



Agenda

Planning Decisions Committee

6.30pm, Tuesday 28 February 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

Cr Anab Mohamud
Cr Claudia Nguyen
Cr Bridgid O’Brien

Council officers

Daniel Herrmann (Co-ordinator Statutory Planning)
Chris Stathis (Acting 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 31 January 2023 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - The use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme.	5	34
6.2	<p>PLN21/0836 - 25-35 River Boulevard and 15 Christine Crescent, Richmond:</p> <p>Development Plan Approval Application No. PLN21/0836 - construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces).</p> <p>Planning Permit Application No. PLN22/0142 - Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development.</p>	38	132
6.3	PLN21/0316 - 398 - 400 Johnston Street Abbotsford	148	223

6.1 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - The use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme.

Report Summary

Purpose

1. This report provides Council with an assessment of the application at No. 9 – 11 Old Heidelberg Road Alphington for the use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 (Neighbourhood residential zone) and Clause 22.01 (Discretionary uses in the residential zone)
 - (b) Clause 52.06 and Clause 18.02-2R (Car parking)
 - (c) Clause 52.34 (Bicycle facilities)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use (sub-acute facility – Hospital)
 - (b) Car parking and traffic
 - (c) Bicycle parking and facilities
 - (d) Objector concerns

Submissions Received

4. 180 objections were received to the application, these can be summarised as:
 - (a) Non-residential use inappropriate in residential zone
 - (b) Concerning proximity to school and high risk to safety and security
 - (c) Removal of school gate enforced by the City of Yarra
 - (d) Promotes illegal activities and crime in the area
 - (e) Concerns relating to the existing nearby facilities
 - (f) Traffic congestion and safety
 - (g) Inadequate on-site car parking and pressure on-street car parking availability
 - (h) Car parking and traffic review was undertaken on the school holidays
 - (i) Increase movement of visitors and patients (from existing aged-care use)
 - (j) Fences are not high enough, inadequate security
 - (k) Loss of an aged-care facility
 - (l) Objection to the construction of an aged-care facility

- (m) Cigarette waste
 - (n) Limited local facilities for patients
5. Nine (9) letters of support were received to the application, these can be summarised as:
- (a) Offers an important community / health service, particularly in the wake of the Covid-19 pandemic and a shortage of these facilities available
 - (b) Support of inclusive communities
 - (c) Facility will be run by a professional institution and is low risk
 - (d) Appropriate use of the existing facility

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) The Operational Management Plan updated to provide:
 - (i) Further details on in-patient check-in, including that it will be by appointment and limited to day-time business hours (9am to 5pm). Check ins should be spread throughout the work day to avoid congestion.
 - (ii) Details of day-leave arrangements, contained to the hours of 9am to 7pm, and how this will be documented and managed. This should include the commitment that pickup and drop off will be undertaken by the carer.
 - (iii) Commitment that visiting hours will only be permitted between 1pm and 3pm, or 5pm and 7pm on weekdays to avoid conflict with school pick up times. Further details of visitor sign in / out and arrangements.
 - (iv) Commitment that patients and visitors will be alerted of limited on-site parking prior to arrival and that details of public transport and car share options be provided.
 - (v) The external courtyards to be opened no earlier than 7am.
 - (vi) Details of “House rules” with regards to recreation and noise, particularly during the sensitive evening and night-time hours.
 - (vii) Details of smoking arrangements, with a designated area to be chosen away from sensitive interfaces and for receptacles to be provided and appropriately disposed of.
 - (viii) Commitment to assist / organise appropriate transportation for patients on departure (i.e. assist in organising pick-up from family or friends, provide public transport timetabling, ordering car share or taxi services).
 - (ix) Details of complaint procedures with a commitment that neighbours and Alphington Grammar School will be provided with a direct telephone number for contact and communication.
 - (x) That all day patients, out-patients and consultations will be on-site between 9am to 5pm only.
 - (xi) Details of the exclusion criteria for patients admissions, including a commitment that the facility will not provide for acute de-toxification/addiction services.

- (xii) Further details of the security arrangement.
- (b) Provide an additional bicycle hoop (installed and designed pursuant to Australian Standards);
- (c) A Waste Management Plan, in accordance with the relevant details provided in the Traffic Management Plan and Operational Management Plan.

CONTACT OFFICER: Jessica Sutherland
TITLE: Senior Statutory Planner
TEL: 9205 5365

6.1 **PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - The use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme.**

Reference D23/37772
Author Jessica Sutherland - Senior Statutory Planner
Authoriser Acting Senior Coordinator

Ward: Langridge Ward
Proposal: The use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction of the bicycle requirements of Clause 52.34 of the Scheme.
Existing use: Vacant (previously aged care)
Applicant: HSPC Health Architects
Zoning / Overlays: Neighbourhood Residential Zone (Schedule 2)
Urban Floodway Zone
Adjacent to Transport 2 Zone
 Environmental Significance Overlay (Schedule 3), Development Contributions Plan Overlay (Schedule 1), Design and Development Overlay (Schedule 1-J)
Land Subject to Inundation Overlay
Area of Aboriginal Cultural Heritage Sensitivity Yes
Date of Application: 21 October 2022
Application Number: PLN22/0806

Planning History

1. Planning Permit PD7213 was issued by the City of Northcote on 8 July 1993 for a *Retirement Village*. The permit was acted on and relates to the existing building on the land.
2. Planning Permit PLN11/0754 was issued on 4 May 2012 for *buildings and works comprising a two-storey addition (plus basement car park) and aged care facility, minor alterations to the existing building, removal of vegetation and a reduction in the car parking requirements of the Yarra Planning Scheme*. The permit, however, was never acted on and has since expired.

Background

3. Many objections received reference the required removal of a security gate associated with Alphington Grammar and so a brief background will be provided for context.
4. It is understood that Alphington Grammar, which occupies sites on the north and south of Old Heidelberg Road, constructed a gate through Old Heidelberg Road, assuming the public land which continues to Darebin Creek as part of the school grounds. Following complaints from local residents relating to the obstruction of public land and access to Darebin Creek, the City of Yarra directed that the gate be removed. The gate has not been removed at the time of this report.



Image 1: the entry to Alphington Grammar School, gate across Old Heidelberg Road (Officer site visit, January 2023)

[Planning Scheme Amendment C269](#)

5. Amendment C269 proposes to update the local policies in the Yarra Planning 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.
6. 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. As such the amendment is now 'seriously entertained' policy.
7. The key sections to be considered in this report include:
 - (a) Clause 02.01-8 and 02.03-6 (Economic development)
 - (b) Clause 02.02-9 and 02.03-7 (Transport)
 - (c) Clause 02.02 (Vision)

- (d) Clause 11.03-1L (Activity centres)
- (e) Clause 13.07-L (Interfaces and amenity)
- (f) Clause 17.01-1 (Employment)
- (g) Clause 18.01-2L (Sustainable Transport)
- (h) Clause 18.02-4L (Car Parking)

Clause 02.01-8 and 02.03-6 (Economic development)	Relevantly recognises “health services based around major hospitals and their allied medical services are a major source of employment”.
Clause 02.02-9 (Transport)	Recognises the extensive network of sustainable transport option in Yarra and relevantly states that “unrestricted car use and parking creates pressure in Yarra’s streets.
Clause 02.02 (Vision)	The Yarra 2036 Community Vision statement is: <i>Yarra is a vibrant safe and inclusive environment. We celebrate and embrace our diversity and connection to each other and the land. Our community is empowered to work together and support one another with respect and trust.</i>
Clause 11.03-1L (Activity centres)	The policy relevantly recognises the Heidelberg Road Neighbourhood Activity Centre (from Coate Avenue to Como Street) and promotes “the retail and community roles of the activity centre”.
Clause 13.07-1L (Interfaces and amenity)	This policy applies to non-residential use and development, giving consideration to noise, fumes and air emissions, storage and waste, light spill, overlooking and unsightly views.
Clause 17.01-1L (Employment)	This policy supports development that provides high quality amenity for workers.
Clause 18.02-3L (Sustainable transport) and 18.02-4L (Car parking)	These policies encourage development which promotes sustainable transport modes over private motor vehicles through thoughtful supply of car parking.

8. The above clauses are largely reflected in current planning policy and will not be contradictory to the proposed re-write of Clauses 21 and 22.

[Aboriginal Cultural Heritage Significance](#)

9. No buildings and works are proposed through this application other than internal works and the minor installation of a bicycle rack. As such, the application does not represent a 'high impact activity' pursuant to the Aboriginal Heritage Regulations 2018 and a Cultural Heritage Management Plan is not required.

The Proposal

Use

10. The use of the land as a sub-acute health facility (mild to moderate disorders) which provides services for general psychiatric (anxiety, depression, mood disorders) as well as trauma and stress related disorders (such as PTSD).
11. The Applicant has provided the following exclusionary (i.e. patients that will not be admitted) criteria for patient admissions:
- (a) High/severe patients currently meeting criteria to receive compulsory treatment under Vic Mental Health Act.
 - (b) Complex medical conditions requiring medical interventions
 - (c) Persons currently under a Community Treatment Order
 - (d) Any persons under the age of 18 and require inpatient treatment or ECT.
 - (e) Primary diagnosis of substance dependency and use
 - (f) Has a primary diagnosis of an eating disorder
 - (g) Persons wanting respite care or post-surgery
 - (h) Behavioural management issues such as a history of aggression therapy and interfering behaviours.
12. The Applicant has also reiterated that the facility will not provide acute de-toxification/addiction services for its patients. The hospital admission policy will be that alcohol or drug related primary diagnosis or detoxification will be an inpatient exclusion criteria.
13. The use will be provided within the existing building (previously constructed as a retirement village), with internal alterations proposed to upgrade the facility (*no permit required for internal building and works*).
14. The use will cater for 30 in-patients (who will stay a fortnight on average), eight (8) day patients and four (4) outpatient consults on-site at any one time.
15. The Applicant has provided the following parameters with respect to patient appointments/movements:
- (a) The consulting suites will be operational between 9am to 9pm Monday to Friday for the following:
 - (i) 9.00am to 5.00pm in-person consults
 - (ii) 5.00pm to 9.00pm Doctor telehealth services (no patient visits)
 - (b) Day Group and Psychology Programs (a max of 8 persons at any time)
 - (i) Inpatient programs are catered for 32 patients across the day in group rooms (however, forecast to be 10 outpatient visits per day)
 - (ii) Group programs are run from 9am – 3pm with individual groups running 2.5 hours
 - (iii) Psychology Program 9.00am – 3.00pm (Individual hourly sessions)
 - (iv) Maintenance TMS treatment from 8am to 5pm (45 minute appointments)
16. Due to the nature of the use, it will operate 7 days a week, 24 hours a day.

17. A maximum of 20 staff on premises is proposed during peak periods (comprising of an executive team, nurses, admin staff, doctors, allied health professional and catering staff). Four (4) staff (nurses and night manager) stay overnight (9pm – 6am).
18. The use of external courtyards will be restricted after 7pm every evening.
19. Visitor hours will be limited to 2-hours per day (expected to be between 1pm and 3pm or 5pm and 7pm).
20. In-patients will be permitted some leave, as follows:
 - (a) No patients are permitted to leave within the first 48 hours except under circumstances that need to be documented in the patient's notes
 - (b) The care arrangements for the patient during leave include the carer's capacity to provide suitable level of monitoring and supervision
 - (c) Pickup and drop off into the hands of a carer is the operational standard
21. Security arrangements will include the following two-step approach:
 - (a) A Service Level Agreement with Wilson's Security which will include regular patrolled visits and any additional Rapid Response support requested by management in the case of critical incident.
 - (b) Security can be arranged to undertake patrolled visits at times perceived as critical times by Neighbours (i.e. school drop off and pick up times)
22. Deliveries will be limited to weekdays and will include two (2) x linen, one (1) x medication / supplies and three (3) x food deliveries.
23. Waste will be collected bi-weekly by a private contractor. The existing loading dock on-site will be relied upon for pick up.

Car parking and bicycle facilities
24. The use is provided 16 existing car parks (no change to the existing layout or crossovers).
25. One (1) bicycle hoop is proposed at the entry.

Existing Conditions

Subject Site

26. The subject site is located on the north side of Old Heidelberg Road, near to its junction with Heidelberg Road, in Alphington. It comprises of six (6) titles to create a site the area of 6,365sqm (the details of which are discussed below).
27. The site has a short frontage to Old Heidelberg Road of 32.1 metres, a north-western boundary to Heidelberg Road of 109.3 metres and is bound by the Darebin Creek and associated environs to the north-east, creating an irregular shaped allotment.
28. The site is developed with a generally single storey building previously occupied by a retirement village (approved by Planning Permit PD7213 in 1993) which generally presents to Old Heidelberg Road and has a notable setback (approximately 30 metres) from the Darebin Creek to its north-east.
29. The existing building has a floor area of 1,950sqm providing for 45 beds and has two (2) central courtyards. The site has two (2) existing crossovers to Old Heidelberg Road, allowing for vehicles to move through the car parking and drop-off zone in a clockwise direction. 16 car parking spaces are provided within the 11.5 metre front setback to Old Heidelberg Road under existing conditions.
30. The site is bound by a brick fence, approximately 2.5 metres high, along its north-west boundary to Heidelberg Road, and a high concrete wall along its western title boundary.

31. A metal wire fence is constructed along the rear of the building, separating it from the section of the site which has a steep, vegetated decline down to the Darebin Creek.



Image 2: The site frontage (east crossover) as viewed from Old Heidelberg Road (Officer site visit, January 2023)



Image 3: The site frontage (west crossover and western boundary wall) as viewed from Old Heidelberg Road (Officer site visit, January 2023)



Image 4: The vegetated rear of the site where it abuts Darebin Creek (roof of the subject building visible in background), Darebin Creek and associated bicycle trail in foreground (Officer site visit, January 2023)

Titles

32. As discussed, the site comprises of six (6) titles shown in the below image. The subject building, which occupies the south-west section of the site, is partially located in all titles.



Image 5: The title allotments that comprise the site (Decision Plans)

33. Lot 1 of TP015789E and Lot 1 of TP617776H (highlighted in green) are affected by Covenant 094781 which relates to the Transfer of Land. The covenant was created on 5 November 1900 and reads as follows (large sections are redacted or are illegible):

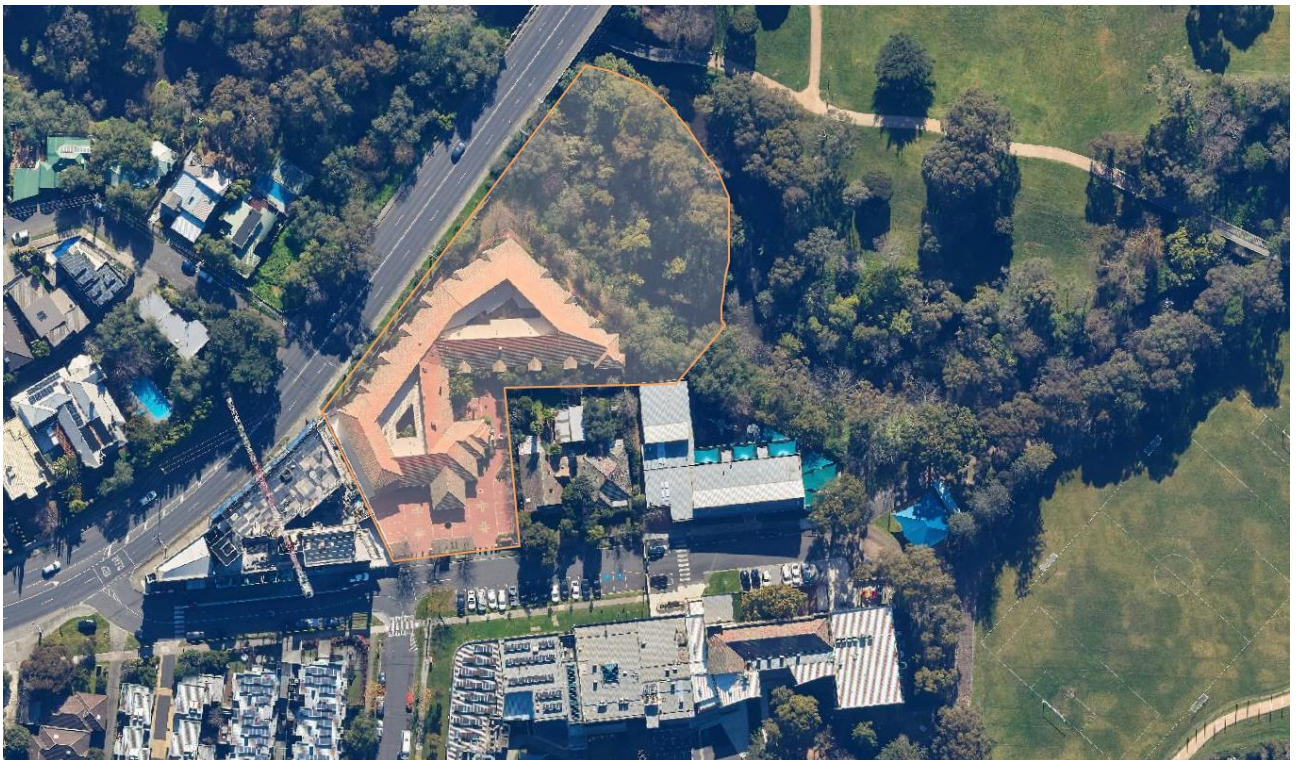
I, Elizabeth Annie Adams, of 444 Heidelberg Road Alphington Married Woman being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum One hundred and fifty pounds paid to me by Norman David Underwood of Bank Street Alphington Motor-Mechanic and of the sum of Four hundred and twenty five pounds paid to the said Norman David Underwood by John Alfred Naylor of Yarra Street Alphington cabinet maker do hereby at the request and by direction of the said Norman David Underwood transfer to the said John Alfred Naylor all my estate and interest in all that piece of land being Lot two on Plan of Subdivision No. 7221 lodged in the Office of Titles and being part of Crown Portion One hundred and twenty one at Alphington Parish of Jika Jika County of Bourke and being part of the land described in Certificate of Title Volume 4088 Folio 817599. Together with all registered appurtenant easements and – to - and my transferees the registered proprietor or proprietors for the - being of Lots 3, 4, 5 6 and 7 on the said – of drainage for surface water and for sewerage purposes - - is - with the Melbourne and Metropolitan Board of works - under or along so – Part of the land hereby transferred as is - blue in the said title of subdivision and the said Alfred John Naylor (to the intent that the hereafter easements on his land - find the land hereby transferred and successive - - from time to time and then so by - -) both hereby for himself his heir executive administrator and transferees – with the said Elizabeth Annie Adams her heir executive administrator and transferees and other than – a – of the land – the Certificate of Title Lot 4088 fol 8174599 – to the said John Alfred Naylor – herein executive administrator or transferees will not erect or allow the erected on the land hereby transferred any building other than one new house with a slate or tile roof at a cost of not less than six hundred pounds –

the plans and specifications of which dwelling - shall have – first submitted to and approved of by said Elizabeth Annie Adams or the executive or administrator (of any) and that no erection or hoarding for advertising purposes shall be erected upon the said land hereby transferred and it is agreed that the easements shall stay with the land and affirm so encumbered- - as – in the Certificate of Title to issue pursuant to the transfer.

34. The covenant, which relates to development of the land is not relevant to the proposed use. The covenant also references easements, which continue to be included on the title as follows:
- (a) Lot 1 of TP617776H shows a drainage easement through its centre.
 - (b) Lot 3 on TP483021G, Lot 1 on TP141701S and Lot 1 on TP518079J with drainage easements extending to Darebin Creek
35. As no building and works are proposed, the easements are not affected by the proposal.

Surrounding Land

36. The surrounding area is generally residential with the exception of the existing aged-care, educational buildings associated with Alphington Grammar and commercial uses within the Alphington Neighbourhood Activity Centre (150 metres south of the site along Heidelberg Road).
37. To the north is the Darebin Creek and associated environs, across which is Sparks Reserve.
38. To the south is Old Heidelberg Road, a cul-de-sac which terminates near to the Alphington Grammars title boundary. After the road terminates, public land continues to extend to Darebin Creek to the east.



*Image 6: The subject site and surrounds (YarraGIS, July 2022)
East*

39. Abutting the south-east boundaries of the subject site are Nos. 13 and 15 Old Heidelberg Road, developed with single storey dwellings, and an allotment associated with No. 12 – 18 Old Heidelberg Road and occupied by a preschool.

South

40. To the south, across Old Heidelberg Road, is the main campus of Alphington Grammar School which is bound by the Darebin Creek and associated public reserves to its east and south and by Lucerne Crescent to the west. The school generally presents as a two-storey building to Old Heidelberg Road and Lucerne Crescent and has a public entry to the building further to the east along Old Heidelberg Road. Outdoor recreational areas and other buildings are provided to the south of the building, with fencing provided along Lucerne Crescent. The school generally relies on car parks within the public road reserve.
41. Further west, along Old Heidelberg Road, is No. 6 - 8 Old Heidelberg Road (also known as 103 Lucerne Crescent) and No. 2 – 4 Old Heidelberg Road, both of which are developed with multiple contemporary townhouses (approved under Planning Permit PLN11/0974 and PL08/0032, respectively).

West

42. Abutting the site to the west is No. 838 – 852 Heidelberg Road (the Tower Hotel) which has a two-storey Italianate building currently being developed in accordance with Planning Permit PLN14/0590 for residential apartments.
43. Further west, across Heidelberg Road, are residential properties located within the City of Darebin.



Image 7: Old Heidelberg Road looking east, Alphington Grammar on corner to Lucerne Crescent to the right and the proposed apartments at No. 838 – 852 Heidelberg Road to the left (Officer site visit, January 2023)



Image 8: The western boundary of the site to Heidelberg Road (Officer site visit, January 2023)

General

44. The site is approximately 8 km north-east of Melbourne’s central business district and is reasonably serviced by the following sustainable transport options:
 - (a) Alphington Train Station (700 metres walking distance) to the south-west
 - (b) Bus route 546 to Melbourne University along Heidelberg Road, with the nearest bus stops located near to the corner with Old Heidelberg Road
 - (c) Walking and cycling tracks associated with the Darebin Creek environs immediately to the north of the site.
45. Car parking within the immediate area consists of:
 - (a) Unrestricted (parallel and angled) parking along the southern side of Old Heidelberg Road
 - (b) 5-minute restricted parking along the west side of Lucerne Crescent during school pick up and drop off times (unrestricted at all other times).



Image 9: Heidelberg Road looking north to the bus stop (foreground) and Y-intersection with Old Heidelberg Road (background) (Officer site visit, January 2023)

Planning Scheme Provisions

Definitions

Sub-acute facility (Hospital)

46. Clause 73.03 (Land use terms) defines a “Hospital” as *land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of out-patients. A “Hospital” is not nested under any other category in the Yarra Planning Scheme.*
47. The Victorian Department of Health provides the following information on “subacute mental health services” ([Victorian Department of Health, Subacute mental health services](#)):

Subacute services provide transitional treatment and rehabilitation to minimise the need for hospitalisation.

They promote independence and quality of life for people with a mental illness at a crucial point of recovery or relapse.

Prevention and recovery care (PARC) services are subacute, in that they provide a step up from a person's home or a step down from an acute inpatient unit.

Zoning

Neighbourhood Residential Zone (Schedule 1)

48. Pursuant to Clause 32.09-2, a Hospital is not listed in Table 1 and as such is a section 2 use – permit required.
49. Pursuant to Clause 32.09-9, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2. However, pursuant to Clause 62.02-2 the internal buildings and works are exempt from the permit requirements given that the internal rearrangement do not increase the gross floor area of the existing building. As such, the installation of the bicycle rack is the only buildings and works permit trigger in this instance.
50. A purpose of the Zone is to *allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
51. The north-east section of the site is located in the *Urban Floodway Zone* (identified in blue in the below map), however, the existing building is located entirely with the Neighbourhood Residential Zone (pink).

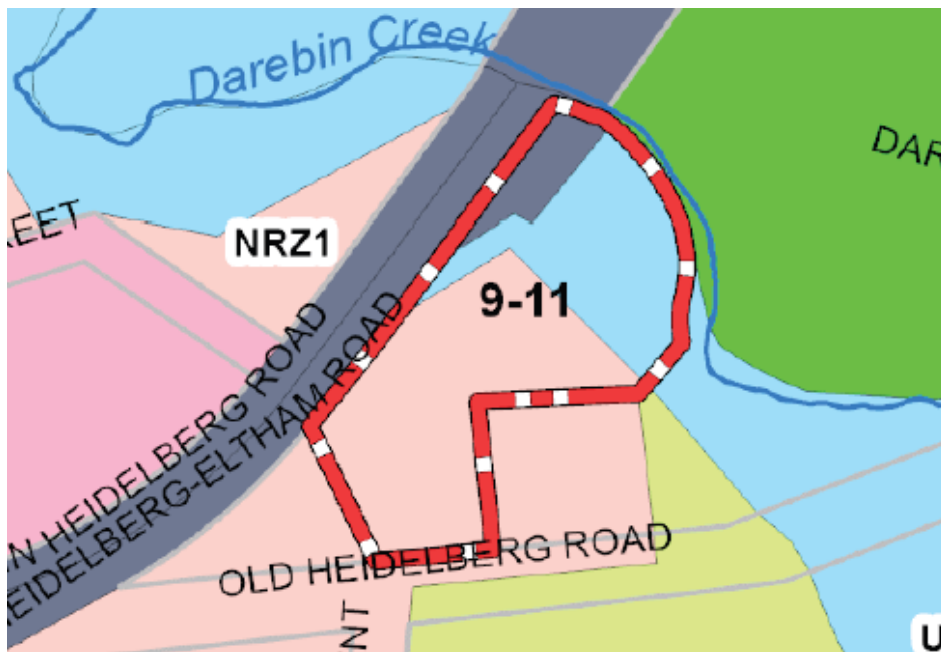


Image 10: Zoning map (VicPlan, February 2023)

Overlays

Development Contributions Plan Overlay (Schedule 1)

52. Pursuant to Clause 45.06-1, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.
53. The subject application is not proposing to subdivide or to construct or carry out works and therefore, the requirements of the overlay are not applicable.

Environmental Significance Overlay (Schedule 3)

54. Pursuant to Clause 42.01-2, a permit is required to construct or carry out works and as such, a permit is required under the overlay to install the bicycle hoop.
55. The north-east section of the site is affected by the *Design and Development Overlay (Schedule 1-J)* and *Land Subject to Inundation Overlay*, however, does not affect the area in which the bicycle hoop is proposed and as such are not applicable to the subject application.

Particular Provisions

Clause 52.06 – Car parking

56. Pursuant to Clause 52.06-1, Clause 52.06 applies to a new use.
57. Pursuant to Clause 52.06-2, before a new commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
58. A car parking rate for a Hospital is not included in Table 1 at Clause 52.06-5 and as such, pursuant to Clause 52.06-6, car parking spaces must be provided to the satisfaction of the responsible authority.
59. As the Hospital use is not listed in Table 1 at Clause 52.06-6 a permit is not triggered pursuant to Clause 52.06-3.

Clause 52.34 – Bicycle facilities

60. A new use must not commence until the required bicycle facilities have been provided on the land (i.e. within the title boundaries of the subject site). Table 1 to Clause 52.34-5 states that a hospital must provide for:
 - (a) 1 bicycle space to each 15 beds for employee/residents
 - (b) 1 bicycle spaces to each 30 beds for visitors
61. Clause 52.34-5 outlines that if the applicable requirement is not a whole number, then the requirement is to the nearest whole number. If the fraction is one-half, the requirement is the next whole number.
62. The proposed use (which provides 32 beds) is required to provide three (3) bicycle spaces. The proposal includes one hoop, providing for two bicycle spaces, and thus falls short of the statutory requirement by one (1) space.
63. Pursuant to Clause 52,34-2, a permit is required to vary, reduce or waive the bicycle requirement of Clause 52.34-5.
64. Pursuant to Clause 52.34-3, an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

General Provisions

Clause 65 (Decision Guidelines)

65. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters.

Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay and any other provision.
66. Pursuant to Clause 65.01 of the Scheme, before deciding on an application, the responsible authority must consider, as appropriate, the matters set out in section 60 of the Act.
67. Section 60(1A)(g) of the *Planning and Environment Act 1987* states that:

Before deciding on an application, the responsible authority if the circumstances appear to so require may consider –

Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council.

[Access and Inclusion Strategy \(2018 – 2024\)](#)

68. To this point, the City of Yarra's *Access and Inclusion Strategy (2018 – 2024)* provides discussion on mental and physical disabilities, including mental health, and includes the following relevant considerations:

We see that many barriers [that] people with disability face come from our society. Having full and equal access to services, jobs and the community can be prevented by attitudes, the environment and actions.

We want to remove barriers faced by people with disability in our community by:

- *Protecting all human rights and freedoms*
- *Providing equal opportunities for everyone*
- *Promoting respect*

[Planning Policy Framework \(PPF\)](#)

69. The relevant clauses are as follows:

Clause 11.01 (Victoria)

Clause 11.01-1S (Settlement)

70. The objective of this clause is “*to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements*”.

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of urban land)

71. The objective of this clause is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 15.01-4S (Healthy neighbourhoods)

72. The objective of the clause is:

- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne)

73. The strategy is to:

- (a) *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 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

74. The objective of this clause is to “*strengthen and diversify the economy*”.

75. Strategies to achieve the objective relevantly include:

- (a) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*

- (b) *Improve access to jobs closer to where people live.*

Clause 17.02 (Commercial)

Clause 17.02-1S (Business)

76. The objective of this clause is:

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

Clause 17.02-2S (Out-of-centre development)

77. The objective of this clause is:

- (a) *To manage out-of-centre development.*

78. Strategies to achieve this objective include:

- (a) *Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S (Sustainable personal transport)

79. The objective of this clause is:

- (a) *To promote the use of sustainable personal transport.*

Clause 18.02-1R (Sustainable personal transport – Metropolitan Melbourne)

80. A relevant strategy of this clause is to:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*

Clause 18.02-2S (Public Transport)

81. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R (Principal Public Transport Network)

82. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centre and where principal public transport routes intersect.*

Clause 18.02-4S (Car parking)

83. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

Clause 19.02-1S (Health facilities)

84. The objective of this clause is:

- (a) *To assist the integration of health facilities with local and regional communities.*

85. The relevant strategies to achieve the objective include:

- (a) *Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community car facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.*

- (b) *Provide adequate car parking for staff and visitors of health facilities.*

Local Planning Policy Framework (LPPF)

Clause 21.04 (Land Use)

Clause 21.04-4 (Community facilities, hospitals and medical services)

86. The clause provides the relevant objectives and corresponding strategies:

- (a) *Objective 9: to provide community services that meet the needs of a diverse and changing community*
- (b) *Objective 10: to provide accessible community services.*
- (c) *Strategy 10.2: Encourage community facilities to locate where they are easily accessible by public transport.*

Clause 21.06 (Transport)

Clause 21.06-2 (Public transport)

87. The objective of this clause is to “*facilitate public transport usage*”.

88. The strategy to achieve this objective is to:

- (a) *Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

89. The objectives of the clause are:

- (a) *To reduce the reliance on the private motor car.*
- (b) *To reduce the impact of traffic.*

Clause 21.08 (Neighbourhoods)

Clause 21.08-6 (Fairfield – Alphington)

90. Figure 15 (*Neighbourhood Map: Fairfield/Alphington*) shows the subject site being near to the Alphington Neighbourhood Activity Centre (NAC) and the off road pedestrian cycle link adjacent to Darebin Creek.

Relevant Local Policies

Clause 22.01 (Discretionary Uses in the Residential 1 Zone)

91. This policy applies to land in the Residential 1 Zone and the objective of the clause is “*to ensure that residential amenity is not adversely affected by non-residential uses*”.

92. Clause 22.01-3 provides policy guidelines to assist in determining the appropriateness of non-residential uses within the neighbourhood residential zone. These will be discussed within the *Assessment* section of this report.

Advertising

93. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 44 letters sent to surrounding owners and occupiers and by two (2) signs displayed on site. Council received 180 objections and nine (9) letters of support, the grounds of which are summarised as follows):

94. *Objections*

- (a) Non-residential use inappropriate in residential zone
- (b) Concerning proximity to school and high risk to safety and security
- (c) Removal of school gate enforced by the City of Yarra
- (d) Promotes illegal activities and crime in the area
- (e) Concerns relating to the existing nearby facilities

- (f) Traffic congestion and safety
- (g) Inadequate on-site car parking and pressure on-street car parking availability
- (h) Car parking and traffic review was undertaken on the school holidays
- (i) Increase movement of visitors and patients (from existing aged-care use)
- (j) Fences are not high enough, inadequate security
- (k) Loss of an aged-care facility
- (l) Objection to the construction of an aged-care facility
- (m) Cigarette waste
- (n) Limited local facilities for patients

95. *Letters of support*

- (a) Offers an important community / health service, particularly in the wake of the Covid-19 pandemic and a shortage of these facilities available
- (b) Support of inclusive communities
- (c) Facility will be run by a professional institution and is low risk
- (d) Appropriate use of the existing facility

96. Although the application was advertised, an application to reduce the bicycle parking facilities of the Yarra Planning is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

97. Further, as discussed, the number of car parking spaces to be provided is to the satisfaction of the Responsible Authority. It was found by the member for *Miller v Yarra CC* [2019] VCAT 493 that where the car parking is required to be to the satisfaction of the Responsible Authority, there is no permit trigger under Clause 52.06 (Car Parking) or any associated review rights (pursuant to Section 82(1) of the Act).

98. A planning consultation meeting was not held.

Referrals

99. The referral comments are based on the Decision Plans.

Internal Referrals

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

- (a) Engineering Services Unit.

101. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Use (subacute facility - Hospital):
 - a. Strategic support / Location
 - b. Scale of the use and off-site amenity impacts
- (b) Car parking, traffic, deliveries and waste
- (c) Bicycle facilities
- (d) Objector concerns

Use (subacute facility – Hospital)

103. The assessment will be directed by the relevant decision guidelines of the Neighbourhood Residential Zone at Clause 32.09 and applicable local planning policies - in particular, Clause 22.01 (*Discretionary Uses in the Residential 1 Zone*).
- Strategic support / Location*
104. The site context within Alphington and within a neighbourhood residential zone is a key consideration in assessing the proposed use. As discussed, a purpose of the Zone is to *allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*. Similarly, Clause 17.01-2 (Out-of-Centre development) of the State Planning Policy Framework, relevant to sites not within a major activity centre, aims to “*ensure that out-of-centre proposal[s] are only considered where the proposed use or development is of net benefit to the community and the region*”.
105. As discussed within the applicant’s planning report, and highlighted in the letters of support received, the proposed hospital offers support and care in a post-pandemic setting where there has been a particular strain on the health and mental health services within the state.
106. According to [Victoria’s 10-year mental health plan](#), as prepared by the Victorian Department of Health and Human Services (November 2015), 45% of the population will experience mental illness in their lifetime, with 11% of the population experiencing mild, and 6% moderate, mental illness each year. It is also noted that a notable proportion (75%) of mental health problems occur before the age of 25.
107. However, although 1.2 million Victorian’s experience mental illness and seek to access Commonwealth-funded or Medicare subsidised mental health services, the public sector currently provides services / treatment for only 65,000 (5.4%).
108. Moreover, although 55% of the population may never experience mental illness it is acknowledged by the plan that they may end up being family, carers and friends of people with mental illness and may also need support to build resilience.
109. The City of Yarra’s Access and Inclusion Strategy specifically recognises the barriers faced by people with mental and physical disabilities (including mental health) which are perpetuated by societal attitudes and stigmas. The strategy aims to remove these barriers and improve access to services by providing equal opportunities and promoting respect within the community.
110. As such, the proposed sub-acute facility, which caters for voluntary in-patients with mild to moderate mental health disorders (such as depression, anxiety or PTSD), is appropriately providing a community benefit as encouraged by Clause 17.01-2 and is supported by the Yarra 2036 Community Vision statement (proposed Clause 02.02) which reads:
- ...Our community is empowered to work together and support one another with respect and trust.*
111. In ascertaining the net community benefit/local need of a proposal for a health facility within a neighbourhood residential zone, the member for the *LCM Calvary Health Car Holdings Ltd v Glen Eira CC* (Red Dot) [201] VCAT 655, made the following relevant statements:
- [65] Many Tribunal decisions address what is a local need and whether a proposal with, for example, a regional catchment undermines or offends a residential zone purpose about local need. Local need does not require that every user of the facilities on-site must reside within an area which could be defined as ‘local’. Frequently, non-residential uses draw from a wide catchment, but also include persons from the immediate neighbourhood.*
112. The member acknowledges in their decision that the “need” or community benefit was a factor in their position of support, however, reiterated that community benefit alone should not over-ride other considerations of the Scheme. Nevertheless, Council Officers consider that the proposed hospital provides for a clear community benefit whilst also enjoying policy support.
-

113. Policies within the Scheme support community services (such as hospitals) within inner-city residential areas with good access to sustainable transport options. In a broader sense, there is a clear policy directive within the Planning Scheme to improve access to jobs and services closer to where people live (Clause 17.01-1S and Clause 21.04-4).
114. More specifically, the Scheme gives clear direction of the appropriate locations for health services. Clause 19.02-1S (Health facilities) and Clause 21.04-4 (Community facilities, hospitals and medical services) encourage an integration of health facilities with local communities to ensure that these services are accessible to the community and reflective of its needs.
115. In this instance, the proposed use is located within close proximity to the Alphington Train Station, bus routes along Heidelberg Road, the Alphington Neighbourhood Activity Centre and the various bicycle networks. In terms of its strategic context the subject site is therefore considered to be an example of such a location described in various Local and State policy.
116. Moreover, the policies of the Discretionary Uses in the Residential 1 Zone at Clause 22.01-3 are highly relevant to the subject proposal.
117. It is policy in Clause 22.10-3 that:
- *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*
 - *Except on land adjoining and gaining direct access from a road in a Road Zone:*
 - *all required car parking should be on-site*
 - *the scale of the proposed use should be compatible with providing service to the local residential community*
 - *Hours of operation should be limited to 8am to 8pm except for convenience shop.*
 - *Noise emissions should be compatible with a residential environment.*
118. Clause 22.01-3 states that existing buildings constructed for non-residential purposes are the preferred location for non-residential uses. The existing facility, which was first approved in 1993, is designed for the purpose of a retirement village. The needs of this use, which fundamentally is for live-in patients in a health care facility, are comparable to the proposed mental health facility, and as such only modest internal upgrades are proposed or required. The proposed use is reducing the number of beds from 45 under existing conditions to 32. As such, it is not expected that the new proposal will unreasonably intensify the scale or associated impacts of using the building for health care purposes. The building, and associated existing use, is already provided the relevant infrastructure required to provide health care services for in-patients, including a designated on-site drop off zone, waste areas, kitchen and laundry facilities, courtyards internal to the building and fencing on most perimeters.
119. With regards to car parking and access, the subject site is adjoined by Heidelberg Road (characterised as a road in a Transport Zone), however, the site is provided access from Old Heidelberg Road under existing conditions. The existing access arrangement allows for vehicles to enter the western crossover and exit the eastern crossover in a clockwise direction. Further, the building is provided 16 on-site car parking spaces under existing conditions; a provision, that will be discussed below, and is supported by Council's Engineering Services Unit.
120. Although the use will operate 24 hours a day, seven days a week, movement of patients, staff and visitors will largely be restricted to the daytime hours (9am to 5pm). This means that for all intents and purposes, the active hours of the use is consistent with those encouraged by Clause 22.10-3. Outside of these hours, it is not expected that the in-patient facility will function much differently than the existing 45 bed aged-care facility on site. As will be discussed, these aspects of the proposal are outlined within the submitted Operational Management Plan, which will be endorsed to form part of any permit issued to ensure that any potential for off-site amenity impacts area appropriately managed by the operator.

121. Finally, as will be elaborated on below, it is not expected that the Hospital will result in adverse amenity impacts with regards to noise, waste or light spill and as such, can be appropriately accommodated for within the existing building without unreasonably impacting the amenity of the area.

Scale of use and amenity impacts

122. The proposal is for a subacute mental health facility providing therapeutic services for people with mild to moderate disorders, including anxiety, depression and PTSD. As discussed, the Victorian Department of Health characterises subacute as *services [which] provide transitional treatment and rehabilitation to minimise the need for hospitalisation*. The use will cater for 30 in-patients (who will stay a fortnight on average), and eight (8) day patients and four (4) outpatient consults on-site at any one time. The day patients will frequent the facility 3 to 4 days per week for approximately 3 hours, between the hours of 9am and 5pm Monday to Saturday. Outpatient consults will be generally one hour in length also between the hours of 9am to 5pm. To ensure the scale of the proposed use does not increase over time, conditions will be included in the recommendation to enforce these limits.
123. Many of the objections raised concerns in relation to the risk that the patients of the facility would pose to the community. This appears to be the prominent concern raised and often relied on the misrepresentation of the in-patients as being dangerous or convicted criminals.
124. These sorts of fears are considered misplaced given the nature of the facility is to provide care for moderate mental illnesses with patients who are voluntary only. Council Officers want to emphasise that the proposed facility is not comparable to the nearby Thomas Embling Hospital which caters for patients who are generally admitted from the criminal justice system under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, Mental Health Act 2014 or the Sentencing Act 1991. The subject proposal is only for subacute disorders such as depression, anxiety or trauma related disorders, with patients who attend in a voluntary nature. As above, the applicant has clarified that patient intake will exclude the following:
- (a) High/severe patients currently meeting criteria to receive compulsory treatment under Vic Mental Health Act.
 - (b) Complex medical conditions requiring medical interventions.
 - (c) Persons currently under a Community Treatment Order
 - (d) Any persons under the age of 18 and require inpatient treatment or ECT.
 - (e) Primary diagnosis of substance dependency and use
 - (f) Has a primary diagnosis of an eating disorder
 - (g) Persons wanting respite care or post-surgery
 - (h) Behavioural management issues such as a history of aggression therapy and interfering behaviours.
125. Further, the Applicant has confirmed that the facility will not provide for acute de-toxification/addiction services for its patients and that the hospital admission policy will be that alcohol or drug related primary diagnosis or detoxification will be an inpatient exclusion criteria.
126. For these reasons, Council Officers do not agree with the prevailing sentiment that the patients of the subject facility would pose a safety risk to children and the community, nor that additional security measures (such as high security fencing, restraints etc), would be appropriate. The applicant has provided further details to the proposed security arrangement stating that they will enter a Service Level Agreement with Wilson's Security which will include regular patrolled visits and any additional Rapid Response support requested by management in the case of a critical incident.
127. With consideration of the above, that the following operational procedures, as outlined in the Operational Management Plan, are suitable:
-

- (a) During peak periods there will be 16 staff on site. Evening activity will be limited to a nursing shift changeover of 2 to 3 staff members.
- (b) External courtyards will be closed from 7pm.
- (c) Visiting hours will be limited to a 2-hour period each day, generally between 1pm and 3pm, or 5pm and 7pm.
- (d) Signage will be displayed on site to direct any community health incident to the nearest acute, emergency facility.
- (e) The contact number for the Manager in Charge of the facility will be displayed to allow for enquiries or concerns from the general public.
- (f) All staff will have fob access (swipe card) for entry points, with sensor and fixed lighting in place in the evening.
- (g) Security services (Wilson's security) will be engaged to patrol the site at set frequencies during the night, including nursing shift change-over and also for incident response.
- (h) Deliveries will be up to 2 x linen, 1 x medication / supplies, and 3 x food per week.
- (i) The facility will not produce any hazardous or clinical waste. Any sharps and sanitary bins will be collected by contracted services weekly.
- (j) Confidential waste (documents) will be removed by contractors monthly.

128. Subject to the following information and clarifications being included via condition:

- (a) Further details on in-patient check-in, including that it will be by appointment and limited to day-time business hours (9am to 5pm). Check ins should be spread throughout the workday to avoid congestion.
- (b) Details of day-leave arrangements, contained to the hours of 9am to 7pm, and how this will be documented and managed. This should include the commitment that pickup and drop off will be undertaken by the carer.
- (c) Commitment that visiting hours will only be permitted between 1pm and 3pm, or 5pm and 7pm on weekdays to avoid conflict with school pick up times. Further details of visitor sign in / out and arrangements should be provided.
- (d) Commitment that patients and visitors will be alerted of limited on-site parking prior to arrival and that details of public transport and car share options be provided.
- (e) The external courtyards to be opened no earlier than 7am.
- (f) Details of "House rules" with regards to recreation and noise, particularly during the sensitive evening and night-time hours.
- (g) Details of smoking arrangements, with a designated area to be chosen away from sensitive interfaces and for receptacles to be provided and appropriately disposed of.
- (h) Commitment to assist / organise appropriate transportation for patients on departure (i.e. assist in organising pick-up from family or friends, provide public transport timetabling, ordering car share or taxi services)
- (i) Details of complaint procedures with a commitment that neighbours and Alphington Grammar School will be provided with a direct telephone number for contact and communication.
- (j) That all day patients, out-patients and consultations will be on-site between 9am to 5pm only.
- (k) Details of the exclusion criteria for patient admissions, including a commitment that the facility will not provide for acute de-toxification/addiction services.
- (l) Further details of the security arrangement.

129. Although the operations of the facility will be enforced by Council by way of the Operational Management Plan, the facility will be aptly regulated by various other government bodies and agencies including the Australian Council on Health Care Standards, the Australian Health Practitioner Regulation Agency, Office of Chief Psychiatrist Vic, Essential Services Vic, the Private Psychiatric Hospitals Data Reporting and Analysis Service and the Department of Health, to ensure the facility is appropriately operated by industry standards.
130. With regards to noise emissions, the proposed subacute facility is not anticipated to create unreasonable noise within the surrounding residential neighbourhood. The facility provides therapeutic and remedial health services to its patients, the nature of which would have similar noise emissions to a residential use. Each consultation room is enclosed, and the appointments would be generally conversational, rather than relying on any machinery. The activity of people on-site (in-patients, visitors and staff) would be comparable to the noise emissions of the existing 45 bed aged-care.
131. It is acknowledged that the use will likely result in additional people in the area throughout the day. However, Old Heidelberg Road already functions as an active street with the previous aged-care facility, preschool and Alphington Grammar all provided access from the cul-de-sac. General noise produced from people arriving and leaving (including talking and car noises) is not considered unreasonable for the site context and will be reasonably limited by the commitments of the Operational Management Plan restricting the visiting and out-patient hours.
132. Although it is unlikely that the type of equipment required for a subacute mental health facility would create noise emissions greater than typical domestic services, Council's standard conditions relating to noise emissions will be included in the recommendation, consistent with policy objectives at Clause 22.01 of the Scheme regarding noise.
133. Finally, any lighting on after hours would be no different to that of the existing aged-care use and would be generally consistent with light spill from a residential apartment building. Nevertheless, a condition will be included within the recommendation requiring that any external lights be baffled to avoid light spill.

Car parking, traffic, deliveries and waste

134. State and local planning policies including Clause 18.02-1S (Sustainable personal transport), Clause 18.02-2R (Principal Public Transport Network) and Clause 21.06 (Transport) encourage less private motor vehicle dependence and improved sustainable transport use. Nevertheless, each application for a reduction must be assessed on the individual merits of the proposal.

Car parking availability and demand

135. As mentioned earlier in the report, the proposed use of the land as a hospital requires that car parking be provided to the satisfaction of the Responsible Authority. 16 car parking spaces are provided on-site under existing conditions, with no proposed changes to the layout or access arrangements. Vehicles will continue to enter the site from the western crossover from Old Heidelberg Road, moving in a clockwise direction through the drop-off zone and exiting from the eastern crossover to Old Heidelberg Road.
136. A Traffic Impact Assessment (prepared by One Mile Grid and dated 9 November 2022) was submitted with the application and provides an assessment on the site context, existing use and associated car parking demand and sustainable transport options. The car parking demand assessment relies on the Journey to Work data from the 2016 ABS Census which indicated that 56% of people working within the City of Yarra drove to work. However, it is acknowledged that this section of Alphington is not as highly serviced compared to other areas and a more conservative rate of 70% is relied upon. It is noted that the assessment references a maximum of 20 staff, however, the planning report and Operation Management Plan state a maximum of 16 staff. This will be required by condition and should be relied upon for the purposes of this assessment. Based on One Mil Grid's assessment, the staff will require a maximum of 12 car parking spaces.

Further, One Mile Grid expect that in-patients will be discouraged to drive their own vehicle to the site, and thus assume a demand of 2 spaces to accommodate pick up and drop off (10% of daily peak).

137. The Traffic Impact assessment was reviewed by Council's Engineering Services Unit who considered a rate of 0.5 spaces per in-patient and 0.8 spaces per staff member to be appropriate, based on the Brisbane City Council City Plans 2014 rate for hospitals. This would require 13 spaces for staff at peak times and 15 spaces for in-patients.
138. Based on these calculations, it is expected that at peak times the use may result in an overflow of approximately 12 spaces. This is accepted for the following reasons:
- (a) Given that only 3 to 4 staff will be onsite in the evening / night times, and out-patients and visitors will be restricted to the daytime hours, the use is not expected to have any overflow impacts in the evening or at night time when residents will likely require on-street parking spaces.
 - (b) Visitor hours will be limited to 1pm to 3pm or 5pm to 7pm via condition to avoid conflicts with school pick up and drop off. Regardless, all parking along the northern section of Lucerne Crescent is restricted to 5 minutes at 8.15 to 9.15am and 2.45 to 4pm on school days. As such, patients, staff and visitors will not be able to park on Lucerne Crescent during these times and will not impact the availability of short-term parks for school parents.
 - (c) Both One Mild Grid and Council's Engineering Services consider that the on-street parking demand is low to moderate in Alphington during business hours, and thus consider it to have the capacity to accommodate any occasional overflow during the day. One Mild Grid carried out a review of the nearby car parking and found that parking utilisation varied between 12% and 63% capacity, with a minimum of 83 spaces remaining vacant. The review was carried out Friday 14th October 2022, between 7:00am and 7:00pm; and Saturday 15th October 2022, between 7:00am and 7:00pm.
 - (d) A condition has been included requiring that the operator alert patients and visitors in advance of car parking arrangements and to encourage them to seek alternative modes of transport.
 - (e) Council's Engineers considered that 16 spaces to be acceptable, citing that the site is well positioned to access sustainable transport options and walking and bicycling tacks in the area, and the following public transport services:
 - (i) Heidelberg Road buses – 100 metre walk
 - (ii) Alphington railway station – 410 metre walk
 - (iii) Wingrove Street buses – 430 metre walk
 - (iv) Darebin railway station – 640 metre walk
 - (f) A bicycle hoop, providing two (2) spaces is proposed and a condition will require another hoop to be installed (to be discussed), encouraging visitors and staff to utilize the adjacent bicycle network and ride to the facility.
 - (g) Patients and employees and visitors will not be eligible for parking permits. Council's standard note will be included on any permit accordingly.

Traffic

139. In determining the traffic impacts, One Mile Grid rely on case studies undertaken for a number of hospitals in the inner suburbs of Melbourne which indicate average traffic generation rates of 0.32 and 0.26 movements per spaces during the AM and PM peaks respectively. Nevertheless, One Mile Grid have adopted the more conservative figure of 0.5 per car space to reflect rates for outer suburbs. They therefore predict that the use will generate 8 car movements every hour during the peak business hours. This is considered acceptable for the following reasons:

- (a) The traffic generated by the mental health facility is likely to be commensurate to the existing use of the land for aged-care.
- (b) Various conditions have been included, plus the commitments within the Operational Management Plan, to cap the number of patients, staff and visitors and to create a reasonable dispersal of traffic, outside of school drop off / pick up times and within the typical day time business hours only.
- (c) The existing vehicle access arrangement is well designed to allow for vehicles to drive through the site, through the drop-off zone and back out onto Old Heidelberg Road to avoid any congestion on the roads outside of the site.
- (d) Council Engineers do not have concerns with the predicted traffic generation.

Deliveries and waste

- 140. A loading area is proposed to the northeast of the car park which will facilitate the site's loading and waste collection requirements. This is an existing condition that is not proposed to be modified. Council's traffic engineers considered that the access arrangement is adequate in that the swept path diagrams for a 6.4 metre long Small Rigid Vehicle demonstrate adequate turning movements to and from the loading area via Old Heidelberg Road.
- 141. As previously mentioned, the Operational Management Plan outlines various deliveries and waste collections proposed for the use (including linens, medical supplies and food). It is expected that waste volumes for the proposed 32 bed mental health facility would not be higher than the existing 45 bed aged-care and that waste can be accommodated in the internal waste rooms. Nonetheless, a Waste Management Plan will be required by condition to provide details on all waste streams, including organic, glass and electronic waste to ensure that the on-site waste management is appropriately catered for.
- 142. Council's standard conditions requiring private waste contractors and restricting the hours of any deliveries will be included in the recommendation.
- 143. Finally, Council's standard condition will require that the use does not detrimentally affect the amenity of the area, including by:
 - (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.

[Bicycle facilities](#)

- 144. As discussed, a new use must not commence until the required bicycle facilities have been provided on the land (i.e. within the title boundaries of the subject site). Clause 52.34-5 requires that the use provide two (2) spaces for employee and residents and one (1) for visitors.
- 145. The proposal includes one hoop, providing for two bicycle spaces, and thus falls short of the statutory requirement by one (1) space. Pursuant to Clause 52,34-2, a permit is required to vary, reduce or waive the bicycle requirement of Clause 52.34-5.
- 146. It is considered that there is ample space to provide another hoop at the building entry and as such a condition will require the installation of one (1) additional bicycle hoop (providing two additional spaces) on the land and to be designed in accordance with Australian Standards. This will exceed the statutory requirements of Clause 52.34 by one (1) space.
- 147. The installation of bicycle hoops adjacent to the existing building entry is minor in the scope of the building and would not adversely impact neighbouring sensitive uses, the functionality / on-site amenity of the subject building, or the sensitive environs to the rear (north) of the site.

Objector concerns

(a) Non-residential use inappropriate in residential zone

This matter has been discussed at paragraphs 110 – 127. A hospital is a permitted use within the Neighbourhood Residential Zone and is recognised as a use that can be appropriate in a residential zone when appropriately designed and managed. The various conditions outlined in the recommendation, and commitments outlined with the Operational Management Plan, will ensure the proposed use will be appropriate for the residential context.

(b) Concerning proximity to school and high risk to safety and security

This matter has been discussed at paragraphs 128 - 135. Council Officers consider that patients of a subacute facility, which caters for mild to moderate disorders such as depression, anxiety and PTSD, are low risk to other persons and provides a much-needed health resource to the local area.

(c) Removal of school gate enforced by the City of Yarra

This has been touched on at paragraphs 9 - 10 and is not relevant to the subject application for a subacute facility. The Statutory Planning Department would consider any application for a new gate on Alphington Grammar School's land, subject to its own merits.

(d) Promotes illegal activities and crime in the area

Despite concerns raised in objections, the proposed facility does not specifically cater for drug and alcohol rehabilitation, nor is an acute facility for involuntary admissions. As such, Council Officers consider that the proposed use carries no greater risk than any other community facility in relation to crime or unruly behaviour.

(e) Concerns relating to the existing nearby facilities

Objections make reference to facilities such as Thomas Embling Hospital and the Melbourne Safe Injecting Rooms (MSIR) which are both located in the City of Yarra.

As discussed, Thomas Embling Hospital caters for patients who are generally admitted from the criminal justice system. The subject proposal is only for sub-acute disorders, with patients who attend in a voluntary nature.

The proposal is not for a safe injecting room and is not comparable to this type of facility for all the reasons set out throughout the assessment, most notably that it is focused on mild mental health illnesses and is voluntary only.

(f) Traffic congestion and safety

This matter has been discussed at paragraphs 145 - 149 and the car parking provision and traffic implications is considered acceptable in the context.

(g) Inadequate on-site car parking and pressure on-street car parking availability

This matter has been discussed at paragraphs 140 - 144 and the car parking provision and impacts on availability is considered acceptable in the context.

(h) Car parking and traffic review was undertaken on the school holidays

The Car Parking Assessment (prepared by One Mile Grid and dated 9 November 2022) was carried out on Friday 14th October 2022, between 7:00am and 7:00pm; and Saturday 15th October 2022, between 7:00am and 7:00pm.

The Victorian School Term 4 began on 3 October in 2022 and as such, even in the event that Alphington Grammar School had an additional week of holidays, the review would still have been carried out during the Term 4 dates.

