



Agenda

Planning Decisions Committee

6.30pm, Tuesday 2 May 2023

Richmond Town Hall

The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

Participating in the Meeting

Planning Decisions Committee meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the chair will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.

1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Stephen Jolly

Cr Herschel Landes

Cr Sophie Wade

Council officers

Michelle King (Acting Co-ordinator Statutory Planning)

John Theodosakis (Principal Planner)

Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Tuesday 28 February 2023 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme.	5	52

- 6.1 [PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Buildings and works associated with the construction three buildings \(up to eight storeys plus roof plant\) for the purpose of office and food and drink premises \(cafés\) and a reduction in car parking requirement of the Yarra Planning Scheme.](#)
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Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN22/0679 which relates to land at No.10 – 32 Duke Street, in Abbotsford. The report 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 22.05 – Interface Uses Policy;
 - (e) Clause 33.01 – Industrial 1 Zone; and
 - (f) Clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic and policy support;
 - (b) Built form and use (food and drink premises);
 - (c) Off-site amenity impacts;
 - (d) Car parking, traffic, access and bicycle provision;
 - (e) Waste management; and
 - (f) Objector concerns.

Submissions Received

4. Thirty-five (35) objections were received to the application, the grounds of which can be summarised as:
 - (a) Excessive height poor transition and overdevelopment of the site;
 - (b) Reduction in the car parking provision;
 - (c) Increased traffic congestion on surrounding streets;
 - (d) Off-site amenity impacts (overlooking, reduced sunlight, overshadowing, noise, excessive trading hours and loss of views);
 - (e) Structural damage of surrounding buildings and noise during the construction phase;
 - (f) Devaluation of surrounding properties; and
 - (g) Impacts on surrounding heritage buildings.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the full spectrum of conditions detailed in the “Recommendation”.

CONTACT OFFICER: John Theodosakis
TITLE: Principal Planner
TEL: 9205 5307

6.1 [PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Buildings and works associated with the construction three buildings \(up to eight storeys plus roof plant\) for the purpose of office and food and drink premises \(cafés\) and a reduction in car parking requirement of the Yarra Planning Scheme.](#)

Reference D23/95441
Author John Theodosakis - Principal Planner
Authoriser Senior Coordinator Statutory Planning

Ward:	Langridge
Proposal:	Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme.
Existing use:	Commercial
Applicant:	Medley Property Group Pty. Ltd.
Zoning / Overlays:	Industrial 1 Zone (IN1Z) Development Contributions Plan Overlay (DCPO1)
Date of Application:	5 th September 2022
Application Number:	PLN22/0679

Background

1. The following is relevant background information:

Original Application

2. The original application was lodged on 5th September 2022 for the development of the land with three eight (8) storey buildings (comprising office and retail, permit required uses) with a reduction in the car parking requirement of the Yarra Planning Scheme.
3. The application was advertised with a total of 4,488 letters sent to surrounding owners and occupiers and display of three signs on site. A total of 39 objections were received from the public.

Sketch plans

4. On 28 October 2022, the permit applicant provided copies a Location Plan, Existing Site Plan, Proposed Site Plan, Cross Section - Overlooking diagrams, an Environmental Sustainability Development memorandum in response to referral advice and a cover letter addressing concerns raised by the Objectors and referral advice provided by Council officers and external consultants. This information has been provided for information purposes and is an attachment to this report.
5. The information and responses provide improvements and aspects that the permit applicant has agreed with for the adoption of conditions that respond to items requested by Council Officers, the assessment will have regard to these as necessary and a formal submission of documents will be required via permit conditions, should Council be of the mind to support the development.

[Planning Scheme Amendments](#)

[Amendment C269 – Rewrite of local policies](#)

6. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme (the Scheme) by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Strategic Strategy and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.
7. Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021. The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval in accordance with section 31(1) of the Act. As such, Amendment C269 is a seriously entertained planning policy and relevant to the consideration of this application.

Of particular relevance to this application, Amendment C269 proposes:

Proposed C269 Local Policy reference	Brief Assessment
Clause 02.04 – Strategic Framework Plan	The Site is formally identified as being located within an Industrial 1 Zone, in an area that can be described as a more robust former warehouse and industrial precinct.
Clause 13.07-1L – Interfaces and Amenity	The policy aspirations of this clause is addressed under the off-site amenity and on-site amenity assessments below.
Clause 15.01-1L – Urban Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.01-2L – Building Design	Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits high quality architectural and urban design.
Clause 15.02-1L – Environmentally Sustainable Development	The proposal achieves ESD commitments (subject to condition).
Clause 17.01-1L – Employment	The proposal features a mix of land uses, consisting of offices and retail (food and drinks premises). These offerings will provide a positive contribution to employment opportunities within this precinct.
Clause 18.02-1L – Sustainable Transport	The provision of bicycle facilities and reduction of car parking proposed will ensure this policy is met.
Clause 18.02-4L – Car Parking	The proposal seeks a reduction of the car parking requirements to reduce reliance on private vehicle usage. A car parking management plan has been included with the proposal.

Clause 19.03-2L – Development Contributions	This is addressed via permit conditions.
Clause 19.03-3L – WSUD	The proposal is consistent with this policy, as outlined in the submitted Sustainable Management Plan. Implementation is required by permit condition with further improvements that can be addressed by condition.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section of this report and addressed via a Waste Management Plan that will be implemented by permit condition.

[Amendment C215 – Rewrite of local policies](#)

8. VC215 was published in the Government Gazette on 3 March 2023 and is of particular relevance to the City of Yarra. It provides greater clarity and certainty for the supply and viability of commercial and industrial land within Yarra. The State Government sought targeted consultation on the draft Plan over November and December 2019 and it was finalised in 2020.
9. The Plan provides an assessment of current and future needs for industrial and commercial land, puts in place a planning framework to support future employment and industry needs. These include actions for future review of employment zones, stronger planning policy and guidance, a more sophisticated methodology to assess supply and demand for industrial land and the development of local industrial land use strategies.
10. Amendment VC215 is required to implement the directions provided in the *Melbourne Industrial and Commercial Land Use Plan* (the Plan) to ensure consistent and up to date state and regional policy for industrial and commercial land and support informed decision making.
11. VC215 sets a strategic planning framework for the protection, growth, and transformation of metropolitan industrial and commercial precincts. It will provide greater clarity and certainty for the supply and viability of commercial and industrial land, which is paramount to Victoria's economic prosperity.
12. The new policy identifies three areas as regionally significant industrial land (RSIL) in Yarra: Cremorne Employment Precinct, Gipps Street Employment Precinct and the industrial land along the Yarra River Abbotsford (CUB). The new regional policies also provide some precinct specific direction, such as encouraging creative industries in Cremorne and Collingwood; and the transition of traditional manufacturing to other employment generating uses in the industrial area along the Yarra River. Amongst others, the amendment introduces a new clause [17.03-3R Regionally significant industrial land – Metropolitan Melbourne – Inner Metro Region](#) which has a strategy to:
 - (a) *Support the transition of industrial land along the Yarra River in Abbotsford from traditional manufacturing, to a range of other employment generating uses.*
13. *Other changes to the scheme include introducing the Melbourne Industrial and Commercial Land Use Plan (Department of Environment, Land, Water and Planning, 2020) as a policy reference document to several clauses associated with the Local Planning Policy Framework. The subject site's zone will not be impacted by the proposal.*

The Proposal

14. The application proposes to develop the site in two stages through the construction of three office buildings (with two forming part of the Stage 1 development process and one building forming part of the Stage 2 development process as indicated on the ground floor plan below), with retail areas (food and drinks premises – cafes) at ground floor and a reduction in car parking requirements. The three buildings are separated, with no connections between from each other.

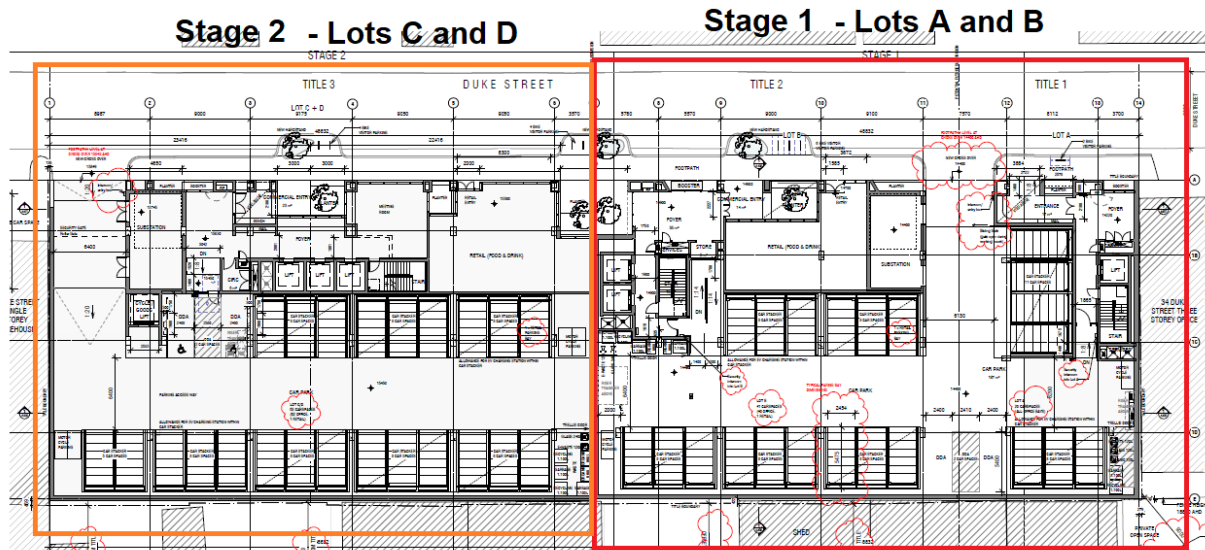


Figure 1. Proposed Ground floor plan identifying the staged development.

15. For ease of reference, and with three buildings anticipated, the northern-most will be identified as the Lot A building, followed by the Lot B building and the Lot C and D building. The key elements of the development can be summarised as follows:

Use

16. Overall, the buildings combined would contain up to 10,590sq.m. of office floor areawith operating hours of 7.00am to 8.00pm – Monday to Sunday.
17. The retail (food and drinks premises – café) at the ground would equate to a total area of 214sq.m. and would operate from 7.00am to 10.00pm – Monday to Sunday.

Lot A and B buildings (Stage 1)



Figure 2. Proposed Duke Street elevation with Stage 1 highlighted

18. Lot A Building (Stage 1) would contain the following:

Layout

- (a) Shared vehicular access is provided from Duke Street to individual car parking areas, located at ground floor in the form of a car stacker arrangement that further extends into a basement of each building;
- (b) A pedestrian entrance located at the ground floor would provide immediate access into a foyer with one lift servicing the upper levels including a stairwell;
- (c) Services, waste rooms, substations and a switch room are also spread across the ground floor and the basement;
- (d) A provision of up to 20 car spaces within a car stacker arrangement on the ground floor and up to 29 on-site bicycle parking spaces in the basement (with 27 bicycle spaces for the office and retail component and two for visitors) with end-of-trip facilities / change rooms;
- (e) 1,591sq.m. of office space is provided over seven levels. .

19. The Lot B Building (also forming part of the Stage 1 development process) would be located south of the Lot A Building and would contain the following:

- (a) A retail (food and drinks premises – café) occupies 214sq.m. of the ground floor area.
- (b) A pedestrian entrance located at the ground floor would provide immediate access into a foyer with two lifts servicing the upper floors including a stairwell;
- (c) Services, waste rooms, substations and a switch room are also spread across the ground floor and the basement of each building;
- (d) A provision of up to 41 car spaces within a car stacker arrangement on the ground floor and up to 44 on-site bicycle parking spaces in the basement (with 38 bicycle spaces for the office and retail component and with 6 for visitors) with end-of-trip facilities / change rooms;
- (e) On-site motorcycle parking is also provided in the south-east corner at the ground floor;
- (f) 3,733sq.m. of office space is provided over seven levels.

Lot C and D Building (Stage 2)

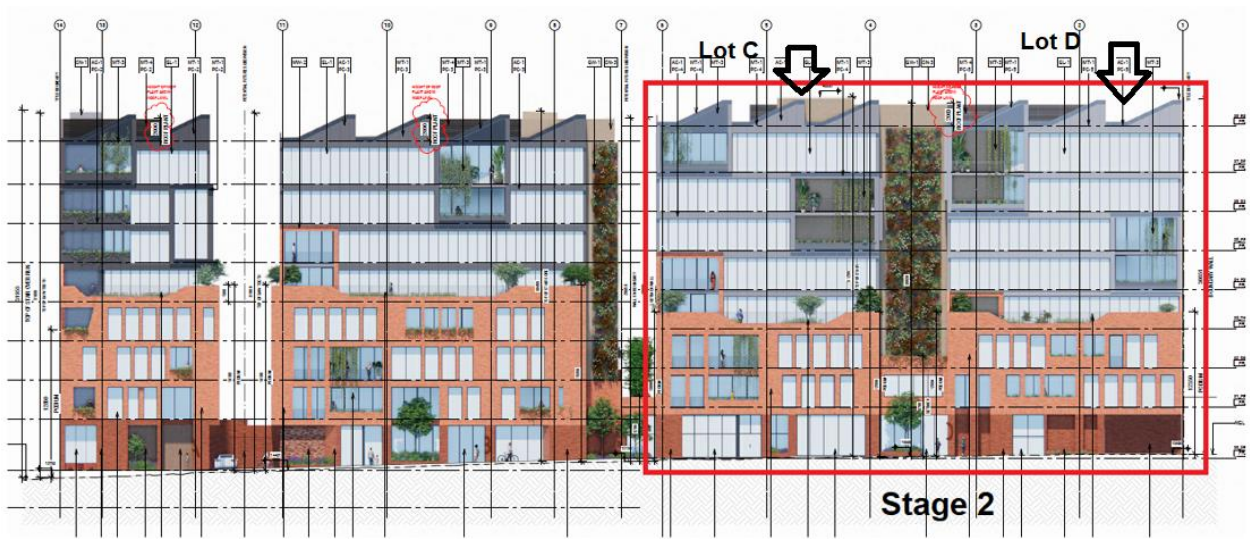


Figure 3. Proposed Duke Street elevation with Stage 2 highlighted

20. The Lot C and D building (Stage 2) would contain the following:
- (a) Vehicular access is provided from Duke Street to 63 car spaces, located at ground floor in the form of a car stacker arrangement that further extends into a basement;
 - (b) The retail (food and drinks premises – café) component would occupy 120sq.m. of the ground floor area. The building has a pedestrian entrance at the ground floor that would provide immediate access into a foyer with three lifts and stairwell to the upper floors;
 - (c) Services, waste rooms, substations and a switch room are also spread across the ground floor and the basement of the building;
 - (d) 67 bicycle spaces are provided in the basement with end-of-trip facilities / change rooms;
 - (e) On-site motorcycle parking is also provided in the south-east corner of the car parking area at the ground floor;
 - (f) 5,266sq.m. of office space is provided over seven levels.

Overall Building Massing (collectively – all buildings)

- (g) The development would produce an overall building height of 8 storeys (plus roof plant) and would range between 30.45m to 31.95m to the highest point of the saw-tooth roof forms of the Lot B and Lot C and D buildings as measured above the natural ground level (NGL), respectively due to the north-south land gradient.

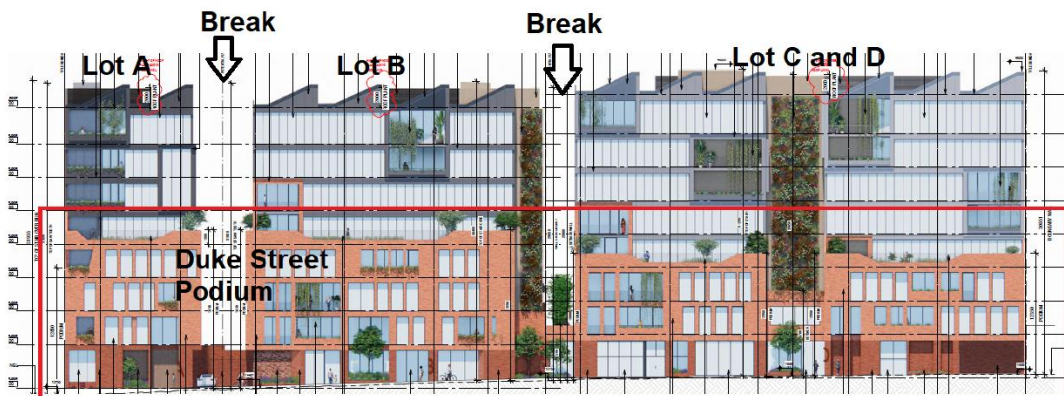


Figure 4. Proposed Duke Street elevation with podium emphasised and building breaks

- (h) At the Duke Street interface, a part-three part-four storey street wall is proposed (i.e. 12.3m transitioning to a height of 16.1m above the NGL) as this progresses from the south to the north. Breaks of 4.5m are provided between the Lot A and B building towers, and of a minimum 3m between the Lot B and Lots C and D building towers above the ground floor. The podiums are punctuated with shopfront windows, upper level fenestration and terraces.
- (i) Above the part three and part four-storey podium facing Duke Street (west side), are seven upper levels with roof plant (presenting 8 storeys with a plant area) with setbacks that range between 3.5m and 3.7m. behind the podium with the exception terraces that would extend into these setbacks.
- (j) The rear (east-side) of the development would interface several commercial buildings, and secluded areas of private open space associated with dwellings zoned Industrial 1. On-boundary walls would extend across the full length of the title boundaries combined, with a height of up to 16.1m proposed across the shared boundaries (i.e. graduating from three to four storeys) above the NGL. Above that, the development is setback between 3m and 3.6m.
- (k) The Lot A building would extend across the northern boundary with on-boundary wall heights ranging between 12.6m in the north-east corner, 12.9m in the north-west corner and an overall wall height of 31.6m, all as measured above the NGL.
- (l) The Lots C and D building would extend across the southern boundary with on-boundary wall heights ranging between 12.3m in the south-west corner, 11.4m in the south-east corner and an overall height of 29.9m, all as measured above the NGL.

Materials and Finishes

- (m) The podiums will be constructed of recycled brick and glazing and above that, the buildings will be finished with clear external glazing, steel shade extrusions and aluminium powder-coat finishes with industrial saw tooth roof forms. The northern and southern elevations would feature significant use of precast concrete panelling above and below masonry walls.

ESD Features

21. Collectively the development would incorporate the following ESD commitments (amongst others):
- (n) A total BESS score of 71% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%;
 - (o) The proposed design response has extensive external shading, with all glazing elements on the western and eastern facades provided with an external shading screen, and awnings provided to all terrace spaces except level 4. This amounts to approximately 70% of all glazing to the northern, eastern, and western facades of the project provided with external shading;
 - (p) An on-site commitment to a minimum 40 kW rooftop PV system;
 - (q) Water efficient fittings and fixtures are applied throughout;
 - (r) Water efficient landscaping shall be included within the design response for landscape amenity. Irrigation supply shall be sourced from non-potable supplies or plant species selected which limit demand for landscape irrigation;
 - (s) A STORM report with a score of 100% has been submitted that relies on 1,800 sqm of rooftop area diverted to a total of 48,000-litres of rainwater storage connected for re-use in toilets and landscape irrigation;
 - (t) In total, 132 tenant bicycle spaces are to be provided within the basement, and 16 visitor bicycle parking spaces are to be provided on the ground floor;
 - (u) End-of-trip facilities for building staff are provided on the basement level and contain 18 Showers and 148 Lockers;

- (v) Minimum 1 EV charging space and e-scooter charging points provided in the basement; and
- (w) A total of 1,339m² of communal external terrace areas throughout the site.

Existing Conditions

Subject Site

22. The subject site is located on the east side of Duke Street, is rectangular in shape and comprises the following four land titles:

Address	Title Vol/ Folio number	Easements or restrictions
10 – 32 Duke Street, Abbotsford	Vol. No. 04740 Fol. No. 968 Vol. No. 04740 Fol. No. 269 Vol. No. 03329 Fol. No. 766 Vol. No. 09423 Fol. No. 272	Party wall easements.

23. Combined, the site has a frontage to Duke Street (west) of approximately 97.8m, with a depth of 28.6 and a site area of approximately 2,801.9sq.m.
24. The site is occupied by a mix of single and double-storey warehouses and at-grade car spaces, including the car park to the north and that to the south. The warehouses are predominantly built to the front, rear and side boundaries, with the exception of the northern-most warehouse which has grade parking in the front setback.



Figure 5. Subject site (extracted from Urban Context Report)



Picture 1 12 Duke Street

Source: Urbis



Picture 2 14 Duke Street

Source: Urbis



Picture 3 16-28 Duke Street



Picture 4 16-28 Duke Street

Figure 6. Photos of existing buildings as seen from Duke Street to the west (extracted from permit applicant's Town Planning report)

25. Buildings are generally constructed of painted masonry with industrial windows on each floor level with flat roofs and in some instances, under-crofts and car parking spaces. There are several vehicle crossovers and pedestrian entrances across the Duke Street interface. The subject site is zoned Industrial 1.
26. The land gradient drops by up to approximately 2m as the land proceeds south to north across Duke Street. The land gradient also drops east to west, through the site, by approximately 470mm. There are no restrictive covenants on any of the titles, but these do include boundary wall easements.

Surrounding Land

27. The site is located within an industrial neighbourhood generally bounded by Church Street, Nelson Street, Victoria Street and the Yarra River. The Carlton and United Brewery factory complex occupies a significant portion of the neighbourhood, approximately 135m to the northwest of the site. The surrounding land predominately contains a mixture of large format warehouses, with a significant degree of hard-edged built form directly abutting Duke Street. Land to the east beyond Grosvenor Street and towards Victoria Street, has been developed with large, multi-storey residential developments. The Victoria Garden Shopping complex is located approximately 580m to the south-east of the subject site.



Figure 7: Aerial image extracted from VicPlan identifying surrounding zoning

28. The immediate interfaces are as follows:

North

- 29. To the north, is a three-storey office building that is constructed hard-edged at the upper floor to the street and the shared boundary, presenting a blank concrete wall to the subject site. Further north is a two-storey building of four warehouses encompassing food and beverage producers, equipment rental and a shoe wholesaler. The scale along Duke Street is characterised by building heights of generally between 1-4 storeys, and the 6 storey Kodak building to the northwest.
- 30. Further to the north, at the end of Duke Street, is the Yarra River.

East

- 31. To the east, the subject site abuts the following properties fronting onto Grosvenor Street that are zoned Industrial 1 (starting from the southern end):

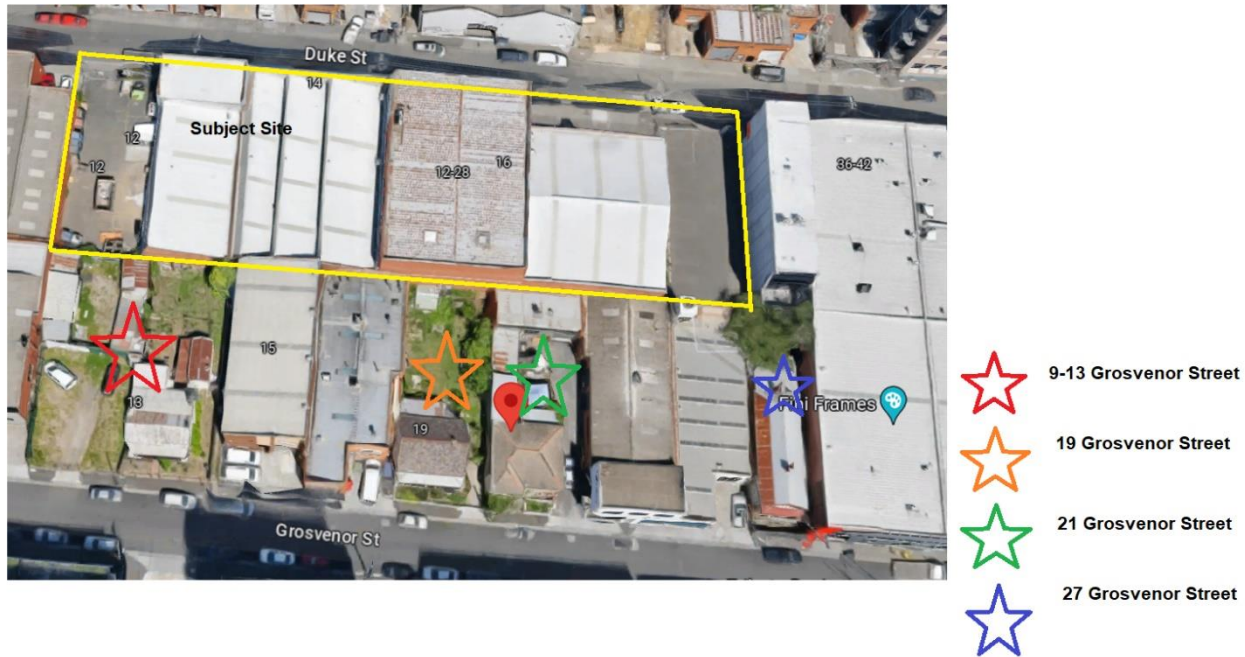


Figure 8: Aerial image identifying subject site and residential properties zoned IN1 to the immediate east

- (a) Property No. 9-13 Grosvenor Street which is occupied by a number of outbuildings and a dwelling. This site is covered by a heritage overlay (i.e. HO13) and is graded individually significant. HO13 should apply to this site however a mapping error incorrectly applies the heritage overlay to number 15. The schedule to the zone and incorporated heritage documents correctly refer to the address as number 13. It is highlighted that Council does not have any records of any of these dwellings have had existing use rights established for their use (noting that attempts have been made but incomplete).



Figure 9: Property No. 9 – 13 (extracted from Google – Image capture Nov. 2021)

- (b) Property No. 15 Grosvenor Street which is occupied by a double-storey warehouse built to the side and rear boundaries, with some at-grade car parking to the street frontage. The property has a heritage overlay applied to it, but this appears to be a mapping error as indicated above;
- (c) Property No. 17 Grosvenor Street which is occupied by a single storey warehouse with some at-grade car parking to the street frontage;
- (d) Property No. 19 Grosvenor Street which is occupied by a single-storey dwelling with a large private open space area to the rear, adjacent the common boundary. The site has a heritage overlay (HO14) applying to the property, and is graded individually significant;



Figure 10: Property No's. 17 – 19 (extracted from Google – Image capture Nov. 2021)

- (e) Property No. 21 Grosvenor Street which is occupied by a single storey dwelling with a workshop and storage area to the rear. The workshop is built across the full length of the common boundary;
- (f) Property No. 23 Grosvenor Street which is occupied by a double-storey warehouse with some under-croft car parking to Grosvenor Street, and built form that extends to the shared boundaries;
- (g) Property No. 25 Grosvenor Street which is occupied by a single-storey warehouse with some at-grade car parking to Grosvenor Street, and built form built that extends to the shared site boundaries; and
- (h) Property No. 27 Grosvenor Street which is also occupied by a dwelling with private open space at the rear.

South

- 32. Immediately to the south of the site is a single-storey warehouse building of masonry construction. The building is generally built to all boundaries with the exception of the recessed north-west corner. South of this, is a double-storey warehouse building also of masonry construction that is built hard-edge to Duke Street.
- 33. The area has undergone further change as a result of the emergence of more recent built form and approvals establishing a more robust and varied character. Within the immediate area the following developments have been approved in more recent times (extracted from Council's Urban Design consultant's advice):

- 4 Southampton Crescent & 27-29 Duke Street – 9 storeys approved;
- 18 Grosvenor Street – 5 storeys constructed;
- 11 Flockhart Street – 8 and 9 storeys constructed;
- 601 Victoria Street – 6 and 11 storeys constructed;
- X Flockhart Street – 6 storeys constructed;
- 1 Shamrock Street & 16 Flockhart Street – 12 storeys constructed;
- 42-50 Flockhart Street – 5 storeys approved;
- 10 Shamrock Street – 10 storeys constructed;
- 609-611 Victoria Street – 7 storeys constructed; and
- 619-627 Victoria Street – 10 and 11 storeys constructed.



Surround development trajectory, showing approved (white circle) and constructed (black circle) developments with no. of storeys shown

Figure -11: Surrounding development approvals and buildings no. constructed (extracted from Council's Urban Design consultant's advice)

34. More broadly, the section of Victoria Street closest to Hoddle Street is known as the Victoria Street strip shopping centre, which is a designated an 'Activity Centre'. Major roads servicing the subject site are Victoria Street, a major arterial road linking the city with Melbourne's eastern suburbs, and Burnley Street which provides a north-south link between Richmond and the Monash Freeway. The subject site has excellent access to public transport with Tram Route 24 (North Balwyn) and Tram Route 109 (Port Melbourne) servicing Victoria Street. The nearest metropolitan railway station is North Richmond, approximately 1.3km west of the site, directly accessible by tram.
35. Duke Street is a local road generally north-south, running between Southampton Crescent in the north and Victoria Street in the south. In the vicinity of the site, kerbside parking on either side of the road is generally unrestricted but more broadly, streets such as Grosvenor Street, are blanketed with 1h – 2h parking restrictions and no standing zones.

Planning Scheme Provisions

Zoning

Industrial 1 Zone

36. Pursuant to Clause 33.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required:

- (a) for the use of the land for offices and retail premises (food and drinks premises – café) as these are both Section 2, permit required uses.

37. Pursuant to Clause 34.02-4 of the Scheme, a planning permit is required to construct a building or to construct or carry out works.

Overlays

Development Contributions Plan Overlay (Schedule 1) (DCPO1)

38. The Development Contributions Plan applies to the proposed additional floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.
39. Pursuant to Clause 45.06-1 a permit granted must:
- (a) *Be consistent with the provisions of the relevant development contributions plan.*
- (b) *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay*
40. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The development infrastructure levy is applicable to the office and retail floor space.
41. A planning permit is not required for works under the overlay. The requirements of the DCPO have been included as a condition in the recommendation.

Particular Provisions

Clause 52.06 – Car parking

42. Clause 52.06-1 of the Scheme prescribes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table below outlines the car parking requirements for the proposed office and retail use (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	10,590sq.m. net floor area	3 car parking spaces per 100sq.m. of net floor area	317	122	195
Retail Premises	214sq.m.	3.5 car spaces per 100sqm of leasable floor area	7	2	5
Total			324	124	200

43. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of 200 spaces is sought.

Clause 53.18 – Stormwater Management in Urban Development

44. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- (b) Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Clause 52.34 – Bicycle facilities

45. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. The table below outlines the bicycle parking requirements for the proposed use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus
Office	10,590 sq.m. net floor area	<i>Employee spaces</i> 1 space to each 300m ² net floor area (if the net floor area exceeds 1000m ²)	35		
		<i>Visitor spaces</i> 1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m ²)	10		
Retail Premises	214sq.m.	<i>Employee spaces</i> 1 space to each 300m ² leasable floor area	0		
		<i>Customer spaces</i> 1 visitor space to each 500sq.m. of leasable floor area	0		
TOTAL		<i>Employee Spaces</i>	35	132	97
		<i>Visitor Spaces</i>	10	16	6
		<i>Showers / Change Rooms</i> (1 to the first 5 employee spaces and 1 to each additional 10 employee spaces)	4	20	16

46. As detailed in the above table, the proposal provides a surplus of 97 employee spaces, a surplus of 6 visitor spaces and a surplus of 16 showers / change rooms exceeding the requirements of Clause 52.34 of the Scheme. In addition to these services, the proposal provided up to 148 lockers.

General Provisions

47. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

48. Relevant clauses are as follows:

Clause 11.01-1R - Settlement - Metropolitan Melbourne

49. Relevant strategies include:

- (b) Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
- (c) Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.02 - Managing Growth

Clause 11.02-1S - Supply of Urban Land

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

Clause 15.01 - Built Environment and Heritage

51. This clause outlines the following guidelines:

- (d) Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- (e) Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- (f) Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
- (g) Planning should promote excellence in the built environment and create places that:
 - (i) Are enjoyable, engaging and comfortable to be in.*
 - (ii) Accommodate people of all abilities, ages and cultures.*
 - (iii) Contribute positively to local character and sense of place.*
 - (iv) Reflect the particular characteristics and cultural identity of the community.*
 - (v) Enhance the function, amenity and safety of the public realm.**

Clause 15.01-1S - Urban design

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

Clause 15.01-1R - Urban design - Metropolitan Melbourne

53. The objective is *to create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S - Building Design

54. The objective is *to achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

55. The strategies of this clause are:

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

Clause 15.01-4R - Healthy neighbourhoods - Metropolitan Melbourne

56. The strategy is *create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S - Neighbourhood character

57. The objective is *to recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

58. Strategies are:

- (a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
- (b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - (i) *Pattern of local urban structure and subdivision.*
 - (ii) *Underlying natural landscape character and significant vegetation.*
 - (iii) *Heritage values and built form that reflect community identity.*

Clause 17 - Economic development

59. The clause states that *planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

Clause 17.01-1S - Diversified economy

60. The objective is *to strengthen and diversify the economy.*
-

61. Relevant strategies are:

- (c) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (d) *Improve access to jobs closer to where people live.*

Clause 17.02-1S - Business

62. The objective is *to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*

63. Relevant strategies include:

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

Clause 17.03-1S Industrial land supply

64. The objective is *to ensure the availability of land for industry.*

Clause 18.02-1S – Walking

65. The objective is *to facilitate an efficient and safe walking network and increase the proportion of trip made by walking.*

Clause 18.02-2S – Cycling

66. The objective is *to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.*

Clause 18.02-3S – Public Transport

67. The objective is *to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.*

Clause 18.02-3R - Principal Public Transport Network

68. A relevant strategy of this clause is *to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

[Local Planning Policy Framework \(LPPF\)](#)

69. Relevant clauses are as follows:

Clause 21.04-3 - Industry, office and commercial

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

71. The clause also acknowledges that Yarra's *commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.*

Clause 21.05-2 - Urban design

72. The relevant objectives and strategies 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 encourages new development to be no more than five – six storeys unless it can be demonstrated that the development can achieve specific benefits.
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 - Public environment

73. The relevant objective and strategies 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.*

Clause 21.05-3 - Built form character

74. The relevant objective is *to improve the interface of development with the street in non-residential areas (Objective 27).*

Clause 21.06 - Transport

75. This clause builds upon the objectives outlined at clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

Clause 21.06-1 - Walking and cycling

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

- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

Clause 21.06-2 - Public transport

77. The relevant objective is *to facilitate public transport usage.*

Clause 21.06-3 - The road system and parking

78. The relevant objective is *to reduce the reliance on the private motor car.*

Clause 21.07-1 - Environmentally sustainable development

79. The relevant objective *is to promote ecologically sustainable development (objective 43)* through the application of the following strategy:

- (ii) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation;*

Clause 21.08-2 Neighbourhoods – Abbotsford

80. The following relevant commentary is offered at this clause:

- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*
- (b) *There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.*
- (c) *Similarly, east of Grosvenor Street there is an opportunity to develop underutilised sites along the Yarra River for commercial as well as residential development. So that residential development in this location does not bring CUB into non-compliance with SEPP N-1, any rezoning must be accompanied by a DDO which addresses noise.*

Relevant Local Policies

81. Relevant clauses are as follows:

Clause 22.05 - Interface Uses Policy

82. The relevant policy is that *new non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.10 - Built form and design policy

83. This policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

- (a) Setbacks and building heights;
- (b) Street and public space quality;
- (c) Environmental sustainability;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Landscaping and fencing; and
- (g) Parking, traffic and access.

84. The policy has the following objectives:

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

Clause 22.11 - Victoria Street East Precinct Policy

85. The City of Yarra developed the Victoria Street East Precinct, Richmond Urban Design Framework 16 November 2005 (UDF) to guide change in the area, to support Council and State policies including Melbourne 2030 and to enable development to fit comfortably with established areas within the Precinct. The principles of the UDF provide a guide for future development within the Precinct, particularly in relation to the treatment of the interface between new development and the Yarra River and its environs, the Abbotsford industrial area and established residential neighbourhoods. The subject site is identified in an area with an "Employment Focus" on the Map 1 Victoria Street East precinct Framework Plan.

86. Relevant key objectives that relate to the site are:

- (a) *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.*
- (b) *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.*
- (c) *To reduce vehicular traffic conflicts with tram services in Victoria Street without the requirement of future road widening.*
- (d) *To ensure new development contributes to the provision of appropriate physical and social infrastructure to support the change of uses in the Precinct*
- (e) *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*
- (f) *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*
- (g) *To create new local employment opportunities and protect existing ones, especially in the nearby CUB precinct*
- (h) *To ensure that the development or redevelopment of this precinct protects the character and amenity of neighbouring residential areas.*
- (i) *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 -*
- (j) *To protect views to important landmarks, such as the 'Skipping Girl' sign.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

87. This policy applies to (as relevant) new buildings and contains the following objectives:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
 - (b) *Currently, these water quality performance objectives require:*
 - (i) *Suspended Solids - 80% retention of typical urban annual load*
 - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
 - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
 - (iv) *Litter - 70% reduction of typical urban annual load*
 - (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
 - (d) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
 - (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
 - (f) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

Clause 22.17 - Environmentally Sustainable Design

88. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

[Other Documents](#)

Plan Melbourne

89. The plan outlines the vision for Melbourne's growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city's growth. It is a blueprint for Melbourne's future prosperity, liveability and sustainability.
90. It is policy to create mixed-use neighbourhoods at varying densities to offer more choice in housing and create opportunities for local businesses and new jobs whilst also delivering better access to local services and facilities. It is acknowledged that the application of the Mixed Use Zone can facilitate diverse housing and a greater mix of uses at varying densities.
91. The strategy promotes '20-minute neighborhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your residence.

Urban Design Guidelines for Victoria (DELWP)

92. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Spatial Economic and Employment Strategy (SEES)

93. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
94. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
95. The SEES acknowledges a decline in industrial use and identifies that *the Abbotsford precinct contains the largest remaining manufacturer, Carlton United Brewery (CUB), along with a number of other more traditional manufacturing employment.* It goes on to further acknowledge that *the Abbotsford precinct is capable of providing opportunities for employment, retail, community uses and/or housing in the longer term, beyond the 15-year planning horizon of this strategy.*

Yarra Economic Development Strategy 2020 – 2025

96. The Yarra Business and Industrial Land Strategy (BILS) was adopted by Council in June 2012. This strategy sets out a 10-15 year direction for Yarra's business and industrial areas, and aims to ensure that its local residents have access to high quality employment opportunities and that the municipality can retain a vibrant local economy.
97. The subject site is identified as being within a 'Core Industrial or Business Node' (CIB). CIB's are identified as relatively large (approximately 2 hectares or greater in area) and consolidated industrial or business nodes. Internal areas of the nodes provide opportunities for a range of businesses to operate with minimal sensitive interfaces.
98. The site is identified specifically within *Precinct 'CIB 7 - Abbotsford East Cluster'* of the BILS. The BILS notes for sites with Yarra River frontage, activities which complement the open space, recreation and landscape values of the Yarra River corridor, such as offices, cafes and tourism orientated facilities should be encouraged.

Melbourne Industrial and Commercial Land Use Plan (Department of Environment Land, Water and Planning, 2020).

99. The Victorian Government has strong policies and strategies in place to protect employment land, deliver local jobs and improve Melbourne's economic performance and productivity.
100. Ensuring enough well-priced industrial and commercial land is available in the right locations will help drive investment and provide jobs for our growing population. The *Melbourne Industrial and Commercial Land Use Plan (2020)* builds on policies and actions from the metropolitan planning strategy, Plan Melbourne 2017-2050 and its five-year implementation plan.
101. The plan – known as MICLUP – provides an assessment of current and future needs for industrial and commercial land across metropolitan Melbourne, putting in place a planning framework to support state and local government to more effectively plan for future employment and industry needs. The subject site is identified as being located within what is identified as *Regionally Significant Industrial Land*. This also includes the CUB site and is part of a cluster of properties. The subject site's zoning will be maintained and protected as this aspect will remain unchanged and will continue form part of this identified cluster. Despite the office use proposed, the zone will continue to anticipate industrial land use that is as-of-right (non-permit required).

Advertising

102. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 2,558 letters sent to surrounding owners and occupiers and by three signs displayed on site. Thirty-nine (39) objections were received to the application, the grounds of which can be summarised as:

- (a) Excessive height poor transition and overdevelopment of the site;
- (b) Reduction in the car parking provision;
- (c) Increased traffic congestion on surrounding streets;
- (d) Off-site amenity impacts (overlooking, reduced sunlight, overshadowing, noise, excessive trading hours and loss of views);
- (e) Structural damage of surrounding buildings and noise during the construction phase;
- (f) Devaluation of surrounding properties; and
- (g) Impacts on surrounding heritage buildings.

103. A planning consultation meeting was not held.

Referrals

External Referrals

104. The application was referred to:

- (a) Head, Transport for Victoria pursuant to 66.02-11 (Land Use and transport integration) of the Scheme, due to the office floor area exceedance above 10,000sq.m. of leasable floor area.

Internal Referrals

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

- (a) Urban Design;
- (b) Engineering Services Unit;
- (c) Strategic Transport;
- (d) Waste Services; and
- (e) ESD Advisor.

External Consultants

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

- (a) Urban Design (Hansen Partnership Pty. Ltd.); and
- (b) Wind (Vipac Engineers and Scientists Ltd.).

107. Referral comments are an attachment to this report.

OFFICER ASSESSMENT

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

- (a) Policy and Strategic Support;
- (b) Land Use;
- (c) Built Form and Design;
- (d) On Site Amenity;
- (e) Off Site Amenity;
- (f) Car Parking, Traffic, Loading and Waste;

- (g) Bicycle Facilities;
- (h) Other Matters; and
- (i) Objector Concerns.

Policy and Strategic Support

109. For the purpose of this assessment all three buildings will be addressed as one building, given that these form part of the one application (noting that the site will be developed in two stages). With this in mind, the subject site is located within an IN1Z. The IN1Z has the objective *to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*
110. A planning permit is required under the IN1Z for buildings and works, office use and retail (food and drinks premise) and a reduction in the car parking requirement with strong strategic support for a development of the scale proposed over the subject site. State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport to ensure efficient use of existing infrastructure.
111. The application proposes the construction of three, eight-storey office buildings with food and drink premises at the ground floor on an overall site which is currently underutilized. The development proposal is highly consistent with the purpose of the zone and strategic intent for this area that seek to encourage intensification of commercial uses.
112. The proposed intensification of the land is also consistent with the SEES, which forecasts a decline in industry based uses, further reflecting a long term decline in *traditional manufacturing* industries. The SEES acknowledges that as industrial uses migrate out of old industrial zoned land, *a diverse urban economy which spans both services and old industrial sectors has emerged.* The SEES foreshadows a decline over the next 15 years, *by around 25%.* It is therefore considered that the proposal is consistent with the foreshadowing of the SEES, and therefore the purpose of the zone and strategic intent for this area that seek to encourage intensification of commercial uses. It is highlighted that the *Melbourne Industrial and Commercial Land Use Plan (Department of Environment Land, Water and Planning, 2020)* identifies the subject site as one within a cluster that are of regional significance. The subject site's zone will remain, and despite the office use proposed, this is not prohibited in the IN1Z.
113. The site is well connected to public transport infrastructure being in proximity to train and tram services along Victoria Street, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, are encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision* of the Scheme.
114. The proposal is also consistent with the policy direction for the area at Clause 21.08-1 (Abbotsford) of the Scheme. This clause essentially notes that the introduction of offices in the industrial precinct would not pose the same risk to the ongoing operation of the industrial precinct as residential development. The subject site is noted as being within the 'non-residential areas' built form character type in the Built form character map at Clause 21.08-1, where the direction is to *"Improve the quality of the environment and the interface of development with the street"*.

115. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clauses 22.05 – *Interface uses* and 22.10 - *Built Form and Design Policy* of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area. Further considerations of land use are provided under the *Off-Site Amenity* heading, with regard to noise, air borne emissions, light spill and glare.

Land Use

116. In accordance with the purpose of the both the IN1 and the relevant State and Local Planning Policy Provisions, as outlined earlier, the land use component can be supported given that:
- (a) Both uses will help support and broaden the mixed-use function and economic viability of this precinct;
 - (b) Both uses will provide for a mix of business land use on the one site with industrial land use that is foreshadowed and trending to decline as outlined in the SEES;
 - (c) Both uses provide employment opportunities as required by Objective 8 at Clause 21.04-3 (Industry, Office and Commercial) of the Scheme;
 - (d) The hours of (i.e. 7am to 10 pm for the retail (food and drinks premises – café) 7 days , and 7am to 8pm for the office - 7 days) will ensure that the use of the land is limited to primary day-time operating hours that are largely commensurate with the hours of other surrounding commercial land uses.
 - (e) The retail (food and drinks premises) is also seen as an ancillary component to the broader spectrum of the development and is well removed from the dwellings to the east with access only from Duke Street to the west, and back-of-house services within the development acting as a buffer. Furthermore, there is no liquor licence proposed that would otherwise dictate a more restricted outcome compared to that put before Council.
 - (f) The noise generated by the office and the retail (food and drinks premises) is expected to be limited to arriving and leaving staff and clients and patrons and will otherwise be contained within the building. Due to the nature of both uses and surrounding land zones that prohibit dwellings, it is expected that these will generate limited noise volumes / impacts and are compliant with policy at Clause 22.05 (Interface Uses policy) of the Scheme; and
 - (g) Generally in accordance with the policy guidelines at Clause 22.05-4.3, rubbish and recycling must be managed to ensure no adverse impact on surrounding land. Therefore, it is necessary that all rubbish is stored on site and concealed from external view, does not spill out onto the street reserves and waste collection is restricted to between 7.00am and 8.00pm, on any day. These requirements will be addressed via Council's standard conditions.

Built Form and Design

117. This section of the report considers the built form of the proposed development and is guided principally by the decision guidelines of the IN1Z at Clause 33.01-4 and local policy at clauses 21.05-2 – Urban design, 22.05 – Interface Uses Policy and 22.10 – Built form and design policy.
118. These provisions and policies seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the site context, building height, massing, architectural response, the pedestrian experience and the development's interface with any existing sensitive uses. These will be considered in the following paragraphs.

Site Context

119. The existing character of the surrounding area is predominantly one and two storeys in height with taller built forms interspersed (between three and six storeys) and significant residential developments (up to 12 storeys) east of Grosvenor Street beyond the immediate properties to the east of the subject site. Most commercial buildings are built hard to the street with limited, or no setbacks and in some instances under-crofts. Commercial buildings within proximity to the site also provide high site coverage, with a number of these constructed hard-edged to Duke Street. Heights range from single to six-storeys, with robust industrial-style designs.
120. The direct interfaces to the subject site include hard-edged walls of one and three-storey commercial buildings to the north and south, and opposite sides of Duke Street to the west. To the east, the site is abutted by single and double-storey walls of industrial buildings including the secluded areas of private open spaces of four dwellings, all zoned IN1Z, and addressed to Grosvenor Street. On the opposite side of Grosvenor Street are residential developments significant in scale, ranging in heights from four to ten-storeys, with large building footprints and high site coverage extending south, forming part of a cluster of residential apartment buildings with others addressed to Victoria Street. These larger scale development form part of the Priority Development Zone.
121. The subject site, together with surrounding land to the immediate north, south and east, including that on the opposite side of Duke Street, is zoned IN1Z. This includes the four dwellings that immediately abut the subject site to the east, and despite being sensitive land uses, are not afforded with the same amenity protection as those zoned residential. Land to the east of Grosvenor Street, beyond the immediate eastern properties, is zoned Commercial 1, through to Victoria Street.
122. The subject site includes commercial buildings of one and two storeys and at-grade car parking areas that will be demolished to make way for the construction of three, eight-storey buildings with commercial uses. The proposed building would be taller than the buildings immediately interfacing the site, however this is consistent with the strategic direction provided by policy in an area which is generally underutilised and to a greater extent, low in its scale (with the exception of the land within the Priority Development Zone south-east of up to 12 storeys).
123. Given the site's industrial zoning it is expected that higher built form would take place especially if development is to achieve strategic policy of increased development and employment opportunities near activity centres and public transport as outlined earlier in this report. While this may be the case, the site's context requires careful consideration with the built form objectives for its presentation to Duke Street.

Height, scale and massing of the development

124. It is important for any assessment of building height, scale, massing and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character for the area.
125. The Scheme provides guidance to assist in determining whether the proposed height is acceptable within the site context. In relation to the PPF, building heights are best derived from specific design objectives; being contextual design, the aspirations for urban consolidation and issues of minimising adverse off-site amenity impacts rather than outlining specific height limits.

126. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra’s identity as a low-rise urban form with pockets of higher development*. Strategy 17.2 reads as follows:
- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as (as relevant):*
 - (i) *Significant upper level setbacks;*
 - (ii) *Architectural design excellence;*
 - (iii) *Best practice environmental sustainability objectives in design and construction;*
and
 - (iv) *Positive contribution to the enhancement of the public domain.*
127. Based on the policy above, the proposed development must be able to demonstrate specific benefits to gain policy support for a height greater than 6 storeys. In response to the policy framework applicable to the site and the objectives describing the preferred future character of this precinct, the proposal at 8 storeys plus plant area, whilst greater in height than the immediate surrounding buildings will be commensurate with other buildings approved and constructed in more recent years and is therefore responsive to this shift in built form. The area has seen and is continuing to undergo substantial change in terms of taller built forms (both constructed and under construction and further encouraged by the Priority Development Zone) and it is considered that the design has been considered in relation to its context and within the IN1Z where more robust built form such as that proposed, are becoming more readily visible in the skyline.
128. Urban design advice was sought externally from Hansen Partnerships (Hansen). Hansen were supportive of greater development on the site and acknowledged that current and future built forms in the area dictate higher built form outcomes by turning their mind to context and approved developments ranging between 5 – 12 storeys. The referral advice is an attachment to this report and for emphasis, the following is quoted:
- (a) *The proposed maximum building height of 9 storeys (ranging between 30.45 and 31.95m) is considered to be acceptable in this location. We note that within the surrounding context the presence of 10-12 storey residential developments to the south-east, defining the northern side of Victoria Street, to the east. We also acknowledge that recently, Council approved a 9 storey mixed-use office building on the opposite side of Duke Street, at the rear of the heritage Kodak building (at 27-29 Duke Street). Therefore, we consider that the proposal will be consistent with the emerging development trajectory of both the broader area and also within the northern end of Duke Street.*
 - (b) *The proposed 3-4 storey street wall scale is considered appropriate for the more robust character of Duke Street, whereby a more enclosed streetscape is acceptable. This scale also broadly accords with recent infill development within Duke Street, noting the 3 storey presentation contemporary office buildings on single sites at 25, 34 and 58 Duke Street.*
 - (c) *The site is well separated from the Yarra River (approx. minimum 220m from the northern edge of the proposed buildings to the riparian zone), and at that distance, we consider that building height and upper-level visual bulk does not need to be tempered to respond to the river environs.*
 - (d) *Given the sites and abutting land to the easts INZ1 zoning, offsite amenity considerations are tempered. Particularly, in relation to the existing abutting dwellings which front Grosvenor Street. Therefore, despite the stark contrast in built form scale, between these neighbouring single storey houses and this 9 storey proposal such an abut transition is acceptable from a zoning and strategic ambition context.*

However, there is potential that from a heritage perspective that the rear of Building D could be too forceful rising above and behind the individually significant heritage dwelling at 13 Grosvenor. Therefore, we would defer such visual considerations to Council's heritage advisors.

129. With regard to the above, it is important to highlight that whilst Hansen references a “9 storey” building height, this is factoring in the plant room. In addition, the last paragraph has regard to the dwelling at No. 13 Grosvenor Street, deferring visual consideration to a Heritage Advisor. No. 13 Grosvenor Street is underdeveloped with very little development other than a single-storey dwelling confined to the front half of this site and a substantially open site. This site is also deep (approximately 30m) and any development on the subject site, will appear recessive from Grosvenor Street and appear in the skyline behind this and other low scale buildings. As such, given the context of these dwellings and low built form more broadly, Council Officers did not seek further input from a heritage advisor. In this instance, it is the dwellings that are anomalous to the zone, that under current circumstances, prohibits these, regardless of their protection under the heritage overlay. Off-site amenity impacts in relation to these dwellings is considered under its own heading later in this assessment.
130. With regard to Duke Street, the podium design has been adequately rationalised and provides a transitional response as it is expressed across the site from the north to south. The ground floor has been recessed in pockets to allow for sheltered entrances planters, and services. The streetscape presentation of the proposed development is considered to have succeeded architecturally as confirmed by the following comments by Hansen's advice:
- (a) *The proposed street wall presentation to Duke Street is architecturally successful, comprising an appropriate robust brick material which reflects the surrounding area's built form character. This consistent masonry material unifies the series of buildings into a coherent overall form, while comprising sufficient variation in modulation, articulation and fenestration to appropriately divide up the proposal linear presentation. The darker tone brick subtly defines the Ground Floor level, while the lighter tone brick ensures a consistent podium appearance.*
 - (b) *The vertical windows within the podium levels provide an appropriate solid to void ratio and their deep window reveals create a clear expression, provide depth to the façade and also contribute a simple, integrated external shadow devices. The varied street wall profile, both in terms of transitioning up (or effectively holding the consistent datum as land falls away) from a 3 storey to 4 storey form (heading north) and its integrated metal balustrades adds further visual interest to the parapet profile.*
 - (c) *The incorporation and integration of landscape treatments within recessed/undercroft areas, is well considered and emphasises the proposal's main entrances and reinforces the distinctions between the buildings.*
 - (d) *The rising form of the upper levels is clearly distinct from the base elements, both by way of a spatial set back (varying between 3.5 and 3.7m) and its contrasting and highly glazed presentation. This relationship is considered appropriate and will reinforce the street wall base. Architectural variation is afforded to the rising forms, within dual height recesses with integrated landscaping and the saw-tooth roofline profile. We consider this architectural reference to nearby and surrounding industrial forms to be a positive attribute. It will ensure a visually dynamic contribution to the emerging Abbotsford skyline profile.*



Figure 12. Western- Duke Street elevation of proposed development

131. The proposal creates a façade that will read at three and four storeys, between 12.3 and 16.7m in height as measured above the footpath, with an added four and five storeys above that, that will be setback a minimum 3.5m from the title boundary. The podium is punctuated with shop-front and meeting room windows, recessed entries and areas imbedded for landscaping including vehicle entrances at the ground floor with fenestration above and terraces. Each building will be seen in the round with the relative overall height of 31.6m above the NGL unavoidably appreciated from multiple angles to the north, south, west and east due to the significantly low building height of surrounding buildings.

132. Each building has been suitably arranged into a series of smaller buildings, with distinguishable vertical division with a minimum spacing of 3m and suitably broken down through a combination of materials, forms, massing and detailing. Hansen has provided comments in support of the design approach to the street, stating that *the clear architectural and spatial distinction between the building's robust brick base and highly glazed rising form successfully 'grounds' the proposal within its streetscape context, while also contributing positively to a dynamic and contemporary skyline. The subtle variations within architectural expression, results in a well-articulated design fit for this context.*

133. The surrounding physical context can comfortably absorb the height and zero setbacks without appearing dominating and creating visual bulk (as is evidence of the renders provide below) because surrounding buildings already have zero setbacks to their frontages and are constructed to their side and rear boundaries. In this regard that proposal is considered to have been contextually designed to reference poignant existing elements of surrounding buildings that are hard-edged, with zero setbacks, constructed of masonry, and commercial in use. The extent of glazing above the street podium is considered to soften the overall massing of each building, and despite a greater height being adopted, collectively the subject site is a large site, that has the ability to be developed with more volume, mass and height.



Figure 13. Render / Photo Montage looking North along Duke Street.



Figure 14. Render / Photo Montage looking South along Duke Street.

134. The podium and its interaction with the public domain is considered to have achieved the policy direction under Clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which requires developments to provide pedestrian/human scaled designs at street level. A three and four-storey podium effect is acceptable in this particular instance, where there is policy direction for a more robust design approach and taller building as has also been confirmed by comments of support provided by Hansen. The proposal provides two retail areas (food and drink premises) and in this regard will make an improved contribution to the activation and pedestrian experience along Duke Street at ground level. The upper levels are also well activated as a result of the terraces and fenestration. The plans also include a generous display of landscaping, further adding to street and public space quality and therefore, the positive experience of the development from a streetscape perspective.

Equitable Development

135. The Lot A and B buildings would produce wall heights of up to 16.1m across the shared boundary to the east and have been appropriately massed above that to offer a setback of 3m at Level 4 with the exception of terraces that will extend into this setback – see Figure 15. The Lot C and D would produce boundary wall heights of up to approximately 12.6m across the shared boundary to the east and will be setback 3m at level 3 with the exception of terraces that would extend into this setback - see Figure 15.



Figure 15. East elevation identifying the boundary wall of each building with existing buildings to Grosvenor Street in the foreground.

136. The setbacks to the east would provide a transitional response where there is lower building height and more sensitive land uses (despite these properties being zoned IN1Z). The setbacks will also be landscaped and will further assist in breaking down the massing of the development as seen to the east and from the secluded areas of private open space of the adjoining dwellings. The development is considered to meet the intent of the IN1Z, and as the adjoining sites in all directions are also zoned IN1, it is an expectation that these will also be developed in the future and could provide a similar built form outcome to the subject site in terms of locations of built form walls and mass. The walls to the north and south of the Lot A and C and D Buildings, would be constructed to their respective boundary for their full height and Hansen has supported this arrangement.

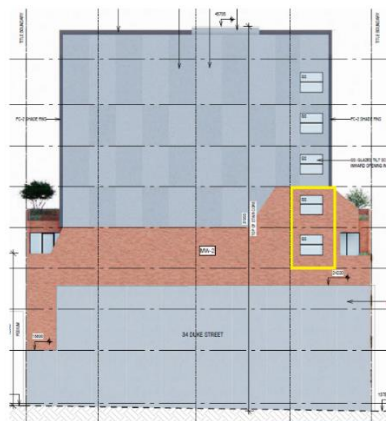


Figure 16. North elevation identifying boundary windows.

137. The northern elevation contains north-facing windows (see Figure 16) which despite Hansen’s comments of support, will be deleted, consistent with Council’s broad position on the provision of on-boundary windows which are not supported on a shared boundary.

138. The proposed buildings will be amongst the tallest structures within the immediate surrounds however, their adopted height is considered to be acceptable due to their location, surrounding land, zoned IN1, the emerging character of the area, and strategic redevelopment potential of the site as a result of this being staged and consolidated. The site is located within an area undergoing transition which has resulted in a mixture of heights approved and constructed and these have been previously listed.
139. The adopted height is appropriate within the context of the area and in this regard is also in accordance with the objectives at clause 22.10-3.3 (Setbacks and Building height) of the Scheme. Due to the lack of restrictions and the IN1Z, it is expected that as time goes on, the area will increasingly become developed with multi-level commercial buildings contributing to the economic viability of this part of Abbotsford with pockets of high built forms and array of commercial uses (albeit reduction of industrial land use which is in decline within the inner city).

Architectural Quality

140. The development is considered to be of high architectural quality and in that regard responds to the design objectives of clause 15.01-2S of the Scheme. The contemporary design is appropriate and responds well to this part of Abbotsford with the design offering a modern built form that revitalises the street frontage through generously sized openings, communal areas and the provision of several building entrances along all street frontages.
141. The proposed development succeeds in responding to the street character of Duke Street through the adoption of:
- (a) A part three and part four street podium, with a robust expression that is derivative of other masonry buildings in the area and hence a lower-scale 'anchor' street wall; and
 - (b) A glazed 'main' tower façade with emphasised modulation and saw-tooth roof form as a further reference to the context of surrounding former industrial buildings.

Council's Urban Design consultant was highly supportive of the proposal and made no recommendations for any significant design changes to the buildings for further improvement. Further cross-sections to address overlooking and public realm improvements were recommended and are considered under separate headings (i.e. *Off-Site Amenity and Light, Shade and Public Realm*). The Urban Context Plan provides renders and the architectural plans provide details in relation to the materials utilised for the development and will ensure a high architectural quality.

142. To further improve the interfaces to the north and south, where the development shares a property boundary (i.e. the northern elevation of the Lot A Building and the southern elevation of the Lot C and D Building), a condition will require the concrete panelling above the red masonry, to be further treated with a combination of colour and/or the adoption of an engraved pattern. This will assist in reducing the visual bulk of the concrete panelling and in responding with a more visually appealing outcome, particularly as these walls would be highly exposed due to the lower scale adjoining buildings. Furthermore, the Lot B Building will also be required to be treated to its southern side, given that the development is intended to be staged, and the uncertainty that this presents with regard to its exposure in the interim and prior to the construction of the Lot C and D Building south of this.

Landmarks, Views and Vistas

143. It is policy at Clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features.

144. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under Clause 22.03-4 of the Scheme.

Light, Shade and Public Realm

145. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety.
146. Council is supportive of the construction of the proposed development with active tenancies at the ground floor and improved outdoor spaces by way of terraces. Through the activation of the ground floor, the building will provide interaction to Duke Street where this is minimal are present. This satisfies public realm, pedestrian spaces and street and public space quality policies at Clauses 15.01-2S (Building design) and 22.10-3.4 (Street and Public Space Quality).
147. In terms of light and shade to the public realm, the proposal will cast shadows over Duke Street in the morning and as the day progresses the shadows would be cast to the east, and over the commercial buildings and dwellings (zoned IN1Z) to the east and the west side of Grosvenor Street. The Duke Street shadows are unavoidable and as these are morning shadows and would be cast into the public domain, are acceptable. Similarly, shadows to the west side of Grosvenor are comparable to the shadow cast by existing lower-scale buildings along this side of the street. The amenity expectations of the surrounding properties to the south and east must be tempered against the zoning of the land. This is a consideration point under the *Overshadowing* heading within the *Off-Site Amenity* section of this assessment.

Site Coverage

148. The level of site coverage proposed is well above the maximum of 80 percent as directed by Clause 22.10-3.6 (Site coverage) of the Scheme, that applies to new development not within a Heritage Overlay. However, as the existing level of site coverage in the surrounding (and immediate) area and within zoning that encourages higher density development (IN1Z) is similar, it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Abbotsford and Richmond.

Landscape architecture (internal to the site)

149. Whilst landscaping is not a typical feature of commercial buildings in Abbotsford, the proposal includes visible landscaping within the adopted setbacks at the ground level to Duke Street, the spine between the Lot B and Lot C and D buildings at Level 1, and planter boxes and garden beds within terraces above that. Vertical gardens are also evident within the south-west corner of the Lot B Building, and in the mid-section setback of the Lot C and D building to Duke Street (see Figure 17 below).



Figure 17. West elevation identifying vertical gardens.

150. The landscape plans include many native plants within the areas identified for the “greening” of the development and this is supported. Separate conditions for amended landscape and public domain plans will also be included to ensure that details are reflective of the Public Realm Improvement Plan with further details relating to:

- (a) Clarification of soil depth, slab setdown and wall heights and of “deep soil” planters.
- (b) Provide typical details for the proposed irrigation.
- (c) Provide typical details of timber furniture and all materials and surfaces on the ground level.
- (d) Provide a maintenance schedule, including tasks details and frequency; for multi-storey development and planting, maintenance access will need to be provided for.
- (e) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.

151. It is considered that the above is reasonable to ensure the long-term viability of vegetation and can form conditions of permit.

Landscape architecture (external to the site)

152. Council’s Urban Design Unit were generally supportive of the proposal but raised concerns with the proposed kerb outstands due to drainage implications, and with the quantity of the street trees citing these as inadequate for the length of the development’s frontage. Council’s Urban Design Unit have indicated potential for up to 8 street trees (with road-way cut-outs), combined with parallel parking spaces and bicycle coral spaces. To inform their proposal, their advice was accompanied by an appendix that marked this up as shown at Figure 18 below:

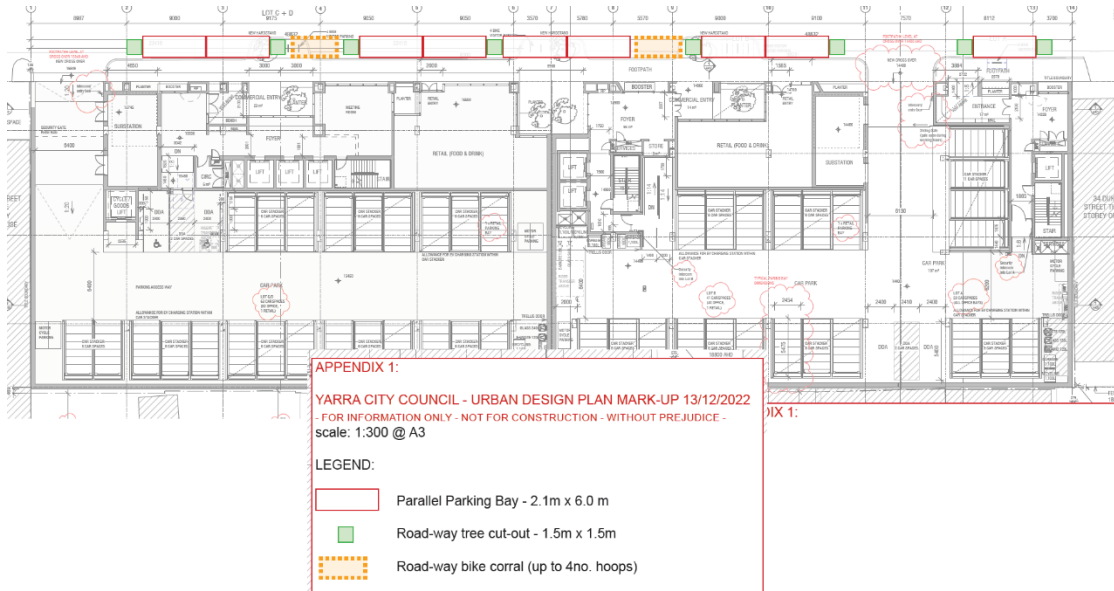


Figure 18. Urban Design Plan Mark-up Plan provided by Council’s Urban Design Unit.

153. Council’s Urban Design Unit’s advice together with the marked-up plan were provided to the permit applicant who has since responded agreeing to a condition for a Public Realm Improvement Plan. A condition will be included that references the marked-up plan and will ensure that this is done to Council’s satisfaction prior to endorsement. The Public Realm Improvement Plan will include (but not limited to) the following details:

- (a) *The location of all existing, proposed and/or relocated infrastructure, such as, drainage pits, light/electrical poles, street signs, parking meters, parking bays, kerb/channel, trees, street furniture, bins, bike hoops etc.*
- (b) *All existing and proposed levels and surface grading.*
- (c) *Proposed civil/drainage design to accommodate any design elements that will alter the conditions of the existing stormwater drainage (such as kerb outstands/footpath extensions).*
- (d) *All proposed parallel parking bays, including dimensions as per the following:*
 - (i) *Parking lane minimum width – 2.1m*
 - (ii) *Parking bay enclosed/obstructed on both ends – 6.0m length*
 - (iii) *Parking bay enclosed/obstructed on one end – 5.5m length*
 - (iv) *Parking bay open on both ends – 5.0m length*
- (e) *Dimensions (length and width) of proposed kerb outstands, tree squares, and footpath width.*

154. A monetary contribution relating to street tree planting as detailed within that advice will also be included, given that Duke Street is identified as a priority street for tree planting under Council's endorsed Urban Forest Strategy.

On-Site Amenity

155. The redevelopment of the site would make efficient use of existing infrastructure and services on site with numerous public transport modes which reduce employees and visitors from relying on private vehicles. Policy at clauses 21.07 (Environmental Sustainability), 22.16 (Stormwater Management (Water Sensitive Urban Design)) and 22.17 Environmentally Sustainable Development) of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

156. The development is considered to achieve a high level of on-site amenity through the following:

- (a) A total BESS score of 71% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%;
- (b) The proposed design response has extensive external shading, with all glazing elements on the western and eastern facades provided with an external shading screen, and awnings provided to all terrace spaces except level 4. This amounts to approximately 70% of all glazing to the northern, eastern, and western facades of the project provided with external shading;
- (c) An on-site commitment to a minimum 40 kW rooftop PV system;
- (d) Water efficient fittings and fixtures are applied throughout;
- (e) Water efficient landscaping shall be included within the design response for landscape amenity. Irrigation supply shall be sourced from non-potable supplies or plant species selected which limit demand for landscape irrigation;
- (f) A STORM report with a score of 100% has been submitted that relies on 1,800 sqm of rooftop area diverted to a total of 48,000-litres of rainwater storage connected for re-use in toilets and landscape irrigation;
- (g) In total, 132 tenant bicycle spaces are to be provided within the basement, and 16 visitor bicycle parking spaces are to be provided on the ground floor;
- (h) End-of-trip facilities for building staff are provided on the basement 1 level and contain 18 Showers and 148 Lockers;
- (i) Minimum 1 EV charging space and e-scooter charging points provided in the basement; and
- (j) A total of 1,339m² of communal external terrace areas throughout the site.

157. The following have been identified as areas of outstanding information or improvement opportunities by Council's ESD Advisor and can be addressed with conditions:
- (a) *Clarify provision of outdoor air / mechanical ventilation to all areas. Innovation credit targets Ventilation Systems Reduced CO2 concentrations (600ppm CO2 concentrations), please clarify which is being targeted*
 - (b) *Provide more information on eave and façade design, glazing and material selection used to optimise daylight.*
 - (c) *Provide preliminary daylight modelling to confirm benchmarks are being met*
 - (d) *Provide further information on any modelled GHG Reduction*
 - (e) *Please provide information on hot water system, consider using a high-efficiency heat pump*
 - (f) *Provide further information on any modelled reduction in peak demand*
 - (g) *Please provide more information on HVAC system. Consider 3 pipe VRF*
 - (h) *Confirm that post-development stormwater flows will not exceed pre-development levels*
 - (i) *On Plan A100 (SMP p. 41), please fix discrepancy between tanks annotated on plan and Stormwater notes. Stormwater notes state that tanks have a capacity of 8kL, 20kL, and 27kL, respectively.*
 - (j) *Clarify whether recycled materials (E.g., bricks) or products with post-consumer content (E.g., insulation) are to be used to reduce the environmental impact of the development.*
 - (k) *Clarify whether steel reinforcement and concrete mixes to be prepared using energy reducing strategies*
 - (l) *Clarify whether project timber will be from recycled or sustainable sources*
 - (m) *Provide a Green Travel Plan with targets and actions around transitioning towards sustainable transport modes*
 - (n) *Provide information on the approach to building tuning*
 - (o) *Confirm whether Head Contractor will be accredited*
 - (p) *Confirm whether an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction*
 - (q) *Consider a small pallet of materials and construction techniques that can assist in disassembly*
 - (r) *Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC*
 - (s) *Consider incorporating a car share space and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan*
 - (t) *Consider setting landfill diversion target to 90% in line with best practice.*
 - (u) *Consider benchmarking the landscape approach with the Green Factor Tool. <greenfactor.com.au>*
 - (v) *Consider light colour roofs and planter boxes.*
158. These matters are all considered reasonable, and conditions can require these to be included in an amended SMP and annotated on the plans (where relevant). It is considered that the proposal will achieve a high level of environmentally sustainable design and greater internal amenity for future occupants. This satisfies a number of clauses including 18.02 (Movement Networks), 21.06 (Transport) and 21.07 (Environmental Sustainability).
159. To further ensure that the development achieves a high standard, a condition will also require a Sustainable Management Plan Implementation Report, which is required to be submitted to and approved by the Responsible Authority after completion of each stage of the development proposal but before the occupation of each building.

Off-Site Amenity

160. Clause 15.01-2S (Building Design) of the Scheme aims to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 22.05 (Interface Uses Policy) and 22.10 (Built Form and Design Policy) as well as the decision guidelines of the IN1Z at Clause 33.01-4 (Buildings and works).
161. As previously identified, the subject site is located on land zoned IN1Z as are the dwellings to the immediate east. Despite the adjoining sensitive land uses to the east, the dwellings are not afforded with the same amenity protection as those zoned residential. In fact, the closest residential uses within a residential zone, are located approximately 105m to the south and opposite side of Victoria Street (zoned General Residential), and approximately 112m to the east (within the Priority development Zone). Given the separation distances and buffer provided by land zoned IN1Z, Commercial 1 and 2, the proposed development would not impact these properties in the way of any immediate material detriment.

Daylight to windows

162. The closest habitable room windows (for a dwelling in a residential zone) is over 100m and to the south of Victoria Street. The dwellings to the east are well removed from the shared boundary with generously sized areas of secluded private open spaces within a minimum dimension of 9m in between that will protect their windows with regard to daylight access. This is despite the fact that these dwellings are not afforded with the same amenity protection due to their IN1 zoning.

Overshadowing

163. Between 1pm to 3pm (at the equinox), the existing structures on the subject site overshadow the properties to the east, including the backyard spaces of dwellings. The proposal will increase the overshadowing impacts in the afternoon across the entirety of these private open spaces. However, this extent of overshadowing is considered acceptable in this context and within the zone.
More importantly, is that these shadows do not extend all the way across Grosvenor Street and therefore do not impact the apartments on the eastern side of that street that are zoned Commercial 1.
164. With respect to solar energy facilities, there are none located within proximity to the subject site and thus the development is not anticipated to generate any problematic shadowing in this respect.
165. In the above considerations, the proposal satisfies the decision guidelines of the IN1Z and local policy at Clause 22.10-3.8 (Off-site Amenity) with regard to overshadowing, noting that the secluded areas of private open spaces of the adjoining dwellings would continue to benefit from their northern orientation given that new walls are located to their west. In addition, the proposal satisfies the provisions of Clause 22.05 (Interface Uses Policy), where the viability of commercial areas is a consideration in tempering expectations of conflicting land uses between residential properties and commercial land uses. Again it is highlighted that the IN1Z favours commercial land use over residential, with the latter being a prohibited use.

Overlooking

166. Local policy at Clauses 22.10 (Built Form and Design Policy) and 22.05 (Interface Uses Policy) call for new development to consider overlooking impacts to nearby residential properties (noting that these are not zoned residential). Clause 22.10 offers the following guidelines for mitigation of overlooking:
- (a) *New residential development that contains a habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or a dwelling's secluded private open space located within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio, should be either:*
 - (i) *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.*
 - (ii) *Have sill heights of at least 1.7 metres above floor level.*
 - (iii) *Have fixed obscure glazing in any part of the window below 1.7 metres above floor level.*
 - (iv) *Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25% transparent.*
167. The above policy is not applicable to the proposed development as it is not a residential development. However, it can be used as a guide for the purpose of assessing overlooking impacts.
168. The abutting properties to the east which are considered to be the most sensitive from an overlooking perspective are the three currently comprising dwellings. Being, No's. 9-13, 19 and 21 Grosvenor Street. Of the three, No. 21 Grosvenor is considered to be the least sensitive, given that much of its rear yard comprises a workshop building, with an area of open space set back approximately 10m from the subject site. No. 9-13 Grosvenor Street comprises two distinct areas of rear yard abutting the common boundary, one being behind the dwelling and the other associated with a series of outbuildings. Neither space appears to be currently utilised as backyard space and is therefore considered to represent a less sensitive space. The rear yard at 19 Grosvenor is both the largest of the abutting spaces and still appears to be utilised as a backyard space.
169. Council's external Urban Design Consultant, Hansen, indicated that the plans omitted details demonstrating the overlooking arrangements in relation to the properties at No's. 9-13, 19 and 21 Grosvenor Street. The permit applicant responded with revised sections in an email dated 25 January 2023 which is an attachment to this report. The sections demonstrate that there is some overlooking beyond the 9m threshold into the backyards of these dwellings. However, given this exceedance, overlooking cannot be addressed and requires to be tempered against the zoning of the land that is zoned IN1.
170. With the above in mind, it considered that overlooking has been adequately addressed. The proposed development has been designed to sensitively locate terraces at the upper levels that rely on their distances and in some instances planters to create separation and reduce overlooking impacts. To this extent it is considered that the proposed development mitigates overlooking impacts in accordance with the decision guidelines of the IN1Z and local policy at Clause 22.10 of the Scheme ensuring that overlooking within 9m is adequately addressed.
171. The nearest residentially zoned dwellings as previously identified are well removed from the subject site, and hence well protected from any offsite amenity impacts in terms of overlooking.

Visual Bulk

172. Clause 22.10 (Built Form and Design Policy) calls for new development to be well designed in terms of both massing and materiality to minimise visual bulk impacts to nearby sensitive uses such as dwellings. The closest dwellings are located to the east of the subject site and whilst part three and part four-storey walls are proposed on the boundaries, these have been designed to read as a series with breaks in between, rather than one continuous wall (see Figure 19 below). The walls would sit as a backdrop to the dwellings and industrial / commercial buildings addressed to Grosvenor Street. Furthermore, and as discussed at length in earlier sections, the dwellings are zoned IN1Z, whereby there is an expectation that dwellings are non-conforming uses that are prohibited in that zone, and commercial uses and associated development takes precedence. Despite this, the proposed development is considered to be adequately respectful to these dwellings.
173. Clause 22.10-3.3 has a design guideline which states that *the height of new development abutting land in a Heritage Overlay should:*
- (a) *Adopt a façade height to the street frontage which is no higher than the adjacent building within the Heritage Overlay;*
 - (b) *Design and site taller structures so that they do not visually dominate surrounding heritage places; and*
 - (c) *Match the floor levels of the adjacent heritage building.*
174. In this instance, these walls will be located at the very rear of these dwellings, would be recessive and significantly removed from the primary street frontage to Grosvenor Street, and hence will not visually dominate these dwellings. Furthermore, the development is not considered to match the floor level of these dwellings as the subject site is addressed to Duke Street whilst the dwellings are located to the rear and addressed to Grosvenor Street i.e. the policy is aimed at heritage buildings that are located adjacent to a subject site on the same street and not at the rear facing another street.

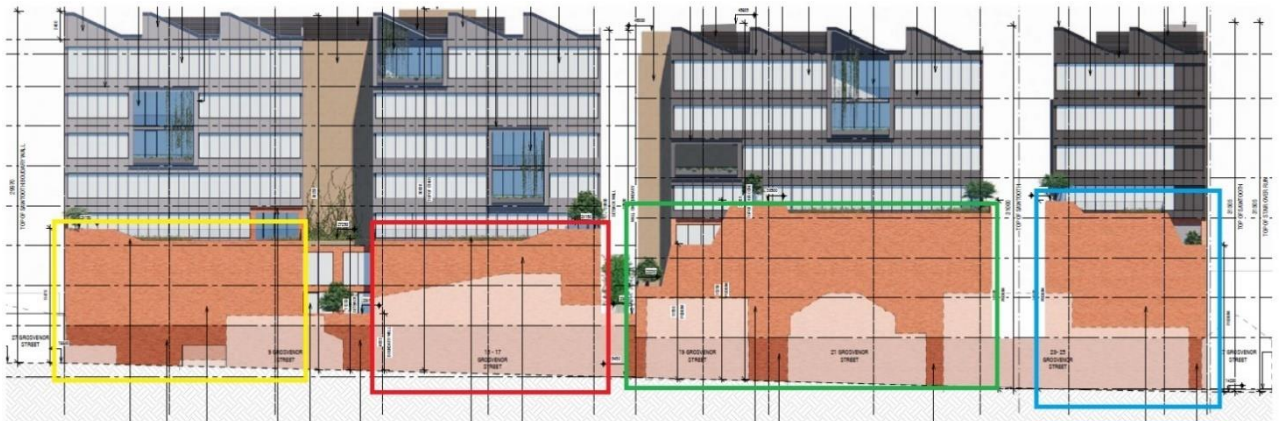


Figure 19. Eastern elevation identifying varies on-boundary walls by way of height and breaks with Grosvenor Street buildings in the forefront.

Noise Impacts

175. Clause 13.05-1S (Noise Management) states that community amenity should not be reduced by noise emissions. Similarly, local policy at clause 22.05-3 (Policy) of the Scheme calls for commercial development to consider noise attenuation in its design response.

176. The application proposes two different uses – retail at the ground floor of the Lot B and the Lot C and D Buildings, with the floor levels above used for office throughout the remainder of the development (all buildings). Both uses are Section 2 uses under the IN1Z and therefore require a planning permit (and as such, conditions can be placed on a permit to restrict the operational capacity of these uses with regard to hours that will mitigate any noise related issues). In any case, the proposed office use is a benign use and is not associated with problematic noise impacts that could otherwise be permitted with the absence of controls relating to any use that is as-of-right i.e. such as Industry. The proposed retail use of the ground floor will address Duke Street and will not affect the nearest residential properties to the immediate east and evidently those located within a residential zone.
177. With respect to proposed development itself, noise emissions are anticipated to be low given that:
- (a) The application proposes an enclosed car park at the ground floor;
 - (b) Noise emissions associated with the roof level plant are unlikely to be problematic given their location high above the footpath level;
 - (c) The lack of nearby residentially zoned dwellings; and
 - (d) The surrounding commercial context and site's location within in an area with a significant employment focus (as identified at *Map 1 Victoria Street East Precinct Framework Plan* at Clause 22.11-4 (Reference Document) of the Scheme).
178. Notwithstanding the above, a condition will require the development to comply at all times with the EPA noise regulations that apply to commercial developments (the EPA Noise Protocol). These measures will ensure minimal noise impacts arising from the development in accordance with State and Local planning policy.

Wind Impacts

179. Wind impacts relate to the public realm (with a particular focus on potential impacts to pedestrians using the public realm) and also onsite amenity for any external areas such as balconies or terraces. A desktop assessment was undertaken which found that the proposed development would be expected to result in wind conditions where:
- (a) Locations immediately outside the building entrances are expected to satisfy the recommended standing comfort criterion;
 - (b) The wind condition on the outdoor terraces would be expected to satisfy the walking comfort criterion;
 - (c) Wind conditions to surrounding properties would also be expected to satisfy the walking comfort criterion.
180. Council's wind consultant was supportive of the wind report, confirming that the permit applicant's wind report used the proper analysis and methodology to analyse the wind effect on the pedestrian level surrounding the proposed development and on some selected terraces in detail. The report found that the proposed design would have an acceptable wind environment within the recommended wind comfort criteria.
181. In relation to the eastern adjoining properties, the following paragraphs are extracted from pages 13 and 14 of the Environmental Wind Assessment prepared and authored by MEL Consultants dated 22 July 2022 (which is an attachment to this application) for reference:
- (a) *Some wind flow onto the north face of the Lot A building of the Development would be expected to separate off the building's northeast corner and flow down onto the roofs of adjacent buildings on the east side of the Development.*

The Development's 3m setback from the east face at Level 4 would assist in deflecting most of this downward induced wind above pedestrian level with the remaining induced flow being deflected by the rooftops of the neighbouring buildings to the east

- (b) Some wind flow onto the south face of the Lot C+D building of the Development would be expected to separate off the building's southeast corner and flow down onto the adjacent building rooftops on the east side of the Development and into Grosvenor Street. The Development's 3m setback from the east face at Level 3 would assist in deflecting the majority of wind above pedestrian level and reduce the amount of downwash that would impact the adjacent buildings and Grosvenor Street.
- (c) Based on the above scenarios, the wind conditions in the adjacent buildings on the east side of the Development and along the pedestrian streetscapes of Grosvenor Street would be expected to satisfy the walking comfort criterion as well as the safety standard. These wind conditions would, however, be higher than the existing conditions.

182. In summary, the development will mitigate wind impacts satisfactorily. A general condition will also require any amended development plans required at Condition 1 and its requirements to show any relevant detail required within the wind assessment report such as the provision of 1.8m high balustrade to the west side of level 4 terrace of the Lot A Building (which at present is shown to have a 1.5m height above their respective floor level on the architectural set of plans).

Car Parking, Vehicle Access, Traffic, Loading and Waste

Provision of car parking

183. The proposed development would provide 124 on-site car parking spaces across the three buildings. As previously outlined, the proposal triggers a car parking reduction of 200 spaces.
184. The following attributes work in favour for less car reliance:
- (a) The site has good access to a wide range of retail and commercial services within the Victoria Gardens Shopping complex, and further to the west, within the Victoria Street Major Activity Centre;
 - (b) The site is within walking distance of tram services operating along Victoria Street;
 - (c) The proposal includes a good proportion of bicycle parking spaces in excess of rates specified within the Scheme, with end-of-trip facilities incorporated into the design; Future employees would be able to take advantage of the nearby bicycle infrastructure, with the Yarra River bicycle trail within close range;
 - (d) Employee or visitor parking permits will not be issued for the development, which will discourage people from driving to the site. This is a welcome sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1S and 21.06-1 of the Scheme;
 - (e) Whilst a generous car parking rate is provided, the office use is particularly conducive to encouraging those with a car to not drive, given trips are made in peak public transport availability periods, trips are planned in advance and the lack of on-site and off-site parking availability is known in advance. These factors support employees to use other modes of transport;
 - (f) Visitors would be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;

- (g) The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives;
- (h) On-street parking in the Abbotsford area is very high during business hours. Council's Engineers have rightfully pointed out the high parking demand in the Abbotsford area that would be a disincentive for visitors, customers or employees to drive;
- (d) The Local planning policy at clauses 18.02 (Movement Networks), 21.03 (Vision), 21.06-3 (The road system and parking) and 21.07 (Environmental Sustainability) encourage reduced rates of car parking provision for development sites within close proximity to public transport routes and activity centres;
- (e) Traffic is a key issue affecting the road network. Providing fewer car spaces will ensure that the development does not generate any unreasonable increase in traffic levels for the surrounding road network;
- (f) Council's Engineering Services Unit reviewed the proposed car parking reduction (i.e. that associated with the advertised plans) and raised no issue to the proposed reduction given the site's location. Further, Council's Engineering Services Unit highlighted that the proposed office parking rates of 1.07 to 1.26 spaces per 100 square metres of floor area are considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.

Vehicle Access

185. The application seeks to provide access to the ground floor car parks / stackers from Duke Street via one crossover that will serve both Lot A and B Buildings, and one crossover in the south-west corner that will serve the Lot C and D Building. Other than requesting additional information to be shown on the plans, Council's Engineering Services Unit did not raise any issues with vehicle access and safety from Duke Street. The following recommendations were made by Council's Engineering Services Unit:
- (a) The provision of convex mirrors at the development entrances;
 - (b) The headroom clearances at the entrances dimensioned;
 - (c) The floor to ceiling heights and pit depths dimensioned on the drawings;
 - (d) Details of the stacker model type and the specifications of the vehicle clearance heights of each stacker level;
 - (e) Dimensions of the motorcycle spaces;
 - (f) Swept path diagrams for a 6.41 metre long waste collection vehicle entering and exiting the development entrances via Duke Street.
186. A number of additional recommendations were made by Council's Engineering Services Unit; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holder's cost, as follows:
- (a) The footpath along the property's Duke Street frontage to be reconstructed. The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 40 or unless otherwise specified by Council;
 - (b) All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost;
 - (c) All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost;
 - (d) Detailed engineering design drawings of all infrastructure works, including the drain extension in Duke Street, are to be submitted to Council for assessment and approval; and
 - (e) Provision of a Public Lighting Plan must provide that includes details (amongst other requirements) relating to public lighting installations at entrances, new poles and luminaires with relevant CitiPower technical requirements addressed, regard to the light spillage into the windows of existing and proposed residences avoided or minimised.

187. The full spectrum of recommendations are detailed within the referral advice (which is an attachment to this report) and captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type and this scale.
188. The requirement for the drain to be constructed from the development to the existing drain at the intersection of Duke Street and Southampton Crescent was responsive of the extended kerbs shown on the proposed ground floor plan that are not supported by Council's Urban Design Unit and would have resulted in significant civil subterranean changes to drains. As such, this requirement will not be imposed as the kerb and channel will be modified to that recommended by Council's Urban Design Unit, which as a consistent north-south alignment.
189. In addition to the above, the views of the relevant road authority are part of the decision guidelines for this zone as the office floor area exceeds 10,000sq.m. With this in mind, the application was referred to the Department of Transport (in accordance with Clause 66.02-11 – Land Use and Transport Integration) who provided comments with no objection to the issue of a planning permit. This response is also an attachment to this report.

Traffic

190. The traffic report submitted with the application made the following findings:
- (a) The proposed 124 on-site car spaces would generate 68 vehicle trips per peak hour;
 - (b) Staff vehicle trips are anticipated to be split 95/5% in/out in the AM peak and 5/95% in/out in the PM peak.
191. Council's Engineering Services Unit indicated that the traffic distribution assumptions as indicated in section 9.2 of the One Mile Grid traffic report are considered reasonable and that the traffic generated by the development should not have a detrimental impact on the traffic operation of the surrounding road network.

Loading, unloading and waste

192. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. With regard to the retail (food and drinks premises – café) component, Council's Engineers raised no objection to small vehicles parking on-street to make deliveries to the site. A condition will require swept path diagrams to be provided for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.
193. Waste collection will occur from within the driveways of each car park via a private collection service. This will ensure that Duke Street remains unaffected by stationary waste vehicles during collection. The submitted Waste Management Plan (WMP) and the ground floor plan shows waste storage areas for each building, with space for five different waste streams (garbage, co-mingled recycling and food/organic waste, glass recycling and e-waste). The frequency of waste collections is detailed on page 10 of the WMP.
194. The WMP has been assessed by Council's Civil Works Unit, who required details of the sizes of the bin size rooms and swept path diagrams to be assessed by Council's Engineering Services Unit (with the request for swept path diagrams by Council's Engineers coinciding with this request). As such, a condition will be included referencing an amended WMP. The permit applicant in their email response to Council dated 25 January, has agreed to provide an updated Waste Management Plan by condition of permit. The updated Waste Management Plan will include a notation that clarifies that with regard to *Lots C and D that in order for the waste truck to turnaround and exit in a forward direction, the truck must utilise the DDA space and shared area. Bin collections will therefore need to be scheduled outside of office hours while the parking spaces is vacant.*

Signage will be provided informing that the space must be left vacant outside of office hours and management can ensure the correct usage of the DDA spaces.

Bicycle Facilities

195. With regards to visitor spaces, the development will provide a total of 148 spaces (132 spaces for employees and 16 for visitors); equating to a surplus of 97 additional employee spaces and 6 visitor spaces above the requirements of the Scheme. Council's Strategic Transport Unit was supportive of the proposed numbers having regard to:
- (a) *The reduction of 198 car parking spaces being sought (38% of the statutory requirement).*
 - (b) *The subject site is located in an inner-urban area with already high cycling-to-work demand, and trends indicate demand will continue to increase; and*
 - (c) *Both local and state planning policies include objectives to promote sustainable transport modes, including cycling.*
196. Council's Strategic Transport Unit has referred to a reduced rate at point (a) noting 198 car parking spaces, when in fact it is 200 car spaces. This is a small discrepancy and is considered inconsequential to their assessment. Further comments of support were also provided with regard to the location of the bicycle spaces within the basement but recommended that updated plans identifying the design and dimensions of bicycle parking with further details of the lift sizes and door openings are provided to confirm that all dimensions would adequately accommodate the bicycle arrangements anticipated. Another requirement was for at least 43 of the employee spaces (40% of the total) to be provided in a horizontal arrangement and provision for at least four electric bicycle charging points provided adjacent to one of the horizontal employee bicycle hoops. These requirements can be facilitated with further conditions.
197. It is highlighted that the permit applicant in responding to the referral advice on 9th April, indicated that they would agree to the provision of 26 horizontal spaces within the development in lieu of the 43, particularly as this is the requirement of the Australian Standard. The exceedance is a requirement by Council's Strategic Transport Unit and is arbitrarily applied. As such, the condition will relate any number required by the Australian Standard.
198. A Green Travel Plan (GTP) has also been requested and a further condition has also been included addressing this.

Objector Concerns

199. The objector issues have been discussed throughout this report as follows:
- (a) *Excessive height poor transition and overdevelopment of the site;*
200. This has been discussed at paragraphs 124 to 134.
- (b) *Reduction in the car parking provision;*
 - (c) *Increased traffic congestion on surrounding streets;*
201. This has been discussed at paragraphs 183 to 194.
- (d) *Off-site amenity impacts (overlooking, reduced sunlight, overshadowing, noise, excessive trading hours and loss of views);*
202. Off-site amenity impact have been discussed at paragraphs 160 to 165.

(e) *Structural damage of surrounding buildings and noise during the construction phase;*

203. Structural damage of surrounding buildings and noise during the construction phase is a matter that is dealt with under the Building Permit process. Notwithstanding this, a condition has required a Construction Management Plan which will ensure that the development will be constructed to Council's best practice standards.

(f) *Devaluation of surrounding properties.*

204. The devaluation of surrounding properties is not a planning consideration.

(g) *Impacts on surrounding heritage buildings.*

205. Heritage related matters in relation to the adjoining properties to the east have been considered at length at paragraphs 128 to 129, 148, 173 to 174.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN22/0679 for Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme at No. 10 – 32 Duke Street, Abbotsford subject to the following conditions:

1. Before the development commences (excluding demolition, bulk excavation and site preparation work), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by BKK Architects and dated 05 and 06 October 2022 but modified to show:
 - (a) The northern elevation of the Lot A Building, the southern elevation of the Lot B Building and the southern elevation of the Lot C and D Building, treated with a varied colour scheme and/or engraved pattern;
 - (b) The deletion of on-boundary windows to the north of the Lot A Building;
 - (c) The provision of convex mirrors at the development vehicle entrances;
 - (d) The headroom clearances at the vehicle entrances dimensioned;
 - (e) The floor to ceiling heights and pit depths of the car parking areas dimensioned ;
 - (f) Details of the car stacker model type and the specifications of the vehicle clearance heights of each stacker level;
 - (g) Dimensions of the motorcycle spaces;
 - (h) Swept path diagrams for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.
 - (i) Provision of horizontal bicycle parking in accordance with the requirements of the Australian Standard.

Reports and Plans

- (j) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 6) (where relevant to show on plans);
- (k) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to show on plans);

- (l) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to show on plans);
 - (m) Any requirement of the endorsed Wind Tunnel Report (condition 13) (where relevant to show on plans);
 - (n) Any requirement of the endorsed Public Lighting Plan (condition 15) (where relevant to show on plans);
 - (o) Any requirement of the endorsed Waste Management Plan (condition 17) (where relevant to show on plans);
 - (p) Any requirement of the endorsed Green Travel Plan (condition 19) (where relevant to show on plans);
 - (q) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 21) (where relevant to show on plans).
2. In conjunction with the amended plans and reports required at Condition 1 and its requirements, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority. The Staging Plan must include, but not limited to:
- (a) plans clearly detailing the staging of buildings;
 - (b) information detailing the timing and delivery of all public realm works as part of each stage;
 - (c) proposed temporary treatment of the vacant land;
 - (d) Details of securing the various stages.

The development must proceed in order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

3. 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.

Hours of Operation

- 4. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may operate between 7.00am to 8.00pm - Monday to Sunday.
- 5. Except with the prior written consent of the Responsible Authority, the retail (food and drinks premises – cafés) use authorised by this permit may operate between 7.00am to 10.00pm - Monday to Sunday.

Façade Strategy and Materials and Finishes Plan

6. In conjunction with the submission of development plans under condition 1, a Façade Strategy and Materials and Finishes 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 document. This must detail:
- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Information about how the façade will be maintained; and
 - (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

Ongoing architect involvement

7. As part of the ongoing progress and development of the site, BKK Architects or another 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.

Landscape Plan

8. In conjunction with the submission of development plans under Condition 1, an amended 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 be generally in accordance with the Landscape Plan prepared by Junglify and Loci Design Collective with revision date 30 August 2022 but modified to show:
 - (a) Clarification of soil depth, slab setdown and wall heights and of “deep soil” planters.
 - (b) Provide typical details for the proposed irrigation.
 - (c) Provide typical details of furniture and all materials and surfaces on the ground level.
 - (d) Provide a maintenance schedule, including tasks details and frequency; for multi-storey development and planting, maintenance access will need to be provided for.
 - (e) Load bearing weights for the building structure with regard of the saturated bulk density of soil media, planter box and plant mass being proposed.

Ongoing Landscape Plan

9. Before the buildings are occupied at each stage, 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.

Amended Sustainable Management Plan

10. In conjunction with the submission of development plans under Condition 1, 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 *10-32 Duke Street, Abbotsford, Vic, 3067, Sustainability Management Plan* prepared by Stantec and dated 02 September but modified to include / confirm:
 - (a) Clarification for the provision of outdoor air / mechanical ventilation to all areas.

- (b) Details of eave and façade design, glazing and material selection used to optimise daylight;
- (c) Daylight modelling to confirm that benchmarks are being met;
- (d) Information on any modelled GHG Reduction;
- (e) Information on hot water systems, with use of a high-efficiency heat pump;
- (f) Information on any modelled reduction in peak demand;
- (g) Information on HVAC system;
- (h) Confirmation that post-development stormwater flows will not exceed pre-development levels;
- (i) Water tanks to coincide with stormwater notes;
- (j) Clarification of recycled materials (E.g., bricks) or products with post-consumer content (E.g., insulation) are to be used to reduce the environmental impact of the development;
- (k) Whether steel reinforcement and concrete mixes use energy reducing strategies;
- (l) Whether project timber will be from recycled or sustainable sources;
- (m) Information on the approach to building tuning;
- (n) Whether Head Contractor will be accredited
- (o) Whether an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction
- (p) Provision of a small pallet of materials and construction techniques that can assist in disassembly
- (q) Provision of pipes, cabling, flooring that do not contain PVC or meeting best practice guidelines for PVC;
- (r) A landfill diversion target to 90% (as practicable) in line with best practice;
- (s) Benchmarking the landscape approach with the Green Factor Tool;
- (t) Provision of light colour roofing and planter boxes.

Prior to occupation Sustainable Management Plan

11. Prior to the occupation of the development at each stage approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Ongoing Sustainable Management Plan

12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Report

13. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Report will be endorsed and will form part of this permit. The Wind Tunnel Report must be generally in accordance with the Wind Impact Assessment prepared by titled 10 – 32 Duke Street, Abbotsford dated 22 July 2022 and letter dated 01 September 2022 prepared by MEL Consultants, but modified to include or verify:
- (a) Reference to the amended plans required by Condition 1.
 - (b) Wind mitigation measures to the west-facing terraces.
 - (c) Landscaping is not to be used as a wind mitigation measure.

Ongoing Wind Tunnel Report

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

Public Lighting Plan

15. Before the development commences (excluding demolition, bulk excavation and site preparation work), a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) all pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 *Lighting for roads and public spaces*.
 - (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
 - (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 – 2019 *Control of the obtrusive effects of outdoor lighting*;
 - (e) the locations of any new light poles must not obstruct vehicular access into private properties; and
 - (f) the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
 - (g) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (h) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible

Ongoing Public Lighting Plan

16. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Amended Waste Management Plan

17. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 02 September 2000 but modified to:
- (a) Assess the proposal as amended under Condition 1 and its requirements.
 - (b) Include details of the size of the bin storage areas and the total footprint of the proposed bins in each M2;

- (c) The scheduling of bin collections outside of office hours and when the DDA car spaces and shared area associated with the Lots C and D building is not in use and management of this; and
- (d) Swept path diagrams for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.

Ongoing Waste Management Plan

18. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

19. Before the development is occupied at each stage, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

Ongoing Green Travel Plan

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

Public Realm Plan(s) / Works / Road Infrastructure

21. Within six months of commencement of the development (excluding demolition, bulk excavation and site preparation work) or by such later date as is approved by the Responsible Authority, Detailed Design plans (Civil and Landscape) for the Duke Street frontage must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must reference Appendix 1 of the referral advice provided by Council's Urban Design Unit dated 13 December 2022, but not be limited to, the following:

- (a) The location of all existing, proposed and/or relocated infrastructure, such as, drainage pits, light/electrical poles, street signs, parking meters, parking bays, kerb/channel, trees, street furniture, bins, bike hoops etc.
 - (b) All existing and proposed levels and surface grading.
 - (c) Proposed civil/drainage design to accommodate any design elements that will alter the conditions of the existing stormwater drainage (such as kerb outstands/footpath extensions).
 - (d) All proposed parallel parking bays, including dimensions as per the following:
 - (v) Parking lane minimum width – 2.1m
 - (vi) Parking bay enclosed/obstructed on both ends – 6.0m length
 - (vii) Parking bay enclosed/obstructed on one end – 5.5m length
 - (viii) Parking bay open on both ends – 5.0m length
 - (e) Dimensions (length and width) of proposed kerb outstands, tree squares, and footpath width.
 - (f) The reinstatement of the Duke Street footpath and (outside the property's frontage) kerb and channel and reinstatement of any portion of damaged road outside the property's frontage;
 - (g) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (h) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (i) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (j) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (k) Signage & line marking plan;
 - (l) All surfaces must be designed in accordance with DDA requirements;
 - (m) Distinct delineation between public and private land along all interfaces;
 - (n) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (o) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
22. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan(s) / Works / Road Infrastructure Plan required by Condition 21 must be carried out at the permit holder's cost and completed to the satisfaction of the Responsible Authority.
23. Before the development starts, the permit holder must provide a monetary contribution of \$11,240 (inclusive of GST and subject to annual CPI increase) for the provision of 8 new street trees to the Responsible Authority.
24. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

25. Before each 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.
26. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
27. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
28. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/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.

Civil work and drainage design plans

29. Before the Stage 1 development (Lot A and B Buildings), Civil Work and Drainage Design Plans prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:
 - (a) Be consistent with the public realm plan required under Condition 21.
 - (b) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
 - (c) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways;
 - (d) Be in accordance with Council's engineering standards and requirements.
 - (e) Be DDA compliant to the satisfaction of Council.
 - (f) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and line-marking abutting the development.
 - (g) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (h) Provide street lighting in accordance with Council standards.

Civil work and drainage design plans

30. Before the Stage 2 (Lot C and D Building) development commences, Civil Work and Drainage Design Plans prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:

- (i) Be consistent with the public realm plan required under Condition ###.
 - (j) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
 - (k) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways;
 - (l) Be in accordance with Council's engineering standards and requirements.
 - (m) Be DDA compliant to the satisfaction of Council.
 - (n) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and line-marking abutting the development.
 - (o) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (p) Provide street lighting in accordance with Council standards.
31. Before each building is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

Car Parking

32. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
- all to the satisfaction of the Responsible Authority.
33. Before the development commences (excluding demolition, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
 - (b) the management of car parking spaces and security arrangements for employees of the development;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) 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;
 - (f) details regarding the management of loading and unloading of goods and materials; and
 - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
34. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

35. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

General

36. 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.
37. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the responsible authority.
38. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
39. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
40. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
41. Before each 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.
42. Before each 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.
43. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
44. 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.
45. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) Located;
 - (b) Directed;
 - (c) Shielded;
 - (d) Of appropriate intensity; and
 - (e) to the satisfaction of the Responsible Authority.

Development Contributions

46. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

47. Before the development of each stage commences, a Construction Management Plan for each relevant stage must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements;

During the construction:

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

Ongoing Construction Management Plan

- 48. The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Times

- 49. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

- 50. This permit will expire if one of the following circumstances applies:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit;
 - (c) the use has not commenced within five years of the date of this permit.

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

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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

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.

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 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

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.

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

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

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.

Attachments

- 1 PLN22/0679 - 10 - 32 Duke Street Abbotsford - Plans
- 2 PLN22/0679 - 10 - 32 Duke Street Abbotsford - Urban Context Plan
- 3 PLN22/0679 - 10 - 32 Duke Street Abbotsford - Landscape Plan
- 4 PLN22/0679 - 10 - 32 Duke Street Abbotsford - Traffic Management Plan / Traffic Impact Assessment
- 5 PLN22/0679 - 10 - 32 Duke Street Abbotsford - Sustainability Management Plan / ESD Report
- 6 PLN22/0679 - 10 - 32 Duke Street Abbotsford - Waste Management Plan

- 7** PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Wind Report
- 8** PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Collated Referral Advice provided / responses
- 9** PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Permit Applicant's response to referral advice and objectors.
- 10** PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Overlooking Sections