

**FUTURE MELBOURNE (PLANNING)  
COMMITTEE REPORT**

Agenda Item 5.3

**APPLICATION FOR PLANNING PERMIT : TP-2011-652  
243-251 FLEMINGTON ROAD, NORTH MELBOURNE**

7 February 2012

**Presenter:** Martin Williams, Acting Manager Planning and Building

**Purpose and background**

1. This application is presented to the Future Melbourne Committee at the request of Councillor Shanahan.
2. The purpose of this report is to advise the Committee of an application for demolition of existing buildings, construction of a four storey mixed use development, use of the site for a restaurant (café), child care facility and medical centre, and a reduction in car parking, bicycle and loading requirements (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed Plans).
3. The site is located in the Residential 1 Zone and is affected by the Heritage Overlay (North and West Melbourne precinct).
4. Two applications have previously been considered for this site which are relevant to the consideration of this application.
5. In 2006 the Victorian Civil and Administrative Tribunal (VCAT) upheld the refusal by Council of an application to construct a building for the use as a medical centre, child care centre, function hall and dwellings.
6. In 2007 the Council refused an application for demolition of existing buildings and development of a three storey building to be used for a child care centre, child play centre (indoor recreation facility) and five dwellings at the Committee Meeting on 4 December 2007. VCAT overturned the decision and a planning permit was issued. The permit has since expired.
7. The current application was advertised and received seven objections, and one letter of support from an objector to the previous application.

**Key issues**

8. The key issues for consideration in the assessment of this application are heritage, built form, the proposed uses and their potential amenity impacts including parking and traffic.
9. Subject to a number of changes recommended in Condition 1, the proposed development is considered to be appropriate to the site and surrounds. The design is considered an improvement from previous applications, as is reflected in the reduced number of objections received and in the letter of support received from a previous objector. Traffic and parking are supported by the Engineering Services Branch and the access arrangements remain unchanged from those of the development approved by VCAT in 2007.
10. With respect to potential amenity impacts, the proposal broadly complies with the requirements of the Planning Scheme (Clause 22.14, Discretionary Uses in the Residential 1 Zone). Recommended conditions relating to waste management, car park and traffic management, hours of operation and patron numbers address the key issues relating to potential amenity impacts.

**Recommendation from management**

11. That the Future Melbourne Committee issue a Notice of Decision to Grant a Permit, subject to the conditions included in the delegate's report (refer Attachment 4, Delegate's Report).

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report



## SUPPORTING ATTACHMENT

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provides that the Responsible Authority must give the applicant and each objector a notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The Responsible Authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the Tribunal for a review of the decision or, if an application for review is made, until the application is determined by the Tribunal or withdrawn.
3. In making its decision, section 60(1)(c) of the Act requires the Responsible Authority to consider, amongst other things, all objections and other submissions which it has received.

### Finance

4. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

6. Formal notification (advertising of the planning application) was carried out for the application.

### Relation to Council policy

7. Relevant Council policies are discussed in the attached officer report (refer Attachment 4).

### Environmental sustainability

8. Environmental sustainability is discussed in the attached officer report (refer Attachment 4). Recommended Condition 1(m) requires the provision of thirteen bicycle parking spaces on site. The spaces may encourage the use of more sustainable modes of transport. Recommended condition 1(n) requires a notation regarding the proposed basement water tank for toilet flushing within the building as proposed in the Architects Statement. Recommended Condition 9 requires the submission of an Environmental Assessment (and if identified as necessary, an Environmental Audit) prior to the commencement of development (excluding demolition).



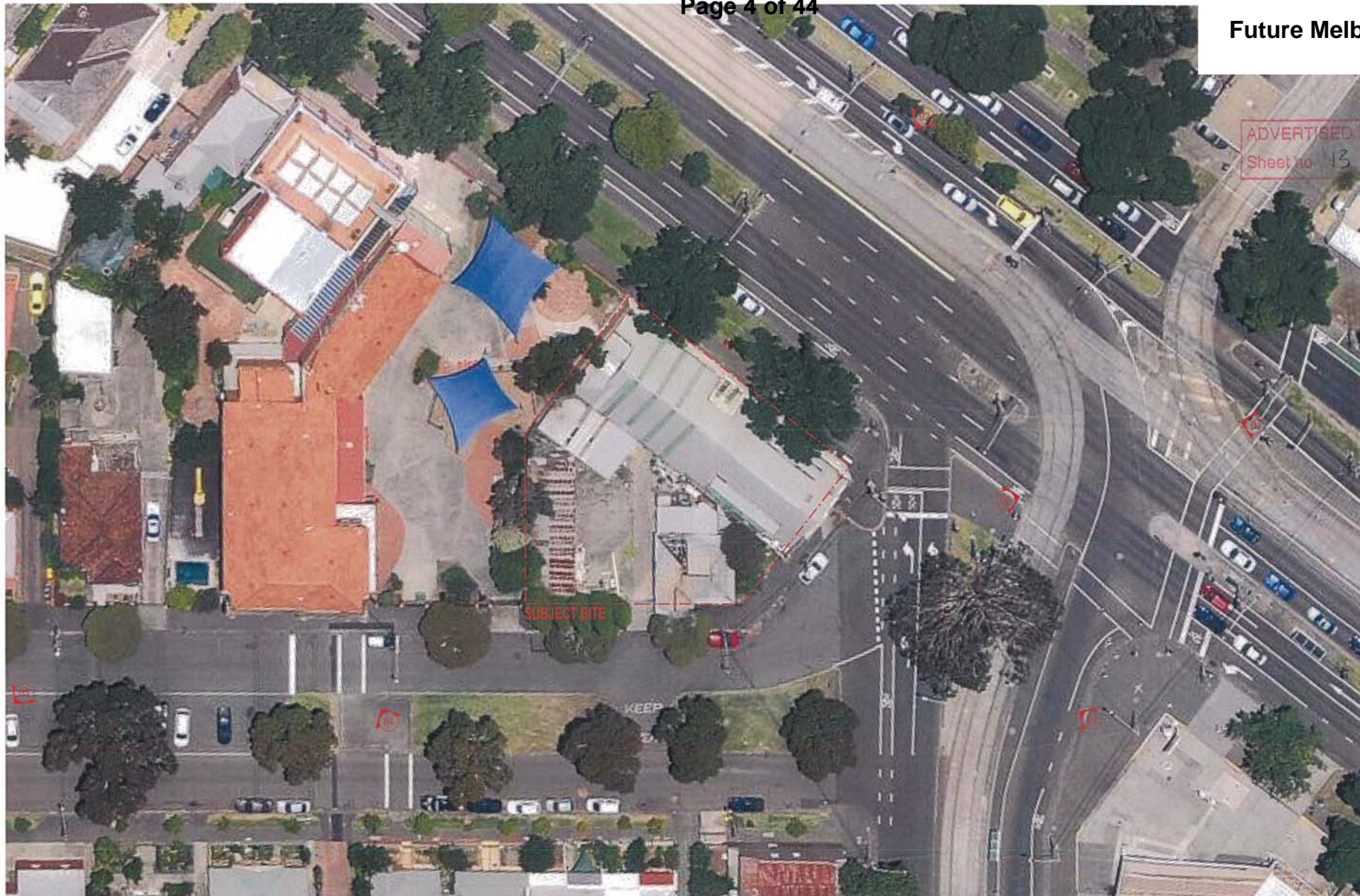


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PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**  
 PROJECT NUMBER  
**10-038**     DATE  
**08 AUG 2011**

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**SITE PHOTOGRAPHS**

DRAWING NUMBER  
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PROJECT NUMBER  
**10-038**