(i) Increase movement of visitors and patients (from existing aged-care use)

This matter has been discussed at paragraphs 137 - 149 and it is considered that any movement or noise from patients and visitors to the site would not be unreasonable in the context.

(j) Fences are not high enough, inadequate security

The Operational Management Plan outline various security arrangements, including security personal during night time evenings, lighting and sensor lighting and fobs for staff access. This is considered to be adequate for the proposed subacute facility.

(k) Loss of an aged-care facility

This is not a planning consideration. The Planning department can only consider the application before them, which is for a subacute facility (Hospital).

(l) Objection to the construction of an aged-care facility

The application is not for the construction of an aged-care facility. The existing aged-care facility was approved in 1993.

(m) Cigarette waste

This has been discussed and dealt with via condition at paragraph 134.

(n) Limited local facilities for patients

It is considered that the local area provides for adequate services and transport to meet the needs of the patients and staff. This includes the Alphington Neighbourhood Activity Centre close to the site and various public transport routes. It is expected that many of the needs of the patients, including food and recreation, will be catered for on-site.

Conclusion

148. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported, with conditions.

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN22/0807 be issued for the use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme at No. 9 – 11 Heidelberg Road Alphington generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by HSPC, Drawings A000, A001, A005, A006, A010, A050, A400, A401, A402 and A403, dated 18 November 2022, but modified to show the following:
 - (a) An additional bicycle hoop on the land, installed and designed in accordance with Australian Standards.
 - (b) Any requirement of the Waste Management Plan (Condition 12).
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, no more than 30 in-patients are to reside on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, there must be no more than eight (8) day patients per day and four (4) out-patient consults on-site at any one time, restricted to the hours of 9 am to 5pm Monday to Saturday.

5. Except with the prior written consent of the Responsible Authority, a maximum of 16 staff members are to be on-site at any time.
6. 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.

7. The use must at all times comply 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).
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to building entry and car park must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

Operational Management Plan

10. Before the use or development commences, an amended Operational Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Operational Management Plan will be endorsed and will form part of this permit. The amended Operational Management Plan must be generally in accordance with the Operational Management Plan prepared by Health Care Surgical and dated 15 November 2022, but modified to include (or show, or address):
 - (a) Further details on in-patient check-in, including that it will be by appointment and limited to day-time business hours (9am to 5pm). Check ins should be spread throughout the work day to avoid congestion.
 - (b) Details of day-leave arrangements, contained to the hours of 9am to 7pm, and how this will be documented and managed. This should include the commitment that pickup and drop off will be undertaken by the carer.
 - (c) Commitment that visiting hours will only be permitted between 1pm and 3pm, or 5pm and 7pm on weekdays to avoid conflict with school pick up times. Further details of visitor sign in / out and arrangements.
 - (d) Commitment that patients and visitors will be alerted of limited on-site parking prior to arrival and that details of public transport and car share options be provided.
 - (e) The external courtyards to be opened no earlier than 7am.
 - (f) Details of "House rules" with regards to recreation and noise, particularly during the sensitive evening and night-time hours.
 - (g) Details of smoking arrangements, with a designated area to be chosen away from sensitive interfaces and for receptacles to be provided and appropriately disposed of.

- (h) Commitment to assist / organise appropriate transportation for patients on departure (i.e. assist in organising pick-up from family or friends, provide public transport timetabling, ordering car share or taxi services).
 - (i) Details of complaint procedures with a commitment that neighbours and Alphington Grammar School will be provided with a direct telephone number for contact and communication.
 - (j) That all day patients, out-patients and consultations will be on-site between 9am to 5pm only.
 - (k) Details of the exclusion criteria for patients admissions, including a commitment that the facility will not provide for acute de-toxification/addiction services.
 - (l) Further details of the security arrangement.
11. The provisions recommendation and requirements of the endorsed Resident Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

12. Before the development or use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must be generally in accordance with the commitments an provisions of the Decision Plans.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. 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.

Time expiry

15. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit;
 - (c) the use is not commenced within two years from the date of this permit; or
 - (d) the use is discontinued for a period of two years.

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 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.

All future business (*whether as owners, lessees/tenants, occupiers*) within the development approved under this permit, will not be permitted to obtain business parking permits.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

The 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 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - Site context map
- 2 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - Planning Report
- 3 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - Decision Plans
- 4 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - Traffic Impact Assessment
- 5 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - Operational Management Plan
- 6 PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - Engineering referral comments

6.2 PLN21/0836 - 25-35 River Boulevard and 15 Christine Crescent, Richmond:

Development Plan Approval Application No. PLN21/0836 - construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces).

Planning Permit Application No. PLN22/0142 - Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development.

Report Summary

Purpose

1. This report provides an assessment of two interrelated applications associated with the development of 25-35 River Boulevard and 15 Christine Crescent, Richmond. The proposals include an application for development plan approval pursuant to Schedule 1 (Victoria Gardens Comprehensive Development) of the Comprehensive Development Zone (clause 37.02 of the Yarra Planning Scheme) for the construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces); and a planning permit application for a reduction of car parking spaces in association with a residential use (pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development) (“the planning permit”).

Key Planning Issues/Considerations

2. The key planning issues and considerations for the development plan relate to:
 - (a) Built form and design
 - (b) Pedestrian connectivity
 - (c) Tree removal and landscaping
 - (d) Off-site amenity impacts
 - (e) On-site amenity
 - (f) Traffic and transport
 - (g) Land subject to inundation
 - (h) Other matters relevant to the development plan
 - (i) Public comments to the development plan
3. The key planning considerations for the Planning Permit Application relate to:
 - (a) the impact of the reduced car parking rate; and
 - (b) objector concerns.

Public comments and objector concerns

Development Plan

4. At the time of writing, 88 public comments had been received in the form of individual letters/submissions. The public comments raised the following issues:

Supportive comments

- (a) The site needs a large development to encourage inner city living with less reliance on cars.

Submissions raising concerns

- (a) Impact of the scale and design of the buildings
(b) Amenity impacts including overlooking, overshadowing and noise
(c) Landscaping and impact on open space and river corridor
(d) Access, traffic and transport related matters;
(e) The proposal will contribute negatively to urban heat island effect;
(f) Social impacts
(g) Potential flooding;
(h) General concerns regarding property values and construction nuisance/period

Planning Permit

5. At the time of writing, 65 objections had been received in the form of individual letters/submissions. The objections raised the following issues:

- (a) Unrealistic assumptions about the transport needs of future residents;
(b) inadequate visitor and off street car parking;
(c) Increased traffic congestion on surrounding road network (Victoria Street, Christine Crescent, Elaine Court and River Street).

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant provisions of the Comprehensive Development Zone, Schedule 1 (“CDZ1”), notably the guidelines for approving plans, the Victoria Gardens – Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area (“BEPP”), and should therefore be supported subject to the following key recommendations:

A Façade Strategy;

- (a) Public realm plans detailing various pedestrian amenity improvements along River Boulevard and the River Street link;
(b) 24 hour unfettered access to publicly accessible connections through the Site via a Section 173 agreement;
(c) A contributions to the redevelopment of the Annette Place playground; and
(d) A Green Travel Plan.

7. The planning permit application for the reduction of car parking associated with the proposed residential development is considered to provide for a rate of parking that reflects the likely demand for the development, and is consistent with the decision guidelines of the CDZ1 and is comparable to the car parking rates applied to other developments in the area. The application is also considered acceptable.

CONTACT OFFICER: Daniel Herrmann
TITLE: Coordinator Statutory Planning
TEL: 9205 5147

6.2 **PLN21/0836 - 25-35 River Boulevard and 15 Christine Crescent, Richmond:**

Development Plan Approval Application No. PLN21/0836 - construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces).

Planning Permit Application No. PLN22/0142 - Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development.

Reference	D23/26157
Author	Daniel Herrmann - Coordinator Statutory Planning
Authoriser	Acting General Manager - City Sustainability and Strategy

Ward:	Melba Ward
Proposal:	Development Plan Approval Application No. PLN21/0836 - construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces). Planning Permit Application No. PLN22/0142 - Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development.
Existing use:	Vacant site
Applicant:	Victoria Gardens Developments Pty Ltd ATF Victoria Gardens Property Trust
Zoning / Overlays:	Comprehensive Development Zone, Schedule 1 (Victoria Gardens Comprehensive Development) Design and Development Overlay 2 (Main Roads and Boulevards) Environmental Audit Overlay Land Subject to Inundation Overlay
Date of Application:	12 November 2021
Application Number:	PLN21/0836

Planning Decisions Committee Determination

1. This application is being presented to the PDC as the Development Plan and planning permit application have received greater than 15 comments (88) and objections (65) respectively.

- (c) Including a new requirement for a 'Pedestrian Amenity and Access Plan' to improve pedestrian amenity and ensure development contributes to improving the interface with the public realm.
 - (d) Amending the 'Traffic Plan' requirements at part 8.0 to become a requirement for a 'Transport Plan' to promote sustainable travel behaviour.
 - (e) Amending the 'Guidelines for approving plans' at part 15.0 to include a requirement under 'Design and Landscape' to consider 'the provision of publicly accessible open space along the river', 'physical and visual connections from and through the site to the river corridor', 'the activation of ground level street frontages', the provision of increased open space where buildings project above the height limit in the 'height projection area; and improvements to pedestrian amenity.
 - (f) Amending 'height control' in part 17.0 to identify a 'Height Projection Area' within Precinct 2 of the Building Envelope Plan where additional height above RL 31, but not exceeding RL 37 and not exceeding 10% of the height projection area, may be negotiated. Include a diagram showing the 'Height Projection Area.'
8. Amendment C263 was gazetted on 21 July 2022, which made administrative, formatting and technical changes to local provisions (including the CDZ1 controls) of the Yarra Planning Scheme to reflect reforms introduced by Amendment VC142 and VC148 and to ensure consistency with the Ministerial Direction on the Form and Content of Planning Schemes, as part of the Smart Planning Program.

[History of approvals within the CDZ1 \(Victoria Gardens – Comprehensive Development Zone\)](#)

9. The overall development of the site has been ongoing since the first approval granted in November 1997 for an office and restaurant located in the north-east corner of the site at 668 – 682 Victoria Street Richmond.
10. Subsequent approvals have included:
- (a) Residential development at 15 River Boulevard, 10 Elaine Court, 6 Christine Court and 3-5 Christine Court (Constructed);
 - (b) Shopping centre generally orientated to Burnley and Victoria Streets (Constructed);
 - (c) Two office buildings (Constructed);
 - (d) A multi storey building orientated to Victoria Street and River Boulevard (not built)

[History of approvals on the Site](#)

11. The subject site relevant to this application is located internal to the site, with a frontage to River Boulevard to the west and the Yarra river to the east.
12. A previous Development Plan approval exists for the site approved on 27 July 2011, PL10/0156 which allows a maximum 8 storey residential development across six (6) buildings on the Site.
13. The development plan was amended on 17 July 2014 to allow the construction of five (5) buildings, ranging in height from five (5) to eight (8) storeys. Further minor changes were approved on 31 January 2019.
14. This development is designed with the following key attributes:
- (a) Basement access in the north west corner of the Site, at grade vehicle access taken from the southern end of the court bowl and widening ramp adjacent Christine Crescent;
 - (b) Five buildings as follows:
 - (i) Building A (east): 5 storeys;
 - (ii) Building B and C (central): 6 and 8 storeys respectively;

- (iii) Building D (north): 6 storeys;
- (iv) Building E (south): 5 storeys
- (c) Two basement levels containing 548 car spaces and 218 bike spaces;
- (d) Dwelling mix as follows:
 - (i) 1 x bed dwellings: 194
 - (ii) 2 x bed dwellings: 248
 - (iii) 3 x bed dwellings: 37
- (e) 24 hour public connections provided via central pedestrian link (Capital City Trail to River Boulevard), northern pocket park, southern at-grade vehicle access and Cristine Crescent access;
- (f) Curved architectural forms of Buildings A-D.
- (g) Landscaping throughout the Site.



Images: Perspectives of Building A viewed from the Yarra River corridor (top left), Building C viewed from River Boulevard (top right) and Building E viewed from above adjacent Annettes Place / Yarra River. Source: Endorsed plans.

15. This development plan approvals remains current and has no expiry date. However, the associated planning permit application(s) for the reduction of car parking requirements has expired.

The Proposal

16. There are two components to the approvals sought by the applicant these are summarised as:
- (a) Development Plan Approval Application No. PLN21/0836 (Staged construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking) and
 - (b) Planning Permit Application No. PLN22/0142 (Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development).

Background – Amended Plans

17. The applications for development plan approval and the associated planning permit application were lodged with Council on 12 November 2021. Procedurally, the two applications are different and will be outlined separately below. For ease of reference within this report, the two applications will be referred to as ‘the development plan’ and ‘planning permit’.

Development plan

18. Pursuant to clause 37.02-4 of the Yarra Planning Scheme (“the Scheme”), an application for buildings and works requires a planning permit unless the schedule to the zone specifies otherwise. This clause then states that an application is exempt from notice, decision, and review rights at Sections 52, 64 and 82 of the Planning and Environment Act 1987 (“the Act”). However it must take into account any public comments under Part 16 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development (“CDZ1”).
19. The development plan process requires that the plan be put on display for a period of at least 14 days but no longer than 28 days, and invites public comments to be submitted.
20. The provisions relevant to the approval of a development plan note that a planning permit is not required for the use or development of land if it is generally in accordance with an approved development plan. Therefore, subject to the approval of a development plan, no planning permit is required for this development.
21. Following submission of further information the plans and associated documentation were put on display for a period of 28 days in May 2022. A total of 88 public comments were received to the development plan. Various issues were raised within the public comments and within other submissions from Melbourne Water, Parks Victoria and Transport for Victoria that have an interest in the development of the land.
22. On review of all comments received including referral responses, the applicant prepared an amended development plan documents which were submitted to Council on 4 October 2022 (architectural plans and supporting documents) and 7 February 2023 (landscape plans). The amendments to the development plan generally include:
- (a) Reduction of dwellings to 473 (-21)
 - (b) Modified basement layout, including reduced footprint/greater deep soil landscaping opportunities, no reduction of car spaces (201 maintained) and 1 x additional bike space (527 in total);
 - (c) Reduced building height with increased setbacks from Yarra River (east) to Building 03 and Building 06 resulting in less shadow cast to the Main Yarra Trail (refer to image below, which compares the revised design with the original envelope);
 - (d) Increased spacing between all buildings generally in the order of 8.4-8.9m;

- (e) The inclusion of a double height void (~6m high) between Building 2 and Building 03 to provide a publicly accessible pedestrian link from the plaza to Christine Crescent;
 - (f) Reconfiguration of the plaza to reduce and realign the porte cochere whilst improving the east west pedestrian connection along the south side of the plaza between River Boulevard and the river;
 - (g) Revised northern and southern private lawn areas. The basketball court to the north has been replaced with further landscaping and access similar to existing conditions. To the south, the pool extent is substantially reduced with increased canopy planting now proposed along the interface with Annette's Play Space;
 - (h) A reduction of tree removal throughout the Site and associated updates to the proposed landscaping;
 - (i) Deletion of food and drink premises at ground level;
 - (j) Deletion of communal roof terrace on Building 04;
 - (k) Deletion of the jetty;
 - (l) Various public realm improvements, including:
 - (i) Rationalised median along River Boulevard for vehicle access purposes;
 - (ii) East-west pedestrian crossing over River Boulevard;
 - (iii) Interim north-south footpath on the western side of River Boulevard to improve connectivity to Victoria Street and Victoria Gardens Shopping Complex;
 - (iv) Realigned footpath beyond the court bowl, with shared path beyond vehicle accessway for 40 River Boulevard linking to River Street;
 - (v) New trees adjacent the western side of Building 04;
 - (m) Updated architectural plans, landscape plans, wind statement, traffic assessment, waste management plan and Sustainable Management Plan to correspond with the above changes.
23. No further public display of the amended plans was undertaken due to changes resulting in an overall reduction of built form. The amended plans and documents were circulated to all persons that made a comment or objection on the development plan and planning permit by email on 10 February 2023.
24. The amended development plan documents will form the basis of the assessment within this report.

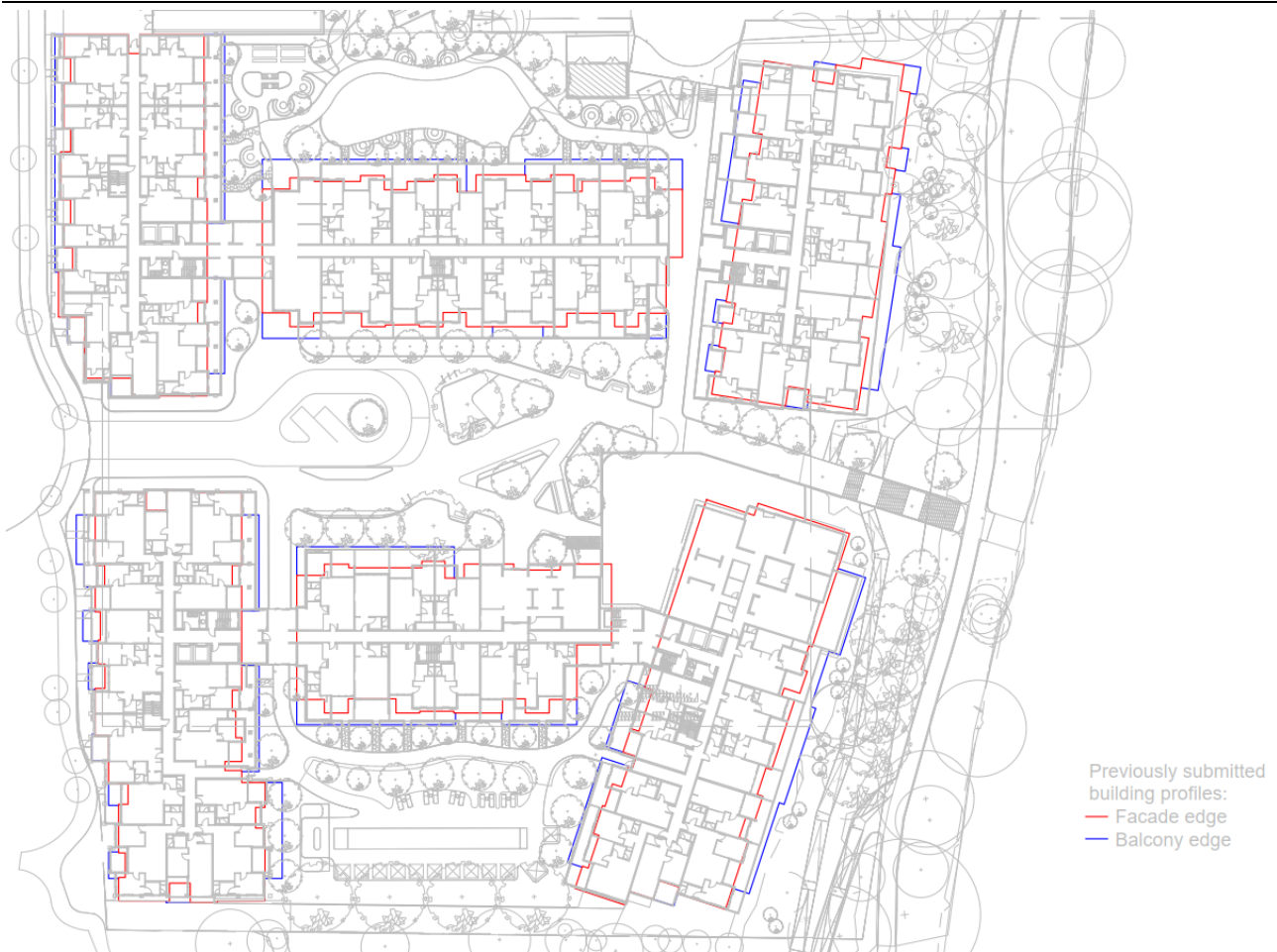


Image: Comparison of the submitted building envelope (red = façade edge, blue = balcony edge) and the revised building envelope (black linework). *Source: Application documents.*

25. In addition to the amended plans, the applicant submitted a revised southern elevation and Level 02 plan as sketch plans to further address some of the initial concerns raised by Council’s urban design consultant. These plans have plot dates of 15 and 16 November 2022 respectively. These sketch plans show the following changes:

- (a) Southern facade of Building 4 further articulated with the introduction of Juliet balconies;
- (b) Additional screening to internal corner balcony/window junctions of the buildings to reduce internal overlooking;
- (c) Note added regarding ‘maintenance access only’ doors to vertical garden areas adjacent building connecting corridor areas; and
- (d) Modified bedroom/bathroom and living/dining internal areas for various apartments on Level 02 (which are intended to be replicated).

Planning permit

26. The planning permit application is specific to the reduction in the car parking rate for the use of the building as dwellings from 1.5 car spaces per dwelling to 0.42 car spaces per dwelling. The planning permit is subject to regular planning process and requires the application to be notified in accordance with section 52 of the Act. The process allows third party rights of review to the Victorian Civil and Administrative Tribunal (“VCAT”), however this is specific to the reduced car parking rate alone.

27. The planning permit followed the same procedural timeframe as set out for the development plan, however with notification undertaken under section 52 of the Act. A total of 65 objections (at the time of writing) were received to the planning permit application. The planning permit application was also amended on 27 May 2011 to reflect changes to the development plan.
28. The amended planning permit application will form the basis of the assessment within this report.

Description of the Proposal

29. The application generally proposes the construction of 473 Build to rent dwellings comprising
 - (a) 32 x studio apartments
 - (b) 213 x 1 bed apartments
 - (c) 228 x 2 bed apartments

Built form

Built Form

30. Built form is two 'H' shaped buildings separated by a central open space area. Within this envelope are six (6) residential buildings ranging in scale between 5 to 8 storeys in height with one basement level. A summary of key development data for each building is summarised in the image and table below:

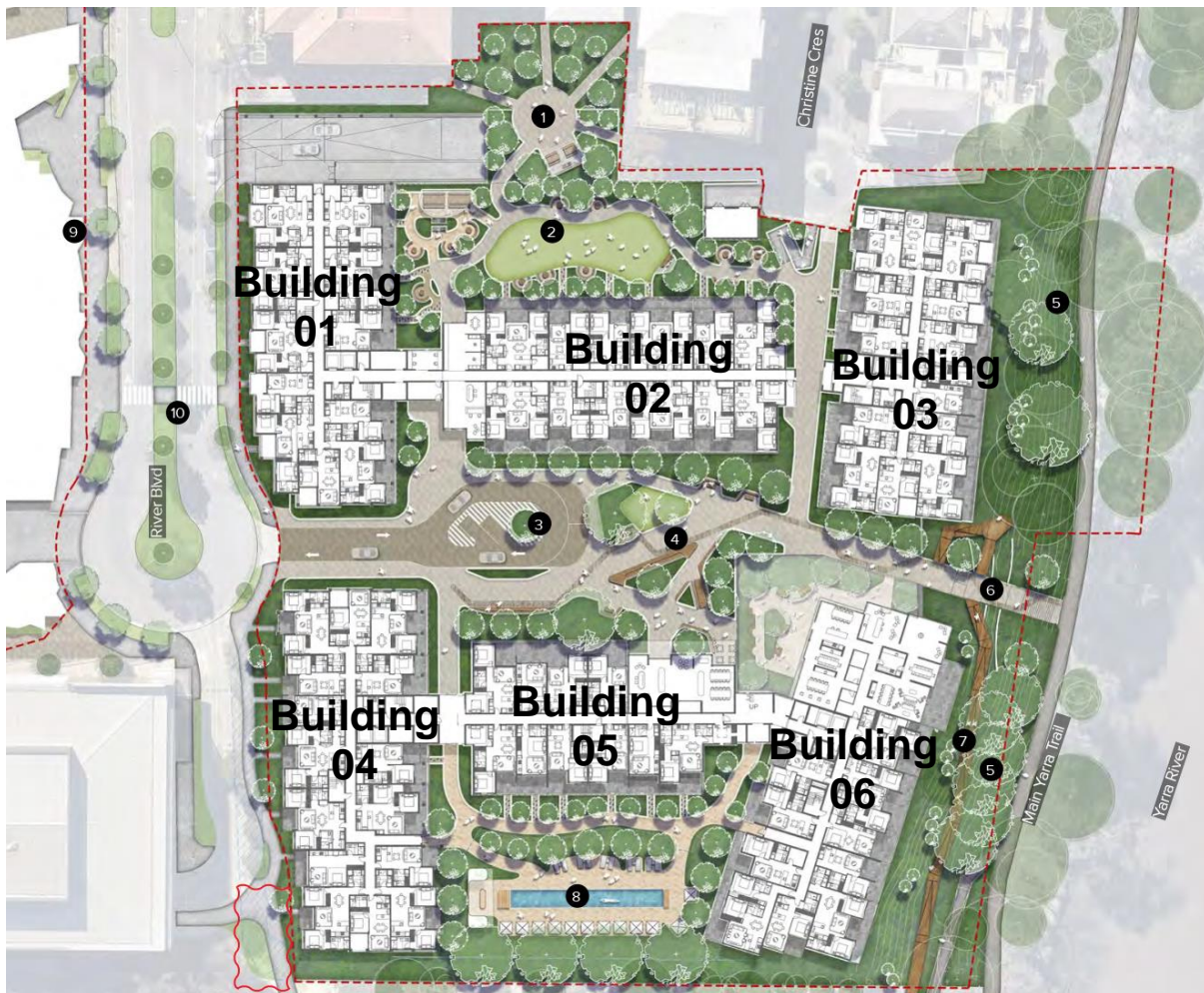


Image: Landscape masterplan of the Site with annotations of building number reference. *Source: Landscape plans, prepared by Arcadia.*

Building number	Building height (excl. plant)*	Bench level	Apartment mix
Building 01	6 storeys (31.2m AHD or 19.4m)	12.3m AHD	29 x 1 bed 51 x 2 bed Total: 80
Building 02	6 storeys (30.53m AHD or approx. 20m)	11.75m AHD	36 x 1 bed 46 x 2 bed Total: 82
Building 03	5 storeys (27.7m AHD or 17m)	11.2m AHD	3 x studio 35 x 1 bed 23 x 2 bed Total: 61
Building 04	8 storeys (37.24m AHD or 25.4m)	12.3m AHD	8 x studio 54 x 1 bed 52 x 2 bed Total: 114
Building 05	6 storeys (30.53m AHD or 19m)	11.75m AHD	18 x studio 24 x 1 bed 28 x 2 bed Total: 70
Building 06	5 storeys (27.7m AHD or 17m)	11.2m AHD	3 x studio 35 x 1 bed 28 x 2 bed Total: 66
Total			473 apartments 32 x studio apartments 213 x 1 bed apartments 228 x 2 bed apartments

** Note: Building heights have measured to parapets (Building 01, 02, 04 and 05) and roof terrace balustrade (Building 03 and 06).*

- (a) As demonstrated in the table above, the proposal adopts a range of building heights with 5 storey built form adjacent the riverfront, stepping up to 6 storeys at the centre and northwest corner of the Site and extending to 8 storeys at the southwest corner;



Image: Perspective of the proposed riverfront buildings (Building 03 and 06), viewed from the Capital City Trail. *Source: development plan documents prepared by Bates Smart.*

- (b) Plant equipment on each building varies between 2.8m and 3.38m in height above the parapet level;
- (c) Building setbacks from site boundaries are as follows:
 - (i) North: >4.4m to Building 01, >14m to Building 02 and >6m to Building 03 (increases due to irregular title boundaries)
 - (ii) East: 11m – 28m (varies due to irregular title boundaries);
 - (iii) South: A minimum of 4m and 4.6m to Building 06 and 03 respectively and 31m to Building 05;
 - (iv) West: 0m, 0.9m – 1.6m for Building 01 and 0.2m – 4m for Building 04;
- (d) The riverfront buildings (building 03 and 06) propose to have three storey podium and a 2.2m – 3m eastern upper setback to Levels 3 and 4. Building 04 features Level 6 and 8 setback 10m from the southern building edge of lower levels. Building 01, 02 and 05 have a 'stacked' appearance with no recessive setbacks to upper levels;
- (e) All dwellings have a balcony with a minimum area of 8sqm;
- (f) The basement level includes the following:

- (i) 201 at-grade car spaces (including 20 EV nominated car spaces), some with over bonnet storage;
- (ii) 527 bicycle spaces (including 510 for residents 17 visitor bicycle spaces);
- (iii) 50 storage cages;
- (iv) Various services, including 120,000 litre rainwater tank, fire services tank, fire pumps, break tank/domestic pumps;
- (v) Common resident amenities, including gymnasium, multi-function fitness studios and entertainment/lounge/meeting areas;

Site layout

31. The proposal adopts the following siting and layout outcome:

- (a) At the heart of the development is a central east-west link that provides public access from River Boulevard and the Yarra River and Capital City Trail. This plaza features stairs and a ramp connecting to the trail at the eastern end and a port cochere shared zone area with adjacent pedestrian access at the western end connecting to River Boulevard.
- (b) The port cochere has been designed as a cul-de-sac with opportunities for four vehicle car parks for pick up / drop off movements to the development. The northern and southern sides of the port cochere incorporate pedestrian areas;
- (c) Buildings 01 and 04 flank the central shared zone with intimate setbacks to River Boulevard and extend along the site frontage in a north-south manner;
- (d) Buildings 02 and 05 are set in generously from the north and south boundaries respectively to front the public link;
- (e) Buildings 03 and 06 also flank the central link and generally span north-south at the top of the Yarra River embankment;
- (f) Building 01–03 and building 04–06 are physically connected by east-west pedestrian corridors;
- (g) All apartments will have a minimum of 8.4m internal separation between balconies or windows, while central Buildings 02 and 05 are separated a minimum 30 metres;
- (h) The primary pedestrian entry to the buildings are provide via concierge/reception areas at the western end of Building 02 and the eastern end of Building 05, which are intended to help activate the central public link. Additional entries are provided adjacent the corridor links to each building (save for the lower to levels between Buildings 02 and 03);
- (i) Vehicle and bicycle ramp access to the basement is located in the north western corner of the site;
- (j) All upper levels are accessed via four (4) stair/lift core areas located adjacent connecting corridors in Buildings 01, 03, 04 and 06;
- (k) Communal roof terraces are proposed on Buildings 03 and 06 with outlook over the Yarra River corridor;
- (l) Public and private vehicle and pedestrian access throughout the Site is depicted in the image below, which also includes public access to the northern pocket park and Christine Court between Building 02 and 03 (in addition to the central link);



Image: Proposed public and private access throughout the development. *Source: Universal access and path network plan within the landscape concept plans by Arcadia.*

Design

32. The proposed buildings have been designed with specific architectural styles, which are summarised as follows:

- (a) 'Urban' buildings (Buildings 01 and 04) feature:
 - (i) Ordered, grid system with horizontal and vertical expressions
 - (ii) Expressed masonry frames and exposed concrete slab edges;
 - (iii) Timber-look or textured infill cladding panel system;
 - (iv) Double glazing;
 - (v) Masonry base/plinth with warm colour render finish;



Image: Perspective of Building 04, viewed from the western side of River Boulevard. *Source: Urban Context Report by Bates Smart.*

- (b) 'Park' buildings (Building 02 and 05) feature:
 - (i) Elongated horizontal mass punctuated by vertical cladding systems to emphasise a verticality;
 - (ii) Legible entries adjacent the central plaza;
 - (iii) Applied vertical ceramic cladding system with warm tan tones;



Image: Perspective of Building 02, viewed within the public plaza area of the Site. *Source: Urban Context Report by Bates Smart.*

- (c) River buildings (Building 03 and 06) feature:
 - (i) Design inspired by the riverine corridor and nestled behind a well-landscaped river embankment;
 - (ii) Textured masonry base/plinth in light grey colour finish;
 - (iii) Masonry with weathered copper colour treatment;
 - (iv) Applied vertical ceramic cladding system with brown mixed colour tones to complement natural timber colours;

Waste

- 33. Each apartment building will have dedicated waste disposal chutes for garbage and commingled recycling alongside their respective building core. Separate glass and organics (food waste) disposal bins will be located at each level within the storage areas of the chute room.
- 34. A waste storage area of approximately 140sqm is provided within the basement level.
- 35. Waste will be collected privately (between 2 and 3 times per week, (depending on the waste stream, on-site directly from the loading zone at basement level (adjacent the waste storage area), and accessed via a ramp from River Boulevard. An 8.8m Medium Rigid Vehicle (MRV) or smaller collection truck is proposed to perform all collections.

Tree removal / retention

- 36. A total of 67 trees are located within the development Site. The tree retention and removal plans included in the landscape concept plans, prepared by Arcadia, refer to removal of 39 trees, with 34 to be retained. Five (5) existing trees along River Boulevard are also proposed for retention.
- 37. An additional 14 trees are to be removed beyond the Site title boundaries, including:
 - (a) 7 x Smoked Bark Apple trees (*Angophora costata*) along the private link connecting to River Street south of the River Boulevard court bowl;
 - (b) 5 x Lombardy poplar trees (*populus nigra "italica"*) within the river embankment;
 - (c) 2 x lemon scented gum trees (*Corymbia citriodora*) located on common property associated with 10 Elaine Court and 6 Christine Court;
- 38. All trees to be removed are 'planted' as discussed in the Site description above and therefore the considerations of Clause 52.17 are not applicable to the subject application.

Landscaping / open space

- 39. The landscape concept plans prepared by Arcadia set out landscape and open space treatments for the Site. The key features of the proposed treatments include:
 - (a) Central Public plaza and associated pedestrian connections;
 - (b) Clear delineation of hardscape and softscape areas, with a principally indigenous planting palette for softscape areas;
 - (c) The planting of over 159 canopy trees on the Site, along the river embankment and along the private link from the River Boulevard court bowl to River Street;
 - (d) Renewal of the existing northern pocket park abutting apartment buildings to the north of the site;
 - (e) Northern lawn communal open space;
 - (f) Southern lagoon (pool) communal open space;
 - (g) North-south pedestrian link to Christine Court;
 - (h) Roof terraces of the riverfront buildings (03 and 06);

- (i) Various public realm improvements along River Boulevard / River Street private link, including:
 - (i) Rationalised median along River Boulevard for vehicle access purposes;
 - (ii) East-west pedestrian crossing over River Boulevard;
 - (iii) Interim north-south footpath on the western side of River Boulevard to improve connectivity to Victoria Street and Victoria Gardens Shopping Complex;
 - (iv) Realigned footpath beyond the court bowl, with shared path beyond vehicle accessway for 40 River Boulevard linking to River Street;
 - (v) New trees adjacent the western side of Building 04;

Build to rent

- 40. The proposed development is couched as a 'built to rent' development whereby the developer constructs and either holds or on-sells in a 'single line' with private individual lease arrangements in place. This is a relatively new residential typology and investment model in Australia (Richmond Traders and 249-265 Queens Parage being the only other build to rent developments in Yarra to date) which aims to facilitate longer term rental opportunities.
- 41. In order to promote longer term rental arrangements the applicant has indicated the following features to support the build to rent model:
 - (a) High quality internal fixtures, fittings and appliances;
 - (b) 1575sqm of internal common areas (including gymnasium/amenities at basement level residents lounge areas at ground floor and break out areas throughout various levels);
 - (c) Approx. 2000sqm of outdoor common area, including the renewal of the existing northern pocket park and northern lawn and southern lagoon (pool) communal open space areas;
 - (d) Ground floor concierge areas/services at Building 02 and 05;
 - (e) Click and collect / parcel collection facilities at ground floor between Building 01 and 02; and
 - (f) Complex-wide wifi.

ESD

- 42. Key ESD of the proposal are listed below:
 - (a) The development achieves 5-star Green Star Buildings certification;
 - (b) 5-star NABERS for all common areas;
 - (c) 7 Star NatHERS average all apartments with no individual dwelling less than 5.5 Star;
 - (d) Commitment to reduced upfront carbon emissions by 10% via material emission reduction compared to a reference building case;
 - (e) All electric, gas-free building with 100% of off-site energy sourced from renewable sources;
 - (f) A total of 40kW solar PV (two 20kW systems) proposed;
 - (g) Efficient electric building services including heat pumps for domestic hot water, high efficiency lifts and LED lighting with integrated building automation for optimised energy performance.

Development staging

- 43. The applicant has requested that the proposed development be delivered in two stages as detailed below:

- (a) *Stage 1* - the basement in totality and the 'southern buildings' (Building 4, Building 5 & Building 6). It is planned that occupation would be sought upon completion of these works. Stage 1 would include the majority of the central plaza and river interface landscaping south of Building 3;
 - (b) *Stage 2* - completion and occupation of the 'northern buildings' (Building 1, Building 2 & Building 3) and balance works. Including the Cristine Crescent public extension.
44. Stage 2 is proposed to be built concurrent with Stage 1 and completed relatively shortly (in the context of a development of this scale indicatively 3 months between handover of Stage 1 / Stage 2 as currently planned) thereafter. The staging allows occupation of Stage 1 to occur for the time period in between.

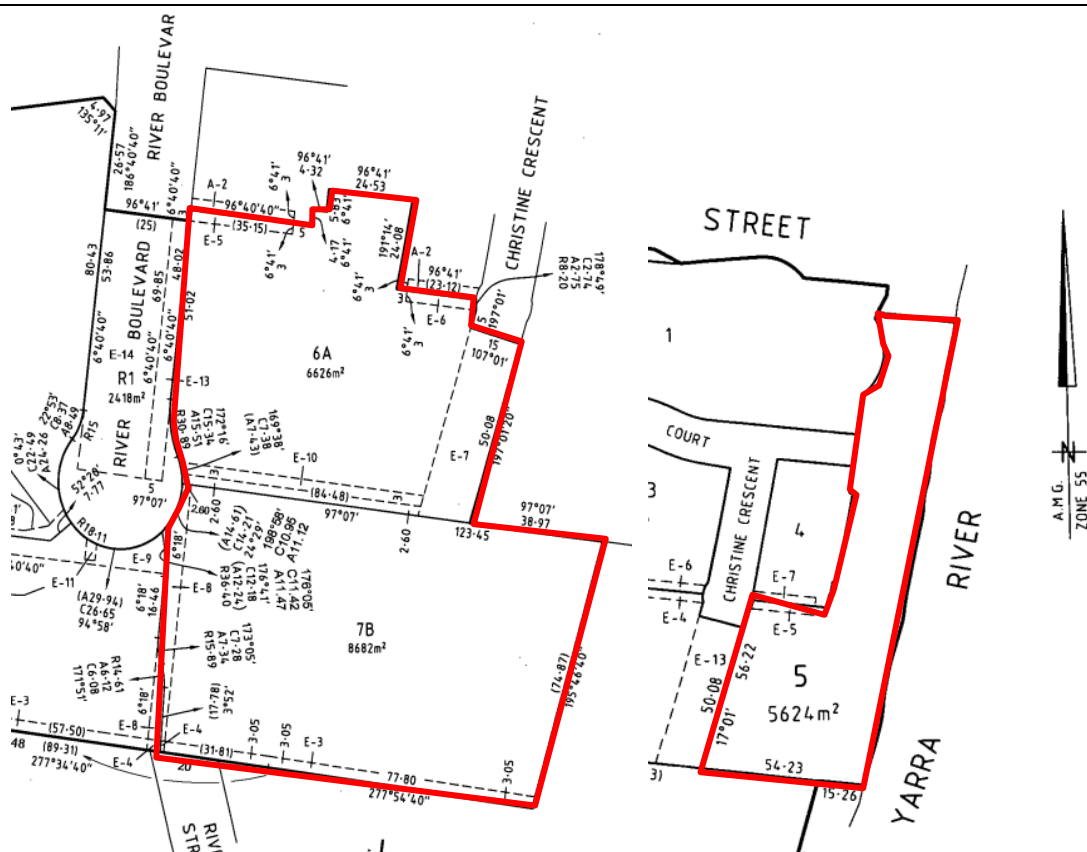
Planning Permit

45. The application for planning permit is for a reduction in the car parking rate required for a residential development pursuant to Section 18 of the CDZ1. Specific details of the application include:
- (a) A reduced rate of car parking from 1.5 car parking spaces per dwelling to 0.42 car parking spaces per dwelling;
 - (b) The development would provide a total of 201 on-site car parking spaces within a single basement level described above;
 - (b) No details of car space allocation has been included in the application.

Existing Conditions

Subject Site

46. The Victoria Gardens site is a large parcel of land bound to the north by Victoria Street, the east by the Yarra River and the Capital City Trail, the south by Doonside Street and Annettes Place, and to the west by Burnley Street. The Victoria Gardens site is divided into three precincts. Precinct 1 (office and restaurant), Precinct 2 (residential) and Precinct 3 (shopping centre complex and office development). Precinct 1 has been fully developed however Precinct 2 remains partially developed and Precinct 3 remains partially developed. The proposed residential development currently being considered falls within Precinct 2.
47. The subject site is located in the south-east corner of the Victoria Gardens site, being adjacent to the Yarra River and the end of River Street. The subject site can be accessed either via a pedestrian path from River Street or via River Boulevard via pedestrian or vehicular access.
48. The site is legally known as:
- (a) Lot 6A on plan of subdivision 608608U;
 - (b) Lot 7B on plan of subdivision 608608U; and
 - (c) Lot 5 on plan of subdivision 415801B.
49. The site is affected by a number of easements, being for the purpose of drainage, water supply and distribution and/or transmission of gas. Carriageway easements also affect the site, with three being shared driveways with the existing residential buildings to the north and one being an extension of Christine Crescent. The subject applications do not seek to vary or remove any easements.



Images: Plan of subdivision for Lots 6A and 7B (left) and Lot 5 (right), showing easement areas throughout the Site. *Source: Site Title plans.*

50. The site is an irregular shaped lot, with a western frontage of 148.5m (partially to River Boulevard), a maximum depth of 138.7m and a frontage of approximately 237m to the Yarra River, yielding an overall area of 20,932sqm.
51. The site is currently vacant, with an appreciable fall of approximately 2.0m from the western side to the top of the ridge, and a further fall of 9.0m to the Yarra River. The site contains 67 trees, with the vegetated areas being located primarily along the river edge (eastern), the south title boundary and within the northern courtyard informally shared with the residents of the buildings to the north.
52. The river edge vegetation was planted approximately 35 years ago and predominantly consists of Spotted Gums and River Sheokes (*Casuarina cunninghamiana*), together with exotic species.
53. The vegetation adjacent the southern title boundary was planted over the past 10 years and associated with Annette's Place.
54. The courtyard along the north title boundary has been planted with a mixture of Callery Pear (*Pyrus calleryana*), Spotted and lemon Scented Gums (*Corymbia maculata* and *Corymbia citriodora*), *Michelia doltsopa* and Brittle Gum (*Eucalypts mannifera*).

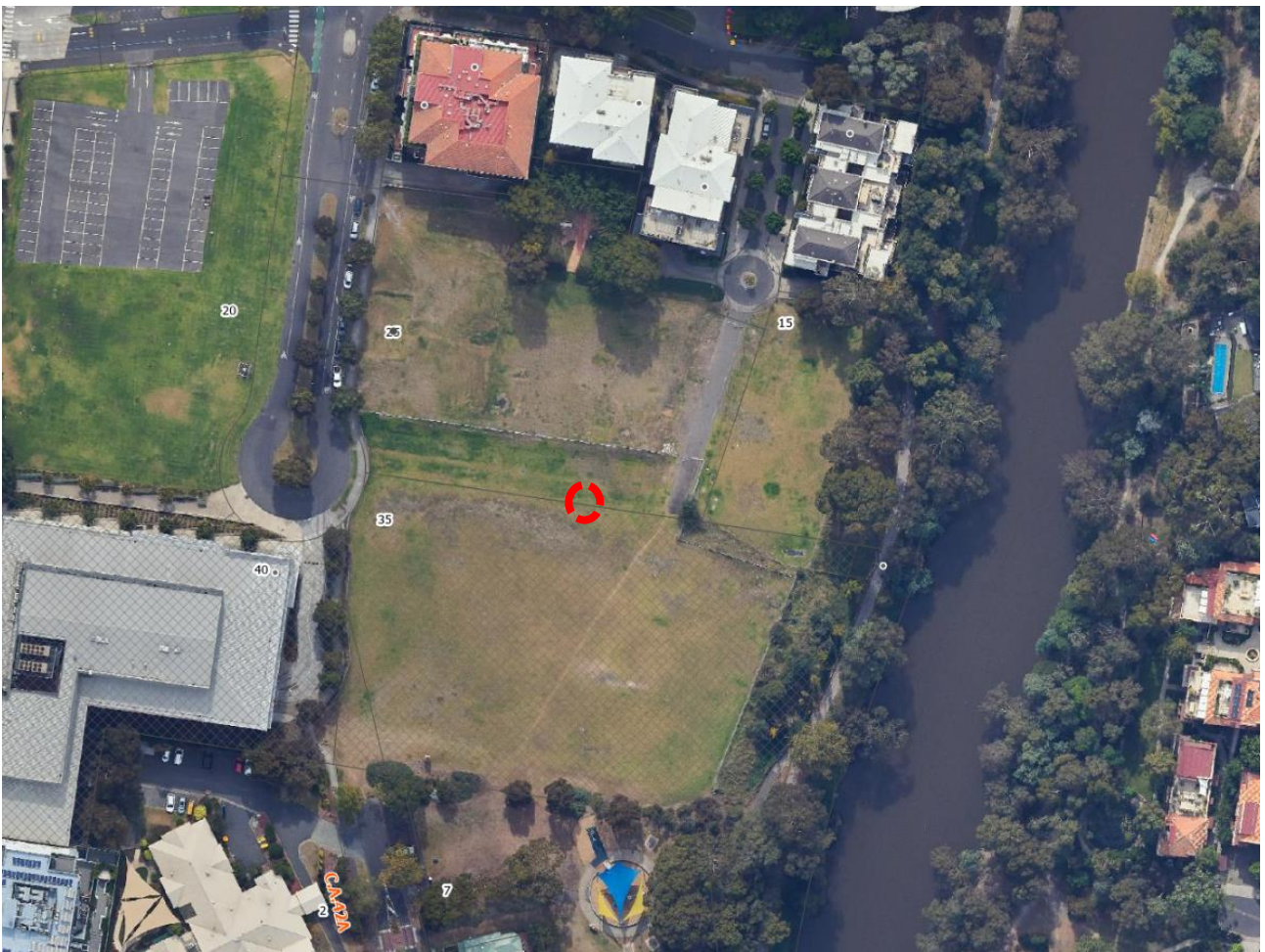


Photo: Aerial image of the Site. *Source: Yarra GIS system.*



Photo: The Site viewed from River Boulevard looking east (Yarra River vegetated corridor in background)



Photo: View from the Site looking south (River Boulevard to the right).

[Surrounds](#)

General

55. The site's location affords it a range of services and infrastructure opportunities, including retailing and recreational needs in the Victoria Gardens Shopping Centre and public transport services along Victoria Street in the form of two tram routes and a bus route. A playground is located to the immediate south of the site, known as Annettes Place. The site also enjoys direct access to the Capital City trail, which extends in a loop around the City, south of Swan Street, along the Yarra River, through Gallagher Reserve to the north and along Moonee Ponds Creek and Docklands back to the City.

North

56. To the immediate north of the subject site, are the three residential buildings approved on 12 December 1997 by Council under a development plan. The residential buildings are known as the Boulevard, Courtyard and Riverfront Apartments and range from 3 to 5 storeys in height (plus basement levels). The Riverfront Apartment drops to two storeys adjacent to the river, with an RL of 20.5 and setback of approximately 3.0m behind the ridge. The apartments can be accessed via River Boulevard and Christine Crescent. The apartments currently utilise the carriageway easements in the form of basement entry ramps from River Boulevard and Christine Crescent.



Photo: View of the existing 5 storey apartment building at 15 River Boulevard, with apartments facing the Site.

57. North of the apartment buildings is the five storey office building (plus two basement car parking levels), which also incorporates the former Fenix Restaurant/function centre. The building was approved by Council on 11 November 1997, also via a development plan. The building presents at two storeys to the river, increasing to five storeys in height at a point approximately 20 metres to the rear of the two storey built form.
58. Further north of the office building is Victoria Street, a declared Transport Zone (Category 2). The road contains two west and two east bound lanes, with central, dedicated tram lanes for the segment between the Yarra River and Burnley Street. Victoria Street is provided with a tram 'super stop' towards the intersection of Victoria and Burnley Streets.
59. The north side of Victoria Street contains a number of office buildings, with some recent infill development including the 11-13 storey Acacia Place residential development located at 1 Acacia Place, 8 storey apartment development at 659 Victoria Street and 9 storey residential development at 647-649 Victoria Street.



Photo: View of existing buildings along the northern side of Victoria Street

West

60. To the west of the subject site, across River Boulevard is an effective five storey office development (plus plant equipment) approved by Council on 31 July 2002 and known as the 'BAE building'. The BAE building presents an expanse of glazing and is clearly commercial in form. Further west of the office building is the rear of the Victoria Gardens Shopping Centre, including a number of loading docks and a gymnasium. A narrow through block link exists on the northern side of the BAE building, which provides an east-west pedestrian connection between River Boulevard and David Street (further west).



Photo: View of the through-block link to David Street and the Victoria Gardens shopping centre (right) with the 5 storey BAE office building to the left.

61. A large vacant land area known as 20 River Boulevard is also located west of the Site and has frontage of approximately 110 metres to River Boulevard and a depth of 70 metres. This land is dissected by Vickers Drive that operates as a carriageway easement to the shopping centre. Land on the south west corner of River Boulevard and Victoria Street (10 River Boulevard) is developed with an at grade car parking area. These two land parcels are the subject of an approved development plan for a mixed use 13 storey building (plus basement levels), which includes a range of public realm improvements to the western side of the River Boulevard.



Photo: View of 10 and 20 River Boulevard, separated by Vickers Drive and Victoria Gardens shopping centre complex (in background) viewed from the eastern side of River Boulevard.

South

62. To the south of the subject site is River Street, a primarily residential street containing one to three storey built forms. Annettes Place (as outlined previously) is located to the immediate south of the subject site, containing large grassed areas, play equipment and benches. The playground can be accessed via River Street, the Capital City trail and the pedestrian path extension from River Boulevard.
63. Riverside House is an aged care facility located on the west side of River Street, to the immediate south of the BAE building located on the Victoria Gardens site. The building is single storey, with extensive setbacks affording large open space areas. Beyond this building is the Yarraberg child care facility, which is owned and operated by City of Yarra.
64. A four storey rendered brick residential apartment building orientated to the river and partly flanking Annettes Place is also located to the south east of the site.



Photo: View of Annette's Place from River Street.

East

65. To the east of the Site is the Yarra River corridor/environs. Beyond the Main Yarra Trail and the Yarra River, are the rear of properties within the City of Boroondara which front Harrison Crescent and Muir Street further east in the suburb of Kew. Although generously vegetated, dwellings on the east side of the riverbank are clearly visible from the Main Yarra Trail. However, they are afforded a generous setback by virtue of the steep bank of the river.



Photo: View of the Main Yarra Trail, looking north.

Planning Scheme Provisions

Zoning

Comprehensive Development Zone (CDZ)

66. Pursuant to clause 37.02 of the Yarra Planning Scheme [**the Scheme**], the site is located within the CDZ. The Table of Uses at clause 37.02-1 specifies that a use must be in accordance with any conditions in Section 1.0 of the Schedule to the zone. Clause 37.02-2 specifies that a permit is required to construct a building or construct or carry out works unless the schedule to the zone specifies otherwise. It further notes that applications for buildings and works are exempt from notice, decision, and review rights at Sections 52, 64 and 82 of the Act.
67. The subject site is included within Schedule 1 to the Comprehensive Development Zone, being the 'Victoria Gardens Comprehensive Development'.

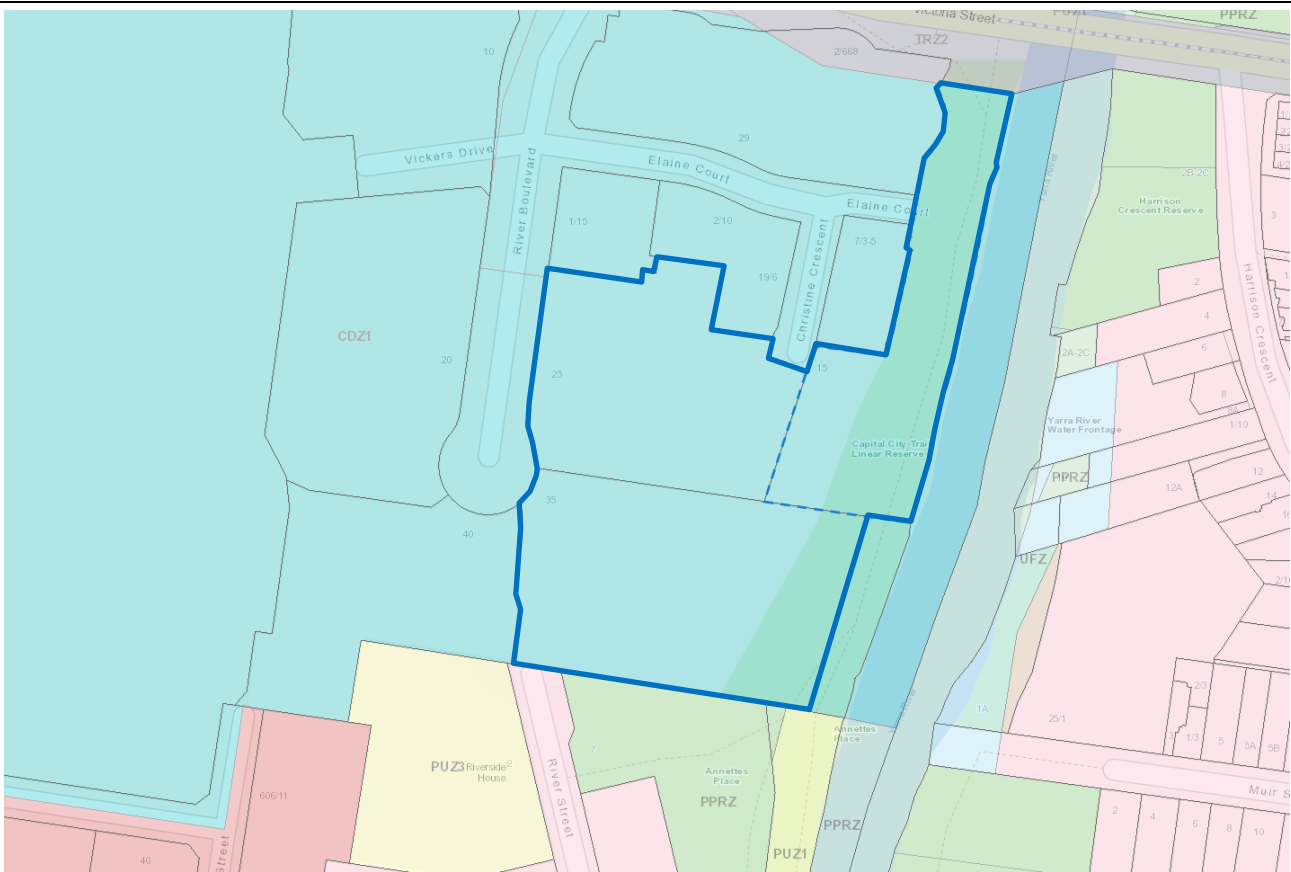


Image: Zoning map of the Site and surrounds *Source: VicPlan.*

Comprehensive Development Zone, Schedule 1: Victoria Garden Comprehensive Development (CDZ1)

68. The purpose of the CDZ1 is:

- (a) *To encourage the comprehensive redevelopment of the land on the south side of Victoria Street, between Burnley Street and the Yarra River, City of Yarra.*
- (b) *To ensure that development on the site will complement and enhance the Yarra River environment.*
- (c) *To assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses.*
- (d) *To ensure that the combination of uses, their overall density and the scale, character and level of redevelopment are compatible with:*
 - (i) *The amenity of the surrounding area and the nature of the surrounding uses.*
 - (ii) *The visible skyline as seen from and along the Yarra River and the River's environs, and views along Victoria Street and Barkers Road.*
 - (iii) *The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic.*
 - (iv) *The capacity of the existing essential services and proposed modifications.*
- (e) *To ensure retailing in the zone is compatible with and serves the existing and future commercial, industrial and residential uses in the surrounding area.*
- (f) *To provide greater public access, in particular for pedestrians and cyclists to and along the Yarra River bank.*

- (g) *To ensure that the land is developed in an orderly and proper manner.*
- (h) *To encourage a high standard of urban design.*
- (i) *To limit overshadowing affecting the amenity of adjoining land and, in particular, areas of public open space and the Yarra River.*
- (j) *To avoid adverse wind conditions in pedestrian areas.*
- (k) *To ensure that buildings and works along the Yarra River do not adversely affect drainage or flooding.*

CDZ controls specific to approving plans (relevant to this amendment)

- 69. Pursuant to Section 4.0 of the CDZ1, a planning permit is not required to construct a building or construct or carry out works if in accordance with a development plan prepared to the satisfaction of the Responsible Authority.
 - 70. A planning permit is therefore not required for the use or development subject to approval of the plan that is currently being considered.
 - 71. Pursuant to section 6 of the CDZ1, the owner of the land may submit for approval staged development plans for each precinct or part of a precinct. The City of Yarra must consider whether the submitted development plan and other details for the development are satisfactory and in accordance with the 'Guidelines for Approving Plans' at Section 15 of CDZ1 (among other things).
 - 72. Section 6 of the CDZ1 specifies that the submitted plan must generally be in accordance with the "Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area" ("BEPP"). The BEPP is included as an incorporated document to the zone, and establishes the parameters for future development of the site including mandatory height controls and restrictions on the use of land (where referred to in the table of uses). The proposed development is located within Precinct 2 on the BEPP. (The BEPP is shown at Figure 1 and 2 below).
 - 73. The table of uses within the CDZ1 specifies that dwellings are an 'as-of-right' use within all of the precincts shown on the BEPP, while section 6 of the CDZ1 specifically identifies that Precinct 2 must make provision for not less than 50 dwellings.
 - 74. Pursuant to section 8 of the CDZ1, no buildings and works may be constructed until a detailed landscape plan has been prepared to the satisfaction of the responsible authority.
 - 75. Section 11 of the CDZ1 relates to the Yarra Environs Precinct, an area of land identified on the BEPP to facilitate and encourage integration between the Yarra River, the site and the surrounding area. This area is only to be used or developed for recreation purposes.
 - 76. Section 12 of the CDZ1 relates to the Landscape Buffer, an area of land identified on the BEPP to encourage integration between any residential development on the site and the adjoining residential development to the south. This area is only to be used or developed for recreation and landscape purposes.
 - 77. Section 15.0 of the CDZ1 provides the decision guidelines for approving plans and deals with general requirements, design and landscape, traffic and transport, significant landscape, land subject to inundation and environmental significance, heritage character and native vegetation.
 - 78. The Victoria Gardens Development Urban Design Guidelines ("UD Guidelines") is also an incorporated document in this scheme. The UD Guidelines provide design guidelines which guide appropriate development of the land. In considering if a development is acceptable, the Responsible Authority must assess the design against these guidelines.
 - 79. The guidelines have been divided into various design elements and precinct principles, outlining the relevant issues and design guidelines to be considered in the formulation of a design for the development of the site. These elements include the following:
-

- (a) *Setbacks, Building Envelopes and Height Limits;*
- (b) *Building Form, Materials and Colour;*
- (c) *Orientation, Overshadowing and Overlooking;*
- (d) *Streetscape and Landscaping;*
- (e) *Views and Vistas;*
- (f) *Car Park Access and Treatment;*
- (g) *Open Space;*
- (h) *Pedestrian Movement and Security;*
- (i) *Advertising Signs;*
- (j) *Interface Areas; and*
- (k) *Boat Landings.*

80. Section 17.0 (Height Control) of the CDZ1 states that development must not exceed heights shown on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area. This plan is incorporated into the Scheme but does not apply to *the height of architectural features, building services, electronic media antennas, flagpoles, lighting poles, fences and advertising signs approved under Part 22 of this Schedule.*
- (a) *limited built form projections in the 'height projection area' shown in Precinct 2 which project above RL31 height limit but which do not exceed RL37 and do not exceed 10% of the precinct height projection area.*
81. The Building Envelope and Precinct Plan is shown in the image below, which also highlights the 'building projection area' in red.

Overlays

84. The subject site is affected by the following overlays:
- (a) Environmental Audit Overlay;
 - (b) Significant Landscape Overlay, schedule 1;
 - (c) Land Subject to Inundation Overlay;
 - (d) Design and Development Overlay, Schedule 2 (the proposal is not affected by this overlay); and
 - (e) Development Contributions Plan Overlay, Schedule 1.
85. Section 5.0 of the CDZ1 states that the provisions of Clause 44.04 Land Subject to Inundation Overlay, Clause 42.03 Significant Landscape Overlay, Clause 43.02 Design and Development Overlay and Clause 43.01 Heritage Overlay do not apply to any development constructed in accordance with an approved development plan. However, Part 15 of the CDZ1 includes decision guidelines that embody the requirements of these provisions and accordingly they will be addressed in this report.
86. Section 13.0 of the CDZ1 states that:
- Before a sensitive use commences or before a building is constructed for a sensitive use and before works are constructed or carried out in association with a sensitive use, to comply with Ministerial Direction 1, the following must be complied with:*
- (a) *A Certificate of environment audit must be issued for the land in accordance with Section IXD of the Environment Protection Act 1970; or*
 - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
- Definitions*
In this Schedule, a “sensitive use” means a residential use, a child care centre, a pre-school, a primary school or public open space.

87. The recommendation includes a notation informing the developer of this requirement.

Development Contributions Plan Overlay (DCPO1)

88. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.
89. 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*
90. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 8 (North Richmond) and the development infrastructure levy is applicable to the office and retail floor space.
91. A planning permit is not required for works under the overlay. The requirements of the DCPO have been included as development plan conditions in the recommendation.

Aboriginal Cultural Heritage Significance

92. Clause 15.03-2S of the Scheme seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. The sites proximity to the Yarra River requires consideration of Aboriginal cultural heritage significance. The requirement for a CHMP to be submitted is established under the *Aboriginal Heritage Act 2006* and Section 23 of the *Aboriginal Heritage Regulations 2007* (“Aboriginal Heritage Regulations”).
93. Under the Aboriginal Heritage Regulations, a CHMP is required for an activity if:
- (a) *all or part of the activity area for the activity is an area of cultural heritage sensitivity;*
and
 - (b) *all or part of the activity is a high impact activity.*
94. The Aboriginal Heritage Regulations provide exemptions for when a CHMP is not required, notably if there has been significant ground disturbance. This is defined as:
- (a) *significant ground disturbance means disturbance of –*
 - (i) *the topsoil or surface rock layer of the ground; or*
 - (ii) *a waterway— by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.*
95. In the previous development plan application (PL10/0156), the applicant engaged Andrew Long and Associates to prepare a report establishing whether a CHMP was required for this site. The report refers to section 23 specifically, the CHMP exemptions in the Aboriginal Heritage Regulations, stating that although the proposal is a high impact activity, being for the construction of more than three dwellings, the land within 200m of the Yarra River has been significantly disturbed through impacts from prior urbanisation, including commercial construction, activities, demolition and associated landscaping’. The Andrew Long and Associates report concludes that a CHMP is not mandatory under the *Aboriginal Heritage Act 2006* or Aboriginal Heritage Regulations.
96. The applicant has submitted a letter from Andrew Long and Associates that confirms that there have been no intervening circumstances since the original report, which might otherwise invalidate the advice. Furthermore, this letter also states that the definition of significant ground disturbance has not changed since this advice. As such, the previous advice remains unchanged and Council remains satisfied that a CHMP is not required for the site.

Particular Provisions

Clause 52.34 - Bicycle facilities;

97. Clause 52.34 requires that before a new use commences, the required bicycle facilities and associated signage must be provided on the land. Clause 52.34-3 states that 1 bike space is required for every 5 dwellings (for residents) and 1 visitor space for every 10 dwellings.
98. These rates require a total of 95 resident and 47 visitor spaces for the development (142 in total). The proposed plans includes 510 resident bicycle spaces and 27 visitor spaces. A reduction of 20 visitor bicycle parking spaces is therefore required.

Clause 58 - Apartment Developments

99. The provisions of Clause 58 apply to an application to construct or extend an apartment development within a number of zones. CDZ1 does not make reference to Clause 58 and therefore the objectives and standards of this clause only provide guidance for apartment development design on the Site.

General Provisions

100. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters.
101. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report.

Planning Policy Framework (PPF)

102. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)
Clause 11.02-1S (Supply of Urban Land)

103. The objective is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.03 (Planning for Places)
Clause 11.03-1S (Activity Centres)

104. The relevant objectives of this clause include:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs)

105. The objective is:

- (a) *To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.*

106. Policy guidelines include:

- (a) *Locating earthworks, including dams, a minimum of 30 metres from waterway systems.*
(b) *Locating development a minimum of 30 metres from the banks of waterway systems.*
(c) *The views of floodplain and waterway managers.*
(d) *Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994.*

Clause 12.03-1R (Yarra River Protection)

107. The objective is:

- (a) *To maintain and enhance the natural landscape character of the Yarra River corridor.*

108. Relevant strategies of this clause are:

- (a) *Strengthen the Yarra River's natural environment, heritage and overall health by:*
(i) *Protecting, conserving and enhancing areas of Indigenous and non-Indigenous cultural and archaeological significance.*
(ii) *Protecting the river's riparian vegetation, natural riverbank topography and flood management capacity.*

- (iii) *Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.*
- (iv) *Protecting and enhancing both terrestrial and aquatic habitats and their linkages along the river corridor.*
- (b) *Promote a sense of place and landscape identity by:*
 - (i) *Retaining a dominant and consistent tree canopy along the river corridor and in its broader landscape setting.*
 - (ii) *Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.*
- (c) *Retain and enhance people's enjoyment of the river and its environment by:*
 - (i) *Planning for the river and its environs as a recreation and tourism resource.*
 - (ii) *Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.*
 - (iii) *Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round.*
- (d) *Ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment by:*
 - (i) *Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.*
 - (ii) *Ensuring that the siting and design of buildings avoids conflicting with the local natural landscape and environmental character.*
 - (iii) *Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres from the banks of the river.*

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

109. The relevant objective of this clause is:

- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

110. Relevant strategies are:

- (a) *Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.*
- (b) *Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.*

Clause 13.05-1S (Noise abatement)

111. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

112. Noise abatement issues are measured against relevant Environment Protection Regulations under the *Environment Protection Act 2017* and *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826.2, Environment Protection Authority, March 2021)

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

113. The objective of this clause is:

- (a) *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site effects.*

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

114. The relevant objective of this clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

115. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

116. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

117. Relevant strategies of this clause are:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and 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 is designed to protect and enhance valued landmarks, views and vistas.*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- (i) *Encourage development to retain existing vegetation.*

118. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-5S (Neighbourhood character)

119. The relevant objective of this clause is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

120. Relevant strategies are:

- (a) *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- (b) *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- (c) *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 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

121. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 16.01-1S – Housing Supply

122. The objective of this clause is:

- (a) *To facilitate well-located, integrated and diverse housing that meets community needs.*

123. Relevant strategies are:

- (a) *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Identify opportunities for increased residential densities to help consolidate urban areas.*
- (d) *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

Clause 16.01-1R – Housing supply- Metropolitan Melbourne

124. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-1R – Housing supply - Metropolitan Melbourne

125. Relevant strategies for this clause are:

- (a) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *In and around the Central City.*
 - (ii) *Urban-renewal precincts and sites.*
 - (iii) *Areas for residential growth.*
 - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - (v) *Areas designated as National Employment and Innovation Clusters.*
 - (vi) *Metropolitan activity centres and major activity centres.*
 - (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
 - (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*
- (b) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

Clause 16.01-2S – Housing affordability

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

Clause 18.01 (Integrated Transport)
Clause 18.01-2S (Transport System)

127. The objective of this clause is:

- (a) *To coordinate development of all transport modes to provide a comprehensive transport system.*

Clause 18.02 (Movement Networks)
Clause 18.02-1S (Sustainable personal transport)

128. The relevant objectives of this clause is:

- (b) *To promote the use of sustainable personal transport.*

Clause 18.02-1R (Sustainable personal transport- Metropolitan Melbourne)

129. Strategies of this policy are:

- (c) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
(d) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

130. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R (Principal Public Transport Network)

131. A relevant strategy of this clause is to:

- (a) *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.*

Clause 18.02-4S – (Car Parking)

132. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

133. A relevant strategy is:

- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Clause 19.02-6R (Open Space – Metropolitan)

134. The objective of this clause is:

- (a) *To strengthen the integrated metropolitan open space network.*

135. Relevant strategies for this clause are:

- (a) *Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects*
- (b) *Ensure major open space corridors are protected and enhanced.*
- (c) *Continue development of the lower Yarra River as a focus for sport, entertainment and leisure.*

Local Planning Policy Framework (LPPF)

- 136. The following clauses within the Municipal Strategic Statement (“MSS”) and their respective objectives and strategies are relevant.
- 137. Clause 21.03 noted the subject site being within the Victoria Street Major Activity Centre as a Strategic Re-development Site.
- 138. Clause 21.04-1 (Accommodation and housing) states that the majority of new development will be accommodated on strategic re-development sites which are generally in or close to activity centres with good access to transport and services.
- 139. Clause 21.04-2 (Activity Centres) acknowledges that Major Activity Centres will continue to grow and prosper with strategies including to support the regional role of Major Activity Centres as important components of Yarra’s economy.
- 140. Clause 21.05-2 (Urban Design) identifies Yarra as having a low rise urban form punctuated by pockets of higher development. Strategies for future development include development on Strategic Re-development Sites being 5-6 storeys unless defined benefits can be achieved.
- 141. Within Activity Centres, development is encouraged to respect the existing character and support is provided for developments that contribute to an consolidate the viability of the centre.
- 142. Clause 21.05-3 (Built form character) identifies that Yarra has several building form character types. The subject site is located in the Yarra River Corridor area and is noted as being in the Current and Ex-Industrial River Edge sub-precinct. These areas are described as where the river bank adjoins an area once dominated by industry or an area of industrial buildings mostly still in use for that purpose.
- 143. Clause 21.05-3 also includes strategies to ensure development maintains and enhances the qualities of the Yarra River Corridor including using a combination of heights, setbacks and vegetation screening within new developments.
- 144. Clause 21.05-4 also encourages new development to provide public environments that positively contribute to Yarra’s character through allowing universal access, buildings at street level having a human scale, developing safe and attractive areas, providing public access through large developments particularly adjacent to parks and waterways.
- 145. Clause 21.06 seeks to reduce car dependence and promote walking, cycling and public transport patronage. Strategies including locating developments near public transport, providing shared facilities and to require large development to prepare integrated transport plans.
- 146. Clause 21.07 (Environmental Sustainability) recognises the need to reduce impacts on the environment including along the Yarra River. Strategies include encouraging environmentally sustainable design measures in new development as well as protecting and enhancing waterway corridors through protection and maintenance of vegetation and significant environmental features.
- 147. Of particular reference, the site is located within the North Richmond neighbourhood at clause 21.08-9. This clause identifies the site as being a strategic re-development site.

Relevant Local Policies

Clause 22.03 Landmarks and Tall Structures

148. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, the following is relevant: *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

Clause 22.05 (Interfaces Uses Policy)

149. This policy applies to applications within the commercial Zone (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

150. It is policy that:

- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*

Clause 22.10 (Built form and design policy)

151. 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:

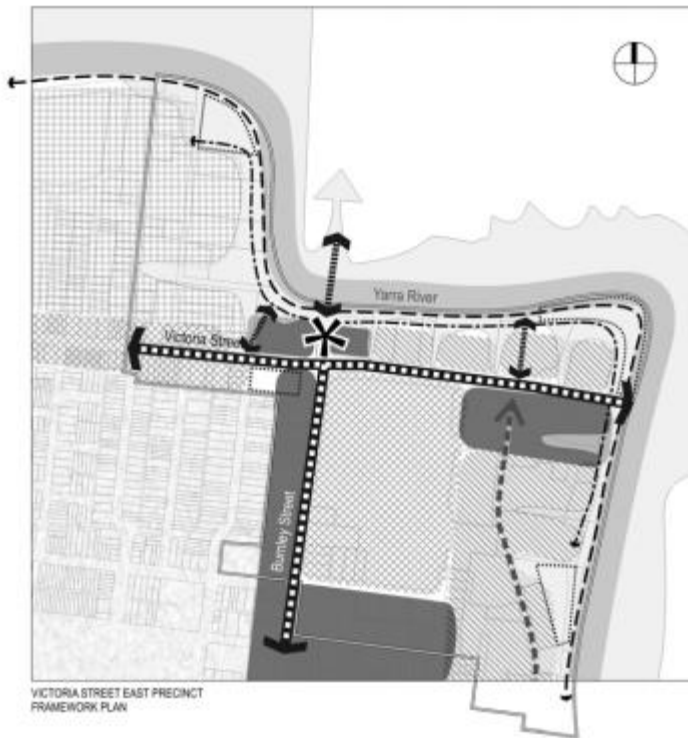
- (a) *Setbacks and building heights;*
(b) *Street and public space quality;*
(c) *Environmental sustainability;*
(d) *On-site amenity;*
(e) *Off-site amenity;*
(f) *Landscaping and fencing; and*
(g) *Parking, traffic and access.*

152. 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

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



154. The relevant objectives of this clause are:

Yarra River and open spaces

- (a) *To create strong public links to the Yarra River and improve the accessibility and amenity of the River corridor as a significant public open space*
- (b) *To capitalise on the northerly aspect and proximity to public transport, while protecting and maintaining the recreational use of the river corridor.*
- (c) *To enhance the landscape character of the river corridor and to ensure that the natural vegetation character is integrated into new development.*
- (d) *To minimise the impact of building massing and siting when viewed from within the river corridor and ensure a vegetation dominated setting along the River edge,*
- (e) *To improve natural surveillance, general safety and public accessibility of public space within the River corridor while maintaining the environmental qualities of the corridor.*

Traffic and Access

- (f) *To improve the pedestrian environment along main roads, within the Precinct and along the River corridor, particularly at the intersection of Victoria Street with Burnley and Walmer Streets.*
- (g) *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.*
- (h) *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.*
- (i) *To reduce vehicular traffic conflicts with tram services in Victoria Street without the requirement of future road widening.*

Provision of infrastructure

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

Land use, activity and development opportunities

- (l) *To facilitate a mix of land uses appropriate for land forming part of the Victoria Street Major Activity Centre.*
- (m) *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.*
- (n) *To provide for higher intensity residential development within the Major Activity Centre where this will not be discordant with the built form and amenity of residential areas to the west and south of the Precinct.*
- (o) *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.*
- (p) *To create new local employment opportunities and protect existing ones, especially in the nearby CUB precinct*
- (q) *To encourage the relocation of dangerous industry from the area south of Victoria Gardens and encourage more appropriate redevelopment as a transition between Victoria Gardens and residential areas.*

Urban Design and Built Form

- (r) *To relate the siting scale bulk and massing of new development to the distinctive landscape and ex-industrial character of this section of the Yarra River Corridor*
- (s) *To encourage high quality urban design and architecture throughout the precinct which contributes to the public realm, including the Yarra River corridor and street scapes.*
- (t) *To ensure that the development or redevelopment of this precinct protects the character and amenity of neighbouring residential areas.*
- (u) *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 –*
- (v) *To protect views to important landmarks, such as the ‘Skipping Girl’ sign.*

Clause 22.12 – Public open space contribution

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

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

156. Clause 22.16-3 requires the use of measures to “improve the quality and reduce the flow of water discharge to waterways”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 (Environmentally Sustainable Design)

157. This policy applies to (as relevant) the development of a non-residential building with a gross floor area of more than 100sqm and or residential buildings with 2 or more dwellings. 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.

Planning Scheme Amendments

Amendment C269 - Rewrite of local policies

158. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.
159. The amendment was on public exhibition between 20 August 2020 and 4 December 2020. Amendment C269 was adopted by Council on 3 August 2021 and was heard at a panel hearing in October 2021. The panel report was released in January 2022.
160. At a Council meeting on 19 April 2022, Council resolved to refer the Amendment to the Minister for approval, with some changes to Council Officer recommendations. These amendments included alterations to wording within Clause 11.03-1L, Activity Centres, and Clause 15.01-2L, Building Design.
161. The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below. This assessment confirms that the proposal is consistent with the new policies, with the exception of the affordable housing policy.

Proposed C269 Local Policy reference	Brief Assessment
Clause 02.03-2 – Environmental and landscape values	The proposal addresses policies relating to the protection of the significant natural environment, landscape values and cultural heritage of the Yarra River under 'significant landscape'. The policy also seeks to improve and manage pedestrian and cycling access to Yarra's water corridors, which is also sought by the CDZ1 controls.
Clause 02.04 – Strategic Framework Plan	The Site is formally identified as being located within the Victoria Street Major Activity Centre (MAC), which is also reinforced by the CDZ1 zoning of the land.
Clause 11.03-1L – Activity Centres	The proposal will provide additional dwellings, which will help support the vibrancy of the Victoria Street MAC.
Clause 11.03-6L – Victoria Street East Precinct	Relevant policy considerations of this clause are addressed in the assessment section of this report.
Clause 12.03-1L – Yarra River, Darebin and Merri Creek Corridors	The objective of this clause is to recognise the strategic importance of the Yarra River and Darebin and Merri Creek corridors as multi-functional open spaces and protecting and enhancing their environments. This objective and strategies are generally reflected under existing controls affecting the Site, which are addressed throughout the assessment section of this report.
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, which 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, whilst not being zero carbon, is considered to achieve ESD Excellence. This is discussed under the on-site amenity section of this report.
Clause 16.01-2L – Housing affordability	The proposal provides a mix of studio and one and two bedroom dwellings in a development that has a 'build to rent' operation, which has the potential to positively contribute to housing affordability.
Clause 18.02-1L – Sustainable Transport	The provision of extensive 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 in the officer recommendation.
Clause 19.03-2L – Development Contributions	This is addressed via a note for the development plan.
Clause 19.03-3L – WSUD	The proposal is consistent with this policy, as outlined in the submitted Sustainable Management Plan. Implementation is required by a condition of the development plan.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section below and addressed via a Waste Management Plan that will be implemented by condition of the development.

Advertising (and display)

Development Plan

162. Section 15 of the CDZ1 requires a development plan to be displayed for public comment for a period of between 14 and 28 days. The Responsible Authority must take account of any public comments received in response to the plan, however there are no third party rights of review (appeal rights) associated with this process.
163. The original development plan was put on display on 9 May 2022 for a period of 28 days, with notification sent by mail to 320 owners and occupiers surrounding the site, and by the placement of eight (8) site notices around the perimeter of the site.
164. At the time of writing, 88 public comments had been received in the form of individual letters/submissions. The public comments raised the following issues:

Supportive comments

- (w) The site needs a large development to encourage inner city living with less reliance on cars.

Submissions raising concerns

Built form and design

- (x) Overdevelopment of the Site (greater intensity than previous approval);
- (y) Inappropriate interface to the river environment;
- (z) Inappropriate density of development;
- (aa) Excessive height, bulk, scale and mass (should not be increased from previous approval);
- (bb) Exceeds three storey height limit along the river;
- (cc) inadequate setback from adjoining buildings;
- (dd) inadequate setback from riverfront;
- (ee) poor design detailing;
- (ff) Excessive scale adjacent river environment;
- (gg) does not respect the established neighbourhood character;

Amenity

- (hh) overlooking / privacy;
- (ii) overshadowing open space and Yarra River;
- (jj) overshadowing adjoining development;
- (kk) restricted outlook from existing dwellings to the north and south of the site;
- (ll) light spill to surrounding residential properties, including from common areas;
- (mm) noise impacts from intensive residential use of the site, including from roof terraces and sports court;
- (nn) Outdated acoustic data from 2016 relied on in the acoustic report;
- (oo) The proximity of the electrical substation to adjoining apartments from a visual and acoustic impact perspective;
- (pp) Noise and pollution impacts to the nearby child care centre (Yarraberg) and nursing home (Riverside House);

Landscaping and open space

- (qq) Adjoining apartments have right to use and access communal open space area at northern end of the Site;
- (rr) Views to the river through the Site are not provided per the CDZ requirements;
- (ss) Loss of open space (preference to turn the Site into a park);
- (tt) Negative impacts on the riverine ecosystem and biodiversity;
- (uu) Loss of the existing communal open space and associated landscaping (used and maintained by and at the cost of residents of adjoining apartments for over 20 years) on the northern portion of the Site and associated loss of visual amenity;
- (vv) insufficient open space for residents
- (ww) insufficient landscaping/trees to soften the built form;
- (xx) roof terraces as a poor substitution for ground level open space;
- (yy) oppose the provision of a fenced sports court in the northern open space of the Site;

- (zz) Removal of existing trees, particularly from northern communal open space (approx. 22) and native species;
- (aaa) Removal of trees beyond the title boundaries;
- (bbb) Erosion issues from loss of riverbank vegetation;
- (ccc) No replacement of existing mature trees south of the cul-de-sac to be removed;
- (ddd) inadequate pedestrian / cycling links;
- (eee) inappropriate landscaping interface with river environment;
- (fff) Building 4 and 6 too close to Annette's Place;
- (ggg) Impact on cycling safety along nearby bicycle trails;
- (hhh) New landscaping to be indigenous;
- (iii) 20m riparian buffer required either side of the Yarra River;

Access, traffic and transport related matters

- (e) Access to courtyard apartments is constrained by basement access location;
- (f) traffic surveys taken from 2016 in the traffic report are out dated;
- (g) unsafe pedestrian conditions at the access point to the Victoria Gardens complex and crossing River Boulevard generally, which will be exacerbated by the development.
- (h) Insufficient car parking for the dwellings and visitors to the Site, which is profitable to the developer;
- (i) Lack of on-street car parking availability for residents and visitors in the area;
- (j) Need to future proof basement for electric vehicle infrastructure;
- (k) increased traffic congestion affecting operation of Victoria Street, River Boulevard, Christine Crescent and Elaine Court, particularly during peak periods;
- (l) Inadequate road infrastructure to support the additional vehicle traffic.
- (m) inadequate public transport capacity to service the development;
- (n) traffic impacts from linking River Boulevard and River Street;
- (o) Unclear provision / access for service and emergency vehicles and removal of emergency egress for courtyard apartments;
- (p) Existing on-street car parking is poorly policed;

ESD

- (q) The proposal will contribute negatively to urban heat island effect;

Social impacts

- (r) Health impacts from loss of trees;
- (s) The proposal creates a gated community;
- (t) The dwellings could be for public housing;
- (u) Café's are poorly located for activation purposes;
- (v) Build to rent typology is out of character with surrounding housing typologies;
- (w) Oversupply of 1 and 2 bedroom apartments typologies in the area.

- (x) Lack of accommodation for families due to only 1 and 2 bedroom apartments proposed.
- (y) The proposal detracts from the social, community and cultural aspects of the precinct, including Annette's Place;
- (z) Reduced public access to the parklands;

Other matters

- (aa) Potential flooding risk over the land;
- (bb) Potential soil contamination on the Site (former Vickers Ruwolt factory);
- (cc) The riverbank should not be considered part of the Site and instead the boundary taken from the top of the river bank, per *Land Act*;
- (dd) The plans on notice were incorrectly described as seven storeys;
- (ee) Adjoining apartments were marketed for sale with access to courtyard (northern communal open space)
- (ff) Loss of emergency access provided by northern communal open space on the Site;
- (gg) Insufficient infrastructure in the area to support the additional dwellings;
- (hh) Inconsistent with Yarra River Corridor Strategy, Yarra Climate Action Plan and *Yarra Protection Act 2017*;
- (ii) Inconsistent with Yarra River Protection controls within the Yarra Planning Scheme (VC121, GC48);
- (jj) Council should purchase the land for open space;
- (kk) general disturbance from construction activity;
- (ll) reduced security to surrounding residents;
- (mm) loss of views;
- (nn) reduction in property values;
- (oo) Consultation requested with the Birrarung Council statutory body;
- (pp) Insufficient time to provide comment on the development plan (requests for additional time refused);

165. No consultation meeting was held.

[Notification specific to the CDZ1 controls](#)

166. In addition to the aforementioned display of the development plan and the notification of the planning permit, Council also notified a number of other external organisations, particularly for which the decision guidelines of the CDZ1 require consideration. These include:

- (jjj) Transport for Victoria - comments provided;
- (kkk) Melbourne Water - conditions recommended;
- (lll) Parks Victoria and Department of Environment, Land, Water and Planning ("DELWP", recently restructured as Department of Transport and Planning) - comments provided; and
- (mmm) City of Boroondara - no response received.

167. Notice of the original and amended development plan documents was provided to the above organisations. Comments (where received) have been included as attachments to this report and considered in the assessment below.

Planning permit

168. The original application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* (“the Act”), with concurrent notification (with the development plan) sent by mail to 320 owners and occupiers surrounding the site, and by the placement of eight (8) site notices around the perimeter of the site. A total of 65 objections were submitted in response to the original application.
169. Objections received to the Planning Permit can generally be summarised as follows:
- (nnn) Unrealistic assumptions about the transport needs of future residents;
 - (ooo) inadequate visitor parking;
 - (ppp) inadequate off-street car parking;
 - (qqq) Car parking requirement should be met on-site;
 - (rrr) traffic surveys taken from 2016 are out dated;
 - (sss) Increased peak hour traffic congestion;
 - (ttt) No parking permits to be issued to residents;
 - (uuu) reduction of available on-street parking; and
 - (vvv) Increased traffic congestion on surrounding road network (Victoria Street, Christine Crescent, Elaine Court and River Street).
170. No consultation meeting was held.

Amended documents

171. No further public display of the amended development plan documents or notice of the amended planning permit application was undertaken due to changes resulting in an overall reduction of built form/dwelling density, improved landscaping and public access outcomes and no further reduction of car parking. A link to the amended documents were circulated to all persons that made a comment or objection on the development plan and planning permit as part of the PDC meeting invitation correspondence on 10 February 2023.

Referrals

Internal Referrals

172. The application was referred to the following units within Council:
- (a) Open Space (City Strategy) Unit.
 - (b) Streetscapes and Natural Values Unit.
 - (c) Engineering Unit.
 - (d) Strategic Transport Unit.
 - (e) City Works Unit (waste).
 - (f) ESD Advisor.
 - (g) Urban Design Unit (internal).
 - (h) Urban design consultant (MGS Architects).
 - (i) Wind Consultant (VIPAC Consultants).
 - (j) Acoustic Consultant (SLR Acoustic Consultants).
173. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

174. The primary considerations for this application are as follows:
-

- (a) Introduction.
- (b) Built form and design.
- (c) Pedestrian connectivity.
- (d) Tree removal and landscaping.
- (e) Off-site amenity impacts.
- (f) On-site amenity.
- (g) Traffic and transport.
- (h) Land subject to inundation.
- (i) Other matters relevant to the development plan.
- (j) Public comments to the development plan.
- (k) Planning permit (reduction of the CDZ1 car parking requirements).
- (l) Objector concerns (Planning Permit).

[Introduction \(general / policy considerations and existing development plan approval context\)](#)

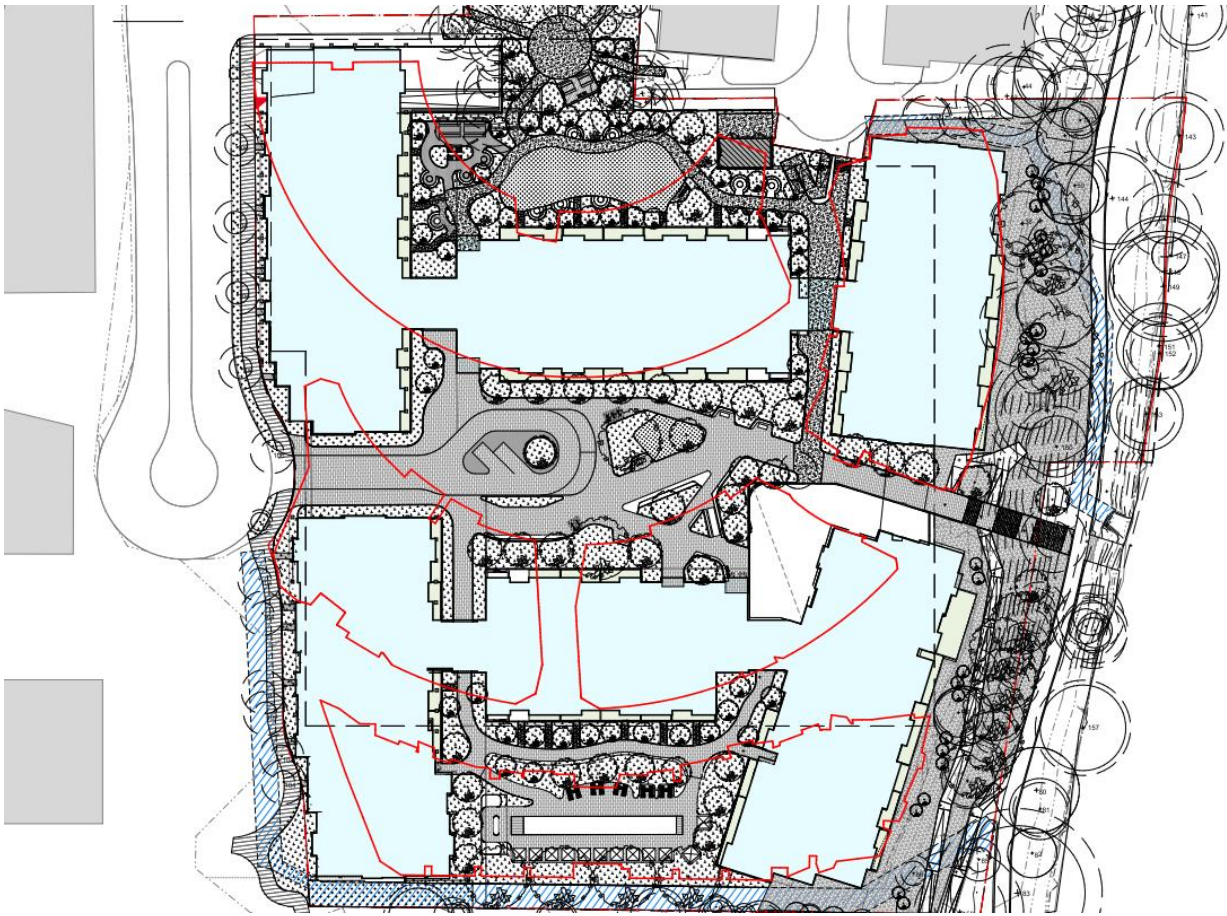
General / policy considerations

175. The purpose of the CDZ1 is to encourage the comprehensive redevelopment of land on the south side of Victoria Street between Burnley Street and the Yarra River. The comprehensive redevelopment is to encourage a mixture of office, retail, entertainment, commercial, residential and ancillary land uses, as well as seeking to protect the landscape character of the area, allow better pedestrian access to the river environs and improve the amenity of the surrounding area (including safety, overshadowing and pedestrian amenity).
176. The guidelines for approving development plans at section 15 of the CDZ1 will be used to frame the following section of the assessment. Within these guidelines are urban design guidelines forming (UD GUIDELINES), an incorporated document within the Yarra Planning Scheme and therefore given statutory weight. The UD GUIDELINES establish site specific guidelines and broad design principles to be considered when assessing a development plan.
177. Along with the UD GUIDELINES, the CDZ1 requires consideration of the views of Melbourne Water, VicRoads (Transport for Victoria) and Parks Victoria.
178. Melbourne Water comments received will be addressed under the land subject to inundation section of this assessment. VicRoads comments will be addressed throughout the 'traffic/parking' section of this assessment. In addition, Parks Victoria comments will be discussed throughout various assessment sections below.
179. The UD GUIDELINES also references *The Good Design Guidelines for Medium Density Housing 1995*. This document has now been superseded by the Apartment Developments Objectives and Standards outlined in Clause 58 of the Scheme, which will be used as guideline for on-site amenity assessment.
180. Along with the above policies and guidelines and clause 22.10 of the Scheme, the Victoria Street East Precinct Policy at clause 22.11 of the Scheme provides both precinct specific and site specific guidance for the site and the surrounding area. This policy will also be considered throughout this assessment, together with relevant PPF and LPPF policies.

Existing Development Approval Context

181. A summary of the approved development (ref. PL10/0156) and its corresponding planning permit application for a reduction of the car parking requirements is provided in the background section of this report. This development also proposed a residential development between 5 – 8 storeys under the same building height controls that apply to the Site at present.

182. To help understand the differences in the siting of buildings and public links, the Applicant has prepared a diagram that compares the approved and proposed schemes shown in the image below.



Images: Comparison of the ground floor footprint of the approved development plan (PL10/0156) and proposed development. *Source: Application documents.*

183. A comparison of key quantitative details of the approved and proposed development plan is provided in the table below.

Component	Approved	Proposed	Difference
Studio	-	32	+32
1-bedroom	194	213	+19
2-bedroom	248	228	-20
3-bedroom	37	-	-37
Total dwellings	479	473	-6
Communal (internal)	300sqm	1575sqm	+1275sqm
Communal (external)	0	Approx. 2000sqm	+2000sqm
Bicycle spaces	218	527	+309
Car parking	548	201	-347
Site coverage (building footprints)	6612sqm	6446sqm	-166sqm
Site coverage (building footprints and hard surface areas)	(Approx 1800sqm Hard Surface) 8412sqm	(Approx 1500sqm Hard Surface)	(-300sqm) -466sqm

		7946sqm	
Gross floor area	43,250sqm (above ground)	39,310sqm (above ground)	-3940sqm
Landscape areas	5,588sqm	6,054sqm	+466sqm

184. Comparisons of the approved and proposed development plan will be made throughout the assessment below, particularly given the approved development plan remains valid (there is no stated expiry).

[Built form and design](#)

185. Contextually, the site is located at a sensitive environmental interface with the Yarra River. The site also enjoys an inner-city locale and has been earmarked for extensive redevelopment by virtue of the Comprehensive Development Zone and identified in Council's MSS as a strategic redevelopment site (clause 21.08-9). The interface with the Yarra River establishes, in part, some contextual constraints on a reasonably unencumbered or 'clean slate' site. This section of the report assesses the development plan in relation to its built form scale, siting and design and its fit within the sensitive Yarra River environs.

Building Height

186. The subject site is affected by mandatory maximum building height controls outlined in the Building Envelope and Precinct Plan (BEPP) included in the UD GUIDELINES. Section 17.0 of the CDZ1 states that *'building or works must not exceed the height above the Australian Height Datum for any particular site as shown on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area incorporated in this Planning Scheme'*.

187. The height controls do not apply to:

- (a) *the height of architectural features, building services, electronic media antennas, flagpoles, lighting poles, fences and signs approved under Part 22 of this Schedule.*
- (b) *limited built form projections in the 'height projection area' shown in Precinct 2 which project above RL31 height limit but which do not exceed RL37 and do not exceed 10% of the precinct height projection area.*

188. The applicant has overlaid the title boundaries of the Site over the BEPP showing the building height project, which identifies the different height limits spatially across the Site (refer to image below).

189. It is noted that the building height projection area that affects the Site is approximately 9653sqm but the overall building height projection area extends beyond the title boundaries to the east for an overall area of approximately 10,500sqm. Accordingly, a building envelope area of no more than 1050sqm can be constructed up to RL37.

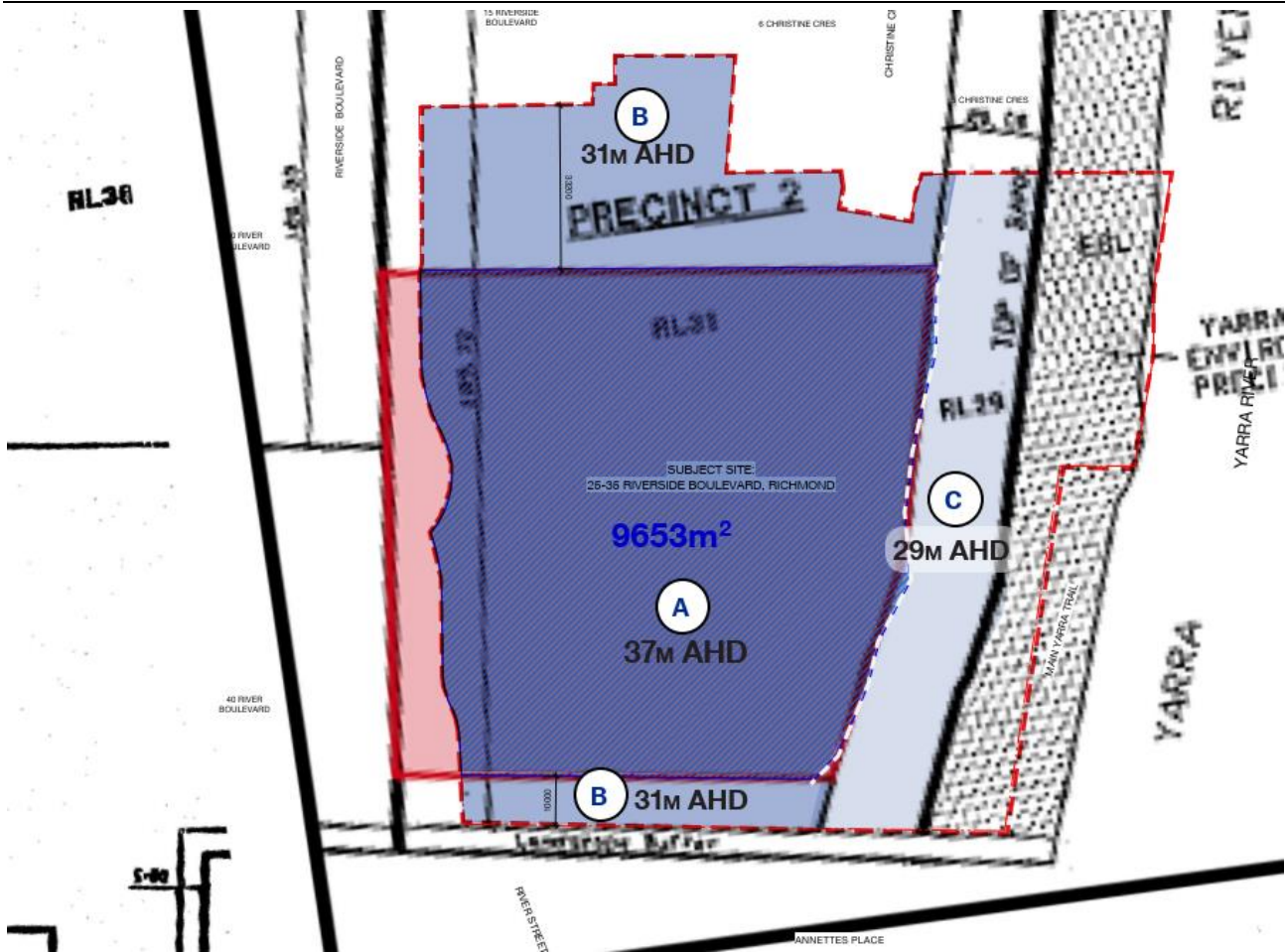


Image: Building Envelope and Precinct Plan overlaid with Site boundaries and building height projection area outlined in CDZ1. *Source: Urban Context Report, prepared by Bates Smart.*

190. The table below depicts the building height of each building in storeys and metres.

Building number	Storeys	Building height (excl. plant)*
Building 01	6 storeys	31.2m AHD or 19.4m
Building 02	6 storeys	30.53m AHD or approx. 20m
Building 03	5 storeys	27.7m AHD or 17m
Building 04	8 storeys	37.24m AHD or 25.4m
Building 05	6 storeys	30.53m AHD or 19m
Building 06	5 storeys	27.7m AHD or 17m

* Measured at the top of the parapet for Buildings 01, 02, 04 and 05 and the roof terrace balustrade of Buildings 03 and 06.

191. The applicant has sought to use the building height projection area for Building 04. Levels 6 and 7 of this building each have a floor area of approximately 965sqm. This equates to 9.9% of the building height projection area affecting the Site and 9.2% of the total building height projection area, which includes land within the road reserve of River Boulevard. As a result, the proposal falls below the maximum area allowed for a building height projection under Section 17.0 of the CDZ1.

192. Building 03 and 06 with a height at 27.7m comply with the RL29 height limit for built form adjoining the Yarra. Similarly, Buildings 02 and 05 with heights of 30.53m will comply with the RL31 requirement for the balance of the Site.

193. The architectural plans have not shown the parapet level reference on the elevations/sections. The levels provided are to the top of the ceiling slab on the upper most levels and do not include the building parapet. As a result of this, Buildings 01 and 04 have heights to parapets of 31.2m and 37.24m, which exceed mandatory height controls outlined on the BEPP by approximately 200 and 240mm respectively. A condition has been included to ensure that both of these buildings are reduced in height to no greater than 31m AHD and 37m AHD respectively a detailed survey plan will also be required to ensure compliance with the mandatory height control.
194. Subject to conditions, the proposal will satisfy the mandatory building height controls. The following section will discuss the appropriateness of the scale, massing and siting of each building, having regard to each interface to the Site.

Scale, massing and siting

Eastern interface (Yarra River Environs)

195. Building 03 and 06 have been sited and designed to front the Yarra River corridor. From a siting perspective, Building 03 will be setback between 2.4m and 4.8m from the top of the Yarra River embankment. Building 06 will be setback between 2.2m and 4.5m, with the exception of a small section of the southeast corner which sits as close as 1.6m to the top of the embankment.
196. Design Element 1 (Setbacks, building envelopes and height limits) of the UD GUIDELINES allows built form to be built to up to 50% of the eastern boundary (embankment) length with a minimum 2m setback for the remaining 50%. The proposed building siting will comfortably achieve this siting requirement. Notwithstanding this, a condition has been included to ensure the ground level 'balconies' (private open space) for apartment 3.00.010 and 6.00.005 are setback a minimum of 2 metres from the top of the embankment to create a continuous landscaping treatment at this interface.
197. Both buildings adopt a 3 storey base (21.64m AHD to the balustrade) with two upper storeys setback approximately 2.3m – 3.4m. Recessive roof terraces are also located at the top of each of these buildings. The maximum height of these buildings will be 27.7m AHD measured at the top of the roof terrace balustrades (or 26.6m at the parapet).
198. The UD GUIDELINES, at Design Element 1, also sets out that building facing the river should not be more than three storeys in height (or RL 25). This also needs to be tempered against the height controls specified on the BEPP which allow for heights up to RL 29 at this river interface. Greater weight will be placed on the statutory controls of the BEPP than the height limits of the UD GUIDELINES, particularly given the approved development plan features built form fronting the river at 26.7m AHD.
199. The proposed design response features 3 lower levels with the two upper levels recessed, presenting a suitable design response to the sensitive Yarra River interface.



Image: Extract of the eastern elevation. *Source: proposed plans, prepared by Bates Smart.*

200. The UD GUIDELINES seek continuous wall lengths fronting the Yarra River to not exceed 10 metres without a step, an offset or distinct break in unit length. The proposal achieve this due to the high degree of articulation exhibited by Buildings 03 and 06 through the following:
- (a) The modular nature of balconies and habitable rooms of each apartment, spanning no greater than 4.5 metres in width before a break or setback separates the next module;
 - (b) Recessive upper levels (2.4m – 3.4m setback);
 - (c) The use of high-quality external materials that are responsive to the landscape character of the Yarra River corridor for the lower three levels (discussed further below under architectural quality);
 - (d) Visual bulk of upper levels tempered through extensive glazing, which contrasts from the more solid lower level façade treatment; and
 - (e) The two buildings to have a minimum separation distance of 14.5m to create a generous break for public access.
201. Council’s urban design consultant has not raised specific concerns regarding the scale, massing and siting of Building 03 and 06 in relation to its interface to the Yarra River. However, they have recommended that more landscaping be incorporated into the design through greater use of planters at the Level 3 terrace and roof terraces edges facing the Yarra River. This will be required by condition.



Images: Perspectives of Building 03 and 06 (left) and Building 03 viewed from the Main Yarra Trail. *Source: Application submission*

202. Whilst the proposed massing adjacent the Yarra River corridor is greater than the previously approved development plan (refer to comparison diagram above), the proposal still maintains substantial landscaping opportunities between Buildings 03 and 06 and the Main Yarra Trail. It should be noted that views and vistas of the Site when traversing the Main Yarra Trail are dynamic due to the trail following the curvature of the river. This ensures that views to the Site change at each point along the way. To highlight this, the below perspectives show an artists impression of the proposed built form viewed along the Main Yarra Trail, which is reads as secondary due to the combination of retained and proposed landscaping filtering views. As a result, it is considered the proposed buildings will sit comfortably within the Yarra River environs, sought by various policies in the Scheme (eg. CDZ1, UD GUIDELINES and Clauses 12.03-1S and 12.03-1R).

Western interface (River Boulevard)

203. The guidelines of the CDZ1 and the UD GUIDELINES, at Design Element 1, seek built form that will complement and enhance the character and appearance of the surrounding area and achieve an appropriate building scale transition with the surrounds. No specific setback or massing guidelines for built form fronting River Boulevard is contained within UD GUIDELINES.
204. Buildings 01 and 04 that front River Boulevard are in line with the statutory height controls (subject to conditions discussed above) and also successfully keep the higher built form elements away from the river environs. The proposed development adopts a sensible massing transition running north to south along River Boulevard, consistent with the UD Guidelines. This will be experienced by the following:
- (a) The existing five storey apartment building at 15 River Boulevard to the north of the Site;
 - (b) The proposed six storey building (Building 01) in the north-west corner of the site;
 - (c) The eight storey building (Building 04) at the southwest corner, then reducing to three storeys adjacent to Annettes Space. This ensures that the building heights along the west title boundary respect the character of the wider area and
 - (d) Levels 6 and 7 of Building 04 are setback 10 metres from the southern side of the lower levels to further transition scale toward Annettes Place public open space.



Image: Perspective showing transition of existing and proposed buildings along River Boulevard viewed north of the Site. *Source: Urban Context Report, prepared by Bates Smart.*

205. The proposed buildings will also complement the robust scale and massing of the approved 6-12 storey mixed use development on 10 – 20 River Boulevard (ref. PLN16/1156), immediately west of the Site. The section of this land adjoining site features a 6 storey building form (refer to endorsed east elevation below).

Image: Markup of the proposed ground floor plan illustrating the varied setbacks from the northern boundary.
Source: Application documents.

210. The varied northern boundary setbacks also result in varied building separation distances from the northern adjoining apartment buildings ranging between 7.8 metres – 8.9m (Building 01) to >27m (Building 02).
211. The building separation for Building 01 is the only instance where separation is less than 9 metres. However, an appropriate separation outcome is achieved for the following reasons:
- (a) The width of the building within 9 metres is limited to no more than 24 metres, which is modest when considering the Site has a developable width of approximately 125 metres;
 - (b) A condition has been included to increase the setback and building separation of apartment 1.01.009 to match the setback of Levels 2-5.
 - (c) Levels 2-5 achieve only marginally less than the 9 metre (8.7m – 8.9m) separation distance from adjoining balconies and at least 10.3m to the external wall/windows of 15 Riverside Boulevard. As a result, daylight to adjoining windows is expected to be maintained at an appropriate level, having regard to the southern aspect of the Site; and
 - (d) No overshadowing will occur to adjoining habitable rooms windows or balconies due to the southern position of Building 01.
212. Building 02 and 03 provide generous building separation (>11m) to the adjoining apartment buildings to the north of the Site. Furthermore, the proposed development results in an overall net reduction of building mass adjacent the northern boundaries of the Site when compared with the approved development plan, despite a modest increase in mass adjacent the north west section of this interface (refer to the comparison plan above).
213. Significant open space areas are also maintained adjacent the northern interface, including a renewed northern pocket park (that is currently and will continue to be enjoyed by the adjoining apartment building occupants) and northern lawn communal open space for the development.

Southern interface (Annettes Place)

214. The southern interface to Annettes Place is important to consider due to the variety of public realm vistas to the Site available to users of this neighbourhood park.
215. The BEPP shows a 5m wide 'landscape buffer' adjacent this interface. Section 12 of the CDZ1 outlines the discretionary nature of this control and guidelines for assessing the provision of a landscape buffer. In this instance, the proposal adopts a minimum 4m setback from the southern boundary to provide a landscape buffer adjacent the southern boundary. The western (Building 04) and eastern (Building 06) buildings are located more intimately with the southern boundary (4m – 7.6m), while the central building is setback generously (>30m). Visual massing at this interface is also managed through a minimum 42m separation distance between Building 04 and 06.



Image: Perspective of Building 04 viewed from Riverside House driveway, south of the Site (the western edge of Annettes Place is on the right side of the image). *Source: Urban Context Report, Bates Smart.*

216. The proposed building setbacks are sufficient to ensure all existing trees within Annette's Place will not be impacted subject to appropriate management during construction. The amended proposal shows the basement setback approximately 30m from the southern boundary to provide extensive deep rooted soil opportunities to accommodate four (4) large canopy trees in the 'lagoon' communal open space area between Buildings 04 and 06. This has generally addressed the original concerns from Council's open space unit regarding insufficient landscaping at this interface. Accordingly, the intent of the landscape buffer requirement of the BEPP is considered to be satisfied by the proposal.



Image: Extract from the proposed Tree Diagram, showing four large canopy trees adjacent the southern boundary. *Source: Landscaping plans, prepared by Arcadia.*

217. Council’s urban design consultant originally raised concerns regarding the visual interest/engagement of Building 04 when viewed from Annettes Place. In response, the applicant has submitted sketch plans dated 15 November 2022 that seek to introduce Juliet balconies to the flanking south walls of SW and SE of building 04. This response has been accepted by Council’s urban design consultant and will be required by condition. In addition to these changes, a condition will be include to incorporate south facing windows to the bedrooms of apartments 4.06.003 and 4.07.003 to increase visual interest to these otherwise blank walls visible from the public realm (refer to markup of the image below).

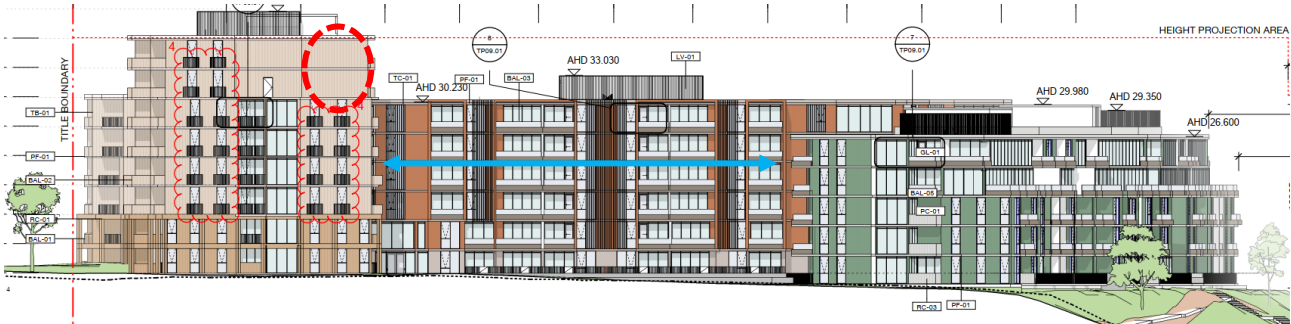


Image: Proposed southern elevation sketch plan showing introduction of Juliet balconies on Building 04
Source: Applicant sketch plans dated 15 November 2022.

218. The overshadowing impacts to Annettes Place is assessed under the off-site amenity section below.

Heritage and landmarks

219. The site is not affected by a Heritage Overlay, however the site is identified as being of Aboriginal cultural heritage significance. These matters have been set out in the Planning Policy section of the report.
220. Considering the identified Heritage Overlays within the Scheme, the closest landmark or site of any heritage quality is the Victoria Bridge. The bridge is positioned approximately 117 metres to the north-east of the proposed development and links Victoria Street with Barkers Road in Kew. Victoria Bridge is listed on the Victorian Heritage Register (H374).
221. As the proposal is separated from the bridge by the existing office and residential development in the north-east corner of the Victoria Gardens CDZ1 area it is considered that, the proposed residential development is appropriately distanced from the bridge to not impact its heritage significance. Importantly, the proposed development will not impede views to the bridge from the Capital City Trail or along the length of Victoria Street or Barkers Road.
222. The north side of Victoria Street (segment bound by the Yarra River and Burnley Street) is affected by four Heritage Overlays. The overlays affect the skipping girl neon sign (651 Victoria Street), the former Alma Woolworks complex (633 Victoria Street), Former Handley & Tilley Building (655 Victoria Street) and the former Crusader Plate building (651-653 Victoria Street). As the proposed development is positioned in the southern end of the Victoria Gardens site (more than 150 metres to the south-east of these Heritage Overlay affected properties), the proposal will not impact the heritage significance or contribution of these heritage buildings and landmarks. Further, the siting of the development will not unreasonably obscure views to the iconic skipping girl sign, which is also an identified as the closest landmark (landmark sign) to the Site in clause 22.03 of the Scheme.

Architectural quality

223. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.10 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form and materials in the surrounding area. A purpose of the CDZ1 is also to encourage a high standard of urban design. The CDZ1 guidelines also require consideration of the design of the roofscape and plant and equipment.

Design element 2 (building form, materials and colour) encourages a variety of architectural forms, roofscapes and façade treatment that reflect the architectural diversity of the surrounding area.

224. As noted earlier, an increasing degree of contemporary, mid-rise built form is emerging within the surrounding area (both the Victoria Gardens areas and surrounds that include nearby sections of Victoria and Burnley Street) in this section of the Victoria Street MAC. These developments typically provide robust designs, a balanced solid to void ratio to street walls with higher proportions of glazing at upper levels and flat roof forms. Examples are evident on the architectural design of the approved buildings at 10-20 River Boulevard and the approved development plan for the subject Site.
225. Whilst the proposed development incorporates six (6) buildings, the proposed architecture has been crafted through building pairs, which was described under the proposal description above. Each buildings style has been designed to respond to its unique interfaces (eg. more robust urban style to River Boulevard and a nature inspired material and colour palette for the buildings fronting the Yarra River).



Image: Nature inspired material palette / precedent images for the proposed 'River' buildings fronting the Yarra River. *Source: Urban Context Report, prepared by Bates Smart.*

226. Council's urban design consultant reviewed the architectural composition of each building and originally raised concerns with the quality of the façade treatments on the northern elevation of Building 01 and the southern side of Building 04. This was due to these elevations playing important gateway roles for the northern pocket park link and Annettes Place. Both elevations have been updated (north elevation via the amended plans and the south elevation via sketch plans) with changes to fenestration or balconies to improve the quality and visual interest to these facades. Council's urban design consultants original concerns raised have been satisfied with these changes, in addition to the windows requested by condition to add visual interest to the southern blank walls of apartments 4.06.003 and 4.07.003.
227. Having regard to the relevant urban design policies that apply to the Site, it is considered that the proposed development exhibits a high standard of architectural design for the following reasons:
- (a) Facades of each building style are composed of durable and high quality external materials. The different styles of each building appear also ensure the architectural experience by building occupants and the public visiting the Site is dynamic;
 - (b) The proposed solid to void ratios and parapet roof forms complement the emerging contemporary building character evident in the surrounding area;
 - (c) Each building is well articulated through modulation created by:
 - (i) The interplay of balconies and habitable room windows associated with each apartment;
 - (ii) Steps/setbacks incorporated into each elevation.

- (iii) Façade depth created by exposed slab edges/façade systems;
 - (iv) Significant building separation between adjacent buildings/apartments;
 - (v) Recessive setbacks to Levels 6 and 7 of Building 04;
 - (vi) Recessive setbacks to Levels 3, 4 and the roof terrace of buildings 03 and 06;
 - (vii) Appropriately restrained variations of the external materials;
- (d) Each building has been designed with balconies and windows extending along the full length of all visible elevations to ensure significant natural surveillance is afforded to River Boulevard, Christine Court, the Yarra River corridor and Annettes Place. This also includes the ground plane perimeter and public links throughout the Site;
- (e) Building styles that are responsive to the different interfaces, including Buildings 03 and 06 featuring an external colour and material palette and composition that complements the natural setting of the Yarra River Corridor;
- (f) Extensive landscaping is proposed throughout the Site using primarily indigenous species to enhance the appearance of the development and function of open space within (discussed further below);
- (g) Vehicles access and car parking throughout the ground plane has been appropriately minimised at the ground plane by locating car parking within the basement;
- (h) The public realm gestures throughout the Site significantly enhance connectivity between the Yarra River and surrounding areas (discussed in detail below);
- (i) Fencing along external and internal boundaries for the Site have been designed sympathetically, subject to conditions discussed below;
- (j) Services have generally been concealed from public realm views, with the exception of the proposed substation adjacent Christine Crescent and basement entry of the northern adjoining apartment building. A condition will be included to ensure the substation features a high quality exterior finish and detailed in the façade strategy (substation elevations not provided); and
- (k) The rooftop plant equipment area for each building has been setback from the edge of the lower level and constrained in footprint to ensure they do not form prominent elements of buildings when viewed from all public realm vantages.

228. Overall, it is considered that the proposed building has been designed ‘in the round’ and will feature a high level of architectural quality and appearance.

229. A façade strategy will be required by condition to ensure that all external finishes for the facades are executed to Council’s satisfaction, including the provision of detailed images/samples of materials/finishes to ensure a high-quality finish is achieved. A further condition is recommended that requires the retention of Bates Smart for the life of the project.

Pedestrian connectivity

230. The CDZ1 envisages greater pedestrian links between the site and the Yarra River. The vision of the CDZ1 is to ensure that not only residents of adjacent development enjoy the river access, but that the public can benefit from increased accessibility and recreational opportunities. As the Site has a direct frontage to the Yarra River, it has an important role in contributing to this vision of the CDZ1.

231. Existing pedestrian paths adjacent the Site are as follows:

- (a) East: Main Yarra Trail (Yarra River corridor).
- (b) West: north-south footpath on the eastern side of River Boulevard. A pedestrian connection also runs along the northern edge of the adjoining BAE building at 40 River Boulevard, which links to David Street / Victoria Gardens shopping centre.

- (c) North: Christine Crescent, footpaths either side. Pedestrian links to the northern pocket park that can be accessed via Christine Crescent and basement entry of 15 River Boulevard.
- (d) South: private link to River Street, located on land known as 40 River Boulevard.

Proposed pedestrian connectivity

232. At the heart of the development is a central east-west link that provides public access from River Boulevard and the Yarra River / Main Yarra Trail. This plaza features stairs and a ramp connecting to the trail at the eastern end and a port cochere shared zone area with adjacent pedestrian access at the western end connecting to River Boulevard.



Image: Perspective of the east-west shared zone entry, viewed from River Boulevard (note this has not been updated to reflect the amended plans). *Source: Urban Context Report, prepared by Bates Smart.*

233. Public and private vehicle and pedestrian access throughout the Site is depicted in the image below, which also includes public access to the northern pocket park and Christine Court between Building 02 and 03 (in addition to the central link).

Referral comments regarding pedestrian connectivity

234. Council’s urban design consultant and urban design and open space units have provided a range of recommendations to improve the quality of the proposed pedestrian connections. A number of design changes have been made to improve the quality of the central east-west plaza pedestrian link, discussed in the background section of the report. The outstanding recommendations/queries in relation to the amended plans are listed and assessed in the table below:

Referral recommendation	Officer assessment
<i>Council’s Urban Design Consultant</i>	
Amend the plan to create a continuous high quality develop a contiguous 4m wide path from the Central Piazza to the eastern interface with the service lane extension of the River Boulevard.	The amended plans show a pinch point of 3.4m for the path adjacent the northeast corner of Building 04. The remainder of the path in this location will be >4m. A condition has been included in the recommendation to increase to 4m min. width.

Provide for an additional publicly accessible north-south path linking the northern pocket park through to Annette's Place during daytime hours with an agreed management plan.	The Site is approximately 120 metres in width at its southern end. River Boulevard/River Street and the Main Yarra Trail both provide north-south pedestrian connections adjacent the eastern and western sides of the Site.
Delete the line-marked provision of 2 car spaces and enhance the interconnectivity of north south pathways linking the Pocket Park North lobby, Central Plaza, Primary east west river and City path and southern amenity zone to the satisfaction of Council.	On balance, the retention of these two spaces is considered acceptable given it will assist in providing short term car spaces associated with drop off/pick up trips generated by the development. Ensuring the primary path is a minimum of 4m, as discussed above, will ensure appropriate pedestrian amenity is provided.
Demonstrate through the updating of the plans the clear wayfinding and demarcation between residential lobby and linkages and their configuration and the efficacy of the arrangements to the satisfaction of Council.	A wayfinding signage location plan is included in the Arcadia landscape plans. However, the signage strategy and detail is not provided. A condition has been included requiring a way finding strategy to be provided prior to approval.
<i>Council's Urban Design Unit</i>	
There is a secondary entrance to the apartments (Building 01) via a walkway alongside the vehicle entry. This has a pinch point at the north-west corner of the building, which hinders pedestrian/cyclist access (unclear of exact dimensions). The entrance to the apartment is recessed and will create a hiding spot. Recommend that this arrangement is reviewed.	Both of these concerns are addressed via condition.
The proposed port cochere is not supported from an Urban Design perspective. It is recommended that the vehicle access is removed so that this link provides a high quality and amenity pedestrian route, with good access and softer landscaping.	It is acknowledged that greater pedestrian amenity would result from the removal of the Porte Cochere. However, it is considered a practical intervention for the development to help support potential traffic generated from ride share vehicles. To offset this issue, the Port Cochere has been reduced from the original size and designed as a shared zone (no kerb). The shared zone design, combined with the pedestrian paths either side, is considered to provide appropriate pedestrian amenity. There is also no traffic engineering concerns with the design of the Porte Cochere.
Clarification required on where shade structures are proposed within the public plaza area (which need to be reviewed).	This matter will be addressed via condition.
Unclear on drawings how the edge will be treated for the Christine Crescent link	A 1.8m high palisade fence is proposed on the western side of the Christine Crescent. Trees and groundcover vegetation will also be proposed adjacent this link.
Is it possible to make the Northern Pocket Park more accessible from the Christine Crescent link?	The proposal seeks to maintain the existing northern, eastern and western access to this pocket park, which is accessed via common property/basement of 15 River Boulevard and 6 Christine Crescent. The southern connection is being removed, as this is an entry point to the northern lawn

	private communal open space area.
Maintenance responsibilities for any ramp structures needs to be clarified for the connection to the Main Yarra Trail	The ramp is expected to be maintained by the land owner, noting that a separate approval from Park Victoria will be required for the section of the ramp / stairs that extend beyond the title boundaries of the Site.
<i>Council's Open Space Design Unit</i>	
Further visual analysis is required for the switch back ramp, tree removal and new vegetation.	Stairs and a switch back accessible ramp connecting the Site to the Main Yarra Trail formed part of the approved development plan. As a result, a similar visual impact is expected, which will be softened by the proposed landscaping discussed below. Tree removal is also discussed below.
<p>Northern pocket park:</p> <ul style="list-style-type: none"> Unclear how the northern pocket park is accessed from River Boulevard – doesn't look to be a publicly accessible pathway connection directly from this street to the park. This should be provided. The northern pocket park looks like it will be accessible from the proposed development via a gate in the proposed fence (south). How will this be managed? Will all 500+ occupants be issued with a security code to the gate? Would it be more practicable for it to be publicly accessible? What are the proposed long-term maintenance arrangements of the northern pocket park – that is, will this land be handed over to Council to maintain? The current design looks to offer little in the way of amenity and diversity of use. Is there an opportunity to provide a brief for the design of this space? 	<p>The western access point for the pocket park is via the eastern end of the basement access for 15 River Boulevard.</p> <p>The northern pocket park will be accessible to occupants of the development via gate along its southern edge, as shown on the fencing diagram by Arcadia.</p> <p>The northern pocket park will be maintained by the land owner once renewed, noting that this park is located on the title boundaries of the Site. The access via common property on adjoining land will also need to be maintained by the relevant body corporate for this land.</p> <p>The intent of the northern pocket park design is to maintain a similar layout and function as the existing conditions enjoyed by the occupants of the adjoining apartment buildings (save for the southern connections). The renewal of this park is supported, given demolition of the park is required to facilitate the construction of the proposed basement (which was also the case for the approved development plan).</p>
What information is proposed to be included in the wayfinding signage? Further info is required on specific locations prior to approval (preferably to be located within the development title).	This matter will be addressed via condition.

235. Subject to the conditions discussed above, the proposed pedestrian linkages throughout the Site will significantly enhance pedestrian connectivity and be a boon to the public realm in the surrounding area, which is consistent with the vision of the CDZ1 provision.

Maintenance of public connections

236. The proposed public connections are to remain under private ownership and maintenance. A condition is included in the recommendation to require the land owner to enter into a Section 173 agreement with Council to ensure all publicly accessible connections are to have 24-hour unfettered public access and maintained to Council's satisfaction at all times.

Connections beyond the Site title boundaries

237. Parks Victoria have stated that the pedestrian links that extend beyond the title boundary to connect to the Main Yarra Trail require consent by Parks Victoria as the public land manager. A note on the plans is recommended to advise the applicant of this requirement, pursuant to the *Crown Land (Reserves) Act 1978*.
238. A section of the switch back ramp also traverses the southern boundary on to Annettes Place, which is managed by Council. This land is affected by the Public Park and Recreation Zone and these proposed works trigger a separate planning permit process. Accordingly, a condition has been included requiring the redesign of the switch back ramp to be incorporated entirely within the title boundaries of the Site.

[Tree removal and landscaping](#)

Landscape character of the Site

239. The majority of the Site has been previously cleared of meaningful vegetation. The remaining trees are limited to the existing northern pocket park and along the eastern interface with the Yarra River, including the embankment. A total of 67 trees are located within the development Site. The river embankment section forming part of the Site has been overtaken by a variety of ground cover weed species.

Tree removal (on the Site)

240. As discussed under the proposal section of this report, 39 trees are proposed to be removed. The amended plans now seek to retain the majority of existing trees located on the northern portion of the Yarra River embankment. Tree 39 (mature Spotted Gum) is also identified as to be removed, with a note referencing on-site investigations by a qualified Arborist are to be undertaken to determine if the tree can be retained. Accordingly, a condition will seek to retain this tree from an approval perspective.
241. All trees to be removed are 'planted' as discussed in the Site description above and therefore the considerations of Clause 52.17 are not applicable to the subject application.
242. Council's Arborist (consultant for Council's Open Space - City Works unit) initially raised concerns with the extent of tree removal proposed across the Site. The amended plans now show four less trees to be removed than the plans that went on public display. Council's arborist has reviewed the amended plans and requests that Tree 54 (River Sheoak) also be shown for retention. A condition has been included to require the retention of Tree 54.
243. It is important to note that the majority of trees to be removed from the Site are either exotic or have a low Worthy of Retention score (less than 3). Further, the trees to be removed within the existing northern pocket park are necessary to allow for the construction of the basement and a renewed park appearance. Having regard to the above, the extent of tree removal is supported, subject to suitable tree planting throughout the balance of the Site (discussed below).

Tree removal (external to the Site)

244. An additional 14 trees are to be removed beyond the Site title boundaries, including:
- (a) 7 x Smoked Bark Apple trees (*Angophora costata*) along the private link connecting to River Street south of the River Boulevard court bowl (land known as 40 River Boulevard);
 - (b) 5 x Lombardy poplar trees (*populus nigra "italica"*) within the river embankment;
 - (c) 2 x lemon scented gum trees (*Corymbia citriodora*) located on common property associated with 10 Elaine Court and 6 Christine Court.
245. Again, the above trees to be removed are 'planted' as discussed in the Site description above and therefore the considerations of Clause 52.17 are not applicable to the subject application.

246. Council's Arborist has raised no concerns regarding the arboricultural merits of the removal of these trees to facilitate the development.
247. Council's urban design unit have raised concern regarding the removal of the 7 trees along the existing River Street link, due to the loss of visual amenity within the public realm (even if located on private land). The removal of these trees is required to facilitate the construction of a stormwater pipe that runs parallel with a portion of the Site's western boundary and traverses the Site adjacent the southern boundary to connect to the Yarra River.

Whilst this is not a perfect outcome, public realm plans have been provided by the applicant that seek to replace the loss of this landscape amenity with several new canopy trees on the western side of Building 04. Subject to these replacement trees, the removal of all trees external to the Site is supported.

248. Separate body corporate approval is required for the removal of the two lemon scented gum trees located on common property associated with 10 Elaine Court and 6 Christine Court. However, the planning merits of the removal of these trees is sound having regard to the proposed replacement plantings proposed throughout the Site.

Tree protection

249. A Tree Management Plan (TMP), prepared by a suitably qualified arborist, will be required to be submitted and approved to Council prior to approval by way of condition. The TMP will need to detail tree protection measures for the existing street trees retained along River Boulevard, the Yarra River embankment and adjoining trees located on Annettes Place in close proximity of the Southern boundary.

Proposed landscaping and open space (internal of the Site)

250. Section 8 of the CDZ1 requires the preparation of a landscape plan to the satisfaction of the Responsible Authority before any buildings and works are constructed.
251. The landscape concept plans prepared by Arcadia set out landscape and open space treatments for the Site. The key features of the proposed open space areas and landscaping include:
- (a) Central Public plaza and associated pedestrian connections;
 - (b) Clear delineation of hardscape and softscape areas;
 - (c) A principally indigenous planting palette for softscape areas (as sought by CDZ1 and the UD GUIDELINES);
 - (d) The planting of over 150 canopy trees on the Site, along the river embankment and along the private link from the River Boulevard court bowl to River Street;
 - (e) Renewal of the existing northern pocket park abutting apartment buildings to the north of the site;
 - (f) Northern lawn communal open space (privately accessible to occupants);
 - (g) Southern lagoon (pool) communal open space (privately accessible to occupants);
 - (h) North-south pedestrian link to Christine Court; and
 - (i) Roof terraces of the riverfront buildings (03 and 06).
252. The proposal will feature a total of approximately 6050sqm of landscaped areas, including hard and softscape areas. This represents an increase of at least 450sqm compared with the approved scheme. Furthermore, the configuration of open space throughout the Site is far more functional than the approved development plan, displayed by the inclusion of two communal open space areas with good solar access.
253. The landscape concepts plans depict the proposed locations of trees and different types of landscape planting areas (eg. River embankment, feature, shrub, ground cover, turf and terrace planting areas).
-



Image: Proposed canopy coverage diagram. *Source: Landscape plans, prepared by Arcadia.*

254. The replanting of the River Embankment with indigenous planting will significantly enhance the appearance of the section of the Yarra River adjoining the Site, particularly when considering the weed infestation that exists at present. Conditions included in the recommendation will also require this re-vegetation (an all landscaping on the Site) to be maintained to Council’s satisfaction at all times.
255. In principle the approach and extent of landscaping depicted on the landscape concept plans is supported. However, the detail of these plans is not sufficient to meet the landscape plan requirements set out in the CDZ1. A condition is included to ensure detailed landscaping plans are provided together with details of all fixed furniture within open space areas, including particular requirements for indigenous plantings along the Yarra River embankment.

Proposed public realm improvements (external to the Site)

256. At present, River Boulevard does not feature a footpath on its western side between the BAE building and the land north of Vickers Drive. A footpath exists along the eastern side of River Boulevard adjacent the Site, which connects to a privately owner pedestrian path connecting to River Street.

257. The proposed development will generate a significant increase in pedestrian activity along River Boulevard/River Street to access the Victoria Gardens shopping centre (west), services and amenities within the broader Victoria Street MAC (north/north west) and services and amenities within the Bridge Road MAC and other commercial/industrial areas (south). As such, it is important that pedestrian amenity is appropriately improved to safely accommodate this increase in pedestrian activity.
258. The landscape concept plans include public realm plans for the section of River Boulevard / River Street private link adjacent the Site. These plans propose the following improvements to the public realm external to the Site:
- (a) River Boulevard public realm:
 - (i) Investigation of infilling the median adjacent 15 River Boulevard and associated additional street trees;
 - (ii) Rationalised median along River Boulevard to allow for a right turn out of the proposed basement entry;
 - (iii) The provision of an east-west pedestrian crossing over River Boulevard;
 - (iv) Interim north-south footpath on the western side of River Boulevard (adjoining land known as 20 River Boulevard) to improve connectivity to Victoria Street and Victoria Gardens Shopping Complex;
 - (v) The investigation of a pedestrian priority crossing at the Vickers Drive intersection;
 - (b) River Street link (on land known as 40 River Boulevard):
 - (i) Realigned footpath beyond the court bowl, with shared path beyond vehicle accessway for 40 River Boulevard linking to River Street;
 - (ii) New trees and nature strips adjacent the western side of Building 04;

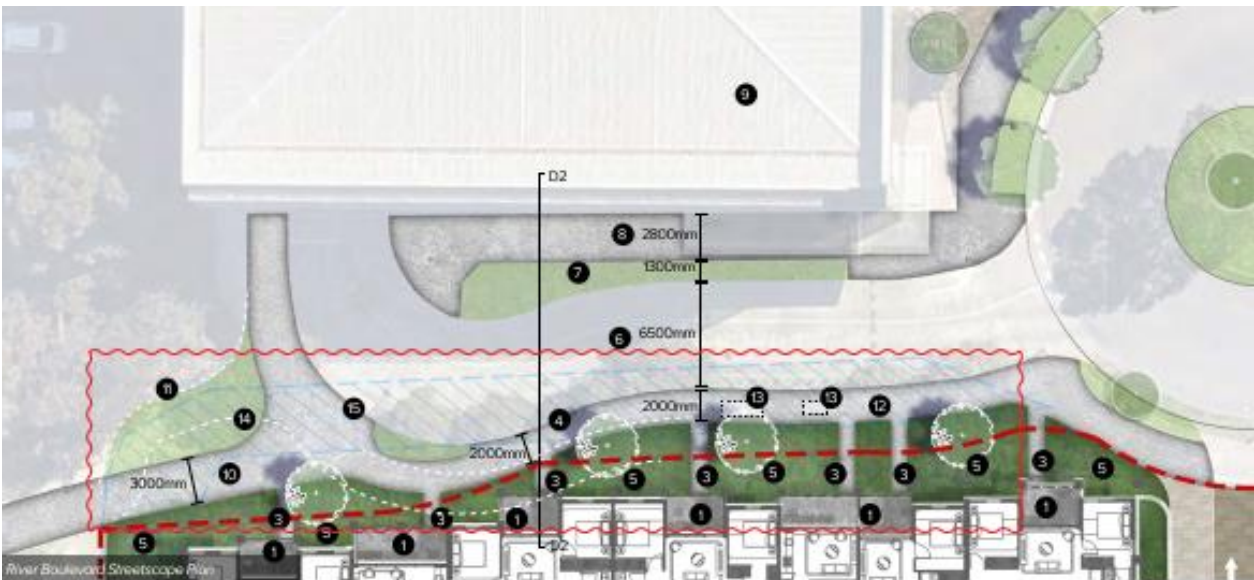


Image: River Boulevard streetscape plan, showing proposed treatment along private link to River Street.
 Source: Landscape plans, prepared by Arcadia.

259. Council’s urban design unit has coordinated a review of the public realm plans and recommended the following changes are made:
- (a) The 2m wide footpaths notated as ‘2m unobstructed clear access’.
 - (b) Relocate the small garden bed at the southern end of the service road (east side) so that it is consolidated with the garden beds along the property boundary.

- (c) Ensure that the existing desire line from the River Street link to the west side of the service road are accommodated.
- (d) Annotate indicative future protected bicycle lanes on River Boulevard.
- (e) Provide traffic calming measures to the service road to facilitate safe access for people on bikes, including speed reduction and reducing the width of the existing speed bumps.
- (f) Ensure the new kerb ramp providing access from the service road to the shared path (linking to River Street) matches the width of the shared path plus tapers of 300mm either side to provide a consistent travel path. a 1:15 gradient for the ramp, subject to review and to the satisfaction of the Responsible Authority.
- (g) Convert the existing zebra crossing of the Victoria Gardens access driveway from River Street into a raised pedestrian-priority crossing.

260. The above changes will be required by condition, prior to the approval of public realm plans. Furthermore, the condition requiring unfettered access over publicly accessible land will include the path on private land known as 40 River Boulevard between the River Boulevard court bowl and River Street. This is due to no formal arrangement being in place at present to maintain public access.

Off-site amenity impacts

261. The UD GUIDELINES require development to consider off-site amenity impacts such as overshadowing, overlooking and visual bulk.
262. In relation to the Main Yarra / Capital City trails, design element 3 of the UD GUIDELINES (design element 3) refers to a requirement that the Capital City Trail enjoys a minimum 4 hours of sunlight between 9.00 am and 3.00 pm at the September Equinox. The purpose of the CDZ1 also seeks to minimise overshadowing impacts to areas of public open space and the Yarra River, while also seeking to avoid adverse wind conditions in pedestrian areas.
263. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of open space, loss of daylight to windows, visual bulk, noise, wind, overlooking of sensitive areas, equitable development and other potential nuisance. Further policy for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme.
264. Three (3) existing apartment buildings adjoin the Site's northern interface, which represents the only adjoining residential interface (refer to photos below). Commercial uses are located on the western side of River Boulevard. The Yarra River corridor and Annette's Place public open space is located immediately east and south of the Site respectively.



Photos: Existing 5 storey apartment building at 15 River Boulevard viewed from River Boulevard (left) and 10 Elaine Court and 6 Christine Crescent viewed from Christine Crescent court bowl (right)

Visual bulk

265. In the above built form and design analysis, the potential off-site amenity impacts by way of visual bulk to the site interfaces was assessed and found to be acceptable in the Victoria Street MAC context.

Overlooking

266. The northern interface of the Site is the only sensitive interface that requires consideration of overlooking impacts. The proposal provides the following minimum separation distances from the adjoining apartment building edges:

- (a) Building 01: 7.8 metres – 8.7m at Level 1, increasing to 8.7m 8.9m for Levels 2-5
- (b) Building 02: >27m
- (c) Building 03: >11.8m

267. To minimise overlooking from apartment 1.01.009 (approximately 7.8m from the south facing balconies at 15 River Boulevard), a condition has been included to ensure this apartment is setback in line with apartments on Level 2. This condition will increase the minimum separation to approximately 8.7m.

268. Building 01 has building separation of between 8.7m – 8.9m for various north-facing windows and balconies (including the condition relating to apartment 1.01.009. This is considered to be a very minor departure from the 9m distance referred to in the overlooking standard outlined within the Res Code provisions of the Scheme that have no statutory weight for the application.

269. Building 02 and 03 comfortably satisfy the overlooking standards outlined within the Res Code provisions of the Scheme.

Overshadowing (Yarra River corridor)

270. The original development plan that was put on display resulted in shadow cast over the Main Yarra Trail at 2pm, which was identified as a concern by Council's urban design consultant. It was also considered to be inconsistent with various policies (such as Clause 12.03-1R) throughout the scheme that seek to minimise shadow to significant public open space corridors adjacent water bodies, such as the Yarra River.

271. The amended plans have eliminated shadows cast over the trail at 2pm through the following design changes:

- (a) A reduction of building height for Building 03 and 06 by 1.1 metres; and
- (b) Increasing building setbacks from the eastern site boundaries.

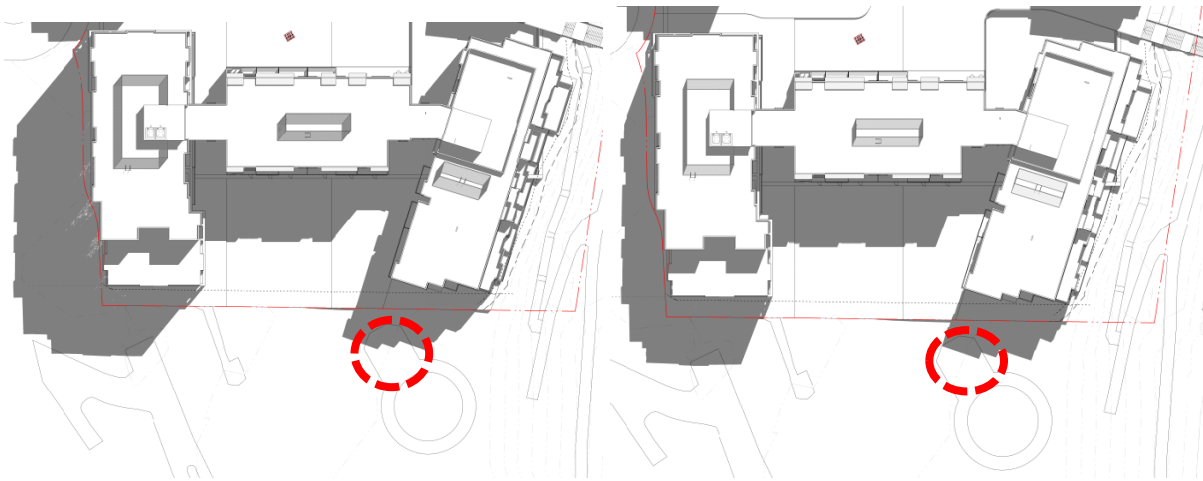
272. It is noted that the proposal increases overshadowing within the Yarra River corridor when compared with the approved development plan. However, the maintenance of sunlight access to the Main Yarra Trail between 9am and 2pm during the September Equinox is an appropriate public and environmental amenity outcome. This outcome will also be consistent with the quantitative overshadowing guidelines of the UD GUIDELINES and SLO1 (despite not being applicable to the Site).



Images: 2pm September Equinox overshadowing diagrams of the original proposal (left) and amended proposal (right). *Source: application documents.*

Overshadowing (Annettes Place)

273. The subject site has a direct interface with Annettes Place public open space to the south of the Site, which is neighbourhood open space as identified in *Yarra's Open Space Strategy 2020* (YOSS). This park has a primary character classification for seating/viewing and a secondary classification for play, nature conservation, waterway and linking space.
274. Clause 22.10-3.7 seeks to ensure that new development does not substantially overshadow ... or public facilities such as parks and gardens. Amendment C269 contains adopted Clause 15.02-1 that encourages new development to avoid overshadowing of public open space between 10am and 2pm on 22 September.
275. Between the hours of 10am and 2pm on 22 September, the proposal will result in the following approximate overshadowing impacts to Annettes Place:
- | | | |
|-----|-------|--|
| (a) | 10am: | 35sqm (Building 04) and 205sqm (Building 06) = 240sqm total |
| (b) | 11am: | 82sqm (Building 04) and 170sqm (Building 06) = 252sqm total |
| (c) | 12pm: | 120sqm (Building 04) and 152sqm (Building 06) = 272sqm total |
| (d) | 1pm: | 170sqm (Building 04) and 147sqm (Building 06) = 317sqm total |
| (e) | 2pm: | 210sqm (Building 04) and 166sqm (Building 06) = 376sqm total |
276. The above calculations show that shadows cast increase throughout the day between 240 – 376sqm, which is not significant in isolation (<3%) given Annette's Place has a total area of approximately 1.35 hectares. However, the active playground area is contained within a 30m depth measured from the southern boundary of the Site. The shadow diagrams depict the basic layout of this playground. The proposal will cast shadows over the swing set area of the playground between 9am and 12pm, which is considered to be unreasonable loss of amenity to the playground.



Images: 10am (left) and 11am (right) shadow diagrams of the proposed development with the context of Annettes Place playground (shadows cast over the playground swing set shown with red outline). *Source: application documents.*

277. Council's urban design consultant shares this position and makes the following recommendation regarding the shadow impact on the swing set:

Amend the uppermost southwestern unit 6.04-010 to ensure that no overshadowing of the swings area of the adjoining children's playground within Annette Place Playground occurs between the hours of 10am and 2pm at the September Equinox to the satisfaction of Council.

278. It is also noted that the YOSS makes the following conclusion regarding the future need of Annette's Place for the North Richmond C precinct:

Undertake a major upgrade to Annettes Place to provide a greater diversity of spaces and facilities to better cater to the forecast population as part of the major redevelopment in proximity to this open space.

279. In this instance, in lieu of amendments to the built form, the applicant seeks to make a contribution to the renewal of the playground within Annette's Place. A date for the renewal works has not been established and therefore a condition of any permit granted will require a contribution for these works. This will be implemented by condition that requires payment of the contribution prior to completion of the development.

280. Subject to this contribution, the proposed overshadowing impacts to Annette's Place are considered acceptable, particularly when considering the substantial break between Buildings 04 and 06.

Wind (external)

281. A wind model study has been included with the application, prepared by MEL, which seeks to measure the environmental wind conditions around the proposed development. Council's wind consultant was reviewed this report and raised no concerns with wind conditions that expected to be experienced off-site upon completion of the development. Further discussion regarding wind impacts on-site is discussed below.

Noise

282. The proposed residential use of the Site does not require a planning permit under the CDZ1 provisions and external noise impacts from the proposed use cannot be limited.

283. Notwithstanding this, the applicant has submitted an acoustic assessment report, prepared by Acoustic Logic, which seeks to ensure appropriate acoustic comfort is achieved for future residents of the proposed development. By virtue of this objective, the adjoining dwellings to the north of the Site will also be acoustically protected from potential noise impacts from common areas and service and plant equipment. Acoustic comfort for the proposed dwellings is discussed under the on-site amenity section below.

Equitable development

284. To ensure the ‘fair, orderly, economic and sustainable development of land’ in accordance with the objective of the Act, matters of equitable development must be considered.
285. The only abutting private land to the Site is the land to the north containing three (3) multi-storey apartment buildings. The remaining interfaces front the public realm.
286. In this instance, the proposed development adopts a minimum setback of 4.48 metres from the northern boundary of the Site. The proposal achieves a minimum separation distance of 7.8m from the balconies and habitable room windows of adjoining apartments to the north. Given the development is located south of these buildings, the proposed setbacks from the Site’s northern boundaries are considered to result in an acceptable equitable development outcome from a daylight, privacy and outlook perspective (subject to screening conditions for a north facing set of windows at Level 01 of Building 01 discussed under overlooking above).
287. The Body Corporate of the adjoining apartments to the north have raised concerns regarding removal of access to the northern courtyard area on the Site. The adjoining apartments have been designed with rear pedestrian and fire access through this courtyard, as shown in the survey plan below.

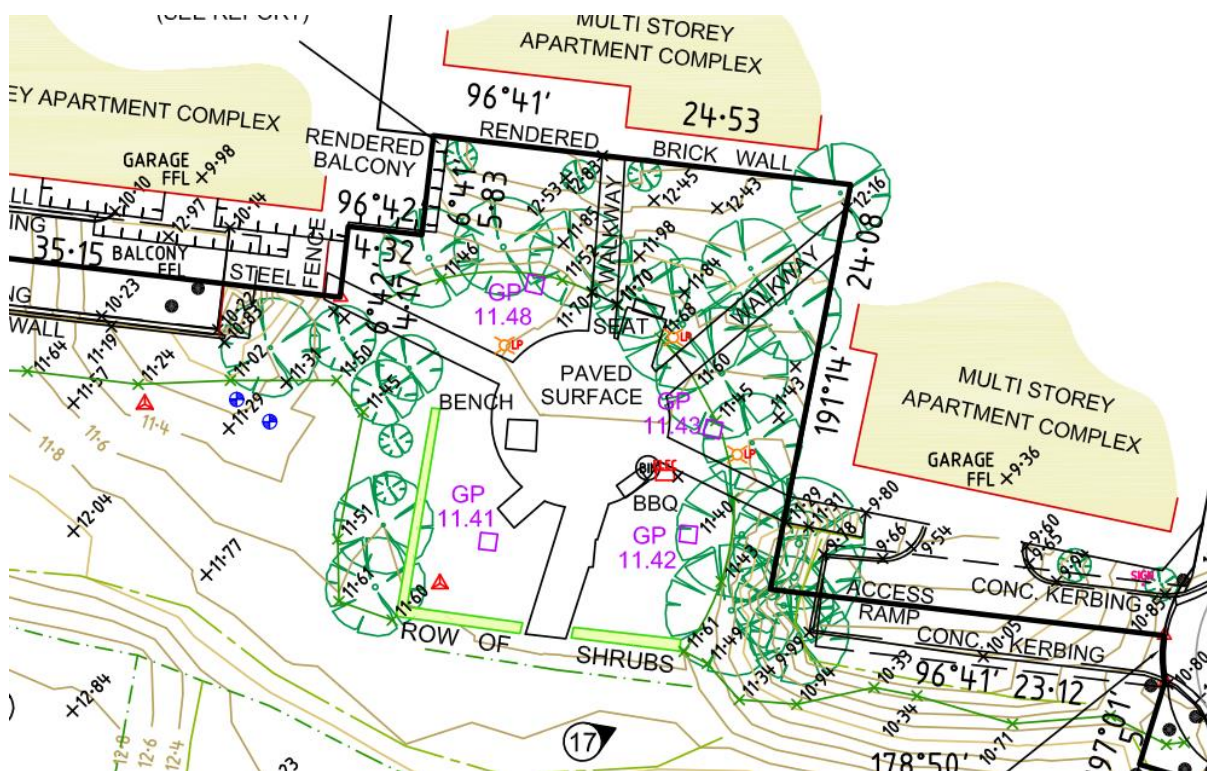


Image: Extract of the Site survey, showing layout of the existing northern pocket park and associated walkway connections to the rear of adjoining apartment buildings.

288. The original plans showed a basket ball half court in the northern pocket park area, which removed significant landscaping amenity and changed access arrangements. The basket ball court has since been removed and the existing pocket park layout has been generally reinstated, including the northern, eastern and western access points to the rear of the apartments and driveways on adjoining common property (refer to images below). This is considered to be an appropriate equitable development outcome for the Site and adjoining apartments and respects the long-standing function of the pocket park.



Image: Comparison of the original (left) and proposed (right) landscape design of the northern pocket park.
Source: Landscape plans, prepared by Arcadia.

[On-site amenity](#)

289. The Victoria Gardens UD GUIDELINES references the Good Design Guide (which has been superseded by the apartment development requirements of Clause 58) when considering on-site amenity. Clause 22.10-3.7 (On-site amenity) of the Scheme also requires that amenity impacts be considered. The requirements of Clause 58 and these guidelines are assessed below.
290. A summary response to Clause 58 is provided below. It is important to note that the objectives and standards set out in Clause 58 can only be considered as guidance, as there are no requirements under the CDZ1 provisions to meet these. Nonetheless the assessment below demonstrates substantial compliance with the relevant standards and is considered to be consistent with all objectives.

Standard D1 - Urban context objective

291. The objective is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area.
292. This has been considered earlier in the report under the *Built form and design* assessment. The proposed development provides an acceptable design response with regard to building height, massing and detailed design.
293. Overall, the proposed development achieves a positive response to the emerging character within this section of the Victoria Gardens Comprehensive Development Zone and along the Yarra River. The objective and standard are satisfied.

Standard D2 – Residential policy objectives

294. The objective is to ensure that residential development is provided in accordance with any policy for housing in the Scheme and to support higher density residential development where development can take advantage of public and community infrastructure and services.
295. CDZ1 states that no permit is required to use the land for dwellings. The CDZ1 has a requirement to provide a minimum of 50 dwellings on the Site. The proposal provides for 473 dwellings in accordance with this requirement. The PPF at Clause 16.01-1R requires management of the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are in a MAC. Accordingly, the objective and standard are met.

Standard D3 – Dwelling diversity

296. The objective seeks to encourage a range of dwelling sizes and types in developments of ten or more dwellings.

297. The proposed development incorporates a mix of studio (32 apartments or 7%), one-bedroom (213 or 45%) and two-bedroom (228 apartments or 49%) apartments, including various apartment typologies. Whilst no three-bedroom apartments are proposed, it is noted the model of housing proposed is not targeted specifically at large families. The standard and objective are met.

Standard D4 – Infrastructure

298. This objective seeks to ensure development is provided with appropriate utility services and infrastructure and to ensure development does not unreasonably overload the capacity of utility services and infrastructure.
299. The proposal is located within an established area with existing utility services and infrastructure. Any upgrades required to existing infrastructure to support the proposal will be at the cost of the developer/land owner. The standard and objective is met.

Standard D5 – Integration with the street

300. This objective seeks to integrate the layout of development and activate the street frontage.
301. As discussed above, the proposal has made a conscious effort to maximise activation/natural surveillance to all public realm interfaces of the Site from unscreened balconies and habitable room windows at all upper levels and the majority of the ground level.
302. The ground level private open space areas for each apartment fronting River Boulevard/River Street link are proposed to have 1.8m high black palisade fences for privacy and security purposes, together with gate access allowing connection to the footpath. Next to each of these private open space is a bedroom window, which will ensure appropriate natural surveillance / activation opportunities are provided at ground level.

A condition is included to ensure the palisade fencing is no more than 25% transparent and appropriately softened by landscaping when viewed along River Boulevard.

303. The proposal is considered to comply with both the standard and the objective.



Images: Proposed fences to private open spaces fronting River Boulevard at ground level. *Source: Landscape plans, prepared by Arcadia*

Standard D6 – Energy efficiency

304. This objectives seeks to achieve and protect energy efficient dwellings and buildings, reduce fossil fuel energy use and make appropriate use of daylight and solar energy and ensure adequate thermal efficiency is achieved.
305. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

306. The ESD commitments of the development are highlighted in the proposal section of above. Council's ESD Advisor reviewed the revised SMP and architectural plans received in October 2022. Council's ESD advisor identified a number of ESD deficiency which can be addressed via a condition of the permit and which are as follows:
- (a) *Amend shading strategy for the West facing windows to include vertical fins (like the North facing windows) or alternative external shading option.*
 - (b) *Provide details of the proposed HVAC system (and consider 3 pipe VRF or heat pump alternative).*
 - (c) *Clarify ventilation strategy for the basement carpark*
 - (d) *Update rooftop plans to indicate location, size and number of panels per PV system (i.e. 2x 20kW systems as per SMP)*
 - (e) *Provide a copy of the Green Star Water Use Calculator to support claims of reducing water use by 40%.*
 - (f) *Provide more information on the OceanGuard and Jellyfish filtration devices included within the MUSIC model (or similar), noting that over reliance on proprietary devices is not acceptable to the City of Yarra.*
 - (g) *Clarify the inclusion of recycled materials (i.e. bricks) or products with post-consumer content (i.e. insulation) and/or commit to the 'Responsible Structure' credit and have 80% of structural components (by cost) meet a Responsible Products Value score or at least 10.*
 - (h) *Provide a copy of the Green Star Buildings Upfront Carbon Emissions Calculator to support claim.*
 - (i) *Clarify extent (by cost or weight) of recycled and certified timber (FSC / PEFC) strategy.*
 - (j) *Confirm whether PVC will be included in hazardous materials survey, and if not consider best-practice strategies to reducing or replacing PVC components.*
 - (k) *Clarify misalignment between bicycle parking numbers and amend documentation accordingly.*
 - (l) *Confirm that the Sustainable Transport Plan will include details of surrounding car share locations.*
 - (m) *Prior to development, provide a copy of the Sustainable Transport Plan.*
 - (n) *Amend material schedule within architectural pack to include SRI specifications for external elements (paving and roofing) that makes up the 75% relied upon for GS credit.*

307. Conditions are included in the recommendation that require the SMP to be updated to address the above items requested by Council's ESD Advisor.

Standard D7 – Communal open space

308. The objective of this standard seeks to provide communal open space that meets the recreation and amenity needs of residents, open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development and enhances resident amenity.
309. Developments with 13 or more dwellings should provide a minimum area of communal open space of 2.5sqm per dwelling or 220sqm, whichever is lesser.
310. As discussed earlier in this report, the proposed development provides approx. 2000sqm of outdoor common area. This includes the renewal of the existing northern pocket park and northern lawn and southern lagoon (pool) communal open space areas.

311. In addition, apartment buildings 03 and 06 provide separate roof top outdoor areas with an outlook to the Yarra River. Accordingly, the communal open space standard has comfortably been met.

Standard D8 - Solar access to communal outdoor open space objective

312. The objective of this standard seeks to allow solar access into communal outdoor open spaces.

313. Rooftop spaces to buildings 03 and 06 will have excellent solar access. No Winter Solstice overshadowing information is provided for ground level open space on the Site. However, it is expected that the standard is satisfied, given the substantial area of common open space and that only 125sqm (<10%) needs solar access for two hours to comply.

Standard D9 – Safety

314. This standard seeks to ensure layout of development provides for the safety and security of residents and property.

315. The foyers providing access to each proposed building have been designed to be clearly visible from the central plaza or public links throughout the Site with apartments on all levels providing passive surveillance to residents. A condition will be included to ensure all publicly accessible and communal areas are appropriately lit. The objective and standard are met.

Standard D10 – Landscaping

316. The objectives to this standard seek to provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape, preserve existing canopy cover and support the provision of new canopy cover and ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

317. The subject site has an approximate area of 20,932sqm and as such should be provided with a canopy cover of 350sqm plus 20% of the site area. This equates to an area of 4,536sqm. In addition, the site should be provided with 15% of the site area with deep soil area, which equates to an area of 3,139sqm.

In addition, a development should provide at least 2 Type B trees or 1 Type C tree. It is noted that Clause 58 has generally not been drafted with a site of this size in mind.

318. Landscape plans have been prepared by Arcadia Landscape Architects. Extensive landscaping has been provided within the development and mainly located within the northern and southern communal open spaces, central plaza and towards the river embankment to the east. Additional landscaping has been provided on the roof terraces in the form of planter boxes.

319. In terms of canopy cover, the landscape report identifies the overall mature canopy coverage from existing and proposed trees will be 5,907sqm (31.9%). This is in excess of the canopy tree coverage requirement under this standard. Furthermore, the proposal incorporates over 3,500sqm of deep soil areas, in excess of the standard. The objective and standard are therefore met.

Standard D11 – Access

320. The objectives to this standard seek to ensure that vehicle crossovers are designed and located to provide safe access and designed and located to minimise visual impact.

321. The proposed development seeks to construct one crossover located within the north-west corner of the site to River Boulevard. The crossover is to have a width of 9m and provide access to the basement car park, which has capacity for 201 car spaces. With an overall frontage of approximately 145m, this equates to a street frontage 6%. The ramp also provides a separate vehicle and bicycle access, reducing the potential conflict between both users.

322. The provision of one crossover is considered to meet this standard by minimising the number of crossovers to River Boulevard and therefore the visual impact of the crossovers to the street. The 9m width is considered necessary to ensure a safe access for vehicles and cyclists.

Standard D12 – Parking location

323. The objective of this standard is to provide convenient parking for resident and visitor vehicles and to protect residents from vehicular noise within developments.
324. Car parking is contained within the basement level of the development, which is accessed via River Boulevard. Occupants will benefit from convenient and universal access to these spaces via four separate lift and stair cores. The acoustic report provided by the applicant, subject to amendments required by condition, will address potential noise nuisance from the basement. The objective and standard are met.

Standard D13 – Integrated water and stormwater management

325. The objectives of this standard seek to encourage the use of alternative water sources such as rainwater, stormwater and recycled water. Facilitate stormwater collection, utilisation and infiltration within the development and encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.
326. The Sustainable Management Plan (SMP) states that a 120KL rainwater tank (shown within the Basement) is to be provided. This tank is to be connected to sources of re-use such as toilets and urinal flushing and landscape irrigation. The final resolution is to be completed post planning approval.
327. The STORM report provided with the application achieves a score of 123%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. The SMP also incorporates a stormwater construction and maintenance program. This complies with the objective and the standard.

Standard D14 – Building setbacks

328. The objectives of this standard seek to ensure the setback of a building appropriately responds to the existing context or preferred future development of the area, allow adequate daylight into new dwellings, limit views into new and existing dwellings, provides a reasonable outlook and provides appropriate internal amenity to residents.
329. As outlined earlier in this report the height, massing and setbacks of the proposed building are considered to achieve an acceptable design response to the character of the surrounding area. The public realm interfaces to River Boulevard, Annettes Place and the Yarra River will ensure that apartments with these orientations are provided with ongoing external outlook and amenity. Excellent building separation is provided between adjoining apartments and proposed apartments on the Site. The objective and standard is met.

Standard D15 – Internal views

330. The objectives of this standard seek to limit views into the private open space and habitable room windows of dwellings within a development. The standard states that windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.
331. In general, balconies of apartments are mainly inset within the prevailing building line, party walls or are generally stacked directly above the balcony below (particularly on the upper levels). Where recessive setbacks are adopted, there is inevitably some overlooking to terraces proposed within these setbacks. However, this is a common outcome for developments with this massing approach and it is noted that these opportunities are appropriately limited.

332. In general, all habitable room windows and balconies will be separated spatially from an adjoining building by a minimum of 8.4m. This separation is supported. Notwithstanding this, a few internal view opportunities are identified below
333. There are, however, a number of balconies and habitable room windows which may have internal views into adjoining balconies and habitable room windows. The following areas where potential internal views could occur:
- Where two balconies adjoin one another, details of dividing screens/walls is required;
 - Some indirect views at an angle between some balconies of approximately 8.4m. This is considered acceptable given the type of development and overall separation provided to other apartments which is in excess of 9m.
 - The bedroom windows on the furthestmost eastern and western points of buildings 2 and 3. These windows have a north and south outlook and appear to incorporate vertical blades. No details have been provided as to the design of these blades but it does appear to restrict internal views to the buildings to the east and west.

Standard D16 – Noise impacts

334. The objectives of this standard seek to contain noise sources in developments that may affect existing dwellings and protect residents from external and internal noise sources.
335. The standard requires buildings within a noise influence area in Table D3 to be designed and constructed to achieve the following prescribed noise levels:
- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am;*
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
336. Under Table D3 a noise influence area includes sites within 300m of the Industrial 1, 2 and 3 Zone boundary, within 300m of a road carrying 40,000 Annual Average Daily Traffic Volume, within 80m of a railway line servicing passengers in Victoria and within 135m of a railway line servicing freight in Metropolitan Melbourne.
337. A review of the traffic volumes on the VicRoads website has identified that the site is not within a noise influence area and therefore the noise limit criteria prescribed by the standard is not applicable.
338. The Applicant has submitted an Acoustic Report, which provides an acoustic assessment of noise impacts to and from the proposed development. Council's acoustic consultant has reviewed this report and details the following outstanding issues:
- Section 6.4.1 of the acoustic report doesn't include a statement from Salta Properties about rooftop plant at the nearby BAE building and the Victoria Gardens Shopping Centre.*
 - If the applicant does not provide the requested information about the source levels for traffic noise or reasoning about why it is not required, then we don't see how this item can move forward.*
 - The internal design targets for commercial/industrial noise be calculated using the SEPP N-1 indoor noise limits (i.e. the external limits minus 15 dB). The criteria should be met for any 30 minute period, taking into consideration any relevant corrections for noise character, as per SEPP N-1 and Noise Protocol guidance.*
 - The acoustic assessment (for all aspects of the development) should be based on the current building design.*
 - The maximum source level for the carpark gate is not stated in Section 11.2 of the acoustic report. It is unclear whether any car stackers are proposed for the development. If none are proposed, any references to them should be removed from the acoustic report.*

339. The above matters have been addressed via a condition requiring an amended acoustic report to be submitted prior to development plan approval.

Standard D17 – Wind Impacts

340. The objectives of this standard seek to ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.
341. Council's wind consultant (VIPAC) has reviewed this study and raised no concerns with its conclusions regarding comfort criterion outcomes, subject to the sitting criterion being achieved for the proposed outdoor seating area in the public plaza. This recommendation is also supported by Council's urban design consultant.
342. Council's urban design consultant also includes the following wind recommendation:

Provide an updated set of plans and wind report demonstrating that the proposed ground floor private terraces facing the river and the primary seating social areas south of the central driveway within the central plaza and southern shared amenity zone, along with the roof top sitting areas to all buildings meet the Wind Speed comfort levels suitable for sitting.

343. The Tribunal has considered wind impacts to common areas and determined that the sitting comfort criteria should be achieved where sitting areas are formally designated in common areas (refer to SMA No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364). Furthermore, it is considered that private areas are worthy of the same, if not greater, protection to allow for acceptable amenity. Conditions will require this to be addressed prior to development plan approval.

Standard D18 – Accessibility

344. The objective of this standard is to ensure the design of dwellings meets the needs of people with limited mobility.
345. The standard requires that at least 50% dwellings should provide:
- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
 - (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
 - (c) *A main bedroom with access to an adaptable bathroom;*
 - (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4*

346. As discussed earlier in this report, the proposed development incorporates a total of 473 apartments. The apartment layouts differ throughout the development with multiple apartment types. No apartment typology plans have been provided with the amended plans submitted.

347. A review of the proposal shows that in general the apartment layouts provide a generous internal layout, with a large number appearing to be compliant with the above standard. However, revised apartment typology plans have not been submitted with the amended proposal. As such, a condition will be included on the permit for at least 50% of apartments to meet the above standard.

Standard D19 – Building entry and circulation

348. The objective of this standard is to provide each dwelling and building with its own sense of identity, ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents and to ensure internal communal areas provide adequate access to daylight and natural ventilation.

349. All apartments are accessible via the central plaza. There are two main entries identified as the northern and southern foyers, in addition to separate individual entries located around the site. An individual foyer has been provided to building 3 in the north-east corner. The foyers are generally glazed and sheltered lobby entry from the central plaza, which provides a strong sense of entry and address for occupants.
350. The foyers have been designed with stairwell access directly adjacent the lift entries to promote use, despite its fire safety purpose. Corridors of each level all have a minimum width of 1.6 metres. Due to the design the corridors have very limited sources to natural light, outlook or ventilation in the form of break areas. Whilst Council's urban design consultant has raised concern in relation to this, the lack of natural light and ventilation to internal corridors is supported in this instance due to the public realm surveillance offered by apartments.

Standard D20 – Private open space

351. The objective of this standard is to provide adequate private open space for the reasonable recreation and service needs of residents.
352. A dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that:
- (a) *A one-bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 1.8m, with convenient access from a living room*
 - (b) *A two-bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room*
 - (c) *A three-bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.*
353. As discussed earlier in this report, the proposed development is comprised of only studio, one-bed and two-bed apartments. As such, all apartments should have a minimum area of 8sqm, which is achieved by the proposed development.
354. All studio and one-bed apartments have been provided with a minimum width of 1.8m in accordance with the above standard. All two-bed apartments have been provided with a minimum width of 2m in accordance with the above standard. The standard and objective is met.

Standard D21 – Storage

355. The objective of this standard is to provide adequate storage facilities for each dwelling.
356. The relevant private open space requirements are as follows:
- (a) *For a studio dwelling the standard requires a total minimum 8m³ storage area, of which a minimum 5m³ must be provided within the dwelling.*
 - (b) *For a 1-bed dwelling the standard requires a total minimum 10m³ storage area, of which a minimum 6m³ must be provided within the dwelling.*
 - (c) *For a 2-bed dwelling the standard requires a total minimum 14m³ storage area, of which a minimum 9m³ must be provided within the dwelling.*
357. Amended plans received show a total of 50 storage units within the basement level. The remainder of apartments will need to rely on internal storage areas within individual apartments.
358. As discussed earlier in this report, the amended plans submitted have not provided updated typology plans for apartments. As such, an assessment of the internal storage capacity of apartments cannot be carried out at this stage. A condition will be included for storage areas to be provided to all apartments in accordance with Standard D21.

Standard D22 – Common property

359. The objective of this standard is to ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained and avoid future management difficulties in areas of common ownership.
360. The common property areas within the development are clearly delineated and should not create areas which were difficult to maintain into the future. The building entrances, path networks, open space and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

Standard D23 – Site services

361. The objective of this standard is to ensure that site services are accessible and can be installed and maintained and to ensure that site services and facilities are visually integrated into the building design or landscape.
362. Mailboxes are to be located adjacent the residential entries/foyers (buildings 1, 2 & 6) and co work break room (buildings 4 & 5) from the common plaza. No mailboxes have been provided to building 3 in the north-east corner of the site. A condition will be included to confirm location of mail boxes for all buildings.
363. Other site services appear to be located internal to each building and generally located adjacent to the building entries or within corridors. This is a positive outcome for public realm activation with no cabinets proposed. In addition, a site substation is proposed adjacent to the northern communal area. This structure appears to be single storey in nature and will not have an interface to River Boulevard or Yarra River which is considered an acceptable outcome.

Standard D24 – Waste and recycling

364. The objective of this standard is to ensure dwellings are designed to encourage waste recycling, to ensure that waste and recycling facilities are accessible, adequate and attractive and to ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.
365. The applicant submitted an updated Waste Management Plan (WMP) prepared by WSP. Key waste facilities of the development include:
- (a) Provision of a waste storage room within the Basement, with provision for:
 - (i) 7 x 1,100L bins (general garbage bins, three weekly collection).
 - (ii) 10 x 1,100L bins (commingled recycling bins, three weekly collection).
 - (iii) 31 x 120L bins (glass bins, twice weekly collection)
 - (iv) 15 x 120L bins (organic bins, three weekly collection).
 - (v) Hard waste & E-waste area (5sqm and collected as required).
 - (b) Private collection will occur at Basement.
 - (c) Garbage and recycling waste from residents is collected via four separate bin chute systems provided on each floor. A daily bin transfer system from the four chute rooms to the centralised waste room (adjacent to the ramp) where waste is collected will be enacted.
 - (d) Residents will transfer glass waste extending from each apartment to the 120 litre glass bins within the chute deposit room on each level, to be ultimately transferred by building management to the basement level residential waste storage and swapped by empty 120L drop-off bins.
 - (e) A secure hard waste area of 5m² has been allocated within the proposed waste collection room within the basement level for the temporary storage of hard waste such as broken furniture and appliances. Hard waste collections will be arranged by building management (or equivalent) via a private contractor as required.

- (f) Approximately half of the 5m² hard waste area has been allocated for the temporary holding of e-waste (electronic waste). To enable the collection of various smaller items such as mobile phones, the area may incorporate a 240 litre e-waste bin as deemed appropriate by building management (or equivalent). The remaining e-waste area will be utilised for large items such as flat screen televisions.

366. Council's City Works Unit reviewed the submitted WMP and confirmed that it is satisfactory for endorsement.

Standard D25 – External walls and materials

367. An assessment with respect to the buildings overall design, including the use of external walls and materials, has been carried out earlier in this report and found satisfactory.

Standard D26 – Functional layout objective

368. The objective of this standard is to ensure dwellings provide functional areas that meet the needs of residents.

Bedrooms

369. The standard states that bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions.

370. As discussed earlier in this report, the proposed development incorporates a total of 473 apartments. The apartment layouts differ throughout the development with multiple apartment types. No apartment typology plans have been provided with the amended plans submitted. The amended plans show outlines within the bedrooms which indicates general compliance with the above standard. However, a few non-compliances are noted for secondary bedrooms for 2 bed apartments.

371. A condition will be included to ensure dimensions for bedrooms are included on plans/typology plans and that the second bedroom of each 2 bed apartment achieves a minimum dimension of 3m.

Living rooms

372. The standard, at table D12 of Clause 58, requires the following minimum dimensions for living rooms:

Dwelling Type	Minimum width	Minimum area
Studio & 1 bedroom	3.3 m	10 sqm
2 or more bedroom	3.6 m	12 sqm

373. As stated above no apartment typology plans have been provided with the amended plans submitted and no dimensions have been provided on the plans with respect to the living areas requirements of this standard. It is noted that apartment sizes are generally spacious and the size of the functional living area is often dependent on the layout of dining furniture. Some concerns were initially raised by Council's urban design consultant regarding the layout of living areas. The arrangement of internal circulation, furniture layout and door positions has been shown on the sketch plans dated 15 November 2022. With these changes, the living areas are generally considered highly functional and fit for purpose. However, a condition is included to ensure living area dimension details are included for each apartment typology plan.

Standard D27 – Room depth

374. The objective of this standard is to allow adequate daylight into single aspect habitable rooms.

375. The standard states that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if:

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

376. Elevations show a minimum floor to ceiling height of 3m. under the above standard a single aspect room should not exceed a length of 7.7m. This is extended to 9m if the above exemption is met. A review of the decision plans has identified that the majority of apartments meet the above requirement with the exception of the following:

- Apartments 008 – Building 3 (ground, levels 1 & 2)
- Apartments 003 – building 6 (ground, levels 1 & 2).

377. This variation only effects a total of 6 apartments out of a total of 473, which is minor. The main reason for the non-compliance is due to locating the kitchen to the front of the apartment, bedrooms to the rear and bathrooms to the side. The locating of the bathrooms to the side result in a room depth of 7.9m, requiring a variation of 200mm. This variation is considered acceptable given the low number of apartments which are impacted, that the apartments affected are studios and as only a minor variation of 200mm is required.

Standard D28 – Windows

378. The objective of this standard is allow adequate daylight into new habitable room windows.

379. A review of the decision plans shows compliance with the above standard with the exception of Apartment 4.00.002, into the east facing bedroom. This appears to be an error on the plans. A condition will be included for a window(s) to be provided to this room.

Standard D29 – Natural ventilation

380. The objective of this standard seeks to encourage natural ventilation of dwellings and allow occupants to effectively manage natural ventilation of dwellings.

381. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.

382. Due to limited corner apartments in the proposed development layout, the proposal is non-compliant with this standard. This is considered to be acceptable in this instance, given the high level of compliance with Clause 58 standards generally and difficulty of achieving dual aspect apartments for a development of this size.

Traffic and transport

383. The guidelines under section 15 of the CDZ1 for approving plans reference the following considerations:

The location of any proposed off street parking areas

384. The resident car parking associated with the proposed development is located in a single level car park accessed from River Boulevard at the north western corner of the Site. It is wholly located underground and will not be visible (with the exception of the basement entrance) from the public realm, River environment, or areas of open space within the site. Its location is therefore consistent with clauses 22.10-3.10 (in respect of design and location of car parking) and 22.11 (Victoria Street East Precinct policy).

385. The drop-off and pick-up off-street car parking spaces associated with the porte cochere are setback substantially (30m) from River Boulevard so as not to detract unreasonably from streetscape amenity.

386. It is also noted that the extent of the basement area on the Site has a small footprint, which allows for greater opportunities for deep soil planting throughout the Site.

Points of access to and from the land and whether they are suitably located

- 387. Design element 6 within the UD GUIDELINES require that the appearance, location and entrance to on-site car parking does not detrimentally affect streetscape amenity.
- 388. The proposal includes one dedicated vehicle entry to the basement car park and vehicle access for the proposed Porte Cochere from River Boulevard. No traffic concerns have been raised by Council’s engineering and urban design unit regarding the location and design of the proposed vehicle access points. It is also noted that these entries are well-separated (>30m) from the proposed pedestrian crossing across River Boulevard further south (subject to detailed design).
- 389. The proposal does not seek vehicle access to the basement from the carriageway easement connecting to Christine Crescent, which the approved development plan included for loading and waste collection purposes.

The layout of car parking areas and accessways to them

- 390. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to accessways, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
- 391. These matters, along with the proposed ramp designs have been reviewed by Council’s Engineering Unit who are generally satisfied with the layout of the car parking area, subject to the following minor changes that are conditioned in the recommendation:
 - (a) the repositioning of basement columns so that they do not encroach the parking space envelopes as required by *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9; and
 - (b) A vehicle crossing ground clearance.

The impact of traffic generated by the proposal and whether it is likely to require specific traffic management or control works in the neighbourhood

- 392. The traffic trip generation rates adopted by Stantec are detailed in the table below:

Proposed Use	Adopted Traffic Generation Rate*	AM Peak Hour	PM Peak Hour	Saturday Peak Hour
Dwellings (201 spaces)	0.37 trips per space in each AM peak hour 0.41 trips per space in each PM peak hour 0.41 trips per space in Saturday peak hour	74 trips	82 trips	82 trips

- 393. Council’s engineering unit have reviewed these rates and provided the following comments:

The trip generation for the site is considerably lower than that the traffic volume originally contemplated in the previously endorsed traffic report. According to Stantec, the original proposal would have generated 183 trips in the AM peak hour and 203 trips in the PM peak hour.
- 394. Council’s engineering unit also considered the traffic impact on the surrounding road network and made the following comments:

Stantec had undertaken peak hour traffic movement surveys at the Victoria Street/Burnley Street/Walmer Street intersection and at the Victoria Street/river Boulevard/Acacia Place intersection in December 2016.

Although the traffic survey data may be outdated, the anticipated traffic volumes from the site and approved developments have been added to the base traffic volumes at the intersections. The traffic generated by the subject site would represent a relatively minor increase in the traffic volume at these intersections (1.3 to 2.6% of the total traffic volume).

Although the traffic conditions at the two intersections are already constrained, it is agreed that the traffic generated by the subject site would not have a detrimental impact on the traffic operation of the surrounding road network.

395. Council's engineering unit are satisfied that the development peak hour volumes generated by the site is not unduly high and should not adversely impact the traffic operation of the surrounding road network, despite already constrained traffic conditions. Importantly, traffic impacts would be expected to be far worse with the approved development plan, featuring 548 car spaces and a greater number of dwellings/bedrooms.

396. The proposed public realm plans included in the landscape concept plans, prepared by Arcadia, identify the rationalisation of the median immediately in front of the basement entry that would enable vehicles to make a right turn movement onto River Boulevard. This is the only specific work relating to vehicle traffic, which forms part of conditions. All other public realm improvements external to the Site are for pedestrian and cycling amenity.

The provision of adequate loading facilities

397. The proposed basement level incorporates a generous waste storage area for loading of waste from various streams. The waste storage area includes sufficient area for the parking of a medium rigid vehicle proposed to collect the waste. Two (2) additional medium rigid vehicle parking spaces are located adjacent the waste storage/collection area for general loading activities. A car space loading bay is also located adjacent each lift/stair core to service residents needs.

398. Council's engineering unit have reviewed the access to and design of all loading bays and confirms that they are satisfactory. Furthermore, the extent of loading facilities is considered to be adequate and are much more generous than the approved development plan design.

The provision of safe and efficient pedestrian and cycle movement to, from and on the land and adjoining roads.

399. As discussed above, the development would enhance both the cycling and pedestrian connections in accordance with UD GUIDELINES design elements.

400. Enhanced connections are provided to the Capital City Trail, the Victoria Gardens Shopping Centre with new connections by way of the central plaza river link, as well as the improvements proposed to pedestrian and cycling amenity proposed within the River Boulevard and River Street connection public realm areas.

401. It is noted that the CDZ1 controls and UD Guidelines are silent on bicycle parking rates for dwellings. The Clause 52.34 statutory bicycle parking/facility requirements for the proposal are as follows:

- (a) 95 resident spaces;
- (b) 47 visitor spaces;
- (c) No shower / change room requirements, due to residential use.

402. Clause 52.34 does not strictly apply to the proposal due to the CDZ1 controls, these requirements provide guidance. The development provides a total of 425 additional resident spaces above (536 total) and 20 fewer visitor spaces below (27) the requirements of Clause 52.34. It is noted this is a substantial increase in the bike parking rate per dwelling compared to the approved development plan (which included 218 for 479 dwellings).

403. Council's Strategic Transport Unit has reviewed the proposed bicycle facilities and is satisfied with the number of bicycle parking spaces for residents but has recommended an additional four horizontal visitor spaces to be provided at ground level adjacent the Porte Cochere area. This has been included as a condition.
404. Council's Strategic Transport Unit has also recommended the following changes/details to be added to the plans to ensure the proposed bicycle facilities and associated ramp access/accessways are appropriately designed (which are included as conditions):
- (a) Dimensions to be provided for all internal access ways and door ways in bicycle storage areas, in accordance with AS2890.3;
 - (b) Dimensions of doorways in bicycle storage areas;
 - (c) Secondary access ramp from the Basement carpark to Bicycle Storage Zones 1, 2 and 3;
 - (d) Introduce bicycle entry point to the northern side of Bicycle Parking Zone 4 to facilitate access from the carpark accessway; and
 - (e) Provision made for bicycles to use the general car park accessways to access Bicycle Parking Zone 5.
405. Department of Transport (DoT) have made the following recommendations to improve bicycle infrastructure along River Boulevard:
- (a) The bike lanes at the intersection of Victoria Street & River Boulevard should be reviewed and include bicycle head starts and "emerald green" bike lane treatments where reasonable.
 - (b) The bike lane along River Boulevard (east side) should also be reviewed between Elain Court and Victoria Street. The bike lane ends in traffic lane and should be directed to a wider off road shared path to Elain Court and linked back to the on-road bike lane south of Elain Court.
 - (c) Emerald green cycle treatments should also be provided along the frontage of the site on Riverside Boulevard.
406. Council's Strategic Transport unit also agree in principle with the need for bike infrastructure improvements recommended by DoT. However, they do not agree that bicycles should be using a shared path on the east side of River Boulevard at Victoria Street. This is due to the existing path being insufficiently wide and a shared path will introduce conflicts with the relatively high volumes of pedestrians in the area, which will significantly increase as a result of the proposed development.
407. The City of Yarra's recently-adopted Yarra Transport Strategy 2022-32 nominates River Boulevard as part of the municipality's bicycle network (see map below, River Boulevard highlighted in the blue circle). River Boulevard forms an important connection between several sections of the New Deal for Cycling Network (Council) and Strategic Cycling Corridors (State Government). Improved bicycle lanes on River Boulevard are identified as a project that will be undertaken in the future.



Images: Extract of City of Yarra New Deal for Cycling Network on River Boulevard Source: Yarra Transport Strategy 2022-32

408. The proposed development would significantly increase vehicle traffic and also generate additional demand for cycling in the immediate vicinity.
409. Council' strategic Transport Unit has recommended a number conditions to support future bicycle infrastructure improvements along River Boulevard, including:
- (a) *The indicative location for the future protected bicycle lanes on River Boulevard;*
 - (b) *The existing on-street car parking spaces on River Boulevard will not be reinstated following construction; and*
 - (c) *That the applicant will fund the design and approvals process for Council for protected bicycle lanes on the east side of River Boulevard, to prepare for Council to deliver this infrastructure at a future date.*
410. Conditions (a) and (b) above will be implemented through the public realm plan. Part (c) will not be pursued as this process needs to be considered as part of a broader strategy by Council versus being isolated to the development and is indeed already identified as future project. Conditions relating to (a) and (b) will at least ensure future bicycle improvements can occur without the constraint of removing on-street car parking spaces. Further, the development is subject to development (and community) levy contributions which contribute to upgrades to the precinct.
- Strategies for encouraging sustainable travel, including use of public transport and non-motorised travel.*
411. The above assessment sections have outlined various design initiatives that support active transport modes to and from the Site (eg. pedestrian and cycling facilities).
412. The traffic report includes a framework for a Green Travel Plan ("GTP") which includes initiatives to encourage sustainable forms of transport, including welcome packs for new residents with maps of cycle and walking routes, and details to promote car pooling. A GTP is a useful tool to implement the sustainable transport initiatives outlined for the development and available in the surrounds to influence the travel behaviours of new residents within a development.

413. The DoT and Strategic Transport also support the need for a GTP and therefore this will be required prior to the occupation of any stage of the development.

Land subject to inundation

414. Although the site is exempt from the requirements of the LSIO that covers the site, Melbourne Water has provided relevant flood plain authority information. This is a relevant consideration to the CDZ1 provisions which seek to ensure that buildings and works along the Yarra River do not adversely affect drainage or flooding.

415. Melbourne Water's comments on the proposal are in the form of various recommended conditions as follows:

1. *Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:*
 - a) *The top of the eastern wall/bunding of the Lower Ground Courtyard set no lower than 11.15 metres to AHD.*
2. *The Building 03 & Building 06 must be constructed with finished floor levels set no lower than 600mm above the applicable graded flood level, which ranges from 10.60 metres to Australian Height Datum (AHD) at the northern property boundary down to 10.40 metres to AHD at the southern property boundary.*
3. *Any openings into the basement from Building 03 and Building 06 (including doors, windows, vents etc.) must be set no lower than 600mm above the applicable graded flood level.*
4. *Any entrances and openings to the Lower Ground Courtyard must be set no lower than 600mm above the applicable graded flood level of 10.55 metres to AHD.*
5. *Prior to the issue of an Occupancy Permit, a certified survey plan, showing ground floor finished floor levels of Building 03 & Building 06 (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.*
6. *The open space within the flood extent of the Yarra River must be maintained at natural surface level or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.*
7. *Any new fencing within the flood extent of the Yarra River must be open style (minimum 50% open) or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.*
8. *Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of the proposed jetty in accordance with Melbourne Water's Jetty Guidelines.*

416. These requirements will be included as conditions for an approved development, with the exception of Condition 8 that is no longer applicable due to the Jetty component being removed from the amended plans. It is noted that design of Buildings of 03 and 06 have a floor level of 11.2m AHD, which is a minimum of 600mm above the flood level per Condition 2 above. As a result, no additional building height will be required to comply with the above conditions. Subject to these conditions, the views of Melbourne have been appropriately considered to minimise potential flooding impacts.

[Other matters relevant to the development plan](#)

Open space contribution

417. Clause 22.12 of the Yarra Planning Scheme specifies requirements for a public open space contribution to be levied on larger development within the municipality. An agreement, in the form of a cash contribution has already been executed for the whole of the CDZ1 area and therefore the policy requirements at this clause have already been satisfied.
418. As discussed above, the applicant is required to provide a further contribution as part of this development to facilitate the redevelopment of the playground at Annette's Place to offset overshadowing impacts.

Easements

419. There are a number of different easements that affect the land. These include access easements, and other infrastructure easements that may in part become redundant or require realignment as part of the development process. The applicant will be required to apply for a permit pursuant to the provisions at clause 52.02 of the Scheme before an easement can be created, removed or varied.
420. The ground floor of the proposed plans include blue hatching areas that highlight the planned location of two (2) stormwater easements to support the proposed development and the surrounding catchment. The location and design of these easements have not been considered as part of this application and will be required to removed from the development plans prior to approval.
421. Planning permit application PLN22/0091 involves 'early works' (including infrastructure work including stormwater design) and tree removal on the Site to facilitate the proposed development. This application has not yet been determined, pending the outcome of the subject development plan and planning permit applications.

Staging

422. The CDZ1 provisions allow the development of Victoria Gardens to be undertaken in stages. As discussed under the proposal section, the applicant is seeking the construction of the development in two stages. Given the basement must be constructed in the first stage, the timing between Stage 1 and 2 is not expected to be significant. On this basis, staging of the development is supported. Conditions throughout the recommendation have been drafted to allow some requirements for approval to be submitted in a staged manner.

[Planning permit \(reduction of the CDZ1 car parking requirements\)](#)

423. The proposed provision of car parking represents a significant reduction in parking when compared to the rates required within Section 18 of the CDZ1. The CDZ1 specifies a rate of 1.5 spaces per dwelling, which generates a requirement for 709 spaces for this development, and therefore a shortfall of 508 spaces across the site (or a reduced rate of 0.42 spaces per dwelling).
424. Section 18 of the CDZ1 allows for the number of spaces to be reduced or waived if the Responsible Authority is satisfied that the number of spaces required is unnecessary in the circumstances or can be provided on nearby land.
425. Before deciding on an application, the Responsible Authority must consider:
- (a) *The likely demand for car parking spaces;*
 - (b) *The extent to which the various uses of the land are likely to generate different levels of demand at different times.*
 - (c) *The possible multi-use of car spaces*
 - (d) *The demand for car spaces generated by uses established in previous stages of the development*
 - (e) *The accessibility of the site to vehicle traffic*

(f) *The proposed layout of parking spaces*

426. To support the reduction in the statutory rate, a car parking demand assessment was undertaken by Stantec for the proposal.
427. With regards to the car parking demand generated by the proposed residential use, it is acknowledged that the statutory car parking rate outlined in the CDZ1 controls are conservative given the inner-city location of the subject site and proximity to alternative transport means.
428. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to precincts that are designated for greater change is applied.
429. In the VCAT Red Dot Decision *Ronge v Moreland CC [2017] VCAT 550* the Tribunal made the following key statements:

Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.

A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.

However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.

Policy tells us the future must be different.

Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.

One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.

Based upon the findings within this recent decision, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

430. Based upon the findings within these decisions, consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.
431. Council's Engineering Unit reviewed the parking demand assessment undertaken by Stantec and concurred with the findings. They also noted the following in support of the proposed reduction, having regard to decision guidelines set out in Clause 52.06 which are more current than the CDZ1 guidelines:
- (a) Parking demand for the dwellings:

It is understood that the development would be a Built to Rent (BTR) proposal. In a Built to Rent development, the dwellings are owned by the developer, who leases them out to tenants. With this housing model, parking would not be allocated to specific dwellings but would be offered to prospective residents at the beginning of their lease (subject to availability).

On-site parking for the dwellings would be provided at a rate of 0.41 spaces per dwelling. Stantec has sourced average car ownership data for the Richmond area from the 2016 ABS Census for flat-type dwellings in buildings with four storeys or more. The data indicates that studio type dwellings contain 0.22 cars per dwelling whereas one-bedroom dwellings and two-bedroom dwellings contain 0.66 and 0.77 cars per dwelling respectively.

Stantec has also indicated that the development of Lots 9 and 10 at Victoria Gardens was granted a permit, which included an on-site parking rate of 0.75 spaces per dwelling.

The proposed on-site parking rate of 0.41 spaces per dwelling is considered appropriate having regard to the site's proximity to the Victoria Gardens shopping centre and route 109 tram.

(b) Availability of Public Transport in the Locality of the Land

The following public transport services can be accessed to and from the site by foot:

- (i) Victoria Street trams – 450 metre walk*
- (ii) Bridge Road trams – 900 metre walk*

(c) Convenience of Pedestrian and Cyclist Access

The site is very well positioned in terms of pedestrian access to public transport nodes, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on- and off-road bicycle network.

(d) Relevant Local Policy or Incorporated Document

The proposed development is considered to be in line with the objectives contained in Council's Strategic Transport Statement. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

(e) Other Relevant Considerations

As a Built to Rent type development, parking would be allocated on an as-needed basis.

In addition, prospective tenants would not be eligible to apply for on-street resident and visitor parking permits.

432. The proposal also incorporates 510 resident bicycle spaces and 21 visitor spaces (subject to conditions), which represents more than one space per dwelling to help promote sustainable transport modes. This ratio is supported by Council's Strategic Transport Unit for the proposed reduction of car parking requirements.

433. To further help promote the use of sustainable transport modes it is noted that the applicant is committed to the preparation of a Green Travel Plan for residents (as stated in the applicants Traffic Impact Assessment). This will be required and implemented by condition.

434. The applicant has also indicated support for allocating four (4) car spaces within the basement for 'car share' purposes. This will further respond to any car parking demand from residents, which will be required by condition.

435. Having regard to the above, the proposed car parking reduction is supported and consistent with the intent of Clause 18.01-3S and 21.06, which seeks to reduce car dependency. The planning permit would be tied to the development to an approved development plan.

[Public comments to the development plan](#)

436. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed below.

Built form and design

Issues relevant to built form and design are discussed within paragraphs 183 – 227.

Amenity

Amenity issues are discussed within paragraphs 259 – 286.

Landscaping and open space

Landscaping issues are discussed within paragraphs 228 – 258.

Access, traffic and transport related matters

Traffic and transport issues are discussed within paragraphs 381 – 411. The reduction of car parking requirements is discussed under the planning permit assessment below.

ESD

- (b) *The proposal will contribute negatively to urban heat island effect;*

The proposal incorporates greater open space and canopy coverage than the approved development plan. As such, a lower urban heat island effect is expected to occur from the proposed development.

Social impacts

- (c) *Health impacts from loss of trees;*

Whilst the removal of 39 trees is proposed, the proposal includes the planting of approximately 150 trees throughout the Site, which will result in a net increase in canopy coverage once trees are established.

- (d) *The proposal creates a gated community;*

The proposal incorporates positive publicly accessible areas throughout the Site.

- (e) *The dwellings could be for public housing;*

The use of the land for dwellings is 'as of right' under the CDZ1 controls. As such, it would be unreasonable to condition the proposal to exclude public housing opportunities despite the proposal targeted for the private rental market.

- (f) *Café's are poorly located for activation purposes;*

Food and drink premises detailed in the original proposal have been removed from the amended development plan.

- (g) *Build to rent typology is out of character with surrounding housing typologies;*

The use of the land for dwellings is 'as of right' under the CDZ1 controls. The design of the development has significant planning merit in isolation regardless if it operates as built to rent model (as purported) or a typical residential development.

- (h) *Oversupply of 1 and 2 bedroom apartments typologies in the area.*

- (i) *Lack of accommodation for families due to only 1 and 2 bedroom apartments proposed.*

No 3 bedroom+ apartment types are included in the proposal. However, the proposal incorporates a range of studio, 1 bed and 2 bed typologies that vary in internal area. Many apartments also have studies or generous storage areas to cater for the hybrid working conditions that are more prevalent post-COVID-19.

- (j) *The proposal detracts from the social, community and cultural aspects of the precinct, including Annette's Place;*

The above built form and landscaping assessment confirms that the proposal is considered to be consistent with the relevant purpose, policies and guidelines of the CDZ1, including its public realm interface with the Yarra River environs, Annettes Place, River Boulevard and Christine Crescent. The formalisation of public access throughout the Site, particularly between River Boulevard and the Yarra River will be a positive contribution to social, community and cultural aspects of the precinct.

- (k) *Reduced public access to the parklands;*

The proposal includes a publicly accessible east-west link running centrally throughout Site joining River Boulevard with the Main Yarra Trail, together with a public link to Christine Court. No formal public access to adjoining open space is provided on the Site at present, only informal access. As such, the proposal will improve these connections.

Other matters

- (l) *Potential flooding risk over the land;*

This address via Melbourne Water conditions 2-8.

- (m) *Potential soil contamination on the Site (former Vickers Ruwolt factory);*

An advisory note is included in the recommendation regarding the Environmental Audit Overlay requirements that apply to the land.

- (n) *The riverbank should not be considered part of the Site and instead the boundary taken from the top of the river bank, per Land Act;*

The extent of the Site has been defined by title boundaries of the three lots described under the site description at paragraphs 44 - 52, consistent with the approved development plan. This has included part of the river bank, which is under private ownership. Parks Victoria have advised that Lot 5 of PS4155801 is currently under an ex-MMBW 99 year leasehold from 1989 which was created to implement Bicentennial funding for the Capital City Trail. This is not detailed on the Registered Search Statement. Future management / lease arrangements of river frontage land is subject to separate legislation.

- (o) *The plans on notice were incorrectly described as seven storeys;*

This is correct. Additional letters were sent to all notified properties on 18 May 2022 which corrected the proposal description to correctly refer to building height up to (8) storeys.

- (p) *Adjoining apartments were marketed for sale with access to courtyard (northern communal open space)*

Whilst the existing northern pocket park is to be demolished, the proposal includes the re-establishment of the northern pocket park with public access maintained.

- (q) *Loss of emergency access provided by northern communal open space on the Site;*

The requirements of emergency access and facilities will be assessed at the building permit stage of the development.

- (r) *Insufficient infrastructure in the area to support the additional dwellings;*

As discussed under 'on-site amenity', any additional infrastructure required by the development will need to be accommodated on-site in appropriate manner. Further, the proposal is subject to development and community levy contributions, which can be used to improve development and community infrastructure in the surrounding area.

- (s) *Inconsistent with Yarra River Corridor Strategy, Yarra Climate Action Plan and Yarra Protection Act 2017;*

- (t) *Inconsistent with Yarra River Protection controls within the Yarra Planning Scheme (VC121, GC48);*

The assessment of the proposed development must be made in relation to the relevant provisions of the Yarra Planning Scheme. In this regard, the proposal is considered to be consistent with the relevant planning scheme provisions, particularly the CDZ1 controls.

- (u) *Council should purchase the land for open space;*

Council's Open Space Strategy (YOSS) does not identify the Site as a private land area that should be acquired for public open space purposes.

- (v) *general disturbance from construction activity;*

Disturbance from construction activities will be managed at the Building Permit stage, a Construction Management Plan will be required via condition to ensure the construction is managed in accordance with Council policies and procedures.

- (w) *reduced security to surrounding residents;*

The proposed dwellings will significantly increase the passive surveillance of the adjoining public realm compared to the current conditions of the Site. Appropriate lighting to all publicly accessible areas is also required by condition.

- (x) *loss of views;*

There is no legal right to a view and further there are no planning controls within the Yarra Planning Scheme which seek to protect views from Smith Street to longer distant natural or man-made features within surrounding suburbs. Loss of view is not therefore a material consideration in this determination of this application.

- (y) *reduction in property values;*

The impact on property values is not a consideration within the Planning Scheme or the Objectives of the Planning and Environment Act 1987.

- (z) *Consultation requested with the Birrarung Council statutory body;*

This is not a requirement of this development plan approval process.

- (aa) *Insufficient time to provide comment on the development plan (requests for additional time refused);*

Section 16 of the CDZ1 controls states that display the plan for public comment for no longer than 28 days. The display period undertaken by Council was 28 days, consistent with this requirement.

Conclusion

437. The proposed development plan, subject to the changes set out within this report, is considered to demonstrate a high level of compliance with provisions of the CDZ1, notably the guidelines for approving plans, the BEPP, and fulfils the principle of the zone being to encourage the comprehensive redevelopment of land on the south side of Victoria Street between Burnley Street and the Yarra River.

438. The planning permit for the reduction of car parking associated with the proposed development is considered to provide for a rate of parking that reflects an appropriate demand for the development, consistent with the decision guidelines of the CDZ1. The application is therefore considered acceptable.

RECOMMENDATION

Recommendation 1: Development Plan

That having considered all submissions and relevant planning documents, the Committee resolves that it approve the Development Plan for the staged construction of six (6) buildings, to a maximum height of eight (8) storeys containing dwellings and one level of basement car parking, subject to the following conditions:

Amended Development Plan

1. Prior to the commencement of the development, an amended Development Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Development Plan will be endorsed and will then form part of this approval. The Development Plan must be drawn to scale with dimensions, and three copies must be provided. The Development Plan must be generally in accordance with the decision plans but modified to show:

Sketch plans

- (a) The changes as depicted on the “Sketch” plans (revised southern elevation and Level 02 plan) prepared by Bates Smart, with plot dates of 15 and 16 November 2023, including:
 - (i) Southern facade of Building 4 further articulated with the introduction of Juliet balconies;
 - (ii) Additional screening to internal corner balcony/window junctions of the buildings to reduce internal overlooking;
 - (iii) Note added regarding ‘maintenance access only’ doors to vertical garden areas adjacent building connecting corridor areas; and
 - (iv) Modified bedroom/bathroom and living/dining internal areas for various apartments on Level 02).

Built form

- (b) A survey plan prepared showing:
 - (i) Building 01 to have a parapet/roof structure height of no greater than 31m AHD;
 - (ii) Building 04 to have a parapet/roof structure height of no greater than 37m AHD;
- (c) Any changes required by Melbourne Water conditions (Conditions 2 – 8);
- (d) Elevations of the proposed substation detailing all external finishes to a high quality appearance;
- (e) Show the outline of south facing balconies of adjoining apartment building at 15 River Boulevard on floor plans to depict accurate building separation;
- (f) Details and sections of all privacy screen treatments throughout the development, particularly at internal corner junction areas;

Site layout and connectivity

- (g) An additional plan that clearly shows areas/locations for public access;
- (h) Remove hatching and reference to ‘proposed stormwater easement’;

- (i) The central plaza path pinch adjacent the northeast corner of Building 04 to be increased to a minimum path width of 2m and combined path and landscaping width of 4m;
- (j) Removal of the alcove/rebate to the northern ground level entry of Building 01;
- (k) Removal of pinch point at the northwest corner of Building 01 for the ground level walk/cycle way running parallel with the basement vehicle entry;
- (l) The northern ground floor entry to Building 01 re-designed to remove the rebate;
- (m) An annotation on the ground floor plan stating that Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail, where works extend beyond title boundaries;
- (n) Redesign of the switch back ramp on the Yarra River embankment, so that no works extend beyond the title boundaries;

Traffic engineering and sustainable transport

- (o) Relocation of basement columns so that they do not encroach the parking space envelopes as required by *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9;
- (p) Vehicle crossing ground clearance cross sectional drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site at the River Boulevard vehicle entrance without scraping or 'bottoming out' and to show the follow spot levels:
 - (i) the reduced level 2.0 metres inside the property;
 - (ii) the property boundary level;
 - (iii) the bottom of kerb (invert) level;
 - (iv) the edge of the channel level; and
 - (v) a few levels on the road pavement.
- (q) The allocation of four (4) car share car parking spaces within the basement level;
- (r) Four (4) additional horizontal bicycle parking spaces to be provided in the central courtyard area;
- (s) The provision of an additional 20 visitor bicycle spaces throughout the Site (an associated reduction of resident bicycle spaces can be made);
- (t) Dimensions of all relevant doors, ramps and access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (u) Amendment of access to Bicycle Storage Zone 5 to ensure a clear width of at least two metres in the access corridor at all times, and:
 - (i) provision included in the carpark design to allow people on bicycles to safely utilise the general carpark accessways;
- (v) Reference to a minimum 40A single phase electrical sub circuit to be installed throughout the basement car parking areas for 'EV readiness';
- (w) The location of electric bicycle charging adjacent to spaces suitable for electric bicycles to use (i.e horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8);

Apartment Design

- (x) Replicate modified bedroom/bathroom and living/dining internal areas for various apartments shown on the Level 02 sketch plan (referred to in part (a)(iv) above), replicated in comparable apartment typologies throughout other levels of the proposed buildings;
- (y) Typology plans for all apartment types, including detail consistent with the typology plans included with the urban context report;
- (z) Compliance with Standard D18 of Clause 58.05-1 (Accessibility);
- (aa) Compliance with Standard D21 of Clause 58.05-4 (Storage);
- (bb) All secondary bedrooms for each 2 bed apartment to have a minimum internal dimension of 3 metres;
- (cc) Provision of a window to the east facing bedroom of apartment no. 4.00.002;

- (dd) Setback the balcony area of 3.00.010 and 6.00.005 at least 2 metres from the top of the embankment;
- (ee) Apartment 1.01.009 northern walls and balcony edge to be setback a minimum of 5.085 metres (in line with the external wall of Levels 2-5), excluding column detail;
- (ff) Incorporate a south facing window to the bedrooms of apartments 4.06.003 and 4.07.003;

Management plans

- (gg) Layout of landscaping areas, consistent with the amended Landscape Plans (internal to title boundaries) required by Condition 24;
 - (hh) any changes required by the amended Sustainable Management Plan (Condition 14);
 - (ii) any changes required by the amended Wind Report (Condition 17);
 - (jj) any changes required by the amended Acoustic Report (Condition 22);
 - (kk) any changes required by the Tree Management Plan required by Condition 30.
2. The development as shown on the endorsed Development Plan must not be altered without the prior written consent of the Responsible Authority.

Melbourne Water (Conditions 3-9)

3. Prior to the endorsement of the Development Plan, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
- (a) The top of the eastern wall/bunding of the Lower Ground Courtyard set no lower than 11.15 metres to AHD.
4. The Building 03 & Building 06 must be constructed with finished floor levels set no lower than 600mm above the applicable graded flood level, which ranges from 10.60 metres to Australian Height Datum (AHD) at the northern property boundary down to 10.40 metres to AHD at the southern property boundary.
5. Any openings into the basement from Building 03 and Building 06 (including doors, windows, vents etc.) must be set no lower than 600mm above the applicable graded flood level.
6. Any entrances and openings to the Lower Ground Courtyard must be set no lower than 600mm above the applicable graded flood level of 10.55 metres to AHD.
7. Prior to the issue of an Occupancy Permit for any stage of the approved development, a certified survey plan for that stage must be prepared showing ground floor finished floor levels of Building 03 & Building 06 (as constructed) reduced to the AHD, and must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
8. The open space within the flood extent of the Yarra River must be maintained at natural surface level or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
9. Any new fencing within the flood extent of the Yarra River must be open style (minimum 50% open) or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.

Staging

10. In conjunction with the submission of the amended plans under Condition 1 a staging plan must be submitted to and approved to the satisfaction of the Responsible Authority. The staging plan as necessary must include plans and written details of staging of the development. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed in writing by the Responsible Authority.

Building Height

11. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying the following:
 - (a) Building 01 does not exceed 31 metres AHD; and
 - (b) Building 04 does not exceed 37 metres AHD.

This must be provided at the completion of the parapet structure and at final inspection.

Façade Strategy

12. In conjunction with the submission of the amended development plan under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Development Plan. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical entries and doors, and utilities and typical facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) details of all services, to be integrated with into the design of the proposed buildings;
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a detailed materials schedule with digital samples of proposed materials and coloured drawings outlining colours, renders, materials and finishes graffiti proofing of walls.
13. As part of the ongoing consultant team, Bates Smart or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the 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.

Sustainable Management Plan

14. Before the development commences, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this Development Plan. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 28 September 2022, prepared by Stantec, but updated to include the following (unless otherwise agreed):
 - (a) Reference to the revised plans required by Condition 1;
 - (b) Amend shading strategy for the West facing windows to include vertical fins (like the North facing windows) or alternative external shading option as agreed.
 - (c) Provide details of the proposed HVAC system (and consider 3 pipe VRF or heat pump alternative).
 - (d) Clarify ventilation strategy for the basement carpark.
 - (e) Update rooftop plans to indicate location, size and number of panels per PV system (i.e. 2x 20kW systems as per SMP).

- (f) Provide a copy of the Green Star Water Use Calculator to support claims of reducing water use by 40%.
 - (g) Provide more information on the OceanGuard and Jellyfish filtration devices included within the MUSIC model (or similar), noting that over reliance on proprietary devices is not acceptable to the City of Yarra.
 - (h) Clarify the inclusion of recycled materials (i.e. bricks) or products with post-consumer content (i.e. insulation) and/or commit to the 'Responsible Structure' credit and have 80% of structural components (by cost) meet a Responsible Products Value score or at least 10.
 - (i) Provide a copy of the Green Star Buildings Upfront Carbon Emissions Calculator to support claim.
 - (j) Clarify extent (by cost or weight) of recycled and certified timber (FSC / PEFC) strategy.
 - (k) Confirm whether PVC will be included in hazardous materials survey, and if not consider best-practice strategies to reducing or replacing PVC components.
 - (l) Clarify misalignment between bicycle parking numbers and amend documentation accordingly.
 - (m) Confirm that the Sustainable Transport Plan will include details of surrounding car share locations.
 - (n) Prior to development, provide a copy of the Sustainable Transport Plan (Green Travel Plan).
 - (o) Amend material schedule within architectural pack to include SRI specifications for external elements (paving and roofing) that makes up the 75% relied upon for GS credit.
15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Prior to the occupation of any stage of the development approved, a report from the author of the sustainable management plan, approved pursuant to this development plan, 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 for that stage.

Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Development Plan. The amended Wind Assessment Report must be generally in accordance with the Wind Impact Statement prepared by MEL Consultants and dated 28 September 2022, but modified to include or show (unless otherwise agreed):
- (a) Assessment of the amended plans referenced at condition 1;
 - (b) Balconies to achieve a minimum of the standing comfort criterion;
 - (c) The centrally located public open space seating and roof terrace seating areas on Building 03 and 06 to achieve the sitting comfort criterion;
- to the satisfaction of the Responsible Authority.
18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

19. Before the development commences, the Waste Management Plan prepared by WSP and dated September 2022 must be submitted to Council. When approved, the Waste Management Plan will be endorsed and form part of this Development Plan.
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

22. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this Development Plan. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 3 August 2022, but modified to include:
 - (a) Reference to the revised plans required by Condition 1;
 - (b) A statement from Salta Properties/land owner about rooftop plant at the nearby BAE building (40 River Boulevard) and the Victoria Gardens Shopping Centre and recommended acoustic mitigation measures as required.
 - (c) The internal design targets for commercial/industrial noise be calculated using the SEPP N-1 indoor noise limits (i.e. the external limits minus 15 dB). The criteria should be met for any 30 minute period, taking into consideration any relevant corrections for noise character, as per SEPP N-1 and Noise Protocol guidance.
 - (d) The acoustic assessment (for all aspects of the development) to reference the amended building design referred to in Condition 1;
 - (e) State the maximum source level for the carpark gate in Section 11.2 of the acoustic report.
 - (f) Remove reference to car stackers.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

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

Landscape Plan (internal to title boundaries)

24. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Development Plan. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 06 February 2023, but modified to include or show (unless otherwise agreed by Council):
 - (a) Reference to the revised plans required by Condition 1;
 - (b) Tree retention/removal plan updated to show the retention of Trees 54 (River Sheoak) and 39 (Spotted Gum);
 - (c) Tree protection plan, showing tree protection zones, consistent with the Tree Management Plan required at Condition 30;

- (d) Detailed way finding strategy, including sign locations, details and sign content of signs within title boundaries;
- (e) Details of shade structures and furniture within publicly accessible or communal open spaces;
- (f) Demonstrate that plantings along the River Boulevard front setback at ground level have been selected to adequately soften the appearance of private open space palisade fencing;
- (g) Provide elevations and detail drawings of all fencing types that is consistent with the requirements of Condition 8;
- (h) Provide plant schedules with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers;
- (i) 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity. The Yarra River embankment plant species need to consider sourcing local provenance plants, the relevant Victorian Bioregion EVC guidelines, bank stabilisation and weed management;
- (j) Provide a planting plans showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces;
- (k) Provide detail drawings for raised planters – showing dimensions, drainage, lining, materiality and growing media type. Volumes of growing media need to be adequate for the plant species proposed, particularly for trees;
- (l) Show clearly on the planting plan the location of the basement and areas of planting into natural soils;
- (m) Sections/ Elevations need to show dimensions for soil depth where raised planters are included – particularly for trees;
- (n) Provide engineering certified drawings for the ramp on the embankment.
- (o) Provide notes on proposed irrigation;
- (p) Provide a maintenance schedule, including task details and frequency; the means of maintenance access will need to be shown/ notated;
- (q) Supply Landscape Technical Specifications including site preparation, plant procurement, furniture materials, soils, planting and establishment and maintenance specifications.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

all to the satisfaction of the Responsible Authority.

Public Realm Plan

26. Before the development commences (excluding bulk excavation and early works), or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan suitable for construction and prepared by a qualified Landscape Architect (or other suitable profession) for the development must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the River Boulevard Streetscape Plans (p. 27 and 28 of the landscape plans prepared by Arcadia, dated 6 February 2023) and modified to show the following (or otherwise agreed):
- (a) Changes to plan:
 - (i) Layout plan indicating all existing and proposed features and surface levels
 - (ii) The 2m wide footpaths notated as '2m unobstructed clear access'
 - (iii) Relocate the small garden bed at the southern end of the service road (east side) so that it is consolidated with the garden beds along the property boundary.
 - (iv) Ensure that the existing desire line from the River Street link to the west side of the service road are accommodated.
 - (v) Provide traffic calming measures to the service road to facilitate safe access for people on bikes, including speed reduction and reducing the width of the existing speed bumps.
 - (vi) Ensure the new kerb ramp providing access from the service road to the shared path (linking to River Street) matches the width of the shared path plus tapers of 300mm either side to provide a consistent travel path. a 1:15 gradient for the ramp, subject to review and to the satisfaction of the Responsible Authority.
 - (vii) Investigate the conversion of the existing zebra crossing of the Vickers Drive vehicle entry from River Boulevard into a raised pedestrian-priority crossing.
 - (viii) Notations stating that car parking spaces are not to be reinstated along the River Boulevard frontage at the completion of the development.
 - (ix) Depict indicative future protected bicycle lanes on River Boulevard.

 - (b) Plans to show (including but not limited to):
 - (i) Incorporate details/sections as required.
 - (ii) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes.
 - (iii) All existing and proposed streetscape infrastructure on all relevant plans including but not limited to light poles, drains and street signs.
 - (iv) Any proposed external street furniture including seats and bike parking.
 - (v) Materials including any surface treatments, edges, landscaping and drainage.
 - (vi) Clearly dimensioned elements including pedestrian paths and parking bays;
 - (vii) Property boundaries to clearly show private and Council land.
 - (viii) All existing and proposed levels and surface grades.
 - (ix) All existing and proposed and required drainage infrastructure improvements to responsible authority satisfaction.
 - (x) Trees and other plantings.
 - (xi) References to standard details and provision of typical details where required.

 - (c) Plans must be consistent with the civil work and landscape detailed plans required at Condition 28.

All to the satisfaction of the Responsible Authority.

27. Before any stage of the buildings are occupied or at a later date as agreed in writing by the Responsible Authority, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 26) must be fully constructed and completed by the Development Plan holder, with all costs borne by the Development Plan holder, to the satisfaction of the Responsible Authority.

Civil and landscape detailed design

28. Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), detailed design plans (Civil and Landscape) for the proposed public realm areas shown on the public realm plans required at Condition 26 must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the Development Plan. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels
 - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel
 - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade.
 - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details.
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type.
 - (f) Public lighting plan, including proposals for any temporary lighting.
 - (g) Signage & line marking plans indicating the existing and proposed changes.
 - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council.
 - (i) All surfaces must be designed in accordance with DDA requirements.
 - (j) Distinct delineation between public and private land along all interfaces.
 - (k) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve.
 - (l) 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.
29. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document '*General Requirements for the Delivery of Public Realm Works*'.

Tree Protection

30. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this Development Plan. The Tree Management Plan must make recommendations for:
- (a) the protection of all trees to be retained on Site, all street trees along River Boulevard frontage to be retained and all trees within 10 metres of the title boundaries on adjoining land:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction

- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Car Parking

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

Green Travel Plan

36. Before the occupation of any stage of the development, 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 Development Plan. The amended Green Travel Plan must include (or show):
- (a) Green Travel plan initiatives detailed in Table 5.1 of the Traffic Impact Assessment, prepared by Stantec, dated 30 September 2022;
 - (b) Operation details of the proposed car share car parking space within the basement level;

- (c) security arrangements to access the employee and visitor bicycle storage spaces;
- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (e) provisions for the GTP to be updated not less than every five years;

to the satisfaction of the Responsible Authority.

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

Road Infrastructure

38. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and reinstated as standard (asphalt) footpath and kerb and channel:
- (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
 - (b) to the satisfaction of the Responsible Authority.
39. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the Development Plan holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
40. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the Development Plan holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Public Lighting

41. Before the development commences, 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 insert street name or lane number and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this Development Plan. The Public Lighting Plan must provide for:
- (a) all pedestrian access to the proposed residential/multipurpose development at 25 River Boulevard 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.

Section 173 Agreement (public access)

42. Within six months of the commencement of works the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, by which the owner covenants that, in addition to the usual section 173 agreement acknowledgements and covenants, it shall:
- (a) keep those parts of the Site and 40 River Boulevard depicted as publicly accessible in the endorsed landscape and/or public realm plans (as the case may be) (the publicly accessible areas) permanently available for the public to use;
 - (b) at the owner's cost, be responsible for maintaining the publicly accessible areas to the satisfaction of the Responsible Authority;
 - (c) at the owner's cost, obtain and maintain public liability and professional indemnity insurance over the publicly accessible areas in an amount and subject to such conditions as approved by the City of Yarra;
 - (d) pay the responsible Authority's reasonable costs in the preparation, execution and recording of the agreement
43. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Annettes Place playground redevelopment

44. Before any stage of the buildings are occupied, or such other event or date that the Responsible Authority may agree to in writing, the sum of \$200,000 (said sum) must be paid to the Responsible Authority, for the Responsible Authority to hold and either:
- (a) apply to the upgrade, relocation and/or replacement of the Annettes Place Reserve playground (playground) within 5 year(s) (said period) of the payment being made, or
 - (b) return such part of the said sum that the Responsible Authority has not spent on the upgrade, relocation and or replacement of the playground within the said period, or
 - (c) return the whole of the said sum if the Responsible Authority has not upgraded, relocated and/or replaced the playground within the said period.

General

45. Before any stage of the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans for that stage must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
46. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
47. The amenity of the area must not be detrimentally affected by the construction, 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.

48. The development must at all times comply 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), as may be amended from time to time.
49. 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.

Loading and Unloading

50. 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.

Construction management

51. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this Development Plan. 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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;
 - (n) washing of concrete trucks and other vehicles and machinery; and
 - (o) spillage from refuelling cranes and other vehicles and machinery;
 - (p) the construction program;
 - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (r) parking facilities for construction workers;
 - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (u) 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;
 - (v) 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;

- (w) 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.
- (x) 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;

During the construction:

- (y) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (z) 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;
- (aa) vehicle borne material must not accumulate on the roads abutting the land;
- (bb) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (cc) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

- 52. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 53. 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.

NOTES

The subject land is subject to an approved development contributions plan and a Development Contributions Plan Overlay. The development and community contributions levies payable in respect of the development is to be paid in accordance with section 46N(2) and 46O(1) of the *Planning and Environment Act 1987*.

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

Where works extend beyond title boundaries, Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail pursuant to the *Crown Land (Reserves) Act 1978*.

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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.

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

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

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.

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

Recommendation 2: Planning Permit (PLN22/0142)

That having considered all objections and relevant planning documents, the Committee resolves that it issue a Notice of Decision to Grant a Planning Permit for a reduction of car parking spaces in association with a residential use associated with Precinct 2 (pursuant to clause 37.02 of the Yarra Planning Scheme - part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development) at 25-35 River Boulevard and 15 Christine Crescent, subject to the following conditions:

1. The development plan must be endorsed by Council prior to the development starting and upon endorsement will form part of this permit.
2. All development and use must accord with the endorsed development plans. Any alterations must be approved by the Responsible Authority.

3. The car parking rate for the residential uses must be a minimum 0.42 car spaces per dwelling.
4. This permit will expire if the use is not commenced within three (3) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within six (6) months of expiry.

Notes:

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

Attachments

- 1 PLN21/0836 & PLN22/0142 - Original Architectural Plans
- 2 PLN21/0836 - Original Landscape Plans
- 3 PLN21/0836 & PLN22/0142 - Amended Architectural plans
- 4 PLN21/0836 - Amended Landscape plans
- 5 PLN21/0836 - Sketch plans (Level 02 plan and southern elevation)
- 6 PLN21/0836 - Referral comments on Original Plans (consolidated)
- 7 PLN21/0836 - Referral comments for Amended Plans (consolidated)
- 8 PLN22/0142 - Referral comments (for original and amended plans)
- 9 PL10/0156 - Approved Development Plans
- 10 Approved (PL10/0156) v Proposed Development Plans (PLN21/0836) Comparison Plan

6.3 PLN21/0316 - 398 - 400 Johnston Street Abbotsford

Report Summary

Purpose

1. This report provides Council with an assessment of planning application PLN21/0316 which relates to land at No. 398 – 400 Johnston Street, in Abbotsford. The report recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 15.01 – Built Environment;
 - (b) clause 22.10 – Built Form and Design Policy; and
 - (c) clause 43.02 – Design and Development Overlay (Schedule 15) (referred to throughout this report as 'DDO15');
 - (d) clause 52.06 – Car Parking
 - (e) clause 58 – Apartment Developments

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Built Form
 - (b) On-Site Amenity (including Clause 58)
 - (c) Off-Site Amenity

Submissions Received

4. Fifteen objections were received to the application, these can be summarised as:
 - (a) Concerns regarding the proposed design, including building height, massing and architectural quality as well as non-compliance with DDO15;
 - (b) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);
 - (c) Off-site amenity impacts associated with the location of a food and drinks premises facing Little Turner Street, proximate to dwellings;
 - (d) Concerns about traffic impacts to the surrounding road network including increased traffic levels on Little Turner Street (and associated implications for pedestrian safety on Little Turner Street);
 - (e) Concerns about waste vehicles using Little Turner Street;
 - (f) Concerns about the proposed car parking reduction and associated impacts to on-street car parking availability;
 - (g) Concerns about the use of a car stacker system;
 - (h) Concerns that the proposed on-site car parking provision is too high, failing to reduce reliance on private motor vehicles;
 - (i) Lack of secure, lockable compound provided for the bicycle spaces;
 - (j) Lack of electric vehicle charging facilities;
 - (k) Poor internal amenity, including insufficient bedroom size, and extent of ventilation;
 - (l) Lack of dwelling diversity;
 - (m) Impacts to the neighbourhood character of the surrounding area;
 - (n) Impacts on infrastructure (including transport infrastructure);
 - (o) Amenity impacts associated with the construction of the development, including noise impacts, traffic and damage to property and vehicles in the area;
 - (p) Identification of a typographical error in the application's Green Travel Plan.

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 following key recommendations:
- (a) Reduction in the scale of the level 08 balconies and the roof services in accordance with the sketch plans received by Council on 07 February 2023;
 - (b) Provision of additional articulation to the Johnston Street podium through the application of brick snap cladding to the central section of the podium façade in accordance with the sketch plans received by Council on 07 February 2023;

CONTACT OFFICER: Chris Stathis
TITLE: Senior Statutory Planner
TEL: 9205 5352

6.3 PLN21/0316 - 398 - 400 Johnston Street Abbotsford

Reference D23/15130
Author Chris Stathis - Senior Statutory Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Langridge
Proposal: The construction of a nine-storey building for office (medical centre), food and drink premises, shop and dwellings (permit required for the dwellings land use only), buildings and works within the Transport Zone 2, alteration of access to a road in Transport Zone 2 and a reduction in the car parking requirements.
Existing use: Both sites are currently vacant, however No. 398 Johnston Street was most recently used as an office and No. 400 Johnston Street was most recently used as a car wash and car detailing business.
Applicant: DCF 398 Johnston St Developing Entity Pty Ltd
Zoning / Overlays: Commercial 1 Zone (C1Z)
Design and Development Overlay – Schedule 15 (DDO15)
Development Contributions Plan – Schedule 1 (DCPO1)
Transport Zone 2 (land within Johnston Street, south of the subject site)
Date of Application: 17 May 2021 (Application lodgement)
17 December 2021 (first section 57A amendment)
08 July 2022 (second section 57A amendment)
Application Number: PLN21/0316

Planning History

1. Planning Permit PL09/0487 was issued on 09 November 2009 for *buildings and works and the construction and display of internally-illuminated and non-illuminated business identification signage*. Google Street View photography indicates that the signage approved by Planning Permit PL09/0487 was removed either in 2015 or 2016.

Background

2. The following matters are relevant background information:

Lodgement of S57A plans

3. The application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on two separate occasions, the first on 17 December 2021 and the second on 08 July 2022.
4. The plans associated with the first section 57A primarily made changes in response to referral comments. These plans were not re-advertised. The first section 57A amendment will not be discussed further within this report as it was superseded by the second 57A amendment.
5. With respect to the second section 57A amendment, the key changes (as compared to the originally advertised plans) included:

- (a) Deletion of basement level 02 and a reduction in the number of:
 - (i) on-site car spaces from 66 down to 40;
 - (ii) storage cages from 58 down to 6;
 - (iii) employee / resident bicycle spaces from 62 down to 52.
 - (b) Revised massing typology across the northern elevation including increased northern setbacks at levels 06 and 08;
 - (c) South-facing apartments at level 08 provided with an increased setback from Johnston Street;
 - (d) Revised configuration of apartments including a reduction in the number of east and west-facing balconies;
 - (e) A reduction in the number of apartments from 48 down to 46;
 - (f) Revised apartment mix changing from 24 one-bedroom apartments, 14 two-bedroom apartments and 10 three-bedroom apartments; to 20 one-bedroom apartments, 14 two-bedroom apartments and 12 three-bedroom apartments.
 - (g) Revised materiality and architectural form including:
 - (i) an increase in the use of red brick across the north-facing facades;
 - (ii) an increase in the use of grey concrete across the Johnston Street podium;
 - (iii) deletion of the thick concrete forms across ground floor and level 01 of the Johnston Street podium;
 - (iv) revised design of fenestration across the development;
 - (h) Consultant reports updated in response to comments from internal Council units and to assess the revised design.
6. The amended application (i.e. that associated with the second section 57A amendment) was re-advertised pursuant to Section 57B of the *Planning & Environment Act 1987*.



Figure 1: 3D images of the development viewed from Johnston Street for the original plans (left) and amended plans (right). (Applicant submission, September 2021 and July 2022)



Figure 2: 3D images of the east elevation of the development for the original plans (left) and amended plans (right). (Applicant submission, September 2021 and July 2022)

Sketch Plans

7. On 07 February 2023, the permit applicant submitted sketch plans which show the following changes:
 - (a) Level 08 balconies reduced in size (including inter-tenancy screening and balustrades) to comply with the 45 degree setback line of the DDO15;
 - (b) Raking of the front section of the services screening to comply with the 45 degree setback line of the DDO15;
 - (c) Provision of additional articulation to the Johnston Street podium through the application of brick snap cladding to the central section of the podium façade;
 - (d) Provision of an additional gate to the northern edge of the resident terrace;
8. These sketch plan changes will be discussed throughout this report where relevant.

Omission from Drawings

9. The decision plans fail to clarify the proposed land uses for the ground floor commercial tenancies. The submitted Waste Management Plan however, outlines the following land uses at ground floor:
 - (a) Food and Drink Premises – 119sqm (i.e. the westernmost tenancy facing Johnston Street);
 - (b) Shop – total of 252sqm (i.e. the remaining three tenancies at ground floor)
10. A condition will require the ground floor tenancies to be labelled accordingly. This report is based on the above land use proposal.

Planning Scheme Amendment VC205 – Transport Zone

11. On 20 January 2022, the Minister for Planning gazetted Amendment VC205 into the Scheme, which (inter alia) replaced the Road Zone with the Transport Zone. As it relates to Johnston Street, this land changed from Road Zone (Category 1) to Transport Zone 2. The amendment also removed a section 55 referral requirement for works in the zone with the following requirement which is at clause 36.04-3:

An application by a person other than a relevant transport manager on land shown on a planning scheme map as TRZ1 or TRZ2 must be accompanied by the written consent of the Head, Transport for Victoria, indicating that the Head, Transport for Victoria consents generally or conditionally to either:

The application being made.

The application being made and to the proposed use or development.

Planning Scheme Amendment C269 – Rewrite of Local Policies

12. Amendment C269 proposes to update the local policies in the Yarra Planning 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.
13. 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.
14. The key sections to be considered in this report include:

- (a) Clause 13.07-L (Interfaces and amenity)
- (b) Clause 15.01-1L (Urban Design)
- (c) Clause 15.01-2L (Building Design)
- (d) Clause 15.02-1L (Environmentally Sustainable Development)
- (e) Clause 17.01-1 (Employment)
- (f) Clause 18.01-2L (Sustainable Transport)
- (g) Clause 19.05-3L (Waste)
- (h) Clause 18.02-4L (Car Parking)

15. The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below. This assessment confirms that the proposal is consistent with the new relevant policies.

Proposed C269 Local Policy reference	Brief Assessment
Clause 02.04 – Strategic Framework Plan	The site is identified as being located within the Johnston Street (east of Smith Street) Neighbourhood Activity Centre (NAC), consistent with DDO15.
Clause 11.03-1L – Activity Centres	The proposal will contribute positively to precinct 2 of the Johnston Street (east of Smith Street). This clause states that precinct 2 should <i>foster mid-rise residential and commercial development consistent with the relevant overlay</i> . As will be discussed through the report, the proposed development is in accordance with this strategic directive.
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 contained within this report.
Clause 15.01-1L – Urban Design	Built form and design is discussed extensively in the 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 in the assessment below and concludes that the proposal exhibits high quality architectural and urban design. The proposal will also satisfy the policy that seeks high rates of energy efficiency as discussed in the On-Site Amenity section of the report.
Clause 15.02-1L – Environmentally Sustainable Development	The proposal achieves a BESS score of 65%, with 'best practice' represented as a BESS score of 50%. The ESD performance of the proposal is discussed further within the internal amenity section of this report.
Clause 16.01-1L Housing diversity	The application includes a good mix of apartment sizes and typologies, providing housing diversity.

Clause 16.01-1L Location of residential development	This clause identifies that the subject site (together with most of the Johnston Street (east of Smith Street) NAC is listed as a moderate change area. The clause directs that in these areas, medium density residential and mixed use developments should be supported. Lot consolidation should also be supported in these areas where it facilitates the provision of increased densities. The proposed development is in accordance with these directives.
Clause 16.01-2L – Housing affordability	The proposal does not provide affordable housing, however there is no formal requirement for affordable housing under the current Yarra Planning Scheme.
Clause 17.01-1L – Employment	The proposal features a genuine mix of land uses, including over 400sqm of office floor space and over 300sqm of ground floor retail space (as well as apartment dwellings). These offerings will provide a positive contribution to employment opportunities within the Johnston Street NAC.
Clause 18.02-1L – Sustainable Transport	The provision of extensive 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.
Clause 19.03-2L – Development Contributions	This is addressed via the recommended 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 condition.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section below and addressed via a Waste Management Plan that will be implemented by condition.

The Proposal

16. The proposal is for the construction of a nine-storey building for office, food and drink premises and dwellings (no permit required for office, food and drink premises uses), alteration of access to a road in Transport Zone 2 and a reduction in the car parking requirements. The proposal can be described in more detail as follows:

Use

- (a) The application proposes to use the land for:
- (i) A total of 46 apartment dwellings with:
 - 20 x one-bedroom apartments;
 - 14 x two-bedroom apartments, and;
 - 12 x three-bedroom apartments
 - (ii) Office (Medical Centre), with a net floor area of 432sqm;
 - (iii) Food and Drink Premises, with a leasable floor area of 119sqm, and;
 - (iv) Three shop tenancies, with a total leasable floor area of 252sqm.

- (b) Other than the apartment dwellings, a planning permit is not required for any of the proposed uses.

Development

General

- (c) The development proposes an nine-storey building. This comprises a five-storey podium base presenting to Johnston Street, which transitions to a four-storey podium base presenting to Little Turner Street. Above these podiums, mid and upper levels are provided with greater setbacks as the development ascends to a building height of nine storeys (27.04m), excluding roof level services or 31.01m including roof level services. More specifically, the development seeks:
- (i) a five-storey (18m) street wall to Johnston Street;
 - (ii) a four-storey street wall to Little Turner Street, noting that this is composed of a three-storey (9.3m) wall at the northern boundary with the fourth storey (height of 12.3m) set back 0.4m;
 - (iii) a maximum building height of 27.04m (31m including roof level services);
 - (iv) mid-level setback (levels 06 and 07) to Johnston Street of 5m;
 - (v) upper level setback (level 08) to Johnston Street of 9.11m (building wall) and 7.33m (front balconies);
 - (vi) staggered mid-level and upper-level setbacks to Little Turner Street, with these increasing as the development ascends in height.
- (d) The development proposes a total of 40 car spaces, 2 motorcycle spaces, 52 employee / resident bicycle spaces and 16 visitor bicycle spaces.

Lift Core

- (e) The lift core and adjacent stairwell are located centrally within the site, with this replicated across all levels – details of the lift core and stair well will not be repeated in the following paragraphs.

Basement

- (f) One basement level will be accessed via a vehicle entrance at Little Turner Street, with the following features:
- (i) A total of 40 car spaces including 24 car stacker spaces and 16 conventional car spaces (inclusive of one accessible car space).
 - (ii) 2 motorcycle spaces;
 - (iii) One open, unsecured bicycle space compound (located centrally, immediately north of the lift core), provided with 52 bicycle spaces, all of which are provided as horizontal, double bicycle stackers;
 - (iv) Six storage cages located east of the bicycle compound (unknown capacity of cages);
 - (v) Service areas, including a rainwater tank below the basement level (the submitted Sustainable Management Plan states that the rainwater tank has a capacity of 20,000L and is connected to toilets at ground floor, level 01 apartments and the level 02 Office (Medical Centre));
 - (vi) Traffic signal and mirror within the vehicle accessway (attached to the internal edge of the western boundary wall) for internal traffic management.
- (g) The basement is proposed to be constructed to all site boundaries;

Ground Floor

- (h) The Johnston Street frontage is composed of the office lobby (west), food and drinks premises (centre west), two shop tenancies (centre and centre east) and the residential pedestrian entrance (east).

- (i) The majority of the ground floor frontage to Johnston Street is dedicated to glazed frontages save for a gas meter (western end of frontage) and a fire booster (west of the residential pedestrian entrance).
- (j) North of the residential pedestrian entrance is a lobby area featuring mailboxes and four visitor bicycle spaces.
- (k) Further north is the resident terrace (86sqm) which includes landscaped planters and is predominantly clear to the sky. The resident terrace connects to the resident lounge (84sqm).
- (l) The development responds to Little Turner Street with a double-width, vehicle access door (west), back-of-house corridor door and substation (centre west) a 91sqm shop tenancy (centre east) and an open pedestrian entrance area which provides landscaping, 12 visitor bicycle spaces and pedestrian access to the aforementioned shop tenancy;
- (m) Internally, the ground floor houses various services, a resident foyer (connecting lift core to the resident lounge), back-of-house corridor, two waste storage areas (one residential, one commercial) and end-of-trip facilities including:
 - (i) one DDA water closet / shower / change room;
 - (ii) two water closet / change rooms;
 - (iii) three lockers;
- (n) The ground level will be constructed to all title boundaries save for a 0.6m setback to Johnston Street, a setback to Little Turner Street (0.45m to 0.8m) and a side setback associated with the resident terrace and the rear pedestrian entrance;

Level 1

- (o) The southern section of this floor plan is associated with the ground floor (given the higher floor-to-ceiling height of this part of the development);
- (p) The northern section of this floor plan comprises six apartments, with:
 - (i) Two, north-facing, two-bedroom apartments,
 - (ii) two, east-facing one-bedroom apartments
 - (iii) two, west-facing one-bedroom apartments;
- (q) This northern section proposes minimum side setbacks of 4.85m (west) and 4.61m (east).
- (r) A large roof garden (no resident access) is proposed within the western side setback.

Level 02 – Lower (referred to on plans as Level 02 Comms)

- (s) The northern section of this floor plan shows (greyed out) level 01 apartments as described above (due to the change in floor levels across the site);
- (t) The southern section of this floor plan comprises the Office (Medical Centre) which has a floor area of 432sqm and is provided with daylight via south-facing windows, north-facing windows (in the eastern and western side setbacks) and two skylights towards the rear of the floor area);

Level 02 – Upper (referred to on plans as Level 02 Plan)

- (u) The southern section of this floor plan shows (greyed out) the Office (Medical Centre), as described above (due to the change in floor heights across the site);
- (v) The northern section of this floor plan comprises six apartments, with:
 - (i) two north-facing, two-bedroom apartments,
 - (ii) two east-facing, one-bedroom apartments, and;
 - (iii) two west-facing, one-bedroom apartments.
- (w) This northern section proposes side setbacks of minimum 4.85m (west) and 4.85m (east).

Level 03

- (x) This level comprises 11 apartments including:
 - (i) two north-facing, two-bedroom apartments,
 - (ii) three east-facing, one-bedroom apartments, and;
 - (iii) three west-facing, one-bedroom apartments.

- (iv) two south-facing, two bedroom apartments, and;
- (v) one south-facing, one-bedroom apartment.
- (y) The northern section proposes side setbacks of 4.85m (west) and 4.96m (east) and at this level, a northern setback of 0.4m is introduced.

Level 04

- (z) This level comprises seven apartments including:
 - (i) two north-facing, three-bedroom apartments,
 - (ii) one east-facing, one-bedroom apartment, and;
 - (iii) one west-facing, one-bedroom apartment.
 - (iv) two south-facing, two bedroom apartments, and;
 - (v) one south-facing, one-bedroom apartment.
- (aa) The northern section proposes side setbacks of 4.85m (west) and 4.85m (east) and northern setbacks of 4.08m (balcony balustrade) and 6.76m (northernmost wall).
- (bb) The northern section of the two-north-facing balconies are provided with landscaping. A central, open area (located between the two-north facing balconies) is set aside as a landscaped communal courtyard, together with a covered communal courtyard (located in between the open communal courtyard and the corridor);

Level 05

- (cc) This level comprises six apartments including:
 - (i) two north-facing, three-bedroom apartments,
 - (ii) one east-facing, one-bedroom apartment, and;
 - (iii) one west-facing, one-bedroom apartment.
 - (iv) two south-facing, three-bedroom apartments, and;
- (dd) The northern section proposes side setbacks of 4.85m (west) and 4.85m (east) and a northern setback of 6.35m.
- (ee) A covered communal courtyard is located between the two north-facing apartments.

Level 06

- (ff) This level comprises four apartments including:
 - (i) two north-facing, three-bedroom apartments,
 - (ii) two south-facing, two bedroom apartments, and;
- (gg) The northern section proposes side setbacks of 4.85m (west) and 4.86m (east) and northern setbacks of 11.2m (north-facing balconies) and 12.2m (north-facing walls). A strip of landscaping is proposed along the northern edge of the north-facing balconies.
- (hh) A covered communal courtyard and open balcony located between the two north-facing apartments.
- (ii) North of the north-facing balconies, solar panels (capacity of 6.75kW) are proposed on the roof of the level below.
- (jj) The southern section of the development is provided with setbacks of 5m (south-facing walls) and 6m (south-facing balconies) from Johnston Street as well as side setbacks of 3m.
- (kk) A landscaping strip is proposed along the southern edge of the south-facing apartments.

Level 07

- (ll) This level comprises four apartments including:
 - (i) two north-facing, three-bedroom apartments,
 - (ii) two south-facing, two bedroom apartments, and;
- (mm) All building setbacks are the same as level 06 below, except for the northern setbacks which are 11.8m (both for the north-facing balconies and north-facing walls);
- (nn) A covered communal courtyard and open balcony located between the two north-facing apartments.

Level 08

- (oo) This level comprises two, three-bedroom apartments.

- (pp) The building setbacks include:
 - (i) Northern setbacks of 13.64m (balconies) and 15.63m (northern building wall);
 - (ii) Southern setbacks of 7.33m (balconies) and 9.11m (southern building wall);
 - (iii) Side setbacks of 4.85m to both the eastern and western boundaries.
- (qq) An open, landscaped communal balcony is proposed between the two south-facing balconies.

Roof Level

- (rr) The lift core, stairwell and exhausts are located centrally on this plan and are surrounded by an open plant area which includes a total of 46 AC units and a hot water pump. This open plant area is provided with screening along all of its edges which is constructed of concrete (with a natural finish in a grey colour) and has a height of 1.9m (above building roof level);
- (ss) The open plant area is set back 1.2m from the south, east and west building facades of the level below and is set back approximately 5.2m from the northern building façade of the level below.
- (tt) Solar panels are provided across the northern section of the roof area, with a minimum capacity of 13.5kW.

Core Roof Plan

- (uu) Above the lift core and stairwell roof is the car park and kitchen exhaust which are located behind screening. The proposed screening is in the form of battens constructed of powdercoated metal in a red colour.

Materials and finishes

- (vv) The proposed materials include:
 - (i) Concrete cladding (F001) in a natural finish (grey colour) applied across the development including selected podium walls, roof plan screening and side boundary walls at ground floor, level 01 and level 02;
 - (ii) Brick snap cladding (F101) in a red colour applied to the majority of east and west-facing facades (including boundary walls), selected sections of the north-facing facades of all levels and across the south-facing facades including a high proportion of the south-facing walls of levels 06, 07 and 08 and selected sections of the south-facing facades of the Johnston Street podium.
 - (iii) Hit and miss brickwork (F102) in a red colour applied to the central section of the northern facades at levels except for level 08 and roof level;
 - (iv) Concrete in a red colour (F103) applied in limited proportions across all elevations;
 - (v) Powdercoated metal cladding (P300) applied primarily to the ground floor and first floor facades of the Johnston Street podium, the ground floor façade to the Little Turner Street podium as well as the screening surrounding the exhausts above the lift core at roof level;
 - (vi) Glazing including clear, double glazing (GL01) and translucent glazing (GL02).
- (ww) The form of the proposed building is rectilinear with flat roof forms and vertical-rectangular format fenestration across the building facades;

17. Three-dimensional perspectives of the development are provided below at Figure 3.



Figure 3: Three dimensional renders of the proposed development showing the development from Johnston Street (left) and Little Turner Street (right) (Applicant Submission, July 2022).

Existing Conditions

Subject Site

18. The subject site is rectangular in shape and is located mid-block on the northern side of Johnston Street, between Rich Street and Trenerry Crescent, Abbotsford. The property has its rear boundary to Little Turner Street, which is a 6.3m wide laneway servicing properties facing both Johnston Street and residential properties on Turner Street and Little Turner Street.
19. The subject site is composed of three lots, referenced as Lots 13, 14 and 15 on Certificate of Title LP285, with an extract of the plan of subdivision provided below at figure 4.

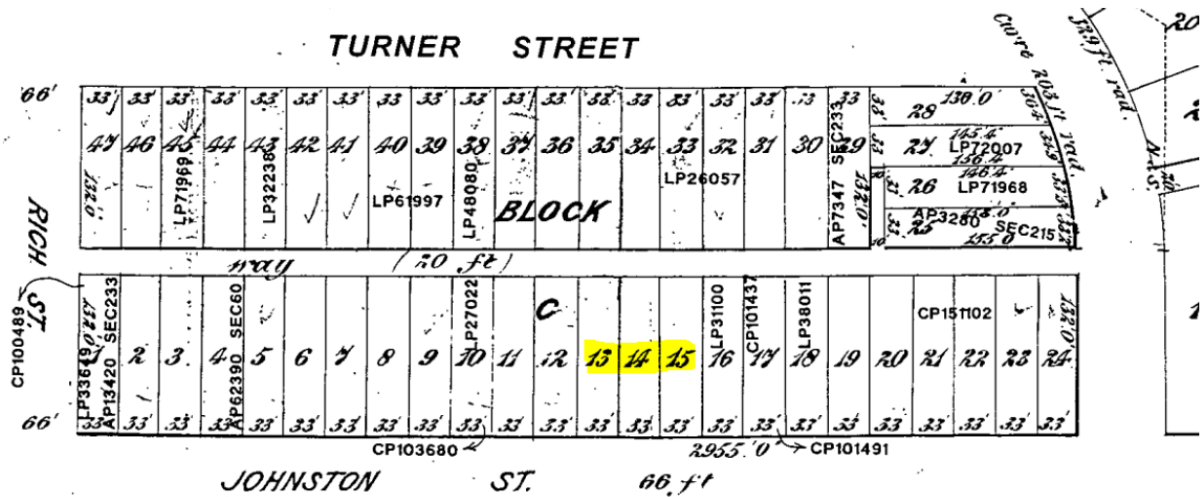


Figure 4: Excerpt from the plan of subdivision showing the lots associated with the subject site in yellow highlight.

20. There are no easements or restrictions registered on title.
21. Collectively the site has a frontage of 30.18 metres to Johnston Street, a depth of 40.23m and with a site area of 1,223.3m². The subject site has one vehicle crossover onto Johnston Street that provides access all the way through the building to Little Turner Street to the rear (No. 400) while the building at No 398 has a parking apron inset from the lane to the rear, that provides access to on-site car parking and a loading bay.
22. The subject site includes two properties:

- (a) No. 398 Johnston Street, which is occupied by a single storey warehouse building constructed flush to the Johnston Street boundary. The building presents to Johnston Street with a glazed shopfront provided for commercial display. Vehicle access and loading is provided from Little Turner Street. There are 4 car parking spaces to the rear in an open, paved area of the site, accessed from Little Turner Street.
- (b) No. 400 Johnston Street, which is occupied by a single storey warehouse building constructed to the Johnston Street boundary. Direct vehicle access from Johnston Street is provided from a centrally located vehicle crossover, providing internal parking access that connects to Little Turner Street. The building presents to Johnston Street with a glazed shopfront (western section of frontage), a roller door (centre of frontage) and a blank wall (eastern section of frontage).

23. Both buildings on the subject site are constructed of concrete, metal cladding and glazing.



Figure 5: The subject site as it presents to Johnston Street (Planning Officer, February 2023)



Figure 6: The subject site viewed from Little Turner Street, looking southwest (Planning Officer, February 2023)

Surrounding Land

24. Broadly speaking, Abbotsford is a highly varied neighbourhood with industrial and commercial buildings of various types and eras. This built form character is grouped in precincts (principally along Johnston Street, Victoria Street, Hoddle Street and the Yarra River corridor). Abbotsford also has low-rise residential areas that make up the mixed character of the suburb.
25. The surrounding land is defined by the Johnston Street Neighbourhood Activity Centre (NAC), which is largely zoned C1Z and includes a wide range of commercial and community offerings. Public transport is readily available to the site with bus services on Johnston Street and Victoria Park Railway Station 400m to the west. To the north and south of the Johnston Street NAC are low-rise, residential areas, zoned Neighbourhood Residential (north) and General Residential (south). This zoning context is depicted at figure 7 below.

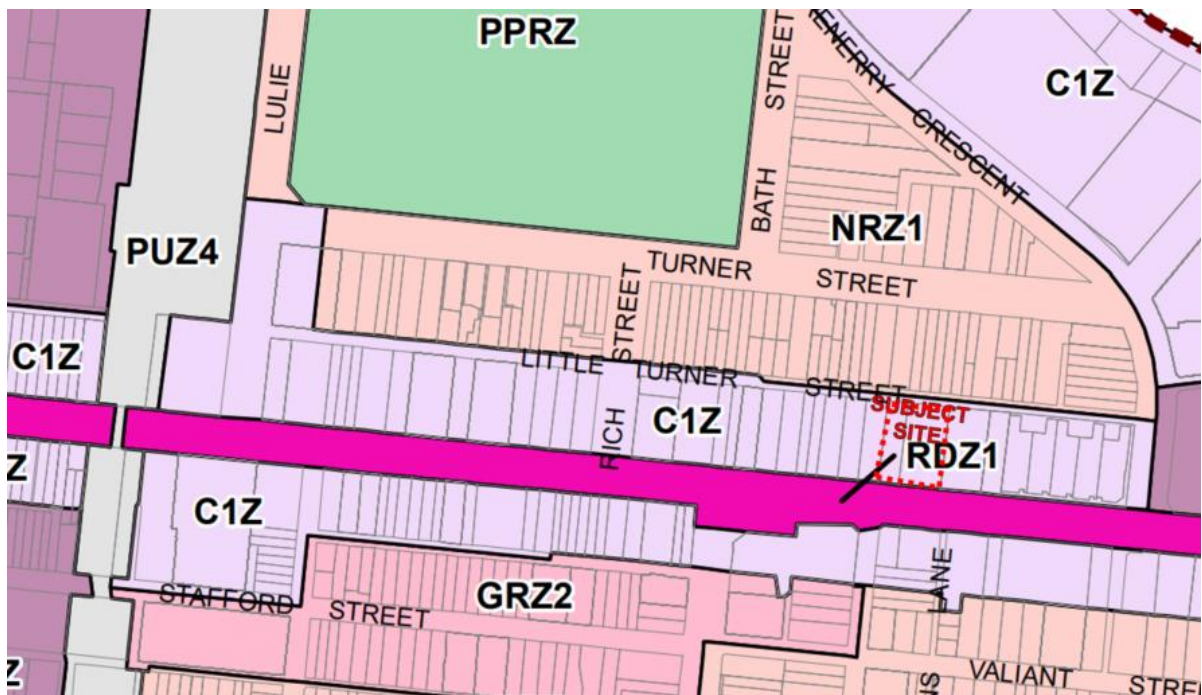





Figure 7: The zoning context of the surrounding land. (Victorian Government, January 2023)

26. The subject site forms part of a linear commercial precinct zoned C1Z (with some C2Z land towards the Yarra River) in northern Abbotsford, which, pursuant to the Spatial Economic and Employment Strategy (SEES), is referred to as the Johnston Street East Emerging Activity Centre. This area includes Johnston Street between Hoddle Street (west) to the Yarra River (east) as well as Trenerry Crescent and Abbotsford Convent. The area has a range of commercial offerings including office, restricted retail and warehouses with a concentration of retail and hospitality offerings located in the western section near Victoria park Railway Station.



Figure 8: The subject site and surrounding area (Council GIS, July 2022)

27. The precinct is typified by an older building stock (Victorian era through to post-war eras), with industrial and commercial buildings of 1-2 storeys as well as an emergent character of mid-rise contemporary office and apartment developments of up to 12 storeys. The older building stock typically has high site coverage with buildings presenting to the public realm with sheer walls and 0m street setbacks. The emerging developments in the area provide contemporary architectural responses, typically with rectilinear forms and materials including concrete, metal cladding and facades with high proportions of glazing. Examples of this emergent character include the following:

Permit No. (Address)	Description	Image
PLN16/1188 (329 Johnston Street)	Eight storey apartment development – permit issued in 2018, works have not yet commenced.	
PLN20/0322 (350 – 356 Johnston Street)	Seven-storey office development, permit issued in 2021. Plans and reports were endorsed in 2022. Construction works yet to commence however the previous building on the site has been demolished.	
PLN16/0471 (344 Johnston Street)	Seven-storey apartment development, permit issued in 2017, the development has been completed recently.	

Permit No. (Address)	Description	Image
PLN11/0770 (370 Johnston Street)	Six-storey mixed-use development, permit issued in 2012, development completed.	
PLN15/0644 (316 - 322 Johnston Street)	Nine-storey apartment development, permit issued in 2016, construction recently completed.	
PLN16/1155 (312 – 314 Johnston Street)	Seven-storey apartment development, permit issued in 2018, construction has recently commenced.	
PLN15/0612 (247 – 259 Johnston Street)	12-storey, mixed use development, permit issued in 2017, construction completed.	

28. The subject site's immediate interfaces are as follows:

North

29. To the north of the site is Little Turner Street. This is approximately 6.3m wide and used for service access to Johnston Street, but also forms rear access and in some cases, frontage, for residential dwellings on Turner/Little Turner Streets.
30. Fine-grained, single and two-storey residential dwellings are located to the north. Some have outbuildings constructed to the lane frontage, while a number of properties have been subdivided with dwellings fronting Little Turner Street. This includes Nos 106 and 114 to the north-east of the site. There are no footpaths within Little Turner Street.
31. Immediately opposite the site are Nos. 89-99 Turner Street. The properties are characterised by rear fences and outbuildings, most with vehicle access from the lane. No 89 has a two-storey habitable building proximate to the boundary, with open car space and open space adjoining to the west. Nos. 93, 95, 97 and 99 have small, single storey outbuildings/garages access from the lane, with high fencing at the interface.



Figure 9: The subject site and nearby dwellings to the north (Council GIS, July 2022)



Figure 10: Dwellings to the north of the subject site, as they present to Little Turner Street (Planning Officer, February 2023)

32. The Victoria Park community hub and recreation facility is also a significant feature of the area and is located 150 metres northwest of the subject site.

South

33. Immediately south of the subject site is Johnston Street, which has a 20m wide carriageway with two lanes of traffic running east and a further two lanes running west. Buses run east and west along Johnston Street.
34. Land on the opposite side of the street is also zoned Commercial 1 and is occupied by 2-storey commercial development (including bathroom supplies showroom and warehouse, smash repairs and tool/equipment hire). The built form is inconsistent in materiality, front setbacks and form and provides a mixed streetscape presentation.

East

35. To the east, the site abuts No. 412 Johnston Street, which contains a two-storey commercial building. The property is similar in size to the subject site affording it a similar development opportunity. At present the property is used as a furniture store at ground level, with office space above. All vehicle access to this site is from Little Turner Street to the north.

West

36. To the west the site abuts No. 394 Johnston Street. This is developed with a single storey warehouse/commercial building constructed to the front and side boundaries of the site. As with the property at No 398, the building has a paved apron at the rear providing some (limited) on-site parking and access to a loading bay.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

37. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for the use of the land for Office (Medical Centre), Food and Drink Premise or Shop.
38. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required for the use of the land for dwellings given that the Johnston Street opening associated with the dwellings (i.e. the Johnston Street residential pedestrian entrance) has a width of greater than 2m.
39. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

Transport Zone 2

40. Whilst the subject site is not located within the Transport Zone 2, the application proposes buildings and works outside the southern title boundary along Johnston Street in the form of a footpath canopy, which triggers a planning permit under clause 36.04-2. Clause 34.04-3 requires that an application must be accompanied by written consent of the Head, Transport for Victoria. This consent was provided to Council on 13 December 2022 which confirms no objection to the proposal subject to the inclusion of a permit condition and a permit note (discussed later in the report).

Overlays

41. The subject site is affected by the Design and Development Overlay (Schedule 15). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works. Schedule 15 provides comprehensive design guidelines and built form controls, with the latter outlined in the table below, with the subject site located within sub precinct 2B.

Item	DDO15 Built form Control
Preferred maximum building height	24m
Mandatory maximum building height	31m
Preferred maximum street wall height (Johnston Street)	15m

Mandatory maximum street wall height (Johnston Street)	18m
Preferred rear interface (northern boundary wall height)	11m
Preferred min. mid level setback (Johnston St)	6m
Preferred min. upper level setback (Johnston St)	45 degrees above 18m
Preferred min. upper level setback (Little Turner St)	45 degrees above 11m
Building projections	<i>Projections such as balconies and building services must not intrude into a setback</i>

42. The application will be assessed against these controls in the assessment section of this report.

Particular Provisions

Clause 52.06 – Car parking

43. The table below outlines the car parking requirements for the proposed land uses (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction. The subject site is located within the ‘Principal Public Transport Network’ and therefore the reduced requirements of column B of Table 1 apply.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings	34 x 1 or 2 bed dwellings	1 car space per 1 or 2 bedroom dwelling	34	-	-
	12 x 3 bed dwellings	2 car spaces per 3+ bedroom dwelling	24	-	-
Office (Medical Centre)	432 sqm net floor area	3.5 car parking spaces per 100sqm of leasable floor area	15	-	-
Food and Drink Premises	119 sqm leasable floor area	3.5 spaces per 100sqm of leasable floor area	4	-	-
Shop	252 sqm leasable floor area	3.5 spaces per 100sqm of leasable floor area	8	-	-
Total			85	40	45

44. 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 45 spaces is sought.

Clause 52.29 – Land Adjacent to the Principal Road Network

45. The purpose of this provision is to *ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network*. A planning permit is required pursuant to Clause 52.29-2 to create or alter access to a road in a Transport Zone 2. The proposed application triggers this permit requirement because of the proposed removal of the existing crossover along Johnston Street (and its reinstatement to footpath).
46. Pursuant to Clause 52.29-4, an application under this provision must be referred under Section 55 of the Act to the person or body specified as the referral authority specified in Clause 66.03, which in this case is Head, Department of Transport.

Clause 52.34 – Bicycle facilities

47. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land (i.e. within the title boundaries of the subject site). The table below outlines the bicycle parking requirements for the proposed use. Clause 52.34-5 outlines that if the applicable requirement is not a whole number, then the requirement is to the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus / Shortfall
Dwellings	46 dwellings	<i>Resident spaces</i> 1 space to each 5 dwellings (if the development is 4 or more storeys)	9	-	-
		<i>Visitor spaces</i> 1 space to each 10 dwellings (if the development is 4 or more storeys)	5	-	-
Office (Medical Centre)	10 practitioners	<i>Employee spaces</i> 1 space to each 8 practitioners	1	-	-
		<i>Visitor spaces</i> 1 space to each 4 practitioners	3	-	-
Food and Drink Premises	119 sqm leasable floor area	<i>Employee spaces</i> 1 space to each 300m ² leasable floor area	0	-	-
		<i>Shopper spaces</i> 1 space to each 500m ² leasable floor area	0	-	-
Shop	252 sqm leasable floor area	<i>Employee spaces</i> 1 space to each 300m ² leasable floor area	1		
		<i>Shopper spaces</i> 1 space to each 500m ² leasable floor area	1		
Total		<i>Resident / Employee spaces (total)</i>	9 / 2 (11)	52	+41
		<i>Visitor / Shopper spaces</i>	9	16	+5
		<i>Showers / Change Rooms</i>	0	1	+1

48. As detailed in the above table, the proposal provides a surplus of 41 employee / resident spaces and a surplus of 1 showers / change rooms. As such, a planning permit is not triggered under this provision for employee space or showers change rooms. The proposal also provides a surplus of 5 visitor bicycle spaces and thus a planning permit is not triggered for a reduction in the visitor bicycle space requirements.

Clause 53.18 – Stormwater Management in Urban Development

49. The purpose of this provision is to *ensure that stormwater in urban development...is managed to mitigate the impacts of stormwater on the environment, property and public safety*. The provision requires that new development achieve industry best practice with regards to stormwater management, mirroring the requirements of local policy at clause 22.16. The provision is relevant to the application as the proposed building has a gross floor area of greater than 50sqm.

General Provisions

50. 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 Planning Policy Framework, Local Planning Policy Framework and any local policy, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

51. Relevant clauses are as follows:

Clause 11.01-1R (Settlement - Metropolitan Melbourne)

52. Relevant strategies include;

- (a) *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.*
- (b) *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)

53. The objective is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.03 (Planning for Places)

Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

54. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
- (i) *Are able to accommodate significant growth for a broad range of land uses.*
 - (ii) *Are supported with appropriate infrastructure.*
 - (iii) *Are hubs for public transport services.*
 - (iv) *Offer good connectivity for a regional catchment.*
 - (v) *Provide high levels of amenity.*

Clause 15.01 (Built Environment and Heritage)

55. This clause outlines the following guidelines;

- (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- (b) *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.*
- (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
- (d) *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)

56. The objective is:

- (a) *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)

57. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building Design)

58. The objective is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

59. 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)

60. The strategy is:

- (a) *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)

61. The objective is:
- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
62. 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 15.02 (Sustainable Development)

Clause 15.02-1S (Energy and resource efficiency)

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

Clause 16.01-1R – Housing supply- Metropolitan Melbourne

64. Strategies for this clause are:
- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
 - (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-1R – Housing supply - Metropolitan Melbourne

65. Relevant strategies for this clause are:
- (a) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *In and around the Central City.*
 - (ii) *Urban-renewal precincts and sites.*
 - (iii) *Areas for residential growth.*
 - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
 - (v) *Areas designated as National Employment and Innovation Clusters.*
 - (vi) *Metropolitan activity centres and major activity centres.*
 - (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
 - (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*
 - (b) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
 - (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

Clause 16.01-2S – Housing affordability

66. The objective of this clause is *‘to deliver more affordable housing closer to jobs, transport and services’*.

Clause 17 (Economic development)

67. The clause states:
(a) *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)

68. The objective is:
(a) *To strengthen and diversify the economy.*
69. Relevant strategies are:
(a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
(b) *Improve access to jobs closer to where people live*

Clause 17.01 -1R (Diversified economy – Metropolitan Melbourne)

70. Strategies include:
(a) *Facilitate the development of National Employment and Innovation Clusters by ensuring they:*
(i) *Have a high level of amenity to attract businesses and workers;*
(ii) *Are supported by good public transport services and integrated walking and cycling paths;*
(iii) *Maximise investment opportunities for the location of knowledge intensive firms and jobs.*

Clause 17.02-1S (Business)

71. The objective is:
(a) *To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services.*
72. 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 18.02-1S – (Sustainable personal transport)

73. The objective is:
(a) *To promote the use of sustainable personal transport.*
74. Relevant strategies are:
(a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
(b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
(c) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
(d) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R (Sustainable personal transport- Metropolitan Melbourne)

75. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

76. The objective is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R (Principal Public Transport Network)

77. A relevant strategy of this clause is to:

- (a) *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.*

Clause 18.02-4S (Car Parking)

78. The objective is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

79. A relevant strategy is:

- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

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

80. Relevant clauses are as follows:

Clause 21.04-1 Accommodation and Housing

81. The objectives of this clause are:

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

Clause 21.04-2 – Activity Centres

82. Objectives and strategies include;

- (a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
 - (i) *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*

Clause 21.04-3 (Industry, office and commercial)

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

84. 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)

85. 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 such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
 - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
 - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
 - (e) *Objective 21 To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 (Public environment)

86. 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)

87. The relevant objective is:
- (a) *Objective 27 To improve the interface of development with the street in non-residential areas.*

Clause 21.06 (Transport)

88. 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)

89. This clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.
- (a) *Objective 30 To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

Clause 21.06-2 (Public transport)

- (b) *Objective 31 To facilitate public transport usage.*
 - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

- (c) *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 (Environmentally sustainable development)

90. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development:*
 - (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation;*

Clause 21.08-1 Neighbourhoods (Abbotsford)

91. Clause 21.08-1 describes the Abbotsford area in the following way:

- (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) *Victoria Park is a major cultural and recreational asset of Yarra. Surrounding Victoria Park is a residential area which is Victorian in origin. To the south of Johnston Street residential areas consist of Victorian and Edwardian streetscapes with a substantial amount of weatherboard housing. These residential neighbourhoods have a consistent character which must be protected.*

92. Within Figure 5 of Clause 21.08-1, the subject site is identified as being within the Johnson Street Neighbourhood Activity Centre. Figure 6 of Clause 21.08-1 shows the site as being partly within a main road area where the objectives include to '*maintain the hard urban edge of development along main roads*' and '*reflect the fine grain of the subdivision pattern in building design where this exists along main roads*'.

93. This clause focuses on the local area implementation of the objectives and strategies set out in the MSS. Currently, the clause only relates to the Johnston Street Activity Centre (east of Smith Street). The clause provides the following vision for the centre:

- (a) *Johnston Street will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.*

94. The clause nominates the subject site as being within Precinct 2 (Johnston Street East), for which the following precinct vision is provided:

- (a) *East of the railway line bridge at Victoria Park Station, a more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades. Taller built form set back from the main façades.*

[Relevant Local Policies](#)

95. Relevant clauses are as follows:

Clause 22.05 (Interface Uses Policy)

96. The relevant policy is:

- (a) *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 22.07 (Development abutting laneways)

97. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 (Built form and design policy)

98. 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.

99. The policy has the following objectives:

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

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

100. 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)

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

Other Relevant Documents

Plan Melbourne

102. 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.
103. 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. 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)

104. 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

105. 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. 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.
106. The Abbotsford Major Employment Precinct is nominated as one of five major employment precincts within Yarra, the other four being Gipps Street (Collingwood), Church Street south (Richmond), Cremorne and Victoria Parade. The SEES describes the Abbotsford precinct as a source of:

significant employment clusters including one of the largest concentrations of industrial employment in the municipality. Abbotsford also hosts significant commercial employment particularly around Johnston Street and Trennery Crescent.

107. More specifically, the SEES designates the subject site as being located within the Johnston Street East Emerging Activity Centre, which includes Johnston Street between Hoddle Street in the west to the Yarra River in the east as well as Trenerry Crescent and the Abbotsford Convent. The SEES highlights that this is a precinct that should be targeted for diverse employment opportunities, stating that the centre:

benefits from heavy rail, retail, open space assets and the Abbotsford Convent...It is well suited to accommodating growth in both employment and housing.

108. A Strategy of the SEES relevant to this application is Strategy 1: Support Employment Growth in Activity Centres, which includes the following direction:

Yarra's Activity Centres are likely to accommodate significant growth in retail, commercial and institutional floor space. It is anticipated that an estimated 134,000 sqm of additional floor space will be added to Yarra's larger Activity Centres between 2016 and 2031 for commercial, retail and institutional uses (an increase of around 10%).

Yarra Economic Development Strategy 2020 - 2025

109. This is a local strategy that outlines Yarra's vision for future economic development with a focus on major employment precincts, The strategy calls for the intensification of employment opportunities, stating that:

Yarra's employment precincts and activity centres are critical economic areas that support a broad range of business and employment uses. The availability of areas of employment land in Yarra ...is a strength and competitive advantage and will be important in accommodating future business and employment growth. Therefore, Yarra is in a position whereby further population and employment growth can be accommodated.

Advertising

110. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1,072 letters sent to surrounding owners and occupiers and by two signs displayed on site. At this time, Council received a total of 19 objections, the grounds of which are summarised as follows:

- (a) Concerns regarding the proposed design, including building height, massing and architectural quality as well as non-compliance with DDO15;
- (b) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);
- (c) Off-site amenity impacts associated with the location of a food and drinks premises facing Little Turner Street, proximate to dwellings;
- (d) Concerns about traffic impacts to the surrounding road network including increased traffic levels on Little Turner Street (and associated implications for pedestrian safety on Little Turner Street);
- (e) Concerns about waste vehicles using Little Turner Street;
- (f) Concerns about the proposed car parking reduction and associated impacts to on-street car parking availability;
- (g) Concerns about the use of a car stacker system;
- (h) Concerns that the proposed on-site car parking provision is too high, failing to reduce reliance on private motor vehicles;
- (i) Lack of secure, lockable compound provided for the bicycle spaces;
- (j) Lack of electric vehicle charging facilities;
- (k) Poor internal amenity, including insufficient bedroom size, and extent of ventilation;
- (l) Lack of dwelling diversity;

- (m) Impacts to the neighbourhood character of the surrounding area;
 - (n) Impacts on infrastructure (including transport infrastructure);
 - (o) Amenity impacts associated with the construction of the development, including noise impacts, traffic and damage to property and vehicles in the area;
111. The application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 08 July 2022 (refer to paragraphs 4 and 5 for a description of the key changes made).
112. The amended plans were re-advertised under the provisions of Section 57B of the *Planning and Environment Act 1987* by 179 letters sent to surrounding owners and occupiers (including all original objectors). One additional objection was received. The grounds of this objection provided the following new ground:
- (a) Identification of a typographical error in the application's Green Travel Plan.
113. Following the re-advertising of the plans, four objections were withdrawn, bringing the number objections down to 15.

Referrals

114. The majority of referral comments are based on the second section 57A plans (i.e. the decision plans). The only referral comments that are not based on the decision plans are:
- (a) external wind consultant, whose comments are based on the first section 57A plans (i.e. superseded plans). There was no need to re-refer the second section 57A plans (i.e. decision plans) as these plans implemented the only recommendation from the external wind consultant.
 - (b) Council's external urban design consultant, whose comments are based on the originally-advertised plans (i.e. the superseded plans). Re-referral to the external urban design consultant for the decision plans was not necessary given that the decision plans responded directly to this original advice.
 - (c) City Works (Open Space) Unit, whose comments are based on the originally-advertised plans (i.e. superseded plans). Re-referral to this Unit was not undertaken given that the second section 57A amendment (i.e. the decision plan amendment) did not include an updated landscape plan. This is discussed further under the *On-Site Amenity (Clause 58)* section of this report.

External Referrals

115. The application was not required under Clause 52.29-04 and Clause 66.03 to be referred under Section 55 of the Act to Head, Department of Transport. On 13 December 2022, the referral authority confirmed no objection to the proposed application subject to the following condition and note:

Condition

Prior to commencement of use all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Note

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport Zone 2 (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

Consultant Referrals

116. The application was referred to the following consultants:
- (a) External urban design consultant (Kinetica);
 - (b) External wind consultant (MEL Consultants).
 - (c) External acoustic consultant (SLR)
117. Referral responses/comments have been included as attachments to this report.

Internal Referrals

118. The application was referred to the following units within Council:
- (a) Engineering Services Unit;
 - (b) ESD Advisor;
 - (c) Waste Unit;
 - (d) City Strategy (Open Space) Unit;
 - (e) City Works (Open Space) Unit
 - (f) Strategic Transport Unit, and;
 - (g) Urban Design Unit (public realm only).
119. Referral comments have been included as a single, combined attachment to this report.

OFFICER ASSESSMENT

120. The primary considerations for this application are as follows:
- (a) Policy and strategic support;
 - (b) Built form;
 - (c) On-site amenity (including Clause 58);
 - (d) Off-site amenity;
 - (e) Car parking, vehicle access, traffic, loading and waste;
 - (f) Bicycle facilities; and
 - (g) Objector concerns.

Policy and Strategic Support

121. The proposal has strong strategic planning policy support at both State and local levels. The subject site is within the C1Z and forms part of the Johnston Street Neighbourhood Activity Centre (NAC). The key purposes of the C1Z are:
- (a) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and*
 - (b) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
122. The PPF and LPPF at Clause 11.03-1S and at Clause 21.04-2 encourage the concentration of retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community and support the long-term viability of activity centres.
123. Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) and Clause 21.04-2 encourages development and growth in and around activity centres, with the Johnston Street NAC location supporting more intensive development. This is evident in the emerging mid-rise character along Johnston Street.

124. The PPF at Clause 16.01-1R requires management of the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are in a NAC (especially those with good public transport connections).
125. Consistent with the zone, the use of the land for office and retail does not require a planning permit and only the use of the land for dwellings (due to the frontage condition not being met) and buildings and works are triggered by the zone and overlay provisions. This indicates strategic support for retail and office uses within the precinct, which will continue to provide activation along Johnston Street at both ground and first floor and along the proposed laneway at ground level.
126. The development provides opportunities for new employment within the proposed retail and office spaces, consistent with clause 17.01-1S (Diversified Economy) and clause 17.02-1S (Business). These provisions, along with clause 21.04 (Land Use), recognise and support land uses and development that contributes '*to increase the number and diversity of local employment opportunities*'.
127. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or public transport commute. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.
128. The site fulfils these criteria as it is within the Johnston Street NAC which, as previously described, provides a wide range of retail, community and hospitality offerings with good public transport services including direct access to bus services on Johnston Street and Victoria Park Railway Station (400m west). The site is also within 100m of the office / industrial precinct that runs between Trenergy Crescent and the Yarra River.
129. This site context thereby encourages the use of alternative modes of transport to and from the site rather than the reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*.

Further, the site is located within proximity to a comprehensive cycling network; with the Main Yarra Trail (250m northeast) and the 'Copenhagen-style' bicycle lanes established along Wellington Street (1km west), both of which are highly utilised commuter routes for cyclists.

130. This proposal is further supported by the DDO15, which has a future vision of mid-rise development for the Johnston Street NAC. The proposed development also largely complies with the built form controls contained within the DDO15, giving further evidence of the strategic support for higher densities in this part of the municipality. Local policy at Clause 21.12 provides a strategic vision for the Johnston Street NAC and states that *more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades*
131. In light of the above considerations, the proposed development of the site for a mid-rise office development is considered to have strong strategic support. However, such strategic direction must be balanced against site constraints, the local built form context, the proposed architectural response and the potential for off-site amenity impacts. These aspects of the development will be discussed in the following section of this report.

Built Form

132. This section of the report considers the built form of the proposed development and is guided principally by the DDO15 at Clause 43.02-17. This assessment is also based upon the decision guidelines of the Commercial 1 Zone at clause 34.01-7 and local policy at clauses 21.05 – Urban design; 22.05 – Interface Uses Policy and 22.10 – Built form and design policy.
133. 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 sensitive uses. These will be considered in the following paragraphs.

Site Context

134. As outlined earlier within this report, built form in the immediate area is mixed, with an emergence of contemporary, higher-scale development evident in the commercially-zoned strip along Johnston Street. These developments are interspersed throughout a streetscape that is defined by hard-edged commercial buildings, typically provided with 0m street setbacks.
135. To the north on the opposite side of Little Turner Street, land is residential and defined by dwellings of one-two stories situated on narrow allotments. The most proximate dwellings are Nos 89 – 99 Turner Street, the majority of which have south-facing areas of SPOS that address Little Turner Street. Clauses 22.05, 22.10, the DDO15 and the decision guidelines of the zone require that new development respond appropriately to sensitive residential interfaces.
136. The proposal has responded through a four-storey (12.3m high) northern boundary wall (noting that the fourth storey setback 0.4m from the rear boundary) with upper levels set back in a simple, staggered alignment with northern setbacks increasing as the development ascends from Level 04 to 08. This design response acknowledges Little Turner Street as the border between the commercially-zoned land along Johnston Street and the residential context to the north. A more detailed assessment of amenity impacts to the residential interfaces will be provided in a latter section of this report.
137. As outlined previously, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C1Z within the Johnston Street NAC, with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.

Heritage

138. The subject site is not affected by a heritage overlay and as such, no consideration is warranted for the proposed demolition of the existing building on site (as this does not trigger a planning permit).
139. North of the subject site (opposite Little Turner Street) is the Victoria Park Heritage Precinct (Schedule 337 to the Heritage Overlay) which comprises single and double-storey buildings of the Victorian and Edwardian eras. The DDO15 encourages heritage buildings along Johnston Street to be preserved and respected through appropriate development, however the DDO15 does not identify any need to respond to heritage buildings outside the Johnston Street NAC. Notwithstanding this, the proposed development will have little impact on the heritage precinct given that the subject site is separated from the heritage precinct by Little Turner Street. Little Turner Street does not have an appreciable heritage streetscape, instead it is defined by back-of-house buildings and contemporary in-fill development.

The contributory elements of the heritage precinct are seen in the Turner Street streetscape, further north. As such, the proposed development will not obscure views of the heritage precinct.

140. Part of the development will be visible (in long range views) from Turner Street, however this will not affect the significance of the heritage precinct as the development will clearly read as a separate, contemporary building away from the precinct.

Building Height

141. The development proposes a solid built-form height ranging from four storeys (podium to Little Turner Street) to five storeys (podium to Johnston Street) and up to a total building height of 27.04m (31m including roof services). The development has been assessed against the building height controls of the DDO15 in the table below.

Item	DDO15	Proposal	Complies?
Preferred maximum building height	24m	27.04m	No
Mandatory maximum building height (excluding roof level services)	31m	27.04m	Yes
Preferred maximum street wall height (Johnston Street)	15m	18m	No
Mandatory maximum street wall height (Johnston Street)	18m	18m	Yes
Preferred rear interface (northern boundary wall height)	11m	12.3m*	No

*note that the height of the level 04 northern wall is included in this height given its shallow setback of only 0.4m from the northern boundary.

Building Height – Overall Height

142. As demonstrated above, the development, with a building height of 27.04m, complies with all mandatory height controls set out in the DDO15. The development however, seeks to exceed the preferred building height (24m) by 3.04m, the preferred Johnston Street wall height (15m) by 3m and the preferred rear interface wall height (11m) by 1.3m. The DDO15 states that a permit should not be granted to exceed the preferred maximum building height unless the following criteria are met:

- (a) *The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12–1.*
- (b) *The proposal will achieve each of the following:*
 - (i) *Housing for diverse households types.*
 - (ii) *Universal access.*
 - (iii) *Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.*
 - (iv) *Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.*
 - (v) *Greater building separation than the minimum requirement in this schedule.*
 - (vi) *No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum building height.*

143. With regard to (a), the proposed height is supported by part 1.0 of the DDO15 as it is mid-rise and at nine storeys, it sits within the nominated range of 5 – 10 storeys. The proposal also provides a strong activation of the public realm and equitable development opportunities for nearby sites, as discussed in a latter section of this report.

The proposed height is also supported by the provisions of clause 21.12, which envisages that in this area *a more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades... [with]... taller built form set back from the main façades.* Furthermore, Council's urban design consultant was supportive of the proposed building height itself.

144. With regard to (b)(i), the development provides for diverse household types by providing a mix of apartment size, with 20 one-bedroom apartments, 14 two-bedroom apartments and 12 three-bedroom apartments.
145. With regard to (b)(ii) and (iii), the *On-Site Amenity* section of this report confirms that the development will exceed the minimum requirements prescribed by the *Accessibility, Private Open Space* and *Communal Open Space* objectives of Clause 58.
146. With regards to (b)(iv), the proposal (with a BESS score of 72%) will exceed the nominated target of 70%, thus demonstrating 'ESD excellence'.
147. With regards to (b)(v), the minimum building separation outlined in the DDO15 is 4.5m where a habitable room window is proposed. The proposal includes a number of habitable room windows facing each side-adjointing property and has provided side setbacks of between 4.61m to 5m for these windows, thus exceeding the minimum building separation outlined by the DDO15.
148. With regards to (b)(vi), the nearest residentially-zoned dwellings are at Nos. 87 – 101 Turner Street, to the north of the subject site. The proposed building height (27.04m) will not cause any significant additional amenity impacts when compared to the preferred building height (24m). More specifically:
 - (a) Given that the subject site is to the south of the nearest dwellings on Turner Street, the proposed building height will not generate any additional overshadowing;
 - (b) Daylight to the south-facing windows of the northern dwellings will not be unduly compromised by the proposed building height as the development exceeds the requirements of Clause 55 (ResCode) as it relates to protecting daylight access. This is explored in more detail in the Off-Site Amenity section of this report.
 - (c) The difference in visual bulk impacts between the proposed development and a development of the preferred building height will be negligible. Firstly, the design response has minimised visual bulk impacts by providing a staggered form across the northern upper levels and has proposed a building height of 27.04m, less than the mandatory maximum of 31m. Roof level services (with a maximum height of 31.01m) have been set back generously from the northern boundary with the taller services set back further again which will ensure minimal (if any) views of the roof level services from the areas of SPOS.

Secondly, three out of five properties (Nos. 95, 97 and 99 Turner Street) to the north have garages or carports fronting Little Turner Street which will limit views of the upper levels from their respective areas of SPOS. Taking No. 93 Turner Street as the worst-case visual bulk scenario (this dwelling has a long, unobstructed SPOS), a 1.7m high figure standing at the centre point of the SPOS would have only a very limited view of the development above the preferred 24m height. This is demonstrated at figure 11 below. This limited additional visual bulk is considered to be appropriate for a dwelling that interfaces with land in the C1Z. Notwithstanding these considerations, a condition will require the northern balconies at level 08 to be reduced in scale in accordance with the sketch plans received by Council on 07 February 2023, which will further lessen visual bulk impacts from this top level (refer to *Massing* sub-section for a discussion on this).



Figure 11: Sightline diagram comparing proposed visual bulk impacts to that of a building with the preferred building height (24m) (applicant submission with edits by Planning Officer, February 2023).

149. In light of these considerations, the proposed building height is supported against the above criteria. The development will achieve high ESD performance and excellent internal amenity whilst imposing no unreasonable amenity impacts, in accordance with the DDO15. Council’s external urban designer raised no issue with respect to the proposed overall height. The proposed overall height (27.04m) is also consistent with recent approvals in the area including:

- (a) No. 316 – 322 Johnston Street (apartment building with a height of 27.32m);
- (b) No. 350 – 356 Johnston Street (office building with a height of 28.5m)
- (c) No. 344 Johnston Street (apartment building with a height of 25.7m)
- (d) No. 329 Johnston Street (apartment building with a height of 25.9m)

Building Height – Johnston Street Wall Height

150. With respect to the Johnston St street wall height (18m), this 3m exceedance of the preferred street wall height (15m) is supported given that this part of Johnston Street is defined by large commercial sites and has no immediate heritage context (the nearest heritage building on Johnston Street is at No. 325 Johnston Street, on the opposite side of the street, approximately 90m south east of the subject site). Furthermore, the proposed height is compliant with the mandatory height control of the DDO15 (18m) and will not result in any equinox footpath shadowing on the opposite side of Johnston Street. Council’s external urban design consultant was also supportive of the proposed street wall height to Johnston Street, stating that:

With no immediate heritage context, the proposed street wall at 18 metres is assessed to be an appropriate response to DDO15 and the emerging robust built form character.

151. The street wall height also matches the Johnston Street wall height of the approved development at No. 350 – 356 Johnston Street, which is located 100m west of the subject site.

Building Height – Rear Interface Height

152. The proposed rear interface height (four storeys or 12.3m) does not comply with the preferred rear interface height of 11m, however is supported for the following reasons:

- (a) Four out of seven of the nearby residential properties have garages or carport constructed to their rear boundaries, reducing visual bulk impacts when viewed from their respective areas of SPOS;
- (b) The rear interface wall does not extend along the full width of the site; with side setbacks of 4.85m from both the eastern and western boundaries proposed, providing visual relief when viewed from the north;
- (c) The design response has further minimised visual bulk impacts through the provision of two open balconies at the northern end of level 03. These balconies have a balustrade height of approximately 10.3m and are thus lower than the preferred height of 11m (refer to figure 12 below). This design response creates a sense of openness when viewed from the residential properties to the north and on balance, together with the non-compliant sections, is a built form result that is consistent with the design objectives of the DDO15.
- (d) The non-compliant sections of level 03 (shown in blue at figure 12 below) are provided with a mix of materials (including hit and miss brickwork, and concrete cladding in both grey and red colours) which will create articulation across these facades.
- (e) The non-compliant sections seek a variation of only 1.3m from the preferred maximum which is not a significant departure and would be visually imperceptible in this building massing.

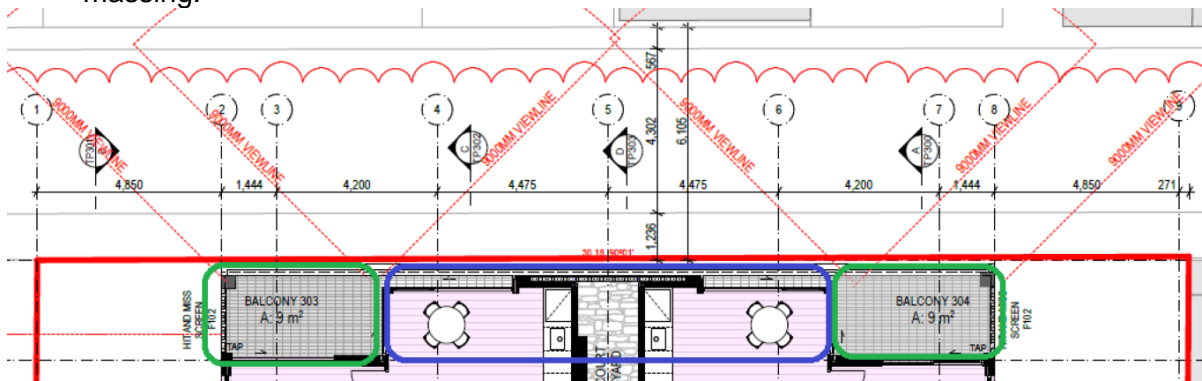


Figure 12: The development’s non-compliance with the rear interface height control (11m) only relates to the area shown in blue outline (Applicant submission with Planning Officer edits, February 2023)

Building Height – Roof Level Services

153. The roof level services (including stairwell, lift overrun, screened plant area and hot water pump) have a height ranging from 28.93m to 31m (compliant with the mandatory maximum height of 31m), however two small components (two roof level exhausts) exceed 31m, with a height of 31.01m, these are shown at figure 13 below:

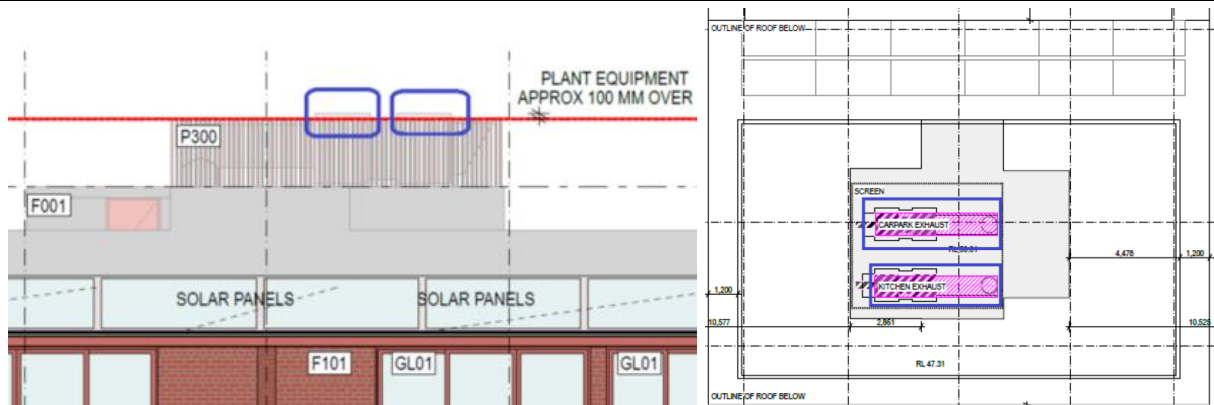


Figure 13: Extent of building services that protrude 0.01m above the mandatory 31m height control of the DDO15 (Applicant submission with Planning Officer edits, February 2023)

154. In order for a permit to be granted, the DDO15 requires that non-compliant roof level services meet all of the following criteria:

- (a) *Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);*
- (b) *The equipment does not cause additional overshadowing;*
- (c) *The equipment does not extend higher than 3.6 metres above the maximum building height.*

155. With regard to (a), the protruding exhausts take up approximately 10% of the roof area.

156. With regard to (b) the exhausts are only 0.01m above the height of the roof level services and are set back from the plant screening, which will ensure that the exhausts do not result in additional overshadowing outside the subject site.

157. With regard to (c), the exhausts are only 0.01m above the maximum building height (31m). Thus, the 0.01m protrusion outside the mandatory maximum building height is permitted under the DDO15. Furthermore the roof level services in general have been designed to minimise visual bulk from the public realm through the use of materials that integrate with the development (including concrete in a natural finish and powdercoated metal cladding in a red colour) and by providing the taller service components (lift overrun, stairwell and plant room) with generous setbacks from the building façade lines of the level below (level 08).

For these reasons, the height and design of the roof level services is supported and in accordance with the design requirements of the DDO15.

Massing

158. The massing typology of the proposed development is based on podiums presenting to Johnston Street (five storeys) and Little Turner Street (four storeys). The mid and upper levels are set back from the northern boundary in a staggered alignment, away from the residential interface to the north. To the south, the mid and upper levels are provided with setbacks ranging from 5m to 7.33m. The development has been assessed against the DDO15 massing controls in the following table:

Item	DDO15	Proposal	Complies?
Preferred min. mid level setback (Johnston St)	6m	5m	No
Preferred min. upper level setback (Johnston St)	45 degrees above 18m	Modest protrusion outside 45 degree line	No

Preferred min. upper level setback (Little Turner St)	45 degrees above 11m	Modest protrusion outside 45 degree line	No
Building projections	<i>Projections such as balconies and building services must not intrude into a setback</i>	Refer to discussion below – with conditions, the proposal will comply	Yes (with conditions)

159. As shown in the table above, the proposal seeks some variation to the preferred massing controls. The building projections control (which is a mandatory requirement) will be assessed first.

160. The control requires that projections such as balconies and services must not intrude into a setback. In cases where a proposed wall of a building is non-compliant with a preferred DDO15 setback, the setback of any service or balcony must not be less than the setback proposed by the wall of the building. In the case of the subject development, this means that the south-facing and north-facing balconies of level 08 are not permitted by the DDO15, because they sit forward of the respective walls and do not comply with the 45 degree setback requirements of the DDO15. The prohibited components of the level 08 balconies (as well as the roof level services) are shown below at figure 14.

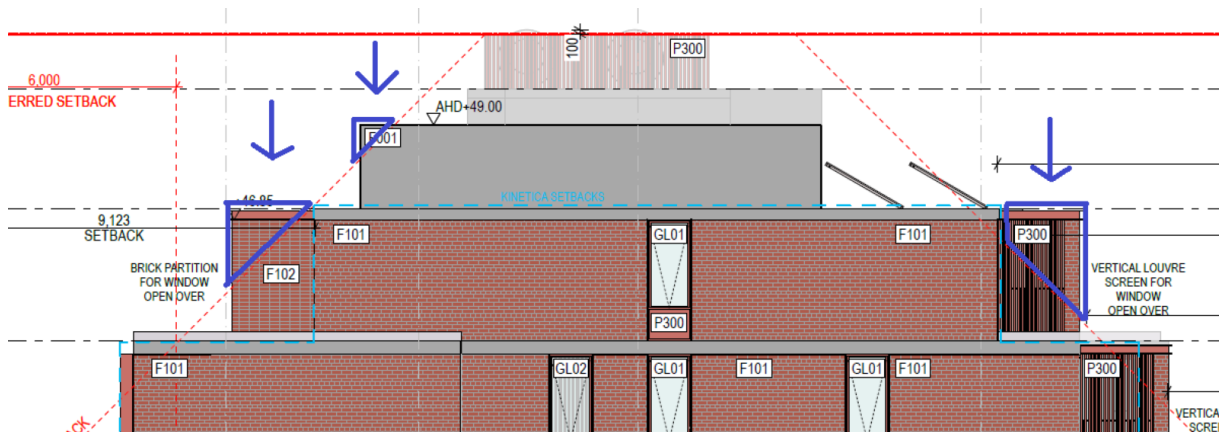


Figure 14: Extent of level 08 balconies and roof service screening that is prohibited by the DDO15 (Applicant Submission with Planning Officer edits, February 2023)

161. To address this issue, the permit applicant submitted sketch plans which reduce the extent of the balconies (as well as the front section of roof service screening) so that they fully comply with the 45 degree setback requirement of DDO15, as shown at figure 15 below. A condition will require this change in accordance with the sketch plans. The remainder of this *Massing* assessment will consider the sketch plan for ease of reference.

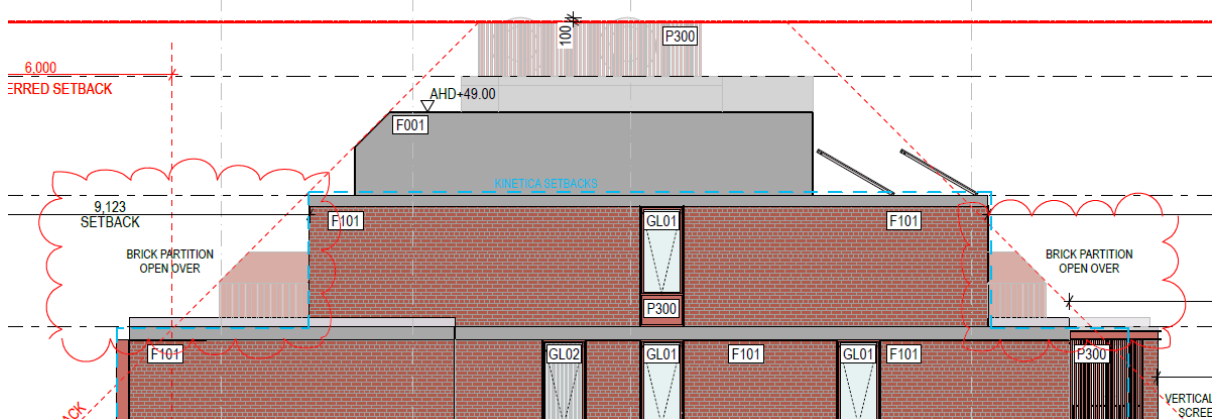


Figure 15: Reduced extent of level 08 balconies and roof service screening proposed by the sketch plans (Applicant Submission, February 2023)

162. The mid-level setback to Johnston Street (5m) is less than the preferred minimum setback (6m), however this is supported given:
- (a) The proposed mid-level setbacks will not result in any equinox overshadowing to the southern footpath of Johnston Street;
 - (b) 5m is a substantial separation between the Johnston Street podium and mid-levels, and seeks a variation of only 1m from the preferred mid-level setback requirement;
 - (c) The design response achieves a high-quality architectural outcome and provides for a number of public realm improvements as discussed throughout this report, consistent with the DDO15;
 - (d) The design response provides generous side setbacks across the mid and upper levels, ranging from 3m to 4.96m which will mitigate visual impacts when viewed from the public realm and will ensure views to the sky are retained;
163. With respect to the upper level setback requirements (45 degree line from Johnston Street and Little Turner Street), the extent of variation as proposed by the sketch plan is shown by figure 16 below.

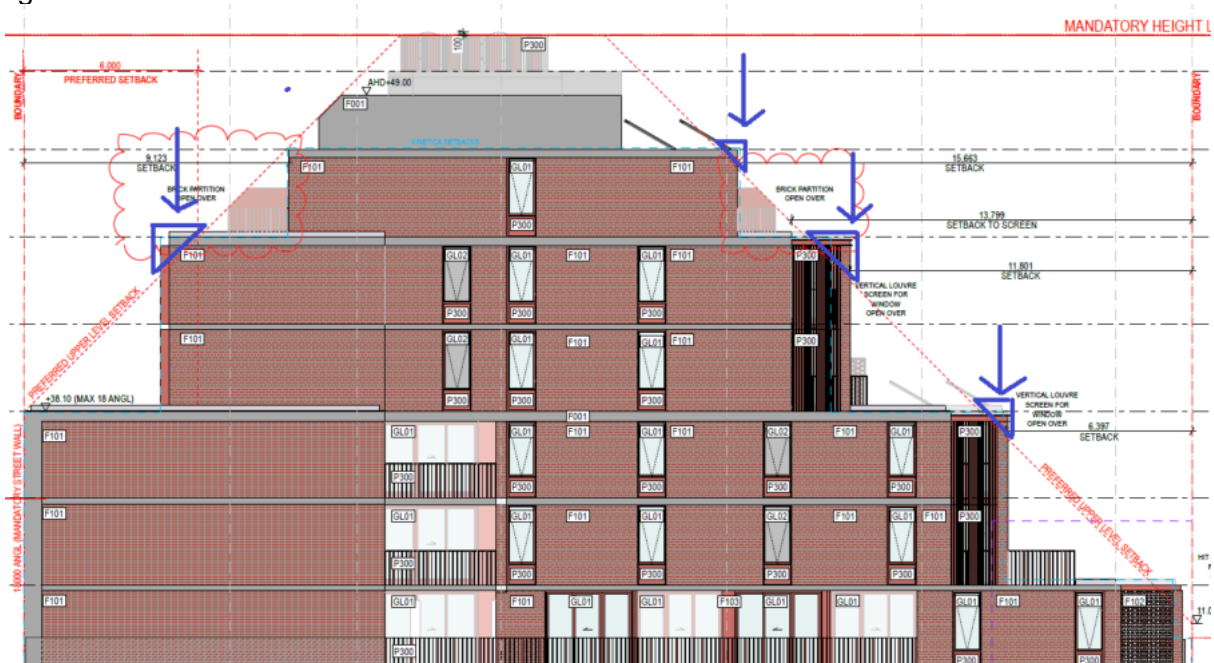


Figure 16: Blue outline showing extent of variation to the preferred upper level setback built form controls (Applicant submission with Planning Officer edits, February 2023)

164. These protrusions are considered to be modest departures from the preferred 45 degree setback requirements that will not affect the architectural composition of the building, nor will they create unreasonable visual bulk impacts as explored in the *Building Height* sub-section of this report.
165. The built form outcome proposed by the sketch plan is also largely consistent with the massing advice from Council’s external urban design consultant, who reviewed the originally advertised (i.e. superseded) plans and recommended increased setbacks in accordance with the DDO15.
166. More specifically, the north-facing protrusions are supported for the following reasons:
- (a) The design response has mitigated visual bulk impacts through a mix of complementary materials including concrete in a natural finish (grey colour), snap brick cladding (red colour) and hit-and-miss brickwork (red colour).

- (b) As discussed in the previous paragraphs, visual bulk impacts will be mitigated by the generous side setbacks proposed, which exceed that specified by the DDO15;
 - (c) The proposed variations are consistent with those of the approved development at No. 350 – 356 Johnston Street, which also has abuttal with dwellings to the north.
167. With respect to the south-facing protrusions, these are specifically supported for the following reasons:
- (a) The height of the Johnston Street podium (18m in accordance with the mandatory maximum height specific by the DDO15) will assist in obscuring views of the upper levels from the public realm;
 - (b) As discussed previously, the built form outcome achieves a sense of openness when viewed from Johnston Street through generous side setbacks, ground floor setback areas and a high quality architectural treatment in accordance with the DDO15;
 - (c) The protrusions from the 45 setback line will not result in any equinox overshadowing of the southern footpath of Johnston Street.
168. Subject to the reduction in built form shown by the sketch plans, the proposed massing response is in accordance with the DDO15 and will contribute to a well resolved built form outcome.

Public realm and pedestrian response

169. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the use. Guidance on public realm outcomes is found at clause 22.10 as well as the design objectives and part 2.10 (street frontage requirement) of the DDO15. Standards D5, D9 and D19 of Clause 58 also relate to public realm outcomes with respect to the residential components of the development.
170. Along the Johnston Street frontage, a high quality public realm response is proposed. The majority of the frontage is dedicated to glazed (i.e. active) frontages which provides for passive surveillance of the street via the commercial tenancies facing Johnston Street. This is an outcome pursued by the street frontage requirements of the DDO15. The design response has effectively incorporated only small sections of the frontage for services. As will be discussed in the *Architectural Quality* sub-section of this report, a condition will require a Façade Strategy to ensure (inter alia) that the façade services are well designed. A high proportion of fenestration at level 01 above will also provide for passive surveillance from the Office (Medical Centre).

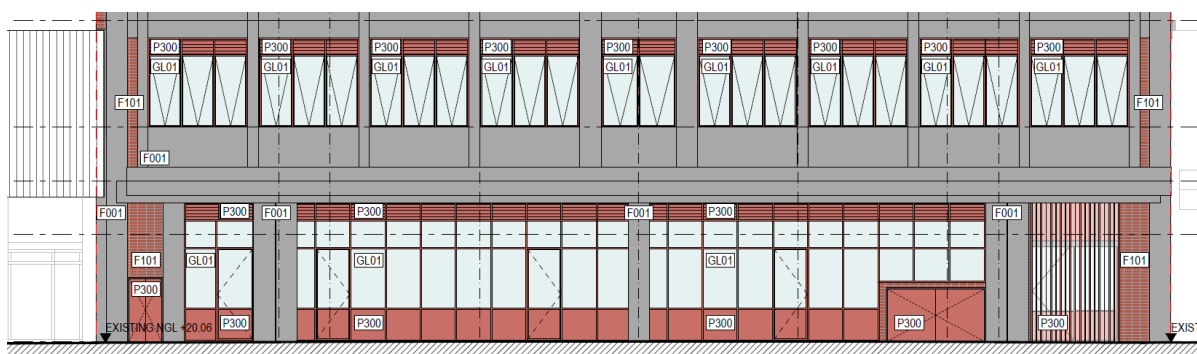


Figure 17: Ground floor (and level 01) response to Johnston Street (Applicant submission, July 2022)

171. The Office (Medical Centre) entrance and lobby (located at the western end of the Johnston Street frontage) is well proportioned and provided with glazing to provide a good sense of address. The provision of this separate entrance for the Office (Medical Centre) use is also supported by the Standard D19 of Clause 58 (Building entry and circulation objectives) which encourages residential and commercial entrances to be separated where possible.

172. The residential entrance (located at the eastern end of the Johnston Street frontage) is generously sized with a width of 2.5m ensuring sufficient space to enable both pedestrian movements and a good sense of address. This entrance is provided with a visually permeable, full-height gate, constructed of powder-coated metal in a red finish which will integrate this part of the ground floor façade with the architecture of the development. The visually-permeable gate is also beneficial for ensuring views through to the residential lobby. The plans do not clarify the percentage of visual permeability; thus a condition will require the gate to have a minimum visual permeability of 50%, this being a proportion that allows views through into the building.
173. The response to Johnston Street is further enhanced through the provision of a consistent 0.6m setback at ground floor (excluding side boundary walls and five structural columns). This will provide additional space for pedestrian movements along Johnston Street, including for patrons of the proposed commercial tenancies.
174. A canopy is proposed along the Johnston Street frontage with a depth of approximately 1.8m and a footpath clearance height ranging from 4.1m to 4.5m (all dimensions scaled). This is a positive urban design outcome as it will provide weather protection for pedestrians using the footpath. The footpath clearance height is also supported, noting that the minimum stipulated by clause 22.04 (Advertising Signs Policy) is 2.7m to enable sufficient space for users of the footpath. Council's Engineering Services Unit did not raise any issue with proposed canopy.
175. The canopy is proposed within land zoned Transport Zone 2 and the applicant has provided written consent from the Department of Transport, consistent with the requirements of clause 36.04-3. As discussed under the *Street Trees* section of this report, a condition will require the canopy to be reconfigured to enable continued growth of the two street trees along the subject site's street frontage. The plans fail to show dimensions of the canopy; thus conditions will require the following dimensions to be shown on the plans:
- (a) Footpath clearance height;
 - (b) Canopy depth outside title boundaries;
 - (c) Setback of canopy from street kerb (the condition will stipulate that a minimum setback of 750mm from the kerb be provided to ensure no conflict with street / parking signs).
176. Council's external urban design consultant (in review of the original, superseded plans) recommended that the residential entrance off Johnston Street be widened and that the extent of the footpath canopy be increased. Both of these recommendations were incorporated into the section 57A plans (i.e. decision plans).
177. Council's Urban Design Unit reviewed the section 57A (i.e. decision plans) and were supportive of the response to Johnston Street subject to the following recommendations being included on the plans:
- (a) Clarification of the ground surface material finish proposed for the ground floor setback area;
 - (b) Fire booster reconfigured to enable the service doors to be pinned back 180 degrees so that they do not obstruct the footpath when in use.
178. These recommendations will be pursued by way of conditions.
179. The development also achieves a good public realm response along the Little Turner Street frontage through the provision of:
- (a) Glazed (i.e. active) frontages associated with the shop tenancy;
 - (b) Landscaping which adds a sense of visual interest and a softening of the built form;
 - (c) A ground floor setback ranging from 0.45m to 0.8m, providing space for pedestrians;
 - (d) Fencing and entry gate provided with a setback of 1.72m to enable space for residents / patrons / visitors to arrive at the site;

180. A substation is proposed to front Little Turner Street however this will only take up 3.5m of the street frontage and is thus supported. The doors of the substation have been designed so that they do not obstruct Little Turner Street when open. As detailed in the *Architectural Quality* sub-section of this report, a Façade Strategy will require high level details of the ground floor façade services to be shown, ensuring that they are designed to integrate effectively with the architecture of the building.
181. Vehicle access has been provided off Little Turner Street, with a double-width access door towards the western end of the northern boundary. This ensures that vehicles do not interrupt the pedestrian experience along Johnston Street. In addition, the existing, single-width vehicle crossover to Johnston Street will be removed and replaced with footpath which will improve the pedestrian experience along Johnston Street.
182. Vehicle access from Little Turner Street is also supported by the DDO15, which discourages access off Johnston Street and calls for access to be made from *side streets or laneways where practical*. As will be discussed in a later section of this report, Council's Engineering Services Unit confirmed that vehicle access from Little Turner Street is supported from a traffic perspective, noting that Little Turner Street (at 6.1 wide) is significantly wider than a typical laneway in Yarra. The design of the vehicle access door is well resolved, finished in powdercoated metal in a red colour, and is consistent with the aesthetic of the development itself.
183. Council's Urban Design Unit were supportive of the public realm response to Little Turner, however recommended that the height and visual transparency of the fence to Little Turner Street be clarified. This will be facilitated by way of condition. The condition will require that the fence have a minimum visual transparency of 50% to ensure views into the development are possible and to enable passive surveillance opportunities to Little Turner Street. A condition will also require that details of lighting at the rear entrances be clarified.
184. The plans show a thick black line on east and west elevations that appears to be a depiction of adjacent development. This line extends outside of title boundaries. It is considered that this line is not necessary and creates confusion (i.e. it could be perceived as being associated with the proposed development) and thus will be removed by condition.
185. Based on the above considerations, the presentation of the development to the public realm is well designed and will provide a positive interface with the street in accordance with the DDO15.

Architectural quality

186. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.10 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form and materials of the surrounding area. The design objectives and decision guidelines of the DDO15 call for developments that are well articulated and employ a high standard in architectural design.
187. As outlined earlier, there is an emergent character of higher built form in the Johnston Street NAC. These developments typically provide robust, rectilinear designs, high proportions of glazing across facades, and roof forms that are either flat or pitched in a contemporary fashion.
188. The proposed materials include:
- (a) Concrete cladding (F001) in a natural finish (grey colour) applied across the development including selected podium walls, roof plan screening and side boundary walls at ground floor, level 01 and level 02;

- (b) Brick snap cladding (F101) in a red colour applied to the majority of east and west-facing facades (including boundary walls), selected sections of the north-facing facades of all levels and across the south-facing facades including a high proportion of the south-facing walls of levels 06, 07 and 08 and selected sections of the south-facing facades of the Johnston Street podium.
- (c) Hit and miss brickwork (F102) in a red colour applied to the central section of the northern facades at levels except for level 08 and roof level;
- (d) Concrete in a red colour (F103) applied in limited proportions across all elevations;
- (e) Powdercoated metal cladding (P300) applied primarily to the ground floor and first floor facades of the Johnston Street podium, the ground floor façade to the Little Turner Street podium as well as the screening surrounding the exhausts above the lift core at roof level;
- (f) Glazing including clear, double glazing (GL01) and translucent glazing (GL02).

189. The use of concrete in a natural finish at the Johnston Street podium ensures that this form is read as a distinct base, contrasting against the mid and upper level forms fronting Johnston Street, which are largely composed of metal cladding and snap brick cladding (red colour). The ground floor façade to Johnston Street differs from the rest of the podium in that a high proportion of metal cladding (in a red colour) is employed. This is effective in attracting the pedestrian line of sight back to ground floor and is complementary to the proposed ground floor setback areas along the Johnston Street frontage.

190. Given the extensive width of the site and the predominance of grey concrete, Planning Officers have concerns about the lack of material articulation employed across the Johnston Street podium. There is a risk that the Johnston Street podium could be read as monolithic with little relief from the use of grey concrete. The sketch plans received by Council on 07 February 2023 have addressed this issue by providing a central section of the podium with the red snap brick cladding. As shown at figure 18 below, this revised materiality of the podium helps to break up the form and provides a more fine-grained aesthetic, consistent with the DDO15.



Figure 18: Johnston Street podium of the decision plans (left) and the sketch plans (right) (Applicant submission, July 2022 and February 2023)

- 191. A variety of materials are employed across the northern building facades, which provide a high level of articulation and assists in mitigating visual impacts to the abutting residential area. Furthermore, the use of hit-and-miss brickwork will provide a sense of animation to the façade, particularly in the evening when internal lights are used.
- 192. Given the generous side setbacks proposed, the development does not have a high proportion of boundary walls, which reduces the risk of visual impacts arising from these forms. Nevertheless, the materiality of these boundary walls is well resolved with a mix of grey concrete and red brick snap cladding which will create a good sense of articulation.

The materials used across the boundary walls have been designed to largely line up with the respective materials used in the Johnston Street and Little Turner Street podiums, ensuring that the development will be read 'in the round', consistent with the design objectives of the DDO15.

193. In terms of architectural form, the development offers a robust, rectilinear appearance with solid street walls presenting to Johnston Street (five storeys), and Little Turner Street (four storeys). The rectilinear form of the development is consistent with the emerging character for mid-rise development in the area and provides a contemporary aesthetic. The adoption of rectangular format windows reflect the fenestration of Victorian and Edwardian-era buildings that contribute to the built form character along Johnston Street. The upper levels of the development have been progressively set back from the northern boundary to respect the interface with the residential land to the north. These progressive setbacks are provided with two levels at each progression, providing a form that is not overly tiered, avoiding a 'wedding cake' typology as encouraged by the DDO15.
194. Conditions will require a Façade Strategy which will include high detail drawings of the materials and façade systems (including ground level service and service doors). A condition will require that the Façade Strategy show details of the construction, durability and alignment of the brick snap cladding (as this material can result in a poor architectural outcome if care is not taken during the design / detail and construction stages). A condition will also require that the Façade Strategy nominate the exact product type for the brick snap cladding to Council satisfaction.
195. A separate condition will also require the project architect (MA Architects Pty Ltd) to continue to be engaged as the development progresses through to the construction stages. These measures will ensure that a high level of architectural quality is achieved.

Commercial Floor Space

196. At part 2.11, the DDO15 prescribes that buildings should be designed to accommodate commercial activity at the lowest two levels, with a preferred minimum floor-to-floor height of 4m for these levels. The proposed development achieves these directives with commercial floor space taking up the majority of the ground floor and the front 40% of level 01. These commercial tenancies are provided with a floor-to-floor height of 4.5m, which exceeds the minimum of 4m prescribed by the DDO15. The rear, ground floor shop tenancy has a lower floor-to-floor height of 3.3m however this is supported given the small size of the tenancy and its location away from Johnston Street.

Street Trees

197. The subject site has two semi-mature street trees along its frontage to Johnston Street. The proposed Johnston Street canopy conflicts with these street trees. Council City Works (Open Space) Unit recommended that the canopy be reduced in extent so that it has a clearance of 4.5m on either side of the tree trunks (i.e. a total clearance diameter of 9m around each tree). This would result in a canopy that is less effective in providing protection from weather protection (including wind protection). Instead, a condition will require the canopy to provide a reduced clearance of 3m on either side of the tree which would provide an opening in the canopy with a diameter of 6m for each street tree. This reduced street tree clearance is considered acceptable in this case given the commercial zoning of the land, the location within a NAC (where robust development is encouraged) and the need to provide a balance between the competing interests of street trees and public realm amenity.
198. Council's City Works (Open Space) Unit did not recommend an amenity bond for the street trees, however recommended that a Tree Management Plan be provided before commencement of works to ensure that construction works do not result in any damage to the street trees. Council's City Works (Open Space) Unit specified that the Tree Management Plan should:

- (a) Be written by an appropriately qualified arborist
- (b) Reference and be in keeping with AS4970-2009 *Protection of trees on development sites*
- (c) Identifies tree protection measures to ensure the long-term viability of the street trees:
 - (i) Shows tree protection fencing to be solid hoarding fixed to the ground that extends along the footpath the width of the canopy.
 - (ii) Identifies tree protection measures that protect the canopy from any damage by machinery, vehicles, construction processes.

199. The condition for a Tree Management Plan will be included.

Site coverage

200. The application proposes approximately 92% of the site to be covered by buildings, with an open area (clear to the sky) proposed along the northern section of the eastern boundary. Whilst the development does not achieve the encouraged maximum site coverage of 80% in accordance with Clause 22.10, this is acceptable given the proposed site coverage is similar to that existing on site, and to commercial buildings in proximity to the land, with hard edge development a characteristic of the Johnston Street NAC. The proposed site coverage is also consistent with the objectives of the DDO15 which calls for street walls with 0m street setbacks. Further, the provision of modest ground floor setbacks to both Johnston and Little Turner Street will help to 'open up' the built form when viewed from the public realm.

Footpath Overshadowing

201. The overshadowing controls of the DDO15 state that development must not overshadow the southern footpath of Johnston Street between the hours of 10am and 2pm on the September equinox.

202. The submitted shadow diagrams show that the development will not overshadow the southern footpath of Johnston Street between the equinox hours of 10am and 3pm, and therefore confirms compliance with the overshadowing controls of the DDO15 (refer to figures below). For these reasons, the development will not unduly affect solar access amenity to the public realm.

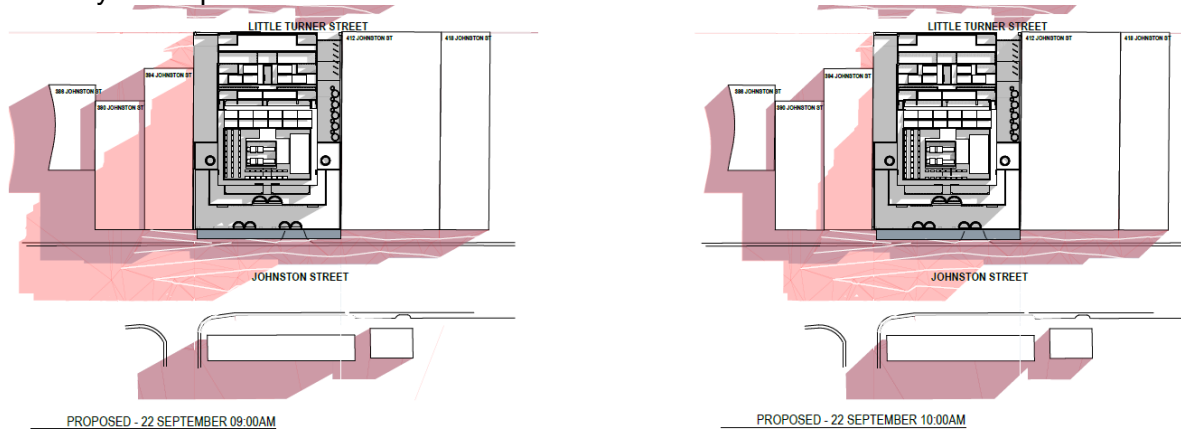
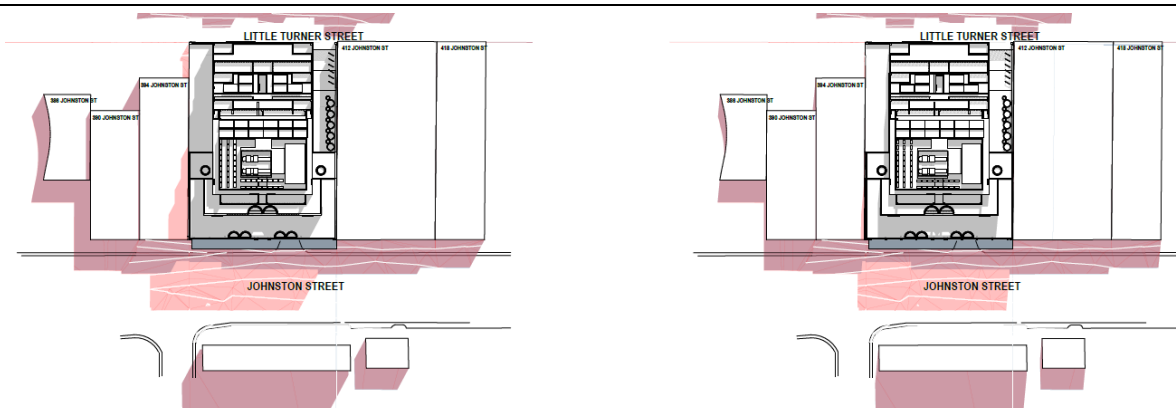
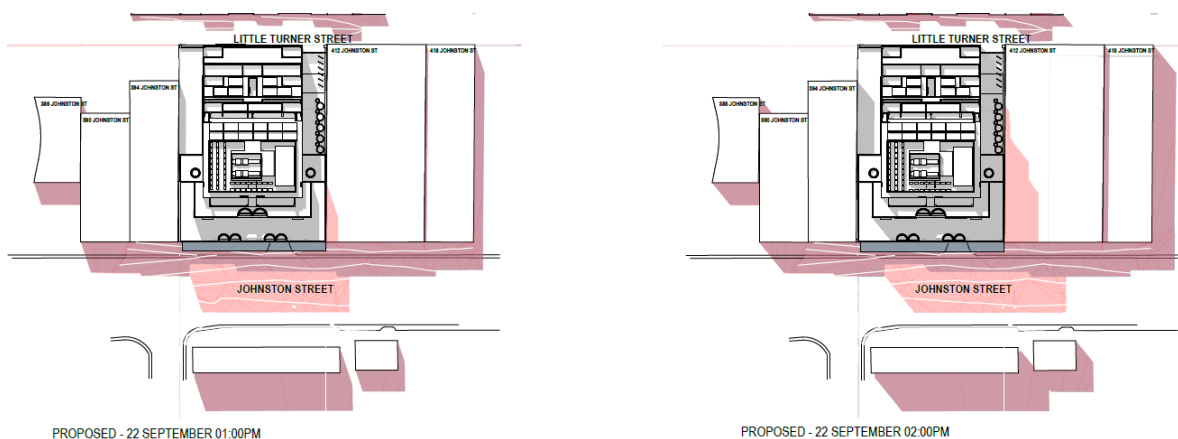


Figure 19: Proposed equinox shadows at 9am (left) and 10am (right) (Applicant submission, July 2022)



PROPOSED - 22 SEPTFMRFR 11 00AM
 PROPOSED - 22 SEPTFMRFR 12 00PM
Figure 20: Proposed equinox shadows at 11am (left) and 12pm (right) (Applicant submission, July 2022)



PROPOSED - 22 SEPTEMBER 01:00PM
 PROPOSED - 22 SEPTEMBER 02:00PM
Figure 21: Proposed equinox shadows at 1pm (left) and 2pm (right) (Applicant submission, July 2022)

External Urban Design Consultant’s Comments

203. As previously outlined, the external urban design consultant’s comments are based on the originally advertised plans (i.e. the superseded plans). For completeness, the second section 57A amendment plans (i.e. the decision plans) will be briefly assessed against these comments in the following table:

Consultant Recommendation (based on superseded plans)	Assessment of Decision Plans
Set back Levels 6 and 8 an additional 6 metres and 3 metres respectively from the rear boundary.	The north-facing façade has been provided with increased setbacks from the rear boundary. Refer to the <i>Massing</i> sub-section of this report.
Set back Level 8 an additional 3m from the Johnston Street boundary.	Level 08 has been provided with increased setbacks from the Johnston Street boundary. Refer to the <i>Massing</i> sub-section of this report.
Adjust the side setbacks to meet the minimum requirements of DDO15.	The side setbacks of the development have been increased in compliance with the building separation requirements of the DDO15.
Redesign the apartments (209, 212, 307, 310, 407 and 410) on Levels 2, 3 and 4 placing their balconies on Johnston Street.	The decision plans have significantly amended the apartment configuration so that all of the apartments within the southern section of the development face south to Johnston Street, in accordance with the advice.
Provide additional width, natural light and ventilation to the internal corridors.	The decision plans provided increased width to the internal corridors as well as natural ventilation

	and daylight through the provision of operable windows.
Amend the street wall on Johnston Street by deleting the setback above Level 01 and moving the parapet to Level 05.	The Johnston St street wall has been redesigned in the decision plans in accordance with the advice.
Widen the lobby entrance on Johnston Street to create a better sense of address.	The decision plans increased the width of the lobby entrance on Johnston Street in accordance with the advice.
Revise the segmented canopy to be continuous and extended to 750mm off the kerb along Johnston Street.	The canopy has been revised to be continuous with an extended depth in accordance with the advice.
Revise the design of the Johnston Street façade to create a cohesive podium and tower format.	The Johnston Street podium has been redesigned with a higher proportion of concrete cladding in a grey colour which helps to balance against the design of the upper levels above.
Introduce an additional darker, more recessive colour to the materials palette to add further depth to the facades.	The decision plans have responded to this advice by adding powdercoated metal cladding (in a dark red colour) to selected components of the building facades, providing a sense of depth as recommended by the advice.

On-site Amenity (including Clause 58)

204. This section of the report considers internal amenity proposed by the application with Clause 58 being used for assessment. Clause 58 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built-up inner-city mixed-use area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. As supplementary guidance, the UDGV and ADGV are also of relevance. This section of the report will also consider relevant design objectives of the DDO15 where applicable.

205. The applicant provided Clause 58 plans and an assessment table as part of the application to assist in the assessment of the application against the standards of Clause 58. An error has been identified on the Clause 58 plans – that state the apartment Type H has four apartments, whereas the floor plans show that there are only two Type H apartments. A condition will require the Clause 58 plans to be corrected accordingly.

Standard D1 Urban context objective

206. This is addressed within the Built form, urban design and heritage section of this report. The standard and objective are met.

Standard D2 Residential policy objectives

207. This is addressed within the Policy and strategic support section of this report. The standard and objective are met.

Standard D3 Dwelling diversity

208. This objective seeks to encourage a range of dwelling sizes and types in developments of ten or more dwellings. The proposal provides a mix of apartment sizes with 46 apartments including 20 x one bedroom, 14 x two bedroom and 12 x three-bedroom apartments. The standard and objective are met.

Standard D4 – Infrastructure

209. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. Furthermore, the development provides extensive building services (including a substation) to ensure that the building will be sufficiently services. The standard and objective are met.

Standard D5 Integration with the street

210. As discussed in the *Public Realm and Pedestrian Response* sub-section of this report, the development provides a good public realm response and improves the integration with the street through:
- (a) Active frontages to both Johnston and Little Turner Street frontages;
 - (b) Enhancing the Little Turner Street context through landscaping and a ground floor setback;
 - (c) The vehicle crossover along Johnston Street being reinstated to footpath and vehicle access provided from Little Turner Street in accordance with the DDO15; and
 - (d) Provision of visually permeable residential entrance (with conditions requiring these have a minimum visual permeability of 50%).

211. The Standard and objective have been met.

Standard D6 Energy efficiency

212. Redevelopment of the site located in an existing built-up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces residents and visitors from relying on private vehicles. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
213. The submitted Sustainable Management Plan (SMP) shows a BESS score of 72%, which exceeds both 'best practice' (50% BESS score) as well as 'ESD excellence' (70% BESS score). Council's ESD Advisor reviewed the submitted SMP and the development plans, commenting that the following items need to be provided in order for the proposed ESD outcomes to be achieved:
- (a) Confirm whether gas is being used at all within the building (i.e. for cooking) and discuss whether the development has potential to be 100% all electric;
 - (b) Remove all ambiguous language from the commitments within the materials category;
 - (c) Amend the Green Travel Plan to outline the proposed provision of end of trip facilities;
 - (d) For the north-facing, ground floor planters, consider including a climbing species within the centre planter zone to eventually climb up the perforated brick façade and shade the high mass materials from excessive heat gain.
214. With respect to (a) and (b), these updates to the SMP will be pursued via condition for an amended SMP. With respect to (c), a condition will require the Green Travel Plan to be updated accordingly. With respect to (d), this is a reasonable request as it will have the combined effect of reducing heat gain and further softening the built form as it presents to the abutting NRZ interface. This will be discussed further under Standard D10 (Landscaping objective).
215. Standard D6 requires dwellings located in Climate Zone 21 (Melbourne) to not exceed the NaTHERS annual cooling load of 30mj/m². The applicant's SMP provided cooling loads for 5 apartments identifying that no apartments exceeded an annual cooling load of 30mj/m² (noting that the majority of apartments have a cooling load of less than 20mj/m²). Council's ESD Advisor raised no concern with cooling loads proposed.

Standard D7 Communal open space

216. This Standard prescribes the following provision of communal open space (COS) for apartment developments:
- (a) A development of 10 or more dwelling should provide a minimum area of COS of 30sqm;
 - (b) If a development contains 13 or more dwellings, the development should also provide an additional 2.5sqm of COS per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may include multiple areas.
217. The development proposes 46 dwellings and thus the minimum requirement prescribed by the Standard is $30 + (46 \times 2.5)$ which equals 161sqm.
218. The proposal provides a total of 170sqm of communal space including an 84sqm resident lounge at ground floor and an adjacent 86sqm landscaped resident terrace, also at ground floor. This meets the requirement.
219. In terms of location, the proposed COS is well resolved and in accordance with the requirements of the Standard given that:
- (a) The resident terrace has been located close to the rear boundary, providing passive surveillance opportunities through to Little Turner Street;
 - (b) A number of east-facing apartments (particularly at levels 01 – 03) will have outlook into the COS;
 - (c) Given its ground floor location, the COS will not result in overlooking into apartments, which commence at level 01;
 - (d) The provision of an internal resident lounge will ensure that social gatherings can be contained indoors to minimise noise impacts to dwellings. This is something that can be managed internally by the residents and/or a body corporate, if necessary.
 - (e) As discussed under the *Building entry and circulation objectives*, a condition will require that the southern entrance to the residential terrace is locked for resident access only to ensure that shoppers for the rear shop tenancy do not traverse through the resident terrace in order to get to the shop tenancy.

Standard D8 Solar access to communal open space

220. The Standard prescribes that at least 50% or 125 square metres (whichever is the lesser) of the COS should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
221. The application includes shadow diagrams for the COS at 21 June (i.e. winter solstice), which shows that the COS will have approximately:
- (a) 5% sunlight at 11am
 - (b) 75% sunlight at 12pm, and;
 - (c) 40% sunlight at 1pm.

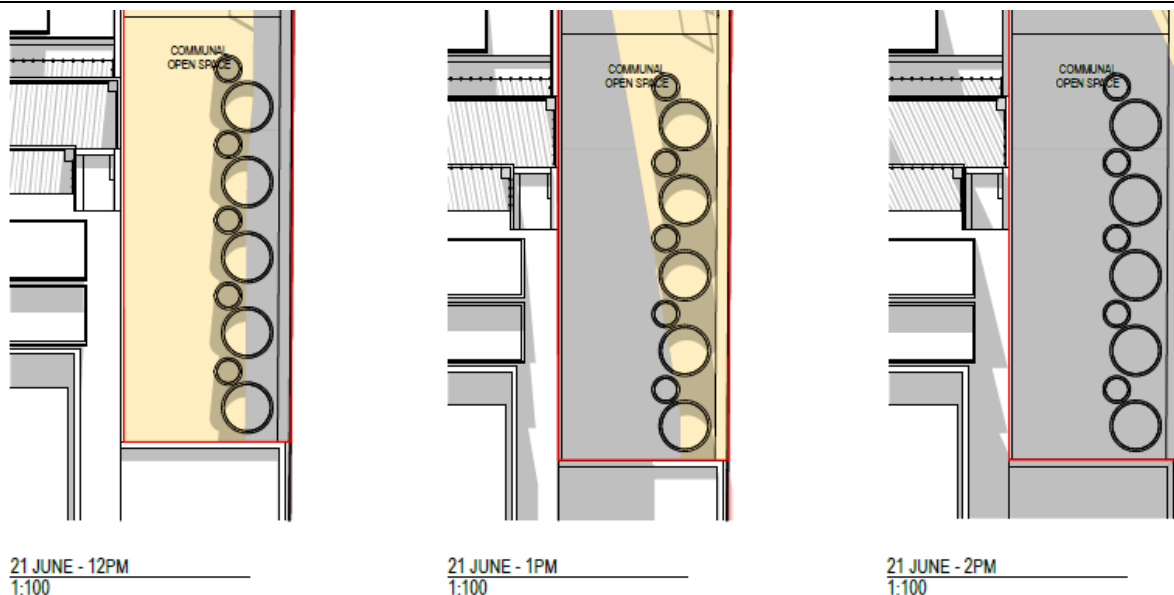


Figure 22: Winter solstice shadow diagrams for the resident terrace at 12pm, 1pm and 2pm (Applicant submission, July 2022)

222. Whilst the proposed solar access does not fully comply with the Standard (i.e. the COS has 40% solar access at 1pm instead in lieu of 50%), the high proportion of sunlight at 12pm (75%) is considered, on balance to achieve a similar level of solar amenity as anticipated by the Standard. It is relevant to highlight that the winter solstice is the worst-case scenario for solar access, meaning that at any other time during the year, solar access will be greater than that shown on the shadow diagrams. The objective has been met.

Standard D9 - Safety objective

223. As discussed in the *Public Realm and Pedestrian Response* sub-section of this report, the proposed residential entrances are well resolved; provided with setbacks from the respective street boundaries and active frontages to help ‘announce’ the entrances and create a sense of pedestrian safety. As mentioned previously, a condition will require details on lighting at the rear pedestrian entry and visual transparency to the gate to ensure a sense of safety for pedestrians arriving from Little Turner Street, which has a back of house context similar to a laneway. The Standard and objective have been met.

Standard D10 – Landscaping objective

224. Prior to the assessment of this objective, it is relevant to outline that the current landscape plan associated with the application relates to the originally advertised plans (i.e. the superseded plans) which has been made redundant by the second section 57A plans (i.e. the decision plans). A condition will thus require the landscape plans to be updated to reflect the layout of the approved development. The details of proposed landscaping in the following paragraphs will be based on the architectural plans of the decision plans unless otherwise stated.
225. The site has an area of 1,223sqm, and Standard D10 prescribes for this site that:
- (a) 94.6sqm (50sqm plus 20% of the area above 1,000sqm) be provided with canopy cover with at least one ‘Type B’ tree as per table D3 of the standard.
 - (b) 91.7sqm (7.5% of site area) be provided as deep soil areas.
226. The *Apartment Design Guidelines for Victoria* (the ADGV) provides additional guidance for assessing the requirements of Clause 58. With respect to Standard D10, the ADGV states that:

Where the deep soil standard cannot be met due to the urban context, alternative forms of landscaping should demonstrate equivalent canopy cover:

Planting over structures and green facades and roofs can assist to integrate landscape into small or constrained sites

Planters with adequate soil depth, soil quality, drainage and irrigation can support significant tree planting and climbing planting over structures to provide shade and vertical greenery

227. The proposal includes the following landscaped areas (noting that none of these areas formally qualify as deep soil areas or provide canopy cover):
- (a) A total of 17sqm of landscaping at ground floor plus five large planters and five small planters at ground floor (these planters having an approximate total area of 10sqm);
 - (b) 106sqm of landscaping in the form of a roof garden above the ground floor vehicle access ramp at level 01;
 - (c) 30sqm at level 04, 36sqm at level 06 and 4sqm at level 08;
228. The proposed landscaping is considered to be appropriate with over 200sqm of landscaping provided across the development. Council's ESD adviser has recommended that climbing plants be used across the central hit-and-miss brick screening at northern façade of ground floor, level 01 and level 02 to help reduce cooling loads. Climbing plants would also soften the appearance of the built form at the interface with NRZ land to the north. This is a feasible outcome given that there is a ground floor landscaping strip that aligns with the central hit-and-miss brick screening. A condition will require the landscape plan to show climbing plants in this location, capable of growing up the hit-and-miss brick screening of the northern façade of ground floor, level 01 and level 02.
229. The proposed zero provision of deep soil planting and canopy cover however, is not supported given the large size of the site. Table D3 of the Standard prescribes that a Type A tree in a planter must have a minimum planter dimension of 2.5m, a minimum planter soil volume of 12 cubic metres and a minimum planter soil depth of 0.8m. Using Council software it has been determined that one Type A tree in a planter can be provided at the ground floor resident terrace (refer to figure 23 below – which assumes a planter soil depth of 1m) and that one Type A tree in planter can be provided at the roof garden at level 01. A condition will thus require the landscape plan to show this arrangement (with all of the minimum specifications as specified in Table D3), which will provide canopy cover for the development. A condition will also require these trees be of a species that can grow with low levels of sunlight (given the likelihood of adjoining sites developing in the future).

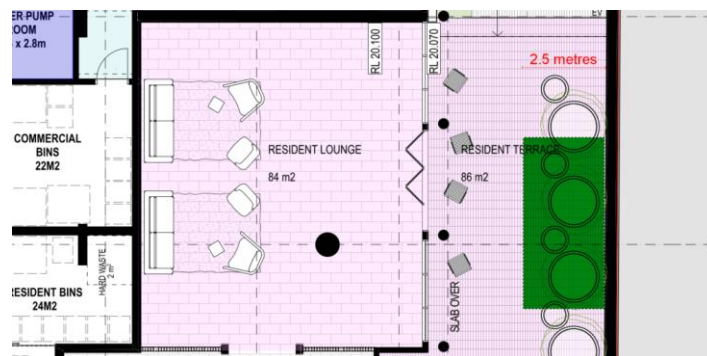


Figure 23: Feasible extent of a planter for a Type A Tree (Applicant submission with Planning Officer edits, February 2023)

230. Whilst the proposed landscaping outcome (with conditions) does not fully comply with the deep soil and canopy cover requirements prescribed by the Standard, it is supported for the following reasons:

- (a) The site is located in the C1Z in a Neighbourhood Activity Centre where high site coverage and robust development is encouraged. This makes the site a candidate for the additional guidelines provided in the ADGV;
- (b) The proposal will provide in excess of 200sqm of landscaped areas across the development which will contribute to biodiversity and passive cooling of the building;
- (c) The recommended conditions will ensure that the canopy cover of two, Type A trees is provided as part of the development.

231. For these reasons, the objective has been met, subject to the inclusion of conditions for two Type A trees in planters.

232. In their review of the landscape plan, Council's Open Space Unit found that the proposed plant selections were appropriate however further detail was needed on the landscape plans, including the following:

- (a) Extent of planting shown on landscape plans needs to match the extent of landscaping shown on the architectural plans;
- (b) The soil mix used in planter boxes above ground floor level needs to be lightweight media which is usually specified for elevated planted areas;
- (c) Clarify depth of planted areas, with a minimum soil depth of 0.6m for any tree plantings;
- (d) Provide information on the proposed method for irrigation and drainage;
- (e) Provide further detail on any sustainable treatments and water harvesting methods for irrigation, and;
- (f) Provide a plant and landscape maintenance schedule – including tasks and frequency to maintain the landscape following the maintenance period. If there are specific maintenance access issues the methodology for these should be included.
- (g) Load bearing weight for the building need to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of the proposed soil media, planter box and plant mass proposed;

233. With regard to (c), the recommendation will be revised to require a minimum soil depth of 0.8m in accordance with the Standard. With respect to (e), Council's ESD Advisor has not required this and thus it will not be pursued (noting that details on the proposed water harvesting is contained within the Sustainable Management Plan). With respect to (g), structural engineering matters are not assessed at the planning stage (instead this occurs at the Building Permit stage and thus the recommendation cannot be pursued). Otherwise, all other recommendations will be pursued via conditions for an amended landscape plan (together with the conditions identified in the earlier paragraphs of this assessment).

Standard D11 - Access objective

234. Vehicle access is maintained via a crossover to Little Turner Street. Access for service, emergency and delivery vehicles is available via both Johnston Street and Little Turner Street (the latter has a road width of 6.1m). The proposal also results in the removal of one crossover along Johnston Street (and its reinstatement with footpath), which is a good urban design outcome for pedestrians, consistent with the objectives of the Standard as well as the design requirements of the DDO15.

Standard D12 - Parking location objective

235. The proposal includes basement car parking accessed via Little Turner Street, with access to apartments being via lifts and stairs. The parking provided is conveniently located and the standard and objective is met. The vehicle entry is sufficiently separated from the proposed apartment dwellings, which commence at level 01.

Standard D13 Integrated water and stormwater management

236. According to the Sustainable Management Plan (SMP), the application proposes the installation of 20,000L rainwater collection tank which would be connected to toilets for flushing at ground floor, level 01 apartments and the level 02 Office (Medical Centre). The water tank is proposed to be located below the basement level.
237. The STORM report provided achieves a score of 100%, which is in line with the policy direction under Clause 22.16 - Stormwater Management (Water Sensitive Urban Design). Council's ESD Advisor raised no concern with the proposed stormwater management proposed and it is considered the requirements of clause 52.18 - Stormwater Management in Urban Development are met.
238. The proposal complies with the objective and the standard. Conditions will require notations to confirm that the rainwater tank has a minimum capacity of 20,000L and that it will be connected to toilets at the aforementioned levels in accordance with the SMP.

Standard D14 Building setback objectives

239. As outlined within the built form review of this assessment, the height and setbacks of the building are considered to achieve a good design response to the character of the surrounding area and broadly compliant with the built form controls of the DDO15. Furthermore, the proposed massing arrangement allows for:
- (a) Good levels of daylight provided by generous side setbacks (the smallest side setback being 4.85m);
 - (b) Minimal overlooking impacts, as discussed in the Off-Site Amenity section of this report
 - (c) The majority of apartments provided with unscreened balconies and windows, ensuring optimal outlook and *visual connection to the external environment* as prescribed by the Standard;
240. The Standard and objectives have been met.

Standard D15 Internal views

241. This standard seeks windows and balconies to be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.
242. The design response has minimised internal overlooking through:
- (a) the application of a staggered massing of balconies as the development ascends in height;
 - (b) the provision of a non-trafficable ballast roof at the northern end of level 04 which obscures downward views to the apartment balconies below;
 - (c) positioning of perpendicular apartment windows so the overlooking opportunities are minimised (for example level 07 arrangement shown below at figure 24).

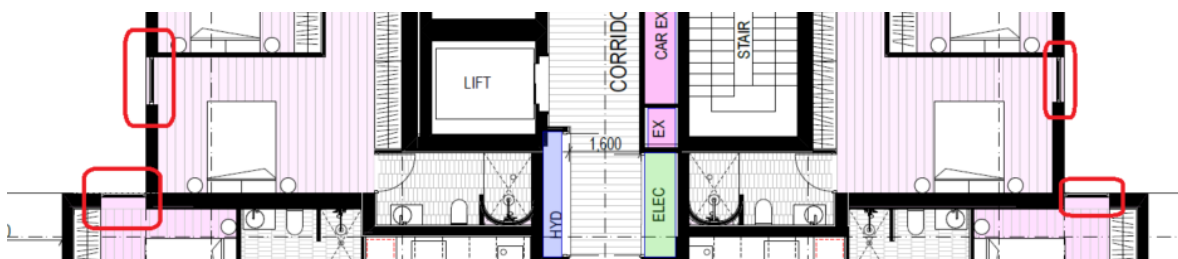


Figure 24: Perpendicular window arrangements (Applicant submission, July 2022)

243. However there are two instances of non-compliance with the Standard. Firstly is the north-facing windows and balconies of the apartments 501 and 502 at level 05, which have direct views into the majority of the level 04 balconies of apartments 401 and 402, as shown at figure 25 below. A condition will require compliance with the objective of Clause 58.04-2 for these window and balconies.

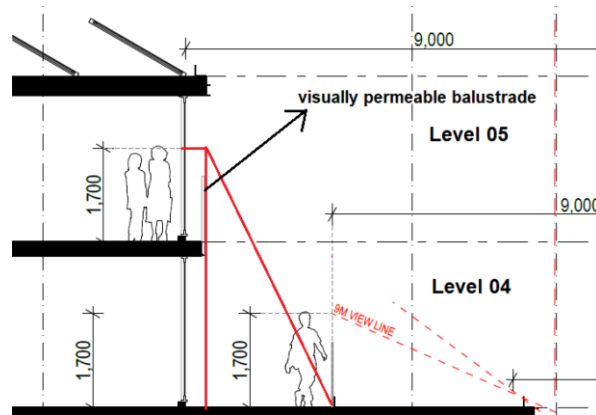


Figure 25: Possible views from level 05 into the balconies of level 04 (Applicant submission with Planning Officer edits, February 2023)

244. Secondly is the north-facing windows of apartments 308, 310, 404, 406, 504 and 505, which all have views into adjacent apartments. These north-facing windows are provided with hit and miss brick screens which have a visual transparency of 34% which exceeds the maximum 25% prescribed by the Scheme for habitable room windows. Thus a condition will require the screening to these windows to have a maximum visual transparency of 25%.

245. With respect to the north-facing windows of the level 02 Office (Medical Centre) (and their views into the east and west-facing windows of apartments 308, 310), these office windows are provided with hit and miss brick screens (34% visual permeability) which is considered appropriate for a non-habitable room window, noting that the Scheme does not specifically require non-habitable rooms windows to be screened.

246. The sketch plans received by Council on 07 February 2023 reduce the extent of screening between the balconies at level 08, however this is supported as the majority of the interface between balconies will continue to be screened to a height of 1.7m above finished floor level, ensuring no unreasonable interval views between balconies (which are visible from Johnston Street).

Standard D16 Noise impacts objective

247. The consideration of internal noise amenity (as well as an assessment of Standard D16) is contained within the *Noise Impacts* subsection of the *Off-Site Amenity* section of this report.

Standard D17 Wind impacts objective

248. The consideration of internal wind amenity (as well as an assessment of Standard D17) is contained within the *Wind Impacts* subsection of the *Off-Site Amenity* section of this report.

Standard D18 Accessibility

249. To ensure the design of dwellings caters for people with limited mobility, the Standard requires that at least 50% of new dwellings should provide:

- (a) A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;
- (b) A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;
- (c) A main bedroom with access to an adaptable bathroom;
- (d) At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

250. The application material shows a total of 28 compliant apartments, which represents 60% of all proposed apartments, thus exceeding the minimum requirement of 50%. All of these 28 apartments are provided with the required clear opening widths, the clear path connecting the dwelling entrance to the main bedroom, an adaptable bathroom and the living area and are provided with a main bedroom which has access to an adaptable bathroom.
251. With regard to the proposed adaptable bathrooms, 18 apartments propose a design type A adaptable bathroom and 10 apartments propose a design type B adaptable bathroom.
252. The design type A adaptable bathrooms are assessed in the following table:

	Standard D18	Proposal
Door opening	A clear 850mm wide door opening.	Notation confirms that all openings are minimum 850mm wide – thus all type A adaptable bathrooms comply with this aspect of the Standard.
Door design	Either: <ul style="list-style-type: none"> • a slide door or • a door that opens outwards, or • a door that opens inwards that is clear of the circulation area and has readily removable hinges. 	The Type G apartments provide a sliding door and thus comply with the Standard. The Type A, Type C and Type F apartments provide an inward opening door that is not clear of the circulation area and does not have readily removable hinges, and thus does not comply.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> • a minimum area of 1.2m by 1.2m • located in front of the shower and the toilet • clear of the toilet, basin and the door swing 	The Type G apartments provide a circulation area that complies with all aspects. The Type A, Type C and Type F apartments comply with all aspects except for being clear of the door swing and thus does not comply with the Standard.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	The Type G apartments provide the required path and thus comply with the Standard. The Type A, Type C and Type F apartments do not provide the required path and do not comply with the Standard.
Shower	A hobless (step free) shower	Notations have been provided to confirm that all showers are hobless. All design type A bathrooms comply with this requirement.
Toilet	A toilet located in the corner of the room.	All toilets are located in the corner of the room. All design type A bathrooms comply with this requirement.

253. In summary, the type A adaptable bathrooms predominantly comply with the Standard except for:
- (a) The Type A, C and F apartments provide inward opening doors that are not clear of the circulation area and are not confirmed to have readily removable hinges;

254. These matters can be addressed by a condition requiring that the adaptable bathrooms of apartment Types A, C and F to fully comply with the requirements of Standard D18, noting that each of the apartment types are spacious enough to accommodate full compliance.

255. The design type B adaptable bathrooms are assessed in the following table:

	Standard D18	Proposal
Door opening	A clear 820mm wide door opening located opposite the shower.	Notation confirms that all openings are minimum 850mm wide – complies.
Door design	Either: <ul style="list-style-type: none"> • a slide door or • a door that opens outwards, or • a door that opens inwards and has readily removable hinges. 	The Type B apartments provide an inward opening door, however there is no notation to confirm that the hinges are readily removable. A condition will require this notation to ensure compliance. The Type E apartments provide a sliding door and thus comply with the Standard.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> • a minimum width of 1m; • the full length of the bathroom and a minimum length of 2.7m; • clear of the toilet and basin; 	The Type B and Type E apartments provide a circulation area that complies with all aspects, complying with this aspect of the Standard.
Path to circulation area	Not applicable	Not applicable
Shower	A hobless (step free) shower that has a removable shower screen and is located on the furthest wall from the door opening	The Type B and Type E apartments provide hobless showers that are located on the furthest wall from the door opening, however there is no confirmation that the shower screens are removable. A condition will require notations to confirm that all adaptable bathrooms within Type B and Type E apartments are provided with screens that are removable.
Toilet	A toilet located closest to the door opening and clear of the circulation area.	The Type B and Type E apartments are provided with toilets that are clear of the circulation area in accordance with the Standard, however the toilets are not located closest to the door opening. A condition will require the adaptable bathroom toilets of all Type B and Type E apartments to be located closest to the door opening.

256. The recommended conditions within the above table will ensure that all design type B adaptable bathrooms comply with the Standard.

Standard D19 Building entry and circulation objectives

257. As previously discussed under the Safety objective (and also the *Public Realm and Pedestrian Response subsection* of this report), the building entrances are considered safe and well designed. The main residential building entrance to Johnston Street is provided with shelter, this being a positive attribute of the design. The two residential entries are highly visible from the public realm and internal vantage points and also meet within the development to ensure pedestrian connectiveness and access through the site for residents.
258. Along the Johnston Street frontage, the entrances to the three commercial tenancies and the Office (Medical Centre) lobby are all separate to the residential entrance, in accordance with the Standard. The entrance to the shop tenancy facing Little Turner Street is provided off the building’s eastern side setback, requiring patrons to walk through the rear pedestrian gate / entrance. Whilst this entrance is not separate from the residential entrance it is nevertheless supported given the relatively small size of the shop tenancy and that this is the secondary entrance for apartment occupants, noting that occupants would most likely arrive to the site on foot via Johnston Street or in a private vehicle via the basement car parking. A condition will require a notation to confirm that the southern entrance to the resident terrace is locked with a fob pass for residents only to ensure that shoppers for the rear shop tenancy do not walk through the resident terrace via the Johnston Street entrance. Furthermore, the sketch plans received by Council on 07 February 2023 show a second gate and fencing provided along the northern edge of the resident terrace which will ensure that shoppers for the rear shop tenancy cannot walk into the resident terrace area.
259. The residential corridors are well resolved in that the majority of corridors (those at levels 01 – 07) feature both daylight access and natural ventilation, with generous widths ranging from 1.6m to 2.2m. The standard and objectives have been met.

Standard D20 - Private Open Space objective

260. As it relates to the proposed development, the Standard prescribes that balconies be provided with convenient access from a living room with the following specifications:
- (a) For north-facing balconies, a minimum area of 8sqm (minimum dimension of 1.7m);
 - (b) For south-facing balconies, a minimum area of 8sqm (minimum dimension of 1.2m);
 - (c) For any other orientation:
 - (i) A studio or 1 bedroom dwelling to be provided with a minimum area of 8sqm and a minimum dimension of 1.8m
 - (ii) A 2 bedroom dwelling wot be provided with a minimum area of 8 sqm and a minimum dimension of 2m;
 - (iii) A 3 (or more) bedroom dwelling to be provided with a minimum area of 12sqm and a minimum dimension of 2.4m.
261. The Clause 58 plans confirm that all apartments will comply with the Standard, with many apartments providing balconies that exceed the minimum specifications of the Standard.

Standard D21 – Storage objective

262. The Standard prescribes the following minimum provision of storage for apartment dwellings:

Dwelling Type	Total Minimum Storage Volume	Minimum Storage Volume Within the Dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres

3 or more bedroom dwelling	18 cubic metres	12 cubic metres
----------------------------	-----------------	-----------------

263. All apartment types (excluding Types A, F and J) exceed the applicable minimum storage requirements without reliance on a basement storage cage.
264. With respect to Type A apartments, a total of 12.63 cubic metres of storage is provided, falling short of the prescribed 14 cubic metres for a two bedroom dwelling. A condition will thus require that each of the Type A apartments is allocated a storage cage, with the basement plans annotated accordingly.
265. With regard to the Type F apartments, the Clause 58 plans show that these apartments will be provided with 4 cubic metres of basement storage, which brings the total storage to 10.33 cubic metres, compliant for a one-bedroom dwelling. A condition will require the basement storage cages to be annotated to confirm that two of the cages are allocated to the two Type F apartments.
266. With regard to the Type J apartments, the Clause 58 plans show that these apartments will be provided with 4 cubic metres of basement storage, which brings the total storage to 16.83 cubic metres, compliant for a two-bedroom dwelling. A condition will require the basement storage cages to be annotated to confirm that four of the cages are allocated to the four Type J apartments.
267. In summary, a minimum of eight storage cages is needed to comply with the Standard, however only six are shown on the plans. A condition will rectify this matter. Subject to the inclusion of the above mentioned conditions, the proposal complies with the Standard, ensuring that the storage needs of occupants will be met.

Standard D22 - Common property objectives

268. These objectives call for common property areas to be designed in a manner that is practical, attractive and easily maintained. The proposed common property areas within the development include:
- (a) The entire basement as well as the vehicle access gate and ramp at ground floor;
 - (b) Residential entrance areas at ground floor;
 - (c) The resident terrace, resident lounge and resident foyer at ground floor;
 - (d) Back-of-house corridor and residential waste storage area at ground floor;
 - (e) Corridors, communal courtyards, communal balconies and communal landscaped areas across levels 01-08;
269. Broadly speaking, these are clearly delineated and would not create areas which are difficult to maintain into the future. The lobby and vehicle access areas are well conceived as discussed through this report. As discussed under the *Building entry and circulation objectives*, a condition will require that the southern entrance to the residential terrace is locked for resident access only to ensure that shoppers for the rear shop tenancy do not traverse through the resident terrace in order to get to the shop. This will also ensure that the resident terrace area is for residents only.
270. As identified, landscaping is proposed within a number of the common property areas. Thus a condition will require the landscape plan to be amended to discuss how maintenance of these landscaping areas will be managed.

Standard D23 Site services

271. The majority of site services are located internally within the building which maximises active frontages to both Johnston Street and Little Turner Street. This is a positive urban design outcome, consistent with both the Standard and the design objectives of the DDO15. All service locations are highly accessible and easily maintained. The proposed mailboxes are located at ground floor within the entrance corridor which is generously sized, ensuring that the mailboxes are easily accessible.
272. The proposed site services facing Johnston Street include a gas meter and a fire booster, with these taking up roughly 15% of the Johnston Street frontage, ensuring a high proportion of active frontages. The service doors of the gas meter open within title boundaries, ensuring no disruption to the footpath. The service doors of the fire booster however, protrude outside title boundaries when open. As discussed under the *Public Realm and Pedestrian Response* sub-section of this report, Council's Urban Design Unit recommended that the fire booster be reconfigured so that the doors can swing open 180 degrees and latch on to the building façade (thus ensuring no protrusion into the public realm when in use). A condition will require this.
273. The proposed site services facing Little Turner Street are limited only to the substation which has a narrow frontage to the street, ensuring a high level of street activation. The service doors open within title boundaries, ensuring no disruption of the public realm when in use.
274. As discussed under the Architectural Quality sub-section of this report, a condition will require the Façade Strategy to provide high level details on the design of the site services facing both street frontages to ensure that their design and materiality is of a high quality.
275. With inclusion of the above-mentioned conditions, the proposal complies with the Standard and the objective is met.

Standard D24 - Waste and recycling objectives

276. These objectives call for waste facilities that are well designed to encourage waste recycling and to minimise impacts on residential amenity, health and the public realm. The application proposed two waste storage rooms – one for commercial use and one for residential use. The waste storage rooms are located internally at ground floor, which ensures that they will be easily accessed.
277. The submitted Waste Management Plan shows the following waste collection frequencies:
- (a) Garbage – once weekly
 - (b) Recycling – once weekly
 - (c) Food and organic waste – twice weekly
 - (d) Glass recycling – once weekly
278. The above waste collection are relatively infrequent for a development of this scale and evidence of a well resolved waste management scheme. Medical waste will be collected separately as often as necessary, in accordance with the relevant requirements for disposal of biohazardous waste (as detailed in the submitted WMP).
279. Waste collection will occur off Little Turner Street, which has a road width of 6.1m. The Waste Management Plan fails to specify a maximum size for waste collection vehicles. Given the width of Little Turner Street, a condition will require the WMP to specify this, including a swept path diagram confirming that the vehicle can manoeuvre in and out of Little Turner Street.
280. Council's City Works Unit reviewed the WMP and advised that it should be updated to clarify how e-waste and hard waste will be managed. A condition will require the WMP to be updated accordingly.

Standard D25 - External walls and materials objective

281. The materials utilised are of a good quality and respond well to the surrounding character as has been discussed above in the *Built Form* section of this report.

Standard D26 - Functional layout objective

282. The Standard prescribes the following minimum dimensions for bedrooms:

Bedroom Type	Minimum Width	Minimum Depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

283. The Standard prescribes the following minimum dimensions for living rooms:

Bedroom Type	Minimum Width	Minimum Area
Studio and 1 bedroom dwelling	3.3 metres	10sqm
2 or more bedroom dwelling	3.6 metres	12sqm

284. Dimensions of the habitable rooms are provided on the plans, demonstrating that the proposal fully complies with this Standard.

Standard D27 - Room depth objective

285. The Standard prescribes that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. All levels have a floor-to-ceiling height of 2.7m except for:

- (a) Level 04 (2.65m)
- (b) Level 05 (2.55m), and;
- (c) Level 08 (2.67m).

286. With respect to bedrooms, all single aspect bedrooms comply with the Standard, which has been confirmed by reviewing the submitted clause 58 plans.

287. With respect to living / dining / kitchen areas, only apartment types F and H are single aspect. The worst performing of these are the type H apartments, which are at level 05. The living / dining / kitchen areas of these apartment have a room depth of 6.01m, which is less than 6.38m (i.e. 2.5 x 2.55m) and thus complies with the Standard.

Standard D28 – Windows objective

288. The Standard prescribes that habitable room windows should contain a window within an external wall of the building. All habitable rooms comply with this requirement.

Standard D29 Natural ventilation

289. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.

290. The Clause 58 plans demonstrate that 26 dwellings (or 56%) meet the cross-ventilation requirements, well in excess of this standard.

Off-site Amenity

291. Clause 15.01-2S of the Scheme and the general design objectives of the DDO15 aim 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, and 22.10 as well as the decision guidelines of the Commercial 1 Zone at Clause 34.01-7 and the DDO15 at Clause 43.02-15. This section of the report will also consider Standard D16 (Noise impacts objective) and D17 (Wind impacts objective) of Clause 58.
292. As previously identified, the subject site has commercial interfaces to the east, west and south. To the north is residentially-zoned land, the closest dwellings to the subject site being Nos. 89 - 99 Turner Street.

Daylight to windows

293. The closest habitable room windows (for a dwelling in a residential zone) addressing the subject site are the south-facing windows of No. 97 Turner Street, which have a minimum setback of approximately 19 metres from the proposal's northern boundary wall (which has a height of 12.3m). Whilst not strictly applicable, this would comply with Standard A12 (Daylight to habitable room windows) of ResCode as the setback (19m) from the northern boundary wall is greater than half (6.15m) of the height of the northern boundary wall (12.3m).
294. The northern façade of the upper-most level (Level 8) also complies with the Standard. The wall is set back approximately 34m from the south-facing window of No. 97 Turner Street, which is greater than half (13.52m) of height of the wall (27.04m). This gives evidence to the proposed development's minimal impact on daylight amenity to nearby dwellings.

Overshadowing

295. The decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 call for new development to consider overshadowing impacts to nearby land in residential zones (including shadowing to existing solar energy facilities). Although not strictly applicable in this instance, and in the absence of any other test, Standard B21 of Clause 55 notes:
- (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September; and*
 - (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
296. Given there are no dwellings to the east and west of the subject site, there will be no shadow impacts to dwellings for these aspects. The dwellings to the north of the subject site will not experience any equinox shadow impacts given they are to the north. As detailed under the Footpath Shadowing subsection of this report, there will be no equinox overshadowing of the southern footpath of Johnston Street
297. With respect to solar energy facilities, the nearest to the subject site is located to the south at No. 8 Valiant Street, 60m south of the subject site. As demonstrated by the shadow diagrams, there will be no equinox shadowing to this facility.
298. In light of the above considerations, the proposal satisfies the decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 with regard to shadowing.

Overlooking

299. The decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 call for new development to consider overlooking impacts to nearby land in residential zones. Although not strictly applicable to the subject application, Clause 55.04-6 provides the following guidance:

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.*
- *Have sill heights of at least 1.7 metres above floor level.*
- *Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.*
- *Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.*

300. The dwellings between No. 87 and No. 101 Turner Street are located within 9m of the subject site and thus require an assessment of overlooking impacts.
301. The north-facing windows and balconies of apartments at levels 04 and above are located more than 9m from the northern edge of Little Turner and thus an overlooking assessment for these apartments is not warranted.
302. The relevant sources of overlooking are the north-facing windows and balconies of the north-facing apartments at levels 01, 02 and 03 (i.e. apartments 103, 104, 203, 204, 303 and 304). For these apartments, the following measures have been provided to mitigate overlooking impacts:
- (a) Levels 01 and 02: Solid balustrading to a height of 1.1m above finished floor level (AFFL), atop which is horizontal fin screening (four fins in total with three having a depth of 0.2m and the uppermost fin having a depth of 0.5m, with a total screen height of 1.5m AFFL).
 - (b) Level 03: solid balustrading to a height of 1.1m AFFL.

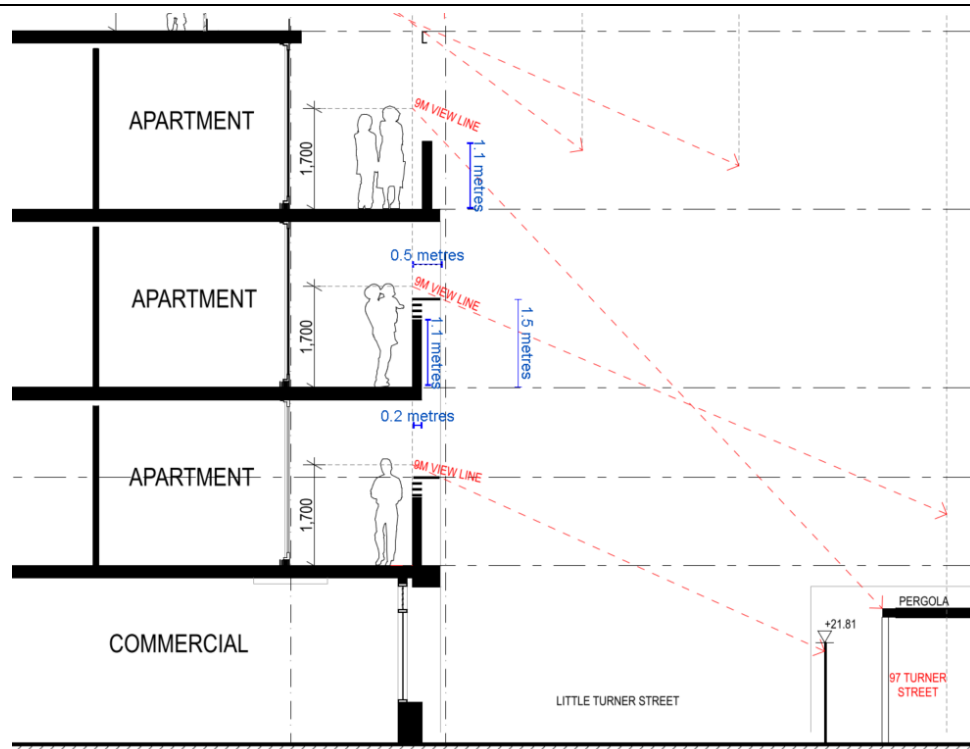


Figure 26: Proposed screening devices at the north-facing windows and balconies of levels 01, 02 and 03 (Applicant submission with Planning Officer edits, February 2023)

303. The Overlooking Diagrams fail to dimension the height/depth of the solid balustrades or the height, depth and size of the gaps of the horizontal fin screening. A condition will require these dimensions to be provided on the Overlooking Diagrams as well as at Sections A and C.
304. With respect to Nos. 95 and 101 Turner Street, these dwellings have a garage constructed to their respective rear boundaries, which means that their areas of SPOS are located more than 9m from the northernmost windows / balconies of the proposed development, in accordance with Clause 22.10.
305. With respect to No. 87 Turner Street, a small portion of this dwelling's SPOS is located within the 9m / 45 degree arc of the north-facing balconies of apartments 103, 203 and 303. The overlooking diagrams fail to assess overlooking impacts from these balconies into the SPOS of 87 Turner Street. Thus a condition will require the plans to demonstrate that these balconies will comply with the overlooking objective of Clause 55.04-6.
306. With respect to No. 89-91 Turner Street, Overlooking Diagram A has assessed overlooking based on a 45 degree angle, showing no views into this dwelling's SPOS. However, the diagram fails to show the worst-case scenario of potential overlooking which is a 90 degree alignment in a north-south alignment.
307. With respect to No. 93 Turner Street, the overlooking impacts to this dwelling's SPOS is shown on Overlooking Diagram B, which is taken on a worst-case scenario (i.e. 90 degrees in a north-south alignment). The diagram shows that all north-facing apartments at levels 01, 02 and 03 will not have views into the dwelling's SPOS within the 9m / 45 degree arc in accordance with the overlooking objective.
308. With respect to No. 97 Turner Street, the overlooking impacts to this dwelling's SPOS is shown on Overlooking Diagram C, which is taken on a worst-case scenario (i.e. 90 degrees in a north south alignment). The diagram shows that the level 01 and level 02 apartments will not have views into the dwelling's SPOS within the 9m / 45 degree arc in accordance with the overlooking objective.

However, the diagram takes the view line from behind the balustrade of the level 03 apartments and therefore does not show the worst-case scenario and it is likely that views will be possible based on the proposed low height of the solid balustrading. A condition will therefore require the balconies of 303 and 304 to be screened to comply with the overlooking objective of clause 55.04-6.

309. With respect to No. 99 Turner Street, this dwelling has a carport constructed to the majority of the property's rear boundary, with only a narrow section of SPOS within 9m of the northernmost balconies and windows of the proposed development. The application material does not provide a specific overlooking diagram for No. 99 Turner Street, however given the location of its carport and that it has rear fencing that is taller than No. 97 Turner Street, it is unlikely that the proposed development will have any views into the dwelling's area of SPOS within a 9m / 45 degree arc. Notwithstanding this, a condition will require an overlooking diagram to confirm that the development complies with the overlooking objective with respect to overlooking into No. 99 Turner Street.
310. The proposed development, with conditions, will mitigate overlooking impacts in accordance with the decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10.

Visual Bulk

311. Visual bulk impacts have been discussed at length in the *Building Height and Massing* sections of this report.

Noise Impacts

312. Clause 13.05-1S states that community amenity should not be reduced by noise emissions. Similarly, local policy at clause 22.05 calls for development to consider noise attenuation in its design response. Standard D16 (noise impacts objectives) provides detailed guidance on internal noise amenity for apartment dwellings.
313. The application proposes three different uses – Shop and Food & Drink Premises at ground floor, Office (Medical Centre) at level 02 and the remainder of the building used for dwellings. The proposed non-residential land uses are listed as section 1 uses under the C1Z and therefore do not require a planning permit (and as such, conditions cannot be placed on a permit to restrict the operational capacity of these uses).
314. An acoustic report was prepared for the application which shows a number of commitments for the purposes of noise attenuation (for the amenity of nearby dwellings and the dwellings proposed as part of the subject application), including the following:
- (a) Upgraded glazing specifications for south-facing facades to ensure noise impacts from Johnston Street traffic are appropriately attenuated;
 - (b) Minimum specifications for façade thickness, insulation, ceiling/floor construction and glazing across the development;
 - (c) Noise barriers (including a lining of sound absorptive materials) to surround the roof level AC units;
 - (d) Minimum specifications for exhaust fans servicing the car park and bin storage rooms;
 - (e) Car stackers to be vibration isolated from the building structure;
 - (f) Written commitments that the car park entry door, mechanical plant and substation are to be reviewed by an acoustic engineer prior to selection;
 - (g) Vibration-isolating the lifts (including lift motors, guiderails and control equipment) and the waste chute;
 - (h) The following recommendations with respect to the ground floor commercial tenancies:
 - (i) Tenants should not provide footpath seating or indoor dining;
 - (ii) Commercial tenancy external doors may be kept open during the EPA Noise Protocol 'Day' period, with these doors to be kept closed during the EPA Noise Protocol 'Evening' and 'Night' periods.
 - (iii) Music should not be played outdoors;

- (iv) Music played within commercial tenancies should be limited to no louder than 75 dB(A) at all times;

315. Council's external acoustic consultant reviewed the acoustic report and found it to be satisfactory with no further changes needed. A condition will require the development plans to be updated to show any relevant commitment from the satisfactory acoustic report. Furthermore, a condition will require the development to comply at all times with the EPA Noise Protocol.

Wind Impacts

316. Wind impacts relate to the public realm, with a focus on potential impacts to pedestrians using the public realm as well as occupants of the building using external areas of the building. This section of the report is guided by Standard D17 (Wind Impacts Objective) of Clause 58. Given that the proposed development (nine storeys) would be substantially taller than nearby buildings, a close assessment of wind impacts is warranted.
317. A desktop wind assessment was undertaken by a qualified wind consultant and found that wind conditions proposed by the development would be satisfactory. The assessment found that:
- (a) The development would generate wind conditions at the ground floor footpath along Johnston Street and the southern edge of Little Turner Street that comply with the 'walking comfort' criterion, subject to the retention of the proposed canopy above the Johnston Street footpath;
 - (b) The ground floor external area along the eastern boundary of the site (including the resident terrace and the rear pedestrian entrance) would achieve the standing comfort criterion subject to the retention of the proposed landscaping at the rear pedestrian entrance
 - (c) All apartment balconies are expected to achieve the 'standing comfort' criterion subject to the retention of the proposed west and east-facing screens to the most exposed (i.e. the northernmost) balconies across levels 01 – 08. The landscaping shown along the northern edge of level 04 should be retained to further protect apartment balconies from 'side-streaming' wind impacts;
318. The stated wind outcomes and methodologies are largely supported, noting that:
- (a) The 'walking comfort' criterion is the standard approach for footpath areas;
 - (b) Whilst the resident terrace may not achieve the 'sitting comfort' criterion, it will achieve the 'standing comfort' and also benefits from direct access to the resident lounge which residents can utilise on windier days.
 - (c) The 'standing comfort' is an appropriate minimum benchmark for wind amenity at apartment balconies;
 - (d) The use of the landscaping at the northern edge of level 04 for the purposes of wind amenity is appropriate in this case as it has been incorporated together with built form measures (i.e. the aforementioned east and west-facing balcony screens).
319. The use of landscaping as a wind screen at the rear pedestrian entrance is not supported as this is one of the main entrances to the development and the proposal has failed to provide any kind of built-form solution for wind amenity. A condition will thus require the wind report to be amended to achieve the 'standing comfort' criterion at the rear pedestrian entrance without reliance on landscaping.

320. As discussed under the *Street Trees* subsection of this report, the extent of the Johnston Street footpath canopy needs to be reduced in order to ensure the continued growth of the two existing street trees. Therefore, a condition will require the wind report to demonstrate the walking comfort criterion can be achieved with this reduced canopy extent.
321. No specific assessment was undertaken for the ground floor pedestrian entrances along Johnston Street, noting that pedestrian entrances are generally expected to achieve the standing comfort criterion. A condition will require the wind report to demonstrate this outcome for the ground floor entrances along Johnston Street.
322. The application wind report has been produced as a desktop report, which means that wind modelling has not been undertaken. For a development of this scale, it is necessary to ensure the stated wind outcomes will be achieved. Thus a condition will require the report to be amended to provide wind modelling to demonstrate the stated wind outcomes (as well as the wind outcomes required by conditions as discussed in the previous paragraphs).
323. An independent wind consultant (Mel Consultants) was engaged by Council to peer review the applicant's wind assessment and plans (i.e. those associated with the first section 57A amendment). The peer review found that the assessment was largely satisfactory but recommended that the plans be updated to show increased height of the east and west-facing apartment screens to full height. This recommendation was undertaken in the second section 57A plans (i.e. the decision plans) and thus re-referral of the decision plans to the wind consultant was not necessary.
324. The sketch plans received by Council on 07 February 2023 reduce the height of the balcony screens at level 08 which would affect wind conditions. However, these balconies have also been reduced in width (i.e. away from the east and west boundaries), reducing their exposure to wind gusts from corner acceleration. The permit applicant also provided written confirmation from the project wind engineer that the revised balconies are expected to achieve the standing comfort criterion. In any case, a condition will require the wind report to demonstrate that the level 08 balconies achieve the standing comfort criterion as a minimum.
325. With the aforementioned conditions, the proposed development will result in satisfactory wind outcomes, consistent with Wind Impacts objective of Clause 58.

Glare Impacts

326. In December 2022, the Minister for Planning issued Planning Practice Note 96 *Planning Considerations for Reflected Sunlight Glare*, which provides guidance on potential glare impacts associated with development. The Practice Note highlights the following are risks for problematic glare impacts:
- (a) Building height of greater than four storeys;
 - (b) Concave or tiled building facades;
 - (c) Building facades that are oriented in a non-cardinal arrangement (i.e. facades that are not aligned with north, south, east or west orientations);
 - (d) The use of glazing and polished cladding materials such as lished (satin finish) stainless steel.
327. The Practice Note also recommends that buildings be provided with matt, rough or textured materials which can diffuse solar light reflectance. The proposed development is considered to have a low risk of problematic glare impacts given the high proportion of textured materials (including snap brick cladding, concrete in a natural finish and hit-and-miss brickwork) and that the development does not include any sections of expansive glazing. Instead, glazing is broken down as individual windows and sliding doors that are integrated across the building façade. Furthermore, the design of the development does not feature any glazing or facades that are concave, tilted or of a non-cardinal orientation.

Equitable Development

328. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the *Planning and Environment Act* (1987), matters of equitable development must be considered. The DDO15 prescribes that upper levels are to be provided with a building separation of at least 4.5m where habitable room windows or balconies are proposed.
329. In this instance, the site is separated from land to the south by Johnston Street. This roadway is sufficiently wide (20m) to ensure reasonable equitable development opportunities for land to the south (regardless of the built form proposal).
330. Land to the north is located within the Neighbourhood Residential Zone, which has a mandatory maximum building height of two storeys and is separated from the subject site by the 6.1m-wide Little Turner Street. In light of this context, the proposed development will not unreasonably affect equitable development opportunities to the northern properties.
331. The property to the east (No. 412- 416 Johnston Street) and the property to the west (No. 394 Johnston Street) are both located within the Commercial 1 Zone with the same DDO15 built form controls as that of the subject site. The proposed development has responded to these properties as follows:
- (a) A solid, boundary wall for the southern part of the development at ground floor to level 05, which is a non-sensitive response allowing for the adjoining sites to build up to the respective common boundary;
 - (b) A solid wall for the southern part of the development at levels 06 and 07 with a side setback of 3m. The lack of windows in these walls ensures they are a non-sensitive interface for the purposes of equitable development at the adjoining properties.
 - (c) For the northern part of the development, at levels 01 – 08 (where habitable room windows and balconies are proposed), side setbacks of 4.85m to 4.96m are proposed which exceed the minimum prescribed by the DDO15 (4.5m) which ensures equitable development opportunities on the adjoining sites.
332. The resident terrace is proposed at ground floor along the eastern boundary. The shadow diagrams for this communal open space (prepared at the winter solstice) show that under existing conditions, the resident terrace will experience solar access at 12pm and 1pm only, which means that future development on the east-adjointing site will have limited impact on the resident terrace (when compared to solar access under existing conditions).
333. The development's equitable development response is well resolved and consistent with the DDO15.

[Car Parking, Vehicle Access, Traffic, Loading and Waste](#)

Provision of car parking

334. The proposed development would provide a total of 40 on-site car parking spaces in the basement with 24 car stacker spaces and 16 conventional car spaces (with one these provided as an accessible car space). Pursuant to Table 1 of Clause 52.06-5, this triggers a car parking reduction of 45 spaces.
335. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:

- (a) On-street car parking in the surrounding area consists largely of 1 hour, 2 hour, 4 hour and permit-restricted spaces. Johnston Street also has clearway restrictions during peak traffic times. The lack of long-stay car parking in the surrounding area will significantly reduce employee car parking demand associated with the proposed development. In the event of visitors arriving to the site by vehicle, the high turnover rate of the 1 and 2 hour car spaces will enable visitors to park near the site. Further, the permit-restricted spaces in the area will continue to protect car parking availability for existing, permit-holding residents.
- (b) The site has excellent access to public transport, including bus services on Johnston Street (direct access) as well as Victoria Park Railway Station (400m) west, both of which are within walking distance.
- (c) The provision of bicycle infrastructure in the surrounding area, including the Main Yarra Trail (250m northeast) and Wellington Street in Collingwood (1km west) both being highly utilised commuter routes for cyclists. The area also has shared lane markings for bicycles including on Johnston Street, Nicholson Street and Trenerry Crescent. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme. These measures (as well as the proposed end of trip facilities) will encourage employees to arrive via bicycle and will also encourage residents to travel by bicycle. The provision of visitor bicycle spaces on the land will similarly encourage visitors to ride to the development;
- (d) Local planning policy at clauses 18.02, 21.03, 21.06-3 and 21.07 encourage reduced rates of car parking provision for development sites within proximity to public transport routes and activity centres.
- (e) Traffic is a key issue affecting the road network. By providing a lower rate of on-site car spaces, it will ensure that the development does not generate any problematic increase in traffic levels for the surrounding road network.
- (f) The submitted Green Travel Plan would be endorsed to form part of the permit (should a permit issue). This would ensure that the permit holder will implement management practices to further encourage use of public transport and cycling as means of transport for employees and visitors.
- (g) Council's Engineering Services Unit reviewed the proposed car parking provision and raised no issue to the proposed reduction, stating that it is appropriate for the site. Further, Council's Engineering Services Unit was also supportive of the applicant's analysis of imperial data, which found that the proposed residential car parking provision is slightly lesser than that of the average for Abbotsford (as identified by ABS Census data). Council's Engineering Services Unit were satisfied with this level of car parking provision given the site's excellent access to public transport.

Vehicle Access

- 336. The application seeks to provide access to the basement car parking area via a double width access door and ramp located in the northeast corner of the site (accessed off Little Turner Street). Further south of the vehicle entry, the ramp transitions to single width.
- 337. Visibility for vehicle movements has been provided in the form of a convex mirror located at the western side of the entrance of the basement car park, internal to the vehicle entry door. The basement plan shows access to all car spaces via accessways (minimum width 6.13m) and a narrower, 3.75m-wide aisle is provided along the eastern edge of the basement. To ensure safe vehicle movements internally, two traffic signals are provided - one located within the basement (south of the ramp) and the other at the ground floor access point (south of the vehicle access door).

338. Council's Engineering Services Unit were largely supportive of the proposed access arrangements, with minor changes and additional details required as follows:
- (a) A convex mirror is to be mounted at the east edge of the development entrance;
 - (b) The internal ramped accessway is to be dimensioned on the drawings;
 - (c) The columns need to be redesigned and/or repositioned to comply with *Diagram 1 Clearance to car parking spaces* of Clause 52.06-9.
 - (d) Motorcycle spaces to be dimensioned on the drawings;
 - (e) The ground clearance check is to be resubmitted, showing the detail of the open invert and road pavement of Little Turner Street with the ground clearance check to be enlarged so as to show levels at the property boundary, the invert, the edge of the channel and a number of locations within the road pavement;
339. These can be addressed by way of condition.
340. A number of additional recommendations were made by Council's Engineering Services Unit; and 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 Johnston Street frontages must be reconstructed and satisfy the following:
 - (i) Be reconstructed in asphalt in accordance with Council standards;
 - (ii) The footpath must be constructed in compliance with DDA requirements: i.e. – a maximum crossfall of 1 in 33 for asphalt;
 - (iii) The internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary;
 - (iv) The alignment and level of existing kerb and channel in Johnston Street is not to be altered unless agreed upon with Council;
 - (v) The longitudinal grade of the footpath abutting the property (on either side) must not be altered unless agreed upon with Council;
 - (vi) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades/surface; and
 - (vii) The footpaths are to be reconstructed at the Permit Holder's cost.
 - (b) All redundant drain outlets are to be demolished and reinstated to Council satisfaction and at the permit holder's cost;
 - (c) The redundant vehicle crossing on the property's Johnston Street frontage must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
 - (d) The concrete open invert (spoon drain) abutting the property's Little Turner Street frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
 - (e) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
 - (f) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

- (g) Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- (h) Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.
- (i) Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- (j) Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- (k) 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.
- (l) Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- (m) 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.

341. The majority of these additional recommendations can be appropriately captured under general infrastructure, drainage and construction management conditions and/or notes. With regard to (a), footpath reconstruction in this case is considered a reasonable requirement given the scale of the proposed development, the large size of the site and the variety of proposed land uses including the removal of the vehicle crossover.

Vehicle Access – Alteration of Access to a Road in the Transport Zone 2

342. The application proposes to remove the existing vehicle crossover along Johnston Street and reinstate it to footpath, kerb and channel. This constitutes alteration of access to a road in the Transport Zone 2 and thus triggers a planning permit as previously outlined.

343. The proposed removal of a vehicle crossover from Johnston Street is a positive outcome from a traffic safety perspective given that vehicles will no longer be able to access the site from Johnston Street. Pursuant to the Transport Zone 2, Head, Transport for Victoria is the determining authority for this aspect of the application. The authority confirmed that there is no objection to the proposal, subject to the inclusion of one permit condition and one note. These have been added to the officer recommendation.

Traffic

344. In their review of the original application plans (i.e. the superseded plans which proposed 56 car spaces on the land), Council's Engineering Services Unit found that the proposed development would likely result in 22 individual trips in the morning peak and 22 in the evening peak (adopting a traffic generation of 0.5 trips per space per peak hour for the non-residential uses and 0.3 for the apartment dwellings). Council's Engineering Services found that these were not unduly high and would not pose adverse impacts on the surrounding road network. Since that time, the application was amended to reduce the number of car spaces on the land down to 40, which would generate less than 22 individual trips as confirmed by Council's Engineering Services Unit. The lower provision of on-site car parking is a positive outcome for the purposes of traffic impacts.

345. Furthermore, the application has located vehicle access from Little Turner Street. This is the preferred location with respect to pedestrian and traffic safety because there is no footpath at this street, and it has a predominantly 'back-of-house' laneway character with numerous garages and roller doors presenting to the street. The use of Little Turner Street also means that the footpath along the site's Johnston Street frontage will no longer be affected by vehicle movements, consistent with access policy in the DDO15.

Waste

346. Refer to the Waste assessment contained within the *On-Site Amenity (Clause 58)* section of this report.

Loading and unloading

347. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. A loading bay has not been specifically designated on the plans, however the southern side of Little Turner Street is designated as a loading zone and thus loading associated with the proposed development would be facilitated by this existing resource. Council's Engineering Services Unit concurred with this, raising no objection to the loading arrangements of the development. Furthermore, the proposed dwellings and Medical Centre land uses are not associated with high loading demand, noting that neither use involves the sale or storage of goods.

Bicycle Facilities

348. With regards to visitor spaces, the development proposes 16 ground floor, horizontal spaces (i.e. eight horizontal hoops), including:

- (a) 12 spaces located externally, north of the resident terrace and;
- (b) 4 spaces located internally, south of the resident terrace and adjacent to the lift lobby.

349. The number of visitor spaces proposed exceeds the minimum prescribed by Clause 52.34 (9 spaces) and is considered to provide a good sustainable transport outcome. Council's Strategic Transport Unit also confirmed that the proposed number of visitor spaces are satisfactory. Council's Strategic Transport Unit also recommended that dimensions of the visitor spaces should be provided to ensure compliance with AS 2890.3. This will be facilitated by way of condition.

350. With regards to resident / employee bicycle spaces, the development proposes a total of 52 spaces (in the form of 26 double bicycle stackers). This significantly exceeds the statutory requirements outlined in Clause 52.34 (11 spaces) and will provide for the needs of cyclists.

Council's Strategic Transport Unit was generally supportive of the number proposed, however advised that additional bicycle spaces could be pursued through the removal of some of the car parking spaces. Given the high number of bicycle spaces proposed, this advice will not be pursued.

351. The resident / employee spaces are all located within an unsecured area adjacent to the lifts at basement level 01. This is highly accessible for users as it is immediately adjacent to the lift lobby and stairwell. With respect to the arrangement, layout and access of the proposed employee / resident spaces, Council's Strategic Transport Unit recommended that:

- (a) Dimensions of bicycle spaces, lifts, doors and accessways provided to demonstrate compliance with the requirements of AS 2890.3;
- (b) All resident / employee spaces provided in a secure, lockable compound;
- (c) A minimum of 20% of the resident / employee spaces provided as horizontal rail spaces (i.e. in-ground) to improve accessibility for cyclists;

352. These recommendations are reasonable and will ensure an optimal sustainable transport outcome and will thus be facilitated by way of condition.
353. The development also proposes end-of trip facilities for employees, with one shower/ change room and two toilets that also appear to function as change rooms, as well as three lockers. The proposed number of showers matches the number prescribed by Clause 52.34. The design of the facilities, however, could be improved by converting the two toilets into one larger shower / change room, which would mean that more than one shower facility would be provided for employees. A condition will require this. Council's Strategic Transport Unit did not make any recommendations pertaining to the end of trip facilities.
354. The Green Travel Plan provides a number of green travel commitments including management commitments that will encourage residents and employees to utilise non-vehicular means of transport. The Green Travel Plan shows that three car spaces will be dedicated as electric vehicle charging spaces, however the plans do not confirm this. Accordingly, a condition will require a minimum of three electric vehicle car spaces. Council's Strategic Transport Unit did not raise any issues with respect to the Green Travel Plan.

Objector Concerns

355. Objector concerns are discussed as follows:

- (a) *Concerns regarding the proposed design, including building height, massing and architectural quality as well as non-compliance with DDO15;*

Refer to paragraphs 132 - 203 for a discussion of these matters.

- (b) *Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);*

Refer to paragraphs 291 - 333 for a discussion of these matters.

- (c) *Off-site amenity impacts associated with the location of a food and drinks premises facing Little Turner Street, proximate to dwellings;*

It is relevant to highlight that the rear commercial tenancy is associated with a Shop rather than a Food and Drink Premises as confirmed by the Waste Management Plan. As previously discussed, a condition will require this detail to be shown on the plans. Refer to paragraphs 312 - 315 for a discussion of noise impacts associated with the proposed uses and the proposed development.

- (d) *Concerns about traffic impacts to the surrounding road network including increased traffic levels on Little Turner Street (and associated implications for pedestrian safety on Little Turner Street);*

Refer to paragraphs 344 - 345 for a discussion of these matters.

- (e) *Concerns about waste vehicles using Little Turner Street;*

Refer to paragraphs 276 - 280 for a discussion of these matters. Furthermore, a discussion on loading and unloading is provided at paragraph 347.

- (f) *Concerns about the proposed car parking reduction and associated impacts to on-street car parking availability;*

Refer to paragraphs 334 - 335 for a discussion of these matters.

- (g) *Concerns about the use of a car stacker system;*

Refer to paragraphs 336 - 339 for a discussion of these matters. Furthermore, Council's Development Engineering Unit was satisfied with the proposed use of car stackers.

- (h) *Concerns that the proposed on-site car parking provision is too high, failing to reduce reliance on private motor vehicles;*

Refer to paragraphs 334 - 335 for a discussion of these matters. Furthermore, the proposed development encourages green travel as discussed at paragraphs 261 – 267.

- (i) *Lack of secure, lockable compound provided for the bicycle spaces;*

Refer to paragraphs 348 - 354 for a discussion of these matters.

- (j) *Lack of electric vehicle charging facilities;*

As discussed at paragraph 354, conditions will require a minimum of three electric vehicle spaces to be provided.

- (k) *Poor internal amenity, including insufficient bedroom sized and extent of ventilation;*

Refer to paragraphs 177 - 262 for a discussion of these matters.

- (l) *Lack of dwelling diversity;*

Refer to paragraph 208 for a discussion of these matters.

- (m) *Impacts to the neighbourhood character of the surrounding area;*

Refer to paragraphs 138 – 140 for a discussion of the development's response to the nearby heritage context as well as paragraphs 186 - 195 for a discussion of the proposal's architectural quality.

- (n) *Impacts on the infrastructure (including transport infrastructure);*

Refer to paragraph 209 for a discussion of these matters.

- (o) *Amenity impacts associated with the construction of the development, including noise impacts, traffic and damage to property and vehicles in the area;*

Matters pertaining to construction-related impacts are not dealt with at the Planning Permit stage, however a condition will require a comprehensive Construction Management Plan to be submitted to and endorsed by Council prior to commencement of works to ensure best practice construction methods are implemented.

- (p) *Identification of a typographical error in the application's Green Travel Plan.*

Table 3 of the Green Travel Plan refers to three facilities that are not within proximity to the site (Ashburton Shopping Centre, Watson Park and Solway Primary School). This is simply a typographical error. A condition will require the Green Travel Plan to be corrected.

Conclusion

356. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, is consistent with the DDO15 and will provide a high level of amenity for occupants of the building.
357. The proposal, subject to the conditions recommended, is a satisfactory planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN21/0316 for the construction of a multi-storey building for office (medical centre), food and drink premises, shop and dwellings (permit required for the dwellings land use only), buildings and works within the Transport Zone 2, alteration of access to a road in Transport Zone 2 and a reduction in the car parking requirements at 398 – 400 Johnston Street Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the architectural plans prepared by MA Architects dated 30 June 2022 but modified to show:
 - (a) The following changes in accordance with the sketch plans received by Council on 07 February 2023:
 - (i) Level 08 balconies reduced in size so that these balconies (including inter-tenancy screening and balustrades) comply with the 45 degree setback controls of the Design and Development Overlay (Schedule 15);
 - (ii) Raking of the front section of the services screening to comply with the 45 degree setback control of the Design and Development Overlay (Schedule 15);
 - (iii) Provision of additional articulation to the Johnston Street podium through the application of brick snap cladding to the central section of the podium façade (at levels 01, 02, 04 and 05);
 - (iv) Provision of an additional gate and fencing to the northern edge of the resident terrace;
- But further modified to show:
- (b) Notate the westernmost ground floor tenancy facing Johnston Street as a Food and Drink Premises and notate the three remaining ground floor tenancies as Shop;
 - (c) Removal of thick black outline on east and west elevations (depicting adjacent development);
 - (d) The residential entrance gates at Johnston Street and at Little Turner Street provided with a minimum visual transparency of 50%;
 - (e) Dimension the height of the rear ground floor fencing and entrance gate at Little Turner Street;
 - (f) Details of lighting within the ground floor setback area along Little Turner Street ensuring some sensor lighting;
 - (g) Reconfigure the Johnston Street footpath canopy to provide openings within the canopy that have a minimum radial clearance of 3m from the trunks of the two street trees along the Johnston Street frontage, with these openings provided with a curved design where possible;
 - (h) Dimension the footpath clearance height, depth outside title boundaries and minimum 750mm setback from the street kerb of the Johnston Street footpath canopy;

- (i) Clarify the ground surface material proposed for the ground floor setback area along the Johnston Street frontage;
- (j) Reconfigure the ground floor Johnston Street fire booster cupboard so that the service doors can be pinned back 180 degrees to the building façade when in use;
- (k) Notation confirming that the rainwater tank has a minimum capacity of 20,000L and that it will be connected to toilets for flushing at ground floor, level 01 (apartments) and level 02 (Office Medical Centre);
- (l) Correct the Clause 58 plans to correctly identify that there are a total of two 'Type H' apartments;
- (m) Hit-and-miss brickwork screens to the north-facing windows of apartments 308, 310, 404, 406, 504 and 505 to be provided with a maximum visual transparency of 25%;
- (n) The north-facing windows and balconies of apartments 501 and 502 screened to comply with the internal views objective of clause 58.04-2 with respect to the balconies of apartments 401 and 402;
- (o) Notation on the ground floor plan to confirm that the southern entrance to the resident terrace is locked with a fob pass for occupants of the apartments only;
- (p) Update all Overlooking Diagrams and Sections A and C to provide the following dimensions for apartments 103, 104, 203, 204, 303 and 304:
 - (i) The height and depth of the solid balustrades;
 - (ii) Height and depth of the horizontal fin screening;
 - (iii) Size of the gaps between each of the horizontal fins;
- (q) The north-facing balconies and habitable room windows of apartments 103, 203 and 303 screened to comply with the overlooking objective of clause 55.04-6, with respect to views into the secluded private open space of No. 87 Turner Street;
- (r) The north-facing balconies and habitable room windows of apartments 303 and 304 screened to comply with the overlooking objective of clause 55.04-6, with respect to views into the secluded private open space of No. 97 Turner Street;
- (s) Provision of an additional overlooking diagram to demonstrate that the development complies with the overlooking objective of clause 55.04-6 with respect to the secluded private open space of No. 99 Turner Street;
- (t) A minimum of eight storage cages provided with notations confirming that these are allocated to all Type A, Type F and Type J apartments;
- (u) Clause 58 (BADS) plans updated to show:
 - (i) The Type A, Type C and Type F apartments provided with adaptable bathroom doors that are clear of the adaptable bathroom circulation area and provided with readily removable hinges;
 - (ii) The Type B apartments provided with notations to confirm that the adaptable bathroom doors have hinges that are readily removable;
 - (iii) The Type B and Type E apartments provided with notations to confirm that the adaptable bathrooms have shower screens that are removable;
 - (iv) The adaptable bathrooms of Type B and Type E apartments reconfigured to have the toilets located closest to the door opening;
- (v) A convex mirror mounted at the eastern edge of the development entrance;
- (w) The internal ramped accessway dimensioned;
- (x) Redesign or repositioning of the basement columns to comply with *Diagram 1 Clearance to car parking spaces* of clause 52.06-9;
- (y) Motorcycle spaces dimensioned;
- (z) Cross-section drawing (ground clearance check) of the vehicle entrance (for the first 7m inside the property) using the B99 design vehicle. The ground clearance check must provide (or show) the following:
 - (i) spot levels of the property boundary, the open invert, the edge of the channel and a number of different locations within the road pavement of Little Turner Street;
 - (ii) no vehicle scraping or 'bottoming out' of a B99 vehicle as it accesses the subject site via Little Turner Street.
- (aa) Dimension the visitor bicycle spaces, demonstrating compliance with AS 2890.3;
- (bb) With respect to the employee / resident bicycle spaces:

- (i) Show dimensions of bicycle spaces, lifts doors and accessways to demonstrate compliance with the access requirements of AS 2890.3;
 - (ii) All spaces located within a secure, lockable compound;
 - (iii) A minimum of 20% of the spaces provided as horizontal rack spaces;
- (cc) Provision of a second shower / change room facility at ground floor by merging the two toilets;
- (dd) A minimum of three electric vehicle car spaces;
- (ee) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
- (ff) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
- (gg) any requirement of the endorsed Landscape Plan (condition 10) (where relevant to show on plans);
- (hh) any requirement of the endorsed Tree Management Plan (condition 12) (where relevant to show on plans)
- (ii) any requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans);
- (jj) any requirement of the endorsed Wind Report (condition 15) (where relevant to show on plans);
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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 be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, façade services and utilities and typical tower facade details;
 - (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, including any vegetation;
 - (d) details of the construction, durability and alignment of the snip brick cladding, and;
 - (e) a materials schedule (with example images) and coloured drawings outlining colours, materials and finishes and clarification of the exact produce type for the snap brick cladding;
4. As part of the ongoing consultant team, MA Architects Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the 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.

Sustainable Management Plan

5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Frater Consulting Services, dated 07 July 2022 (as well as the Daylight Modelling Report prepared by IGS and dated 28 June 2022) , but modified to include or show:
- (a) Confirm whether gas is being used at all within the building (i.e. for cooking and discuss whether the development has potential to be 100% all electric;
 - (b) Remove all ambiguous language from the commitments within the material category;

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

Waste Management Plan

7. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 01 July 2022, but modified to include or show:
 - (a) Specify the maximum size of waste vehicles to be used for waste collection, with corresponding swept path diagrams to demonstrate that these vehicles can access and egress Little Turner Street;
 - (b) Clarify how hard waste and e-waste will be managed.

To the satisfaction of the Responsible Authority.

8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Bradbury Culina and dated 16 June 2021, but modified to include (or show):
 - (a) Updated to align with the endorsed plans referenced at condition 1.
 - (b) Show climbing plants in the central ground floor landscaping strip (within the northern ground floor setback area) that are capable of growing up the hit-and-miss brick screening of the northern façade at ground floor, level 01 and level 02;
 - (c) The provision of:
 - (i) One Type A Tree provided in a planter (in accordance with the minimum specifications of Table D3 of Standard D10 of Clause 58) within the ground floor resident terrace;
 - (ii) A minimum of one Type A tree provided in a planter (in accordance with the minimum specifications of Table D3 of Standard D10 of Clause 58) at the roof garden at level 01;
 - (iii) The above-mentioned Type A trees to be of a species that can grow in low sunlight conditions;
 - (d) The soil mix used in planters above ground to be specified as lightweight media;
 - (e) Clarify depth of all planted areas, with a minimum soil depth of 0.8m for any tree plantings;
 - (f) Information on the proposed methods for irrigation and drainage;
 - (g) A plant and landscape maintenance schedule including details on tasks and frequency to maintain the landscaping, details on accessing landscaping areas above ground floor and details on how communal landscaped areas will be managed;

to the satisfaction of the Responsible Authority.

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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, all to the satisfaction of the Responsible Authority.

Tree Management Plan

12. Before the development commences, a Tree Management Plan regarding the street trees along Johnston Street to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must include (or show):
- (a) All construction methods in accordance with AS4970-2009 (Protection of trees on development sites);
 - (b) Identify tree protection measures to ensure the long term viability of the street trees including:
 - (i) Show tree protection fencing to be solid hoarding fixed to the ground that extends along the footpath along the width of the tree canopy;
 - (ii) Identify tree protection measures that protect the canopy from any damage by machinery, vehicles or construction processes;
- all to the satisfaction of the Responsible Authority.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented thereafter to the satisfaction of the Responsible Authority.

Acoustic Report

14. The provisions, recommendations and requirements of the endorsed Acoustic Report generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 22 June 2022, must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

15. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Wind Tech and dated 27 June 2022, but modified to include (or show):
- (a) Demonstrate the 'standing comfort' criterion being achieved at the rear pedestrian entrance (at the eastern end of the Little Turner Street frontage) without reliance on landscaping;
 - (b) Demonstrate that the 'walking comfort' criterion can be achieved along the Johnston Street footpath accounting for the reduced extent of canopy as required by condition 1(f);
 - (c) Demonstrate that the revised level 08 balconies (as required by condition 1(a) will meet the standing comfort criterion;
 - (d) Demonstrate that the building entrances along the Johnston Street frontage will achieve the standing comfort criterion;

- (e) Demonstrate the wind outcomes stated throughout the report by undertaking wind modelling with a discussion of any additional attenuation measures that may be required as a result of the findings of the wind modelling.

all to the satisfaction of the Responsible Authority.

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

Road Infrastructure

- 17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on the property's Johnston Street frontage must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at no cost to the Responsible Authority, and;
 - (b) to the satisfaction of the Responsible Authority.

- 18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Johnston Street frontage must be reconstructed and satisfy the following:
 - (a) Be reconstructed in asphalt in accordance with Council standards;
 - (b) The footpath must be constructed in compliance with DDA requirements i.e. – a maximum crossfall of 1 in 33 for asphalt;
 - (c) The internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary;
 - (d) The alignment and level of existing kerb and channel in Johnston Street is not to be altered unless agreed upon with Council in writing;
 - (e) The longitudinal grade of the footpath abutting the property (on either side) must not be altered unless agreed upon with Council in writing;
 - (f) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades/surface; and
 - (g) The footpaths are to be reconstructed at the Permit Holder's cost,

to the satisfaction of the Responsible Authority;

- 19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated:
 - (a) at no cost to the Responsible Authority; and
 - (b) to the satisfaction of the Responsible Authority.

- 20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all redundant drain outlets must be demolished and reinstated:
 - (a) at no cost to the Responsible Authority; and
 - (b) to the satisfaction of the Responsible Authority.

Car Parking

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

22. Before the 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.

Green Travel Plan

23. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 4 July 2022, but modified to include (or show):
- (a) Update Table 3 by removing reference to Ashburton Shopping Centre, Watson Park and Solway Primary School;
 - (b) Discuss proposed end of trip facilities;
- all to the satisfaction of the Responsible Authority.
24. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

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

General

26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. The amenity of the area must not be detrimentally affected by the construction, 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.
28. The development must at all times comply 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), as may be amended from time to time.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
30. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

31. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
32. 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.

Development Contributions

33. 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.
34. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

Construction Management

35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure and adjoining private properties;
 - (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
 - (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
36. 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 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Transport for Victoria Condition (Condition 35)

37. Prior to commencement of use all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Time expiry

38. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the dwellings use is not commenced within five years of the date of this permit.

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

NOTES

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

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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.

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

Transport for Victoria Note

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport Zone 2 (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

Attachments

- 1 PLN21/0316 - PDC Attachment - Sketch Plans received 07 February 2023
- 2 PLN21/0316 - PDC Attachment - Decision Plans
- 3 PLN21/0316 - PDC Attachment - Site Locality Plan
- 4 PLN21/0316 - PDC Attachment - Combined Referral Comments