ground floor supermarket use will continue to provide an active street frontage whilst its upgrade will ensure an improved visual presentation to Best Street. Additionally, the development will improve the public realm around the site through the introduction of a contemporary building element, and generally increasing activity levels (Clause 21.05-2).
- The proposal contributes to the consolidation of otherwise underutilised land whilst also contributing to the viability of the existing activity centre (Clause 21.05-2).
- The proposal facilitates residential development within an activity centre that is of a high quality and provides good amenity for existing and future residents (Clause 21.05-2).
- The development provides appropriate private open space in the form of balconies and roof terraces that comply with Clause 58 (Clause 21.05-2).
- An assessment of the proposed development against the 'Guidelines for Sites Subject to the Heritage Overlay' at Clause 22.02 is provided in the Heritage Impact Statement prepared by Lovell Chen, Heritage Advisors.
- The proposed development responds to its immediate interfaces through the provision of substantial setbacks and architectural treatments that ensure the amenity of the properties to the south-west are not unreasonably compromised (Clause 22.05).
- The design response limits the height of the development in areas adjacent to the sensitive interfaces and provides two separate building forms, with the taller elements of the building positioned closer to the two street frontages and away from the lower scale residential dwellings fronting Egremont Street (Clause 22.05).
- The proposal provides for an improved and redirected laneway to the west and south of the site (Clause 22.07).
- Public surveillance of the surrounding area will be improved through the retention of the active ground floor use and upper level dwellings fronting all three street frontages and the laneway (Clause 22.07).



## 6 Planning Assessment

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### Clause 58 – Apartment Developments

This application is accompanied by detailed layout plans prepared Jackson Clements Burrows Architects and a Clause 58 Assessment which is included at Attachment 1 of the report. The proposal complies with the various Clause 58 Standards and Objectives.

#### Laneway Reorientation

The proposal includes a reconfigured laneway between Tranmere Street and Scotchmer Street, such that the laneway is now proposed to extend along the southern edge of the western part of the Subject Site through to Egremont Street, adjacent to No. 36 Egremont Street. This outcome represents a significant improvement compared to existing conditions and further enhancements to this aspect of the proposal have been made since the original application was lodged. More specifically:

- The proposed laneway configuration means that pedestrians, cyclists and vehicles can travel along the laneway between Tranmere Street and Scotchmer Street without being impeded by delivery vehicles that currently park in the laneway from time to time, thus resulting in improved connections.
- The abovementioned outcome also minimises potential conflicts between pedestrians, private vehicles and delivery vehicles, resulting in improved safety outcomes.
- Furthermore, public safety will also be improved through proposed security cameras, lighting and door access to the laneway.
- The new loading dock proposed in the location of the current laneway is enclosed. This means there are improved acoustic outcomes compared to existing conditions where delivery vehicles often park in the laneway and noise associated with these vehicles and loading and unloading operations spills into the adjoining residential area. The proposed enclosed loading dock configuration will mitigate such potential noise impacts.
- Compared to the original proposal, there will be no waste collection from the proposed new laneway, nor will there be any waste / delivery vehicles accessing Egremont Street as part of the proposed use. As such, all loading, unloading and waste collection will be undertaken from within the development, either in the new off street, ground level loading dock accessed from Scotchmer Street, or within the basement.
- The new laneway has been designed by MGA Traffic Engineers, to ensure vehicles can 'turn the corner' between the north-south and east-west parts of the new lane. In addition, a convex mirror will be installed to assist navigation.

## 6 Planning Assessment

→ The proposed laneway configuration provides opportunities for new laneway surfacing treatments (including re-instated bluestone as necessary) and landscaping treatments including planter boxes and communal vegetable gardens that can be used by local residents.

For these reasons, the proposed new laneway clearly results in a net community benefit.

### 6.4 Off-Site Amenity Considerations

Planning policy anticipates a different type of amenity for existing and future residents in an activity centre and encourages a high level of activity and vitality in these centres. Having regard to the site's Commercial 1 Zone and activity centre context, any off-site amenity implications require a balanced assessment in the context of the type and level of development envisaged.

Considerations relating to visual bulk, overlooking and overshadowing in this context are addressed below.

#### Visual Implications

Overall, the proposal represents a high quality design response for the subject site. The appearance of the proposed building is contemporary and it provides visual interest along with opportunities for passive surveillance at the upper levels.

The building is respectful of the St Georges Road boulevard as well as the surrounding residential area through the use of upper level setbacks as well as a separation in the building form. The building is well-articulated with upper levels setback from all boundaries to ensure the retained heritage façade will remain the dominant feature within the streetscape.

In the location of the adjoining properties, the recessed elements along with the varied materials and finishes reduce visual bulk and limit the potential for any adverse amenity implications.

A solid boundary wall is proposed to the southern interface (23 Best Street) allowing any future development on the adjoining property an opportunity to construct an adjoining and similarly constructed wall thereby providing for an equitable development outcome.

Overall, the proposal represents a high quality design response for the subject site.

#### Overshadowing

The shadow diagrams prepared as part of the architectural package demonstrate that the proposed development will not create any additional shadows to secluded private space of the adjoining residential properties after 10 am on 22 September.



## 6 Planning Assessment

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### Overlooking

There are limited opportunities for overlooking having regard to the surrounding context and that all potential viewing points are located in excess of 9 metres from sensitive open spaces or windows.

Overall, the off-site amenity implications of the proposal are well managed.

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### **6.5 On-Site Amenity Considerations**

The proposal will provide a high level of internal amenity for future occupants of the development. More specifically:

- The proposal complies with the relevant on-site amenity requirements of Clause 58.
- The proposed dwellings are designed to be functional and efficient, including open plan living spaces, good outlook, proportionate bedrooms and private open space areas.
- The site is well located in relation to a range of services, facilities and public transport options, as detailed previously within this report.
- The apartments have been designed to ensure that all living areas have direct access to natural light and ventilation. All bedrooms have access to daylight.
- Each dwelling (except where constrained by the existing heritage fabric) is provided with an outdoor area commensurate with its size.
- The location of private space areas provides for a good level of surveillance of the public realm whilst ensuring overlooking to private open space is appropriately managed.
- External storage facilities and bicycle stores are provided within the Basement Levels of the building.
- Car parking is conveniently accessible but concealed within the basement.
- Waste and recycling arrangements are implemented into the development, as detailed in the submitted plans. Further detail is provided in the Waste Management Plan prepared by Leigh Design which is enclosed with the application.
- The development comprises a range of Ecological Sustainable Development initiatives, detail of which is provided in the accompanying Sustainability Management Plan prepared by GIW.

## 6 Planning Assessment

### 6.6 Clause 52.27 – Licensed Premises

The application seeks to amend the area in which liquor may be purchased as a result of the revised Supermarket layout and footprint.

There is no change to the type of license or to the hours in which liquor may be sold.

The appropriateness of increasing the licensed area distils to a consideration of the impact of the proposed increase to the red line area of the Bottle Shop against the decision guidelines of Clause 52.27.

The considerations under Clause 52.27 are limited to the impact of the increased area where liquor can be sold within the premises. The additional floor area will not detrimentally impact on the amenity of the surrounding area by virtue of its internal configuration and ability to be managed as an integrated component of the Supermarket.

The proposal is not expected to cause any unreasonable amenity impacts on the surrounding area by virtue of the separation of the site from residential areas, the location within the commercial area of the neighbourhood activity centre and the low risk nature of the licensed premises.

There will be no adverse cumulative impacts given the proposal does not seek to create a new licensed premises or increase the intensity of the use by virtue of maintaining the existing restrictions on operating hours and management.

A Noise and Amenity Action Plan is included within the application material.

### 6.7 Traffic Considerations

Traffic implications associated with the proposal have been assessed by MGA, and their assessment concludes:

- I. *The proposed development generates a statutory parking requirement of 324 spaces.*
- II. *The proposed parking provision of 126 spaces is expected to satisfactorily accommodate the 90 spaces allocated to residents and the demand likely to be generated by the additional supermarket /liquor area of 33 spaces, with 2 disabled spaces and one car share space totalling 126 spaces.*
- III. *The proposed parking layout is consistent with the dimensional requirements as set out in the Yarra Planning Scheme and/or Australian/New Zealand Standards for Off Street Car Parking (AS/NZS2890.1:2004).*
- IV. *It is proposed to provide 138 bicycle parking spaces on-site. The provision for bicycle facilities exceeds the requirements of Clause 52.34 of the Yarra Planning Scheme.*



## 6 Planning Assessment

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- V. *The provision of a formal loading bay at basement level is expected to accommodate up to 70% of the site loading requirements. The ground floor loading bay is to accommodate larger vehicles with greater height clearance turning circle requirements. This is a vast improvement over existing conditions where all loading activity is undertaken in a public lane.*
  - VI. *Larger vehicles are expected to reverse into the site from Scotchmer Street as per the existing arrangements. It is noted that the vehicle sizes are to decrease to 14m-16m as per advice from the fleet operators which offer improved conditions to the road network.*
  - VII. *The existing ROW is proposed to be realigned to Egremont Street. The redirected ROW provides benefits to existing residential users as it will be designed to provide a passing opportunity (in its east-west alignment), minimise conflict and improve sight lines for exiting vehicles to Egremont Street. The 90 bend in the ROW will be designed to accommodate satisfactory vehicle access with the provision of convex mirrors for improved sight lines.*
  - VIII. *The site access is expected to generate up to 123 vehicle movements (in and out combined) in the critical PM peak period.*
  - IX. *There is adequate capacity in the surrounding road network to cater for the traffic generated by the proposal, noting that a number of trips within the peak hour periods are considered to be already present on the road network (linked trips).*
  - X. *The intersections of the site access / Scotchmer Street and St Georges Road / Scotchmer Street are expected to operate under satisfactory conditions.*

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### 6.8 ESD Considerations

The Sustainability measures associated with the development have been assessed by GIW. The proposed development will implement the following ESD initiatives, as summarised in Section 2 of the Sustainability Management Plan:

1. *The project achieves a total BESS score of 70% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.*
2. *47% (31 out of 66) of the development's apartments and townhouses are naturally cross-ventilated.*
3. *Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:*
  - a. *81% of living floor area above achieves a DF 1.0*
  - b. *88% of bedroom floor area achieves a DF0.5*

## 6 Planning Assessment

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4. *The non-residential areas are targeting a 2% DF to 60% of the nominated area.*
  5. *53% (31 out of 66) of apartments and townhouses achieve at least 3 hours of sunlight.*
  6. *The development is provided with a comprehensive shading strategy.*
  7. *The development is to achieve a 7.0 Star average NatHERS Energy Rating result.*
  8. *The buildings thermal fabric of the non-residential areas aims to reduce heating and cooling energy consumption 10% below the reference case (BCA Section J).*
  9. *The development is to utilise a centralised gas hot water system.*
  10. *A 30kW Solar PV system is to be located on the roof of the proposed development.*
  11. *Individual cold and hot water, electricity meters will be provided to the apartments and communal areas.*
  12. *Water efficient fixtures are applied throughout.*
  13. *A 35,000 litre rainwater tank will harvest rainwater from the roofs, rooftop terrace and balconies. This tank will be connected to all commercial and residential WC's.*
  14. *A Melbourne STORM rating of 100% is achieved.*
  15. *In total 147 bicycle spaces are to be provided for residents and employees.*
  16. *30 existing bicycle spaces for visitors of the commercial tenancies are provided at grade.*
  17. *The development is provided with an end of trip facility including a minimum of 4 showers, 27 lockers and changing facilities.*
  18. *216m<sup>2</sup> of communal open space will be provided at roof.*
  19. *34m<sup>2</sup> of communal food production area will be provided at roof.*



## 6 Planning Assessment

### 6.9 Other Considerations

#### Acoustic:

Acoustic considerations are provided in the Acoustic Report prepared by Aecom. The report concludes that:

- *AECOM was commissioned to provide acoustic consultancy services in relation to the proposed development at 37-49A Best Street, Fitzroy North.*
- *The key acoustic design items that need to be incorporated into the design of the development are façade glazing and façade walls with acoustic specifications to reduce noise levels inside habitable spaces, as recommended in this report.*
- *Environmental noise emission criteria have also been established for the development for the purposes of setting noise limits for future building activities and services plant that will serve the development.*
- *The back-of-house, loading dock areas and supermarket has been designed to account for the best acoustic performance possible with the loading bay and back of house being fully isolated from adjoining apartments and from the existing dwellings at Egremont Street.*
- *To minimise transmission of noise and vibration from back-of-house, loading dock areas and supermarket to the adjacent apartments and townhouses, vibration isolation recommendations must be implemented.*
- *The acoustic design of the interior partitions (walls and floors), exterior walls (façade) and building services of the proposed building should be carried out during the detailed design phase to ensure that the noise emissions from the building (including Piedimonte's activities) are not excessive and comply with the relevant EPA environmental noise guidelines and policies or other relevant standards as shown in Section 5.0.*
- *AECOM confirms that the proposed development will comply with all relevant requirements in terms of potential noise and vibration impacts on all nearby residential properties once the noise recommendations are implemented as indicated in this report, particularly in Section 10.0.*

#### Waste:

Waste arrangements have assessed by Leigh Design, which is summarised as follows:

- *The operator, as defined below, shall be responsible for managing the waste system and for developing and implementing adequate safe operating procedures.*

## 6 Planning Assessment

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- Waste shall be stored within the development (hidden from external view).
  - Users shall sort their waste and dispose garbage and recyclables via chutes and/or directly into collection bins.
  - Waste shall be collected within the development. The collection contractor shall transfer bins between the waste areas and the truck.
  - A private contractor shall provide waste collection services.

## 7 Conclusion

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The proposal represents an appropriate town planning development outcome for the following reasons:

- It is consistent with the type and level of development that is envisaged for the subject site under the Planning Policy Framework;
- It satisfies the applicable land use policies set out in the Yarra Planning Scheme including the provision of a genuine mix of uses consistent with the purpose of the Commercial 1 Zone;
- It consolidates underutilised land in a strategic location;
- The scale and massing of the proposed development is appropriate having regard to the locational characteristics of the site including its location within an activity centre, along a main road and within the North Fitzroy heritage precinct;
- The proposed development is consistent with the applicable planning controls and polices relating to built form, including Clause 21.05, 22.02, 22.03, 22.05 and Clause 58;
- The proposed development is visually interesting and will enhance the Best Street and Scotchmer Street streetscapes;
- The proposal does not impose any unreasonable amenity impacts on the public domain or adjoining properties;
- The proposal provides for a high level of amenity for the future occupants of the development; and
- It has been assessed as being acceptable by MGA Traffic Engineers in relation to car parking, bicycle and loading and unloading arrangements.