DATE  
**08 AUG 2011**

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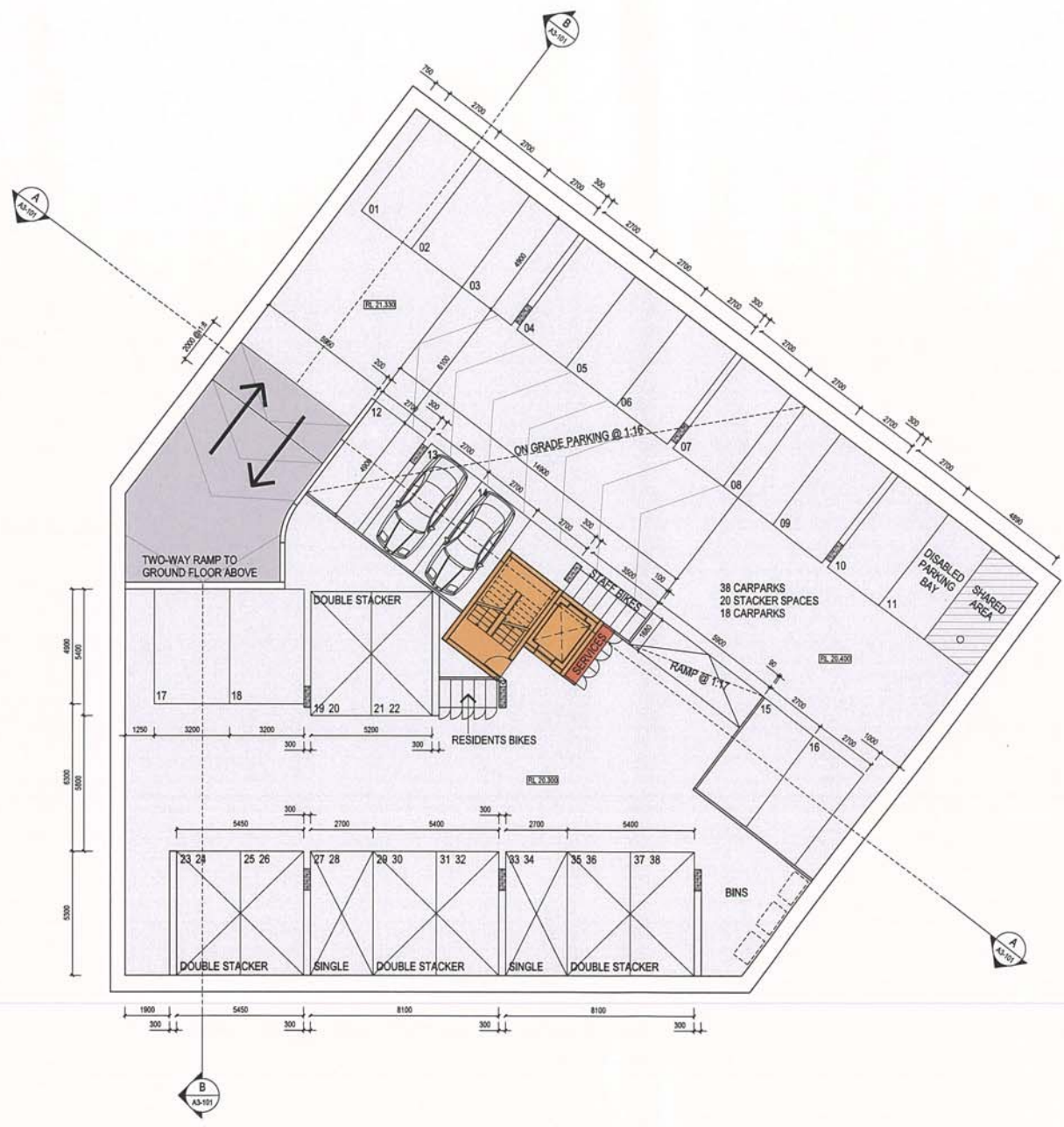
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- APARTMENT TYPE 02 SINGLE BEDROOM 47.942
- APARTMENT TYPE 03 SINGLE BEDROOM 34.942
- APARTMENT TYPE 04 DOUBLE BEDROOM 76.942
- APARTMENT TYPE 05 DOUBLE BEDROOM 76.942
- APARTMENT TYPE 06 DOUBLE BEDROOM + HOME OFFICE 81.942 RESIDENTIAL SPACE 39.02 HOME OFFICE SPACE

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**10-038** DATE  
**08 AUG 2011**

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PROPOSED

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- LEGEND
- APARTMENT TYPE 01  
SINGLE BEDROOM  
41.5M<sup>2</sup>
  - APARTMENT TYPE 02  
SINGLE BEDROOM  
47.0M<sup>2</sup>
  - APARTMENT TYPE 03  
SINGLE BEDROOM  
54.8M<sup>2</sup>
  - APARTMENT TYPE 04  
DOUBLE BEDROOM  
76.5M<sup>2</sup>
  - APARTMENT TYPE 05  
DOUBLE BEDROOM  
76.5M<sup>2</sup>
  - APARTMENT TYPE 06  
DOUBLE BEDROOM + HOME OFFICE  
86.5M<sup>2</sup> RECREATION SPACE  
86M<sup>2</sup> HOME OFFICE SPACE

**ADVERTISED PLAN**  
 Sheet no. 20 of 34 sheets

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**243-251 FLEMINGTON ROAD**

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**10-038**

DATE  
**08 AUG 2011**

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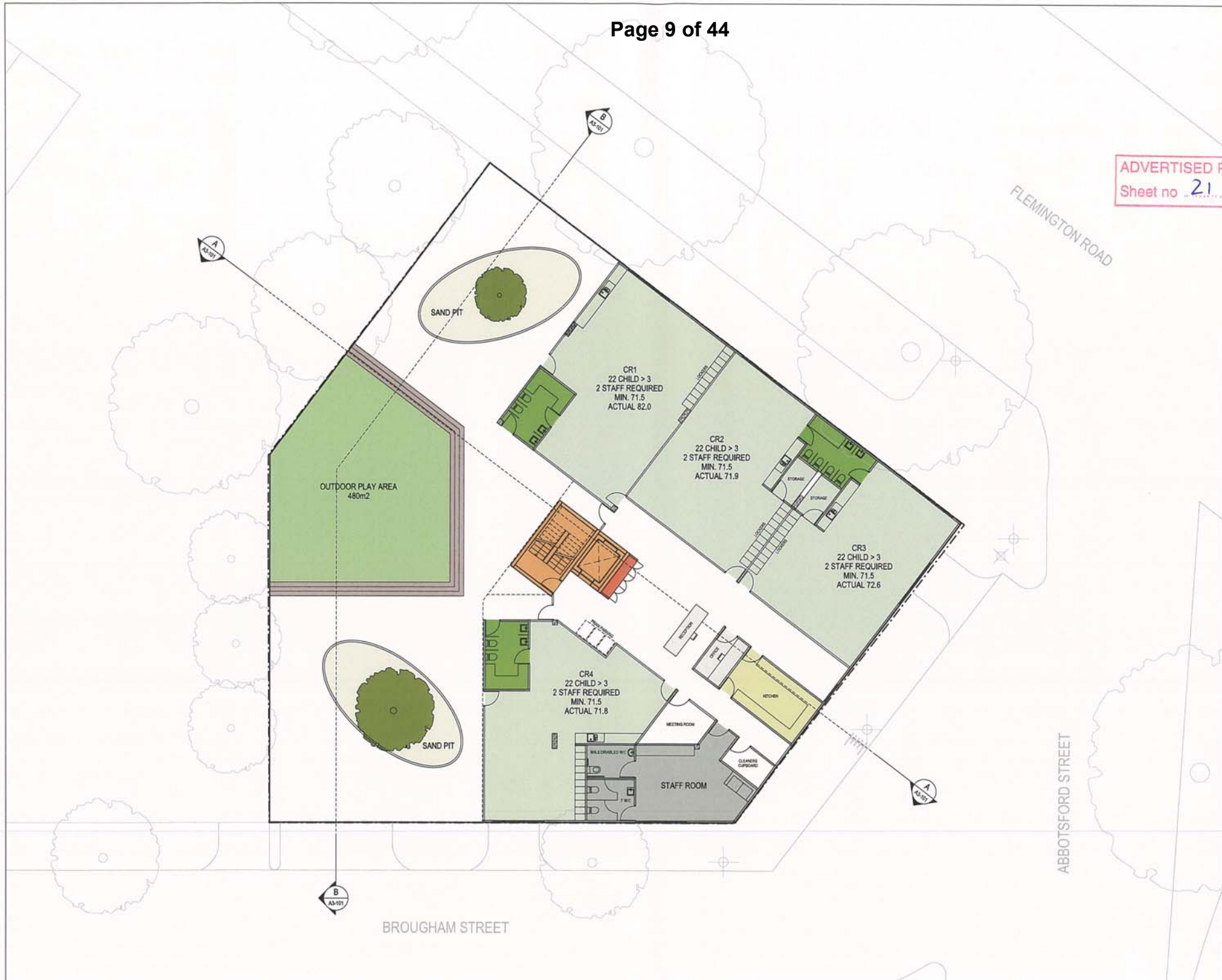
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DRAWING NUMBER  
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**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**

PROJECT NUMBER  
**10-038** DATE  
**08 AUG 2011**

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**SECOND FLOOR PLAN PROPOSED**

DRAWING NUMBER  
**TP 1-105** REVISION  
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FLEMINGTON ROAD

ABBOTSFORD STREET

BROUGHAM STREET



PLAYSPACE BELOW

FOYER

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LEGEND

- APARTMENT TYPE 01  
SINGLE BEDROOM  
41.6M2
- APARTMENT TYPE 02  
SINGLE BEDROOM  
41.6M2
- APARTMENT TYPE 03  
SINGLE BEDROOM  
34.9M2
- APARTMENT TYPE 04  
DOUBLE BEDROOM  
78.5M2
- APARTMENT TYPE 05  
DOUBLE BEDROOM  
78.5M2
- APARTMENT TYPE 06  
DOUBLE BEDROOM + HOME OFFICE  
86.9M2  
RESIDENTIAL SPACE  
AND HOME OFFICE SPACE

ADVERTISED PLAN  
Sheet no **22** of **37** sheets

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PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**

PROJECT NUMBER  
**10-038**

DATE  
**08 AUG 2011**

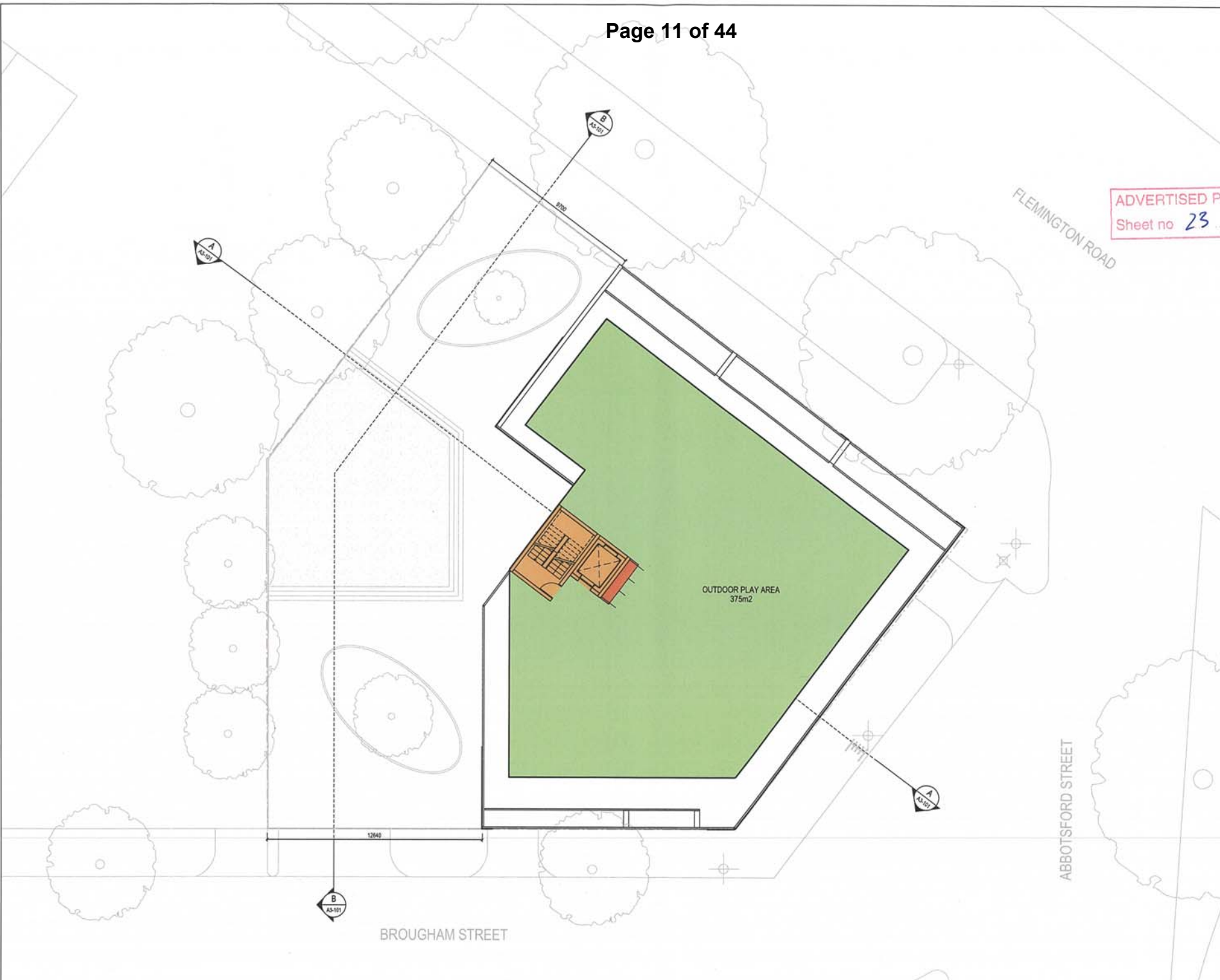
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STATE  
**TOWN PLANNING**

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**THIRD FLOOR PLAN PROPOSED**

DRAWING NUMBER	REVISION
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PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**

PROJECT NUMBER  
**10-038**

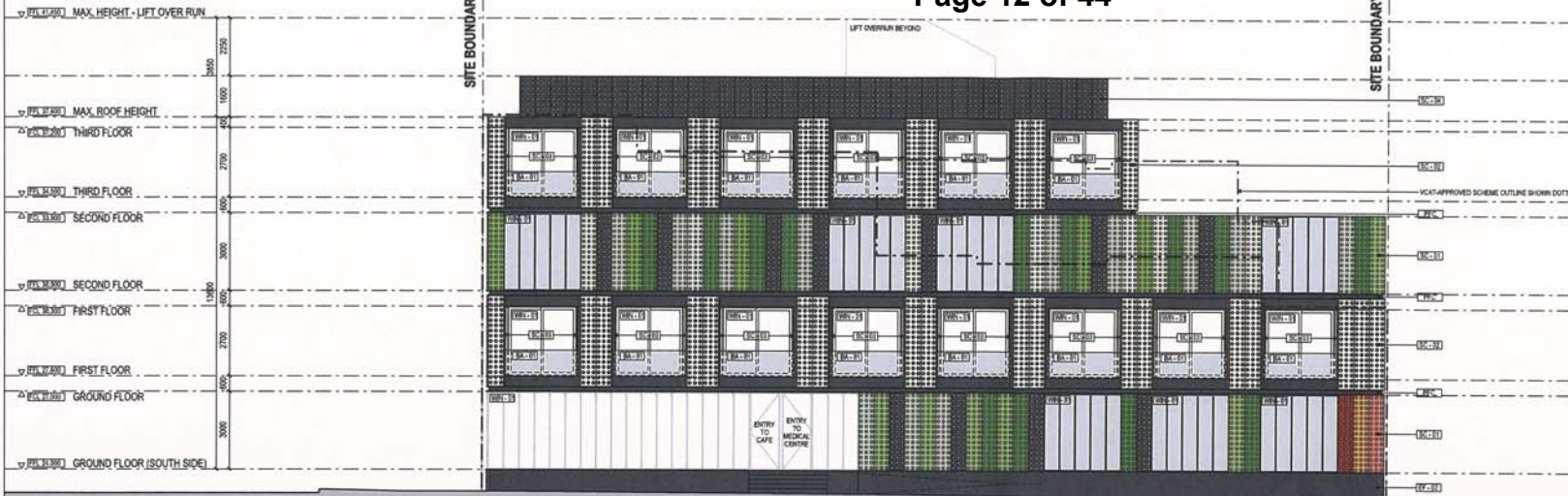
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**TOWN PLANNING**

DRAWING TITLE  
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DRAWING NUMBER  
**TP 1-107**



01 NORTH / FLEMINGTON ROAD ELEVATION  
PERFORATED SCREENS OPEN



02 NORTH / FLEMINGTON ROAD ELEVATION  
PERFORATED SCREENS CLOSED

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LEGEND

- PERFORATED SCREEN - FIXED / COLOURED
- PERFORATED SCREEN - FIXED / WHITE
- PERFORATED SCREEN - OPENABLE / WHITE
- PERFORATED SCREEN - FIXED / DARK
- GLASS BALUSTRADE
- BRICK WALL TO MATCH COLOUR OF PRIMARY SCHOOL
- DARK BLOODWOOD
- WINDOW - CLEAR
- WINDOW - GLASS FILM TO PREVENT OVERLOOKING
- PARALLEL FLANGE CHAIR

ADVERTISED PLAN  
Sheet no. 24 of 37 sheets

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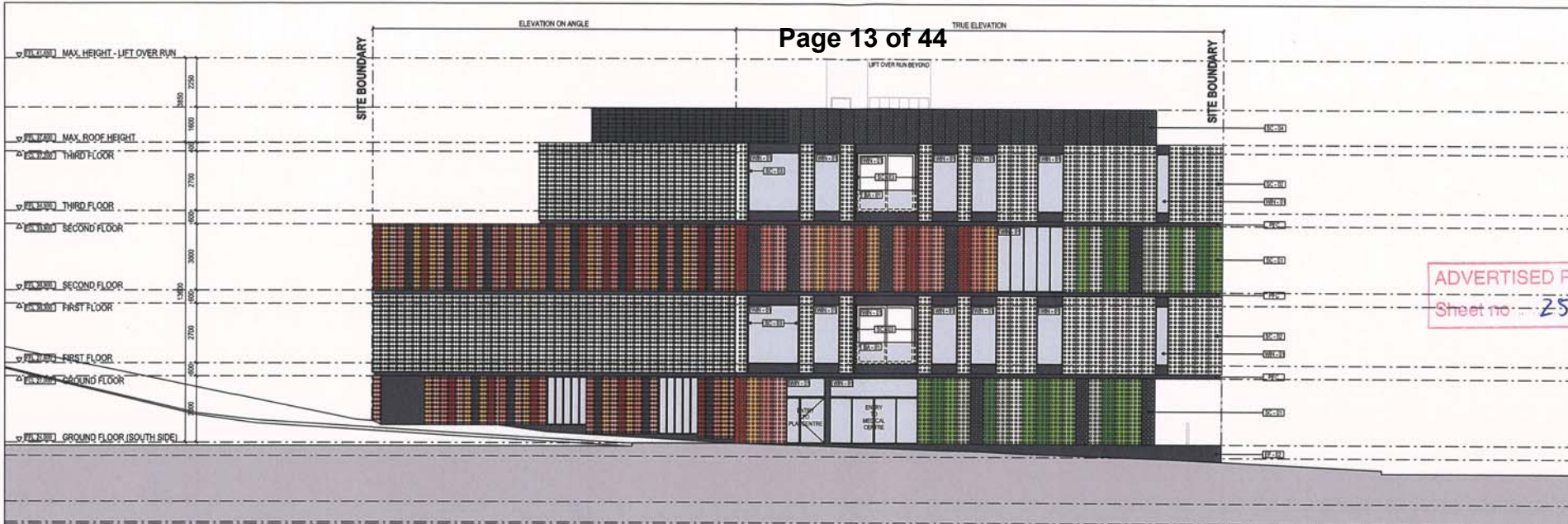
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FLEMINGTON ROAD**

DRAWING NUMBER  
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- LEGEND**
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  - [Pattern] PERFORATED SCREEN - FINED / WHITE
  - [Pattern] PERFORATED SCREEN - OPENABLE / WHITE
  - [Pattern] PERFORATED SCREEN - FINED / DARK
  - [Pattern] GLASS BALCONY
  - [Pattern] BRICK WALL TO MATCH FENCE OF PRIMARY SCHOOL.
  - [Pattern] DARK BLOCKWORK
  - [Pattern] WINDOW - CLEAR
  - [Pattern] WINDOW - GLASS FILM TO PREVENT OVERLOOKING
  - [Pattern] PARALLEL FLANGE CHANNEL

**ADVERTISED PLAN**  
 Sheet no. 25 of 37 sheets



- CONSULTANTS**
- PLANNING**  
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 LEVEL 1 283 DRUMMOND STREET CARLTON VIC 3053  
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**FARA FUZATY & PARTNERS**  
 412 BUCKLEY STREET ESSENDON VIC 3040  
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 www.jcsbl.com.au

No.	Date	By	How

**CLIENT**  
**JIM NICOLAOU**

**CLIENT SIGN-OFF**  
 Date: \_\_\_\_\_ Approved By: \_\_\_\_\_  
**INTERNAL CHECK**  
 Date: \_\_\_\_\_ Checked By: \_\_\_\_\_  
**PROJECT NAME**  
**FLEMINGTON ROAD**

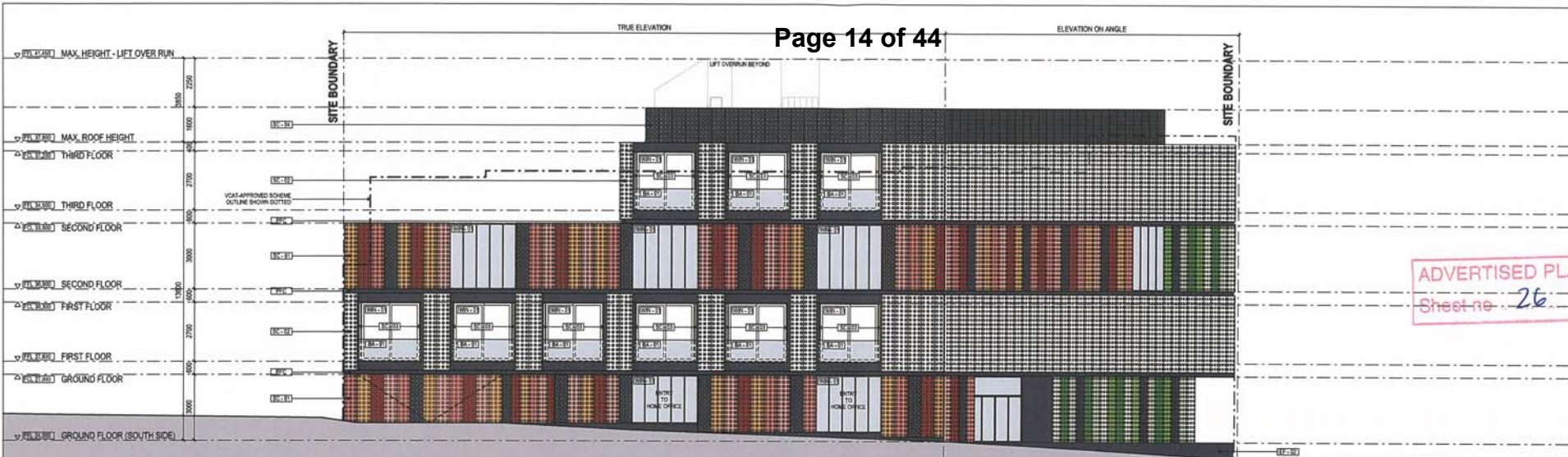
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**PROJECT NUMBER** **10-038** **DATE** **08 AUG 2011**

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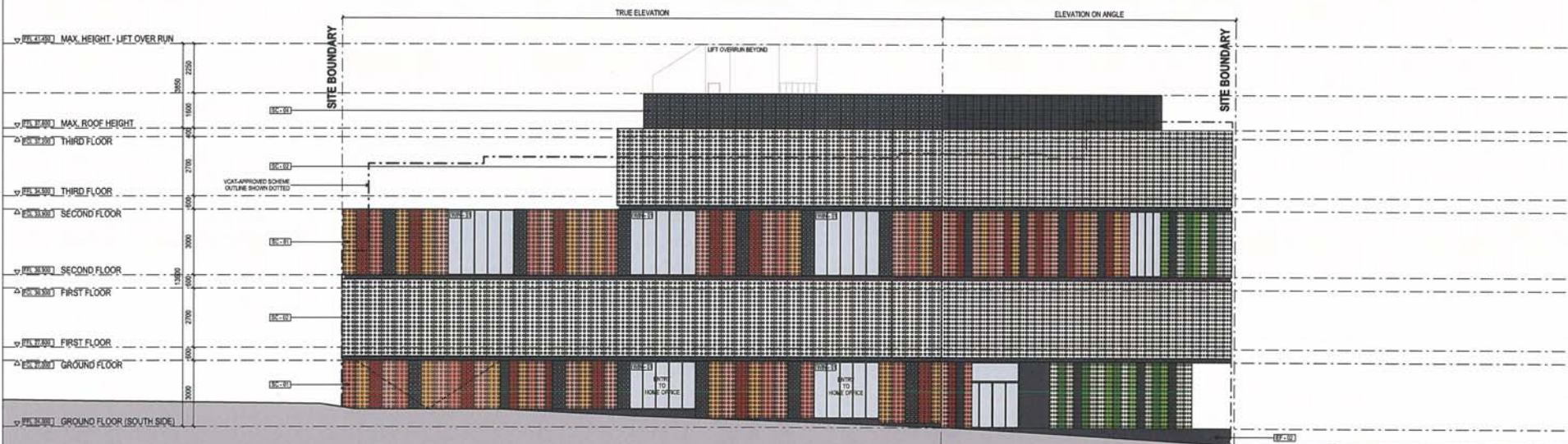
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**DRAWING TITLE**  
**ELEVATIONS**  
**ABBOTSFORD STREET**

**DRAWING NUMBER**  
**TP 2-102** **REVISION** -





01 SOUTH / BROUGHAM STREET ELEVATION  
PERFORATED SCREENS OPEN



02 SOUTH / BROUGHAM STREET ELEVATION  
PERFORATED SCREENS CLOSED

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**LEGEND**  
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 (SC2) PERFORATED SCREEN - FIXED / WHITE  
 (SC3) PERFORATED SCREEN - OPENABLE / WHITE  
 (SC4) PERFORATED SCREEN - FIXED / DARK  
 (GL1) GLASS BALCONY RAIL  
 (TW1) BRICK WALL TO MATCH FINISH OF PRIMARY SCHOOL  
 (DF1) DARK BLOOMWORK  
 (WF1) WINDOW - CLEAR  
 (WF2) WINDOW - GLASS FILM TO PREVENT OVERLOOKING  
 (FPC) PARALLEL FLANGE CHAIRS.

ADVERTISED PLAN  
 Sheet no. 26 of 37 sheets

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**STRUCTURAL ENGINEER**  
**FARA FUZATY & PARTNERS**  
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 Ph: 03 925 4132  
**TRAFFIC MANAGEMENT**  
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REVISIONS	No.	Date	By	Issue

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**CLIENT SIGN-OFF**  
 [Date] [Approved By]  
**INTERNAL CHECK**  
 [Date] [Checked By]

**PROJECT NAME**  
**FLEMINGTON ROAD**

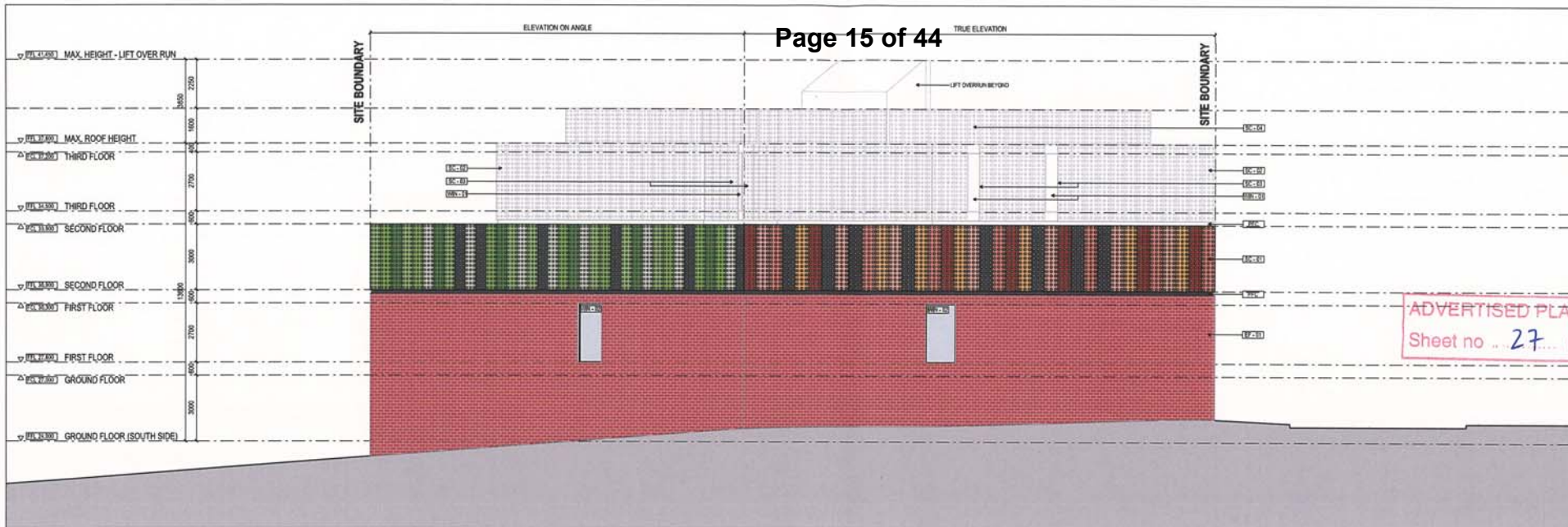
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**243-251 FLEMINGTON ROAD**  
**PROJECT NUMBER**  
**10-038**     **DATE**  
**08 AUG 2011**

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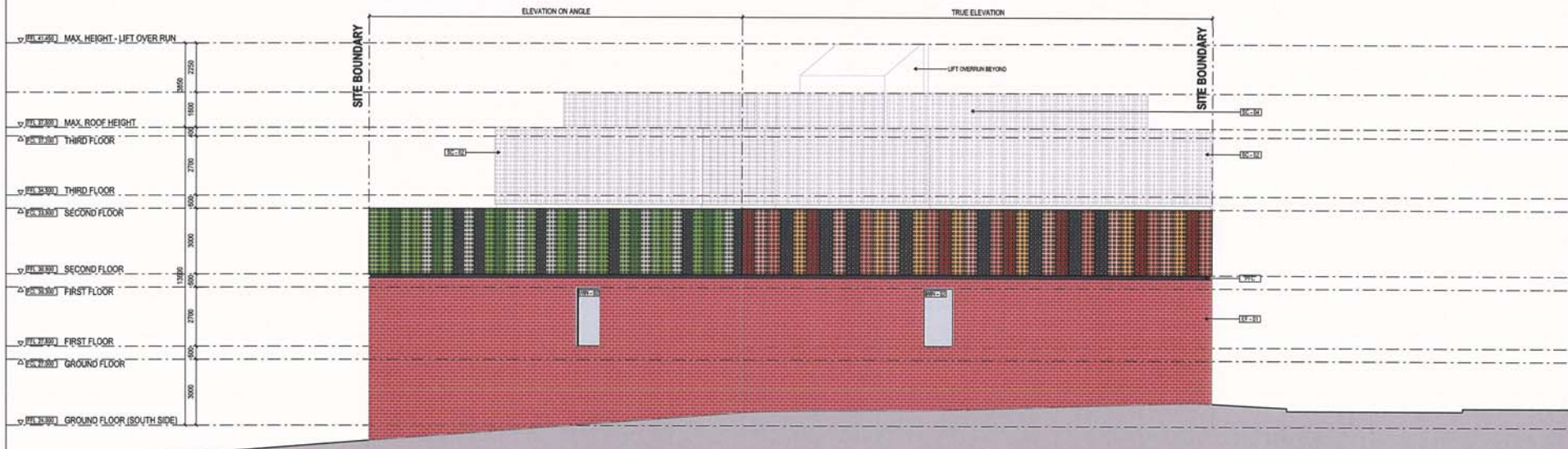
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**STATUS**  
**TOWN PLANNING**  
**DRAWING TITLE**  
**ELEVATIONS**  
**SOUTH / BROUGHAM STREET**

**DRAWING NUMBER**  
**TP 2-103**     **REVISION**  
 -



01 WEST / ST MICHAEL'S PRIMARY SCHOOL ELEVATION  
PERFORATED SCREENS OPEN



02 WEST / ST MICHAEL'S PRIMARY SCHOOL ELEVATION  
PERFORATED SCREENS CLOSED

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LEGEND  
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[Symbol] PERFORATED SCREEN - FIXED / WHITE  
[Symbol] PERFORATED SCREEN - OPENABLE / WHITE  
[Symbol] PERFORATED SCREEN - FIXED / DARK  
[Symbol] GLASS BALUSTRADE  
[Symbol] WINDOW WALL TO MATCH FENCE OF PRIMARY SCHOOL  
[Symbol] DARK BLOODWOOD  
[Symbol] WINDOW - CLEAR  
[Symbol] WINDOW - GLASS FILM TO PREVENT OVERLOOKING  
[Symbol] PARALLEL FLANGE CHANNEL

ADVERTISED PLAN  
Sheet no 27 of 37 sheets

CONSULTANTS  
PLANNING  
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LEVEL 11 293 DRINKWATER STREET CAULTON VIC 3053  
PH 03 948 9100 FAX 03 947 8900  
STRUCTURAL ENGINEER  
FARA FUZATY & PARTNERS  
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REVISIONS

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[Date] [Checked By]

PROJECT NAME  
FLEMINGTON ROAD

SITE ADDRESS  
243-251 FLEMINGTON ROAD  
PROJECT NUMBER  
10-038 DATE  
08 AUG 2011

SCALE  
1:1000 @ 1:50 1:2 1:10

CAD FILE REF  
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STATUS  
TOWN PLANNING

DRAWING TITLE  
ELEVATIONS  
WEST / ST MICHAEL'S PRIMARY

DRAWING NUMBER  
TP 2-104 REVISION  
-

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ADVERTISED PLAN  
Sheet no . 28 . of . 37 . sheets



01 NORTH / FLEMINGTON ROAD  
STREETScape ELEVATION



02 EAST / ABBOTSFORD STREET  
STREETScape ELEVATION



03 SOUTH / BROUGHAM STREET  
STREETScape ELEVATION

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LEVEL 1 213 DRUMMOND STREET CARLTON VIC 3063  
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**FARA FUZATY & PARTNERS**  
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No.	Date	Rev. Description

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Date: \_\_\_\_\_ Checked By: \_\_\_\_\_

PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**

PROJECT NUMBER  
**10-038**

DATE  
**08 AUG 2011**

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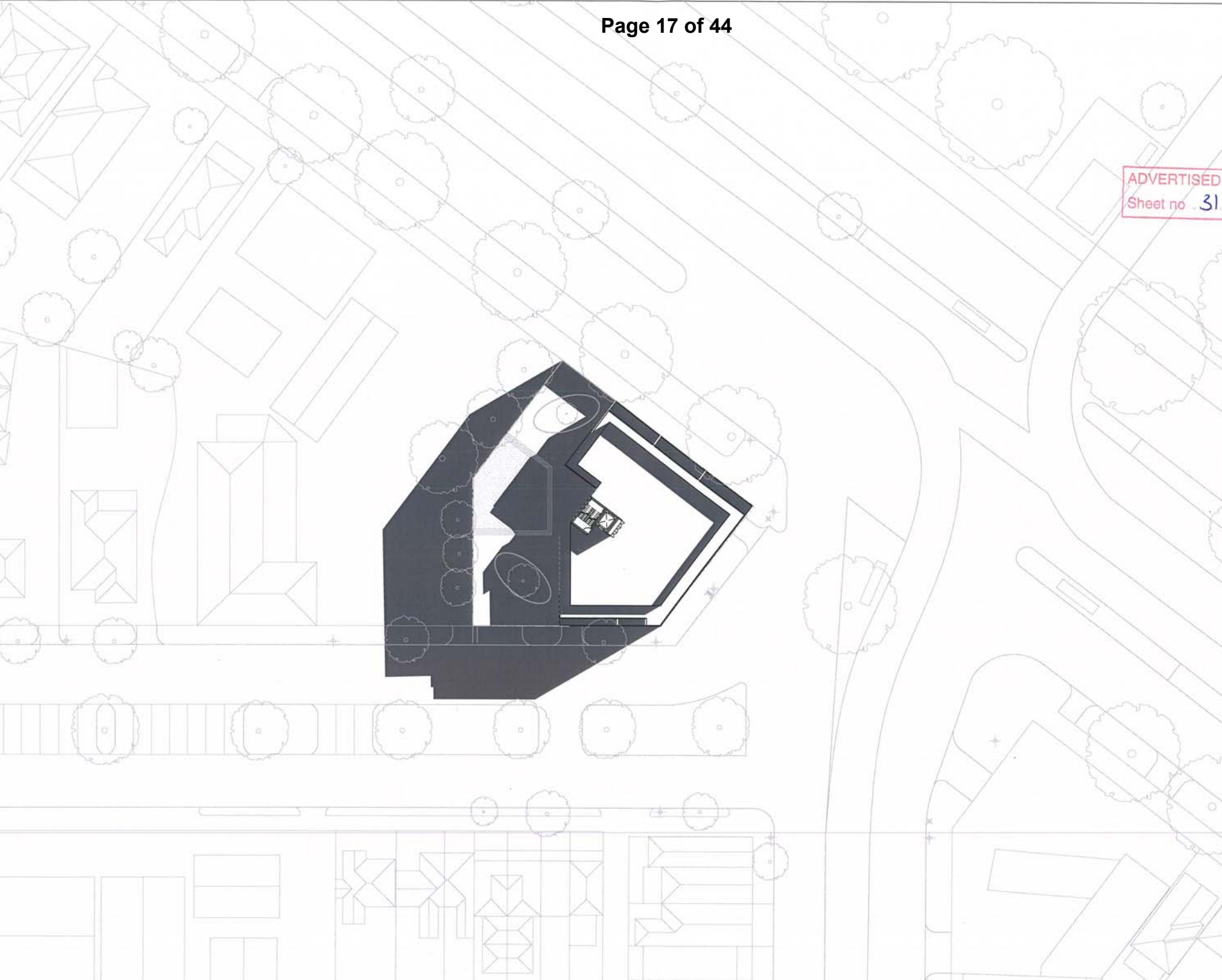
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STATUS  
**TOWN PLANNING**

DRAWING TITLE  
**STREETScape ELEVATIONS**

DRAWING NUMBER  
**TP 2-105**

REVISION  
-



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**LEGEND**  
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ADVERTISED PLAN  
 Sheet no **31** of **37** sheets

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**CONTOUR CONSULTANTS**  
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 PH: 03 9347 8102 FAX: 03 9347 8800  
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**FARA FUZATY & PARTNERS**  
 121 BUCKLEY STREET ESSENDON VIC 3040  
 PH: 03 9323 4532  
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 [ ] Drawn: \_\_\_\_\_ [ ] Checked By: \_\_\_\_\_

**PROJECT NAME**  
 FLEMINGTON ROAD

**SITE ADDRESS**  
 243-251 FLEMINGTON ROAD

**PROJECT NUMBER**  
 10-038      **DATE**  
 08 AUG 2011

**SCALE**  
 1:1000 @ 1: 1/8" = 1' 0"

**CAD FILE REF**  
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**STATUS**  
 TOWN PLANNING  
**SUBMITTED**  
 SHADOW DIAGRAMS  
 9AM, 22 SEPTEMBER

**DRAWING NUMBER** TP 10-101      **REVISION** -

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LEGEND

ADVERTISED PLAN  
 Sheet no 32 of 37 sheets

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REVISIONS

Rev	Date	By	Ref	Notes

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**JIM NICOLAOU**

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 [Date] [Signed By]

INTERNAL CHECK  
 [Date] [Checked By]

PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**

PROJECT NUMBER  
**10-038**

DATE  
**08 AUG 2011**

SCALE  
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CAD FILE REF

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STATUS  
**TOWN PLANNING**

DESCRIPTION  
**SHADOW DIAGRAMS**

**12PM, 22 SEPTEMBER**

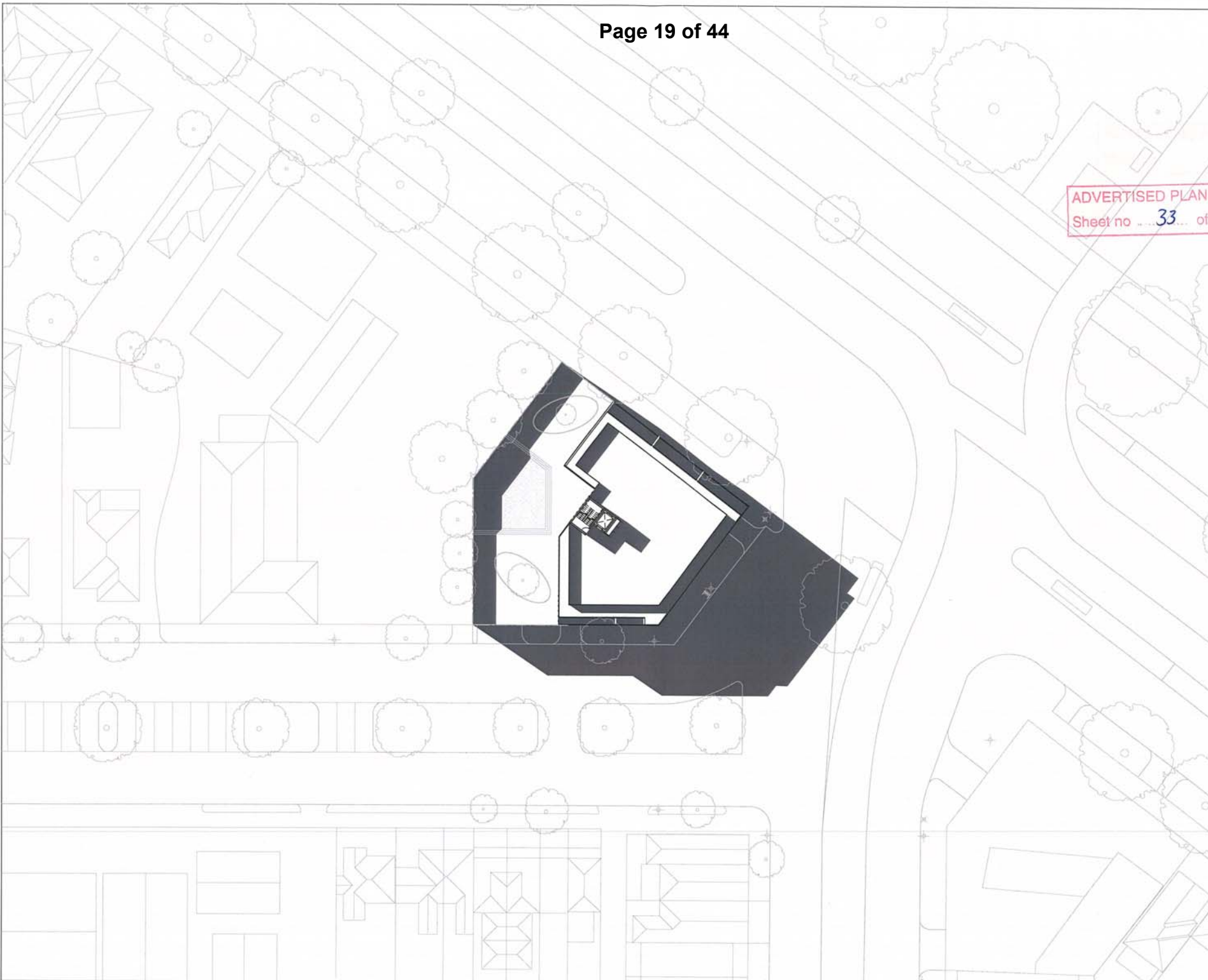
DRAWING NUMBER  
**TP 10-102**

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LEGEND

ADVERTISED PLAN  
Sheet no ...33... of ...37... sheets



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FARA FUZATY & PARTNERS

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TRAFFIX GROUP

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PROJECT NAME

**FLEMINGTON ROAD**

SITE ADDRESS

**243-251 FLEMINGTON ROAD**

PROJECT NUMBER

**10-038**

DATE

**08 AUG 2011**

SCALE

1:100 (A) 2:50 (B) 1:50 (C)



CAD FILE REP

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STATUS

**TOWN PLANNING**

**SHADOW DIAGRAMS**

**3PM, 22 SEPTEMBER**

DRAWING NUMBER

**TP 10-103**

REVISION

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LEGEND

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 34 of 37 sheets

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**FARA FUZATY & PARTNERS**  
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 Draw  Checked By

PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**

PROJECT NUMBER  
**10-038**

DATE  
**08 AUG 2011**

SCALE

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STATUS  
**TOWN PLANNING**  
 DRAWING TITLE  
**PERSPECTIVES**

DRAWING NUMBER  
**TP 10-201**

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FLEMINGTON ROAD

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Sheet no 35 of 37 sheets

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- PLANNING  
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PH 03 9417 1100 FAX 03 947 8800
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**FARA FUZATY & PARTNERS**  
121 BUCKLEY STREET ESSENDON VIC 3045  
PH 03 9353 4332
  - TRAFFIC MANAGEMENT  
**TRAFFIX GROUP**  
3141 BURDE ROAD GLEN RISE VIC 3148  
PH 61 8022 2888 FAX 61 8022 7444

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 www.jcba.com.au

REVISIONS

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JIM NICOLAOU

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 INTERNAL CHECK: [Date] / Checked By: [Signature]

PROJECT NAME  
FLEMINGTON ROAD

SITE ADDRESS  
243-251 FLEMINGTON ROAD  
 PROJECT NUMBER: 10-038 DATE: 08 AUG 2011  
 SCALE:

CAD FILE REF  
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 STATUS  
TOWN PLANNING  
 DRAWING TYPE  
PERSPECTIVES

DRAWING NUMBER: TP 10-202 REVISION: -





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 Sheet no 36 of 37 sheets

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**PLANNING**  
**CONTOUR CONSULTANTS**  
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 PH: 03 9347 8100 FAX: 03 9347 8800  
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**FARA FUZATY & PARTNERS**  
 523 BLACKLEY STREET ESSENDON VIC 3040  
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**TRAFFIC MANAGEMENT:**  
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 [Date] [Initials] [Checked By]

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**FLEMINGTON ROAD**

**SITE ADDRESS**  
**243-251 FLEMINGTON ROAD**  
**PROJECT NUMBER** 10-038 **DATE** 08 AUG 2011  
**SCALE**

**CAD FILE REF**  
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**STATUS**  
**TOWN PLANNING**  
**DRAWING TITLE**  
**PERSPECTIVES**

**DRAWING NUMBER**  
**TP 10-203** **REVISION**  
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LEGEND

ADVERTISED PLAN  
Sheet no 37 of 37 sheets

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PLANNING  
**CONTOUR CONSULTANTS**  
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REVISIONS

No	Date	By	Notes

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**JIM NICOLAOU**

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I Date: \_\_\_\_\_ I Approved By: \_\_\_\_\_  
INTERNAL CHECK  
I Date: \_\_\_\_\_ I Checked By: \_\_\_\_\_

PROJECT NAME  
**FLEMINGTON ROAD**

SITE ADDRESS  
**243-251 FLEMINGTON ROAD**  
PROJECT NUMBER  
**10-038** DATE  
**08 AUG 2011**

SCALE  
CAD FILE REF  
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STATUS  
**TOWN PLANNING**  
DRAWING TYPE  
**PERSPECTIVES**

DRAWING NUMBER  
**TP 10-204** REVISION  
-

ABBOTSFORD STREET

**DELEGATED PLANNING APPLICATION REPORT**

<b>Application number:</b>	<b>TP-2011-652</b>
<b>Applicant:</b>	<b>Aheron Investments Pty Ltd</b>
<b>Address:</b>	243-251 Flemington Road, NORTH MELBOURNE VIC 3051
<b>Proposal:</b>	Demolition of existing buildings, construction of a four storey mixed use development, use of the site for a restaurant (café), child care facility and medical centre, and a reduction in car parking, bicycle and loading requirements
<b>Date of application:</b>	16 August 2011
<b>Responsible officer:</b>	Dianne King

**1 SUBJECT SITE AND SURROUNDS****1.1 Subject Site**

The subject site is located on a corner site, at a three way junction between Brougham Street, Abbotsford Street and Flemington Road. The site is irregular in shape, and has an area of approximately 1074m<sup>2</sup>.

The site is currently occupied by two buildings. On the Flemington Road side is a rectangular factory building that was formerly used for panel beating. It is an ungraded building in the Heritage Places Inventory, and appears to be of early twentieth century construction. It has a decorated facade with a central door on the shorter face, which fronts Abbotsford Street. The longer face runs the length of the site's frontage to Flemington Road.

The second building on the site is a single storey red brick Edwardian dwelling. This faces Brougham Street and is also ungraded in the Heritage Places Inventory.

The southwest corner of the site is an open area. The site has two existing crossovers, one from Brougham Street and one near the Abbotsford Street and Flemington Road intersection.

**1.2 Surrounds**

Brougham Street is predominantly residential, however contains the St Michael's Primary School, St Michael's Catholic Church and the Department of Human Services aged care complex between Abbotsford Street and Dryburgh Street.

The only directly abutting site is St Michael's Primary School, immediately to the west. This is an irregular site that has frontage to both Flemington Road and Brougham Street. On its eastern side adjoining the subject site is open playground. The school buildings themselves are on the western side of the property, and are two storey buildings of generous proportions. On the Brougham Street end of the property these directly abut the street, while to the north-west the buildings are set back from Flemington Road.

All three bordering streets are wide streets. Flemington Road is one of the several major boulevards out of the city, and is defined by its width and landscape character. A tramline runs down the centre of the road.

Abbotsford Street is a collector road running north-south through the residential portion of North Melbourne, which also has a tramline running down the centre of the road. Brougham Street has a central planted median near the subject site (giving way to centre-of-the road parking further west).

**Locality Plan**



**2 BACKGROUND AND HISTORY**

**2.1 Planning Application History**

The following applications, considered relevant to the current proposal, have previously been considered for the subject site:

TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
TP-2007-387	Demolition of existing buildings and development of a three storey building to be used for a child care centre, child play centre (indoor recreation facility)	Permit 18/08/08	This application was supported at a delegate officer level, but refused by Council.  An appeal was lodged at

	and five dwellings.		VCAT and ultimately a permit was issued.  This proposal was considered to address the concerns raised in the previous (2006) VCAT decision.  This permit has since expired.
TP-2004-1184	Construct a building for the use as a medical centre, child care centre, function hall and dwellings.	Refusal 20/12/05	This refusal was appealed at VCAT, where the decision of the Responsible Authority was affirmed on 6 July 2006.

### 3 PROPOSAL

It is proposed to demolish the existing buildings on site and construct a new mixed use four storey building with basement car park. The proposed uses of the building are:

- Restaurant (cafe) at ground floor level fronting the corner of Flemington Road and Abbotsford Street. This will contain 68 seats and will be open from 8am to 9pm, seven days per week.
- Medical Centre at ground floor level, accessible from both Abbotsford Street and Flemington Road. This will comprise four consultation rooms and will operate between 8am and 9pm, seven days per week.
- Four home offices fronting Brougham Street at ground floor level, associated with dwellings above.
- First floor to comprise 12 dwellings.
- Second floor to comprise a child care centre, including four rooms and an outdoor play area, staffroom, kitchen and offices. It provide for a maximum of 88 children and eight staff, and to operate between the hours of 6.30am and 6.30pm, Monday to Friday.
- Third floor to comprise six dwellings.
- Rooftop to comprise an outdoor play area associated with the childcare centre.
- The proposed built form is as follows:
- Basement to comprise 38 car parking spaces (including 20 within stackers and one disabled space), bin storage and 12 bicycle parking spaces,
- Ground floor to have 100% site coverage with the exception of entrance alcoves, home office courtyards, and an access ramp and outdoor seating area fronting Flemington Road associated with the restaurant (cafe). The car park access will be from Brougham Street, at the western boundary of the site.
- First floor to be built to all site boundaries, with the dwellings fronting onto Brougham Street and Flemington Road. A void at the centre of the site will provide high ceilings for the ground floor below.
- The second floor built form is orientated towards the east of the site, with the outdoor play area adjacent to the boundary of the Primary School.
- The third floor built form will match the second floor, set back from the western boundary by at least 9.4 metres.
- The rooftop play area is to be constructed over the same floor plate as level three.
- The building height including rooftop balustrade is 15.2 metres, whilst the lift overrun is to a maximum height of 17.45 metres. The lift overrun is located centrally to maximise the setback from all site boundaries.

- Building materials comprise perforated screens in shades of red, orange, yellow and green, brick to match existing wall on primary school boundary, dark block-work and glazing.

#### 4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 32.01 Residential 1 Zone	Pursuant to Clause 32.01 a permit is required to construct two or more dwellings on a lot, and to construct a building for a section two use.  Use of the site as a medical centre, child care centre and restaurant (cafe) are section 2 uses which require a planning permit.
Clause 43.01 Heritage Overlay Schedule 3	Pursuant to Clause 43.01, a permit is required to demolish or remove a building and to construct a building or construct or carry out works.
Clause 52.06 Car Parking	Pursuant to Clause 52.06, a new use must not commence or an existing use must not be increased until the required car parking spaces have been provided on the land.  A permit may be granted to reduce or waive the number of car spaces required.
Clause 52.07 Loading and Unloading of Vehicles	Pursuant to Clause 52.07, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on land for loading and unloading vehicles which meets the specifications outlined in the Clause.  A permit may be granted to reduce or waive the requirements of this Clause.
Clause 52.34 Bicycle Parking	Pursuant to Clause 52.34 a new use must not commence or an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.  A permit may be granted to vary, reduce or waive any requirement of this clause.

#### 5 STRATEGIC FRAMEWORK

##### 5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 15.01-2 Urban design principles, seeks to achieve outcomes that 'contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'. It includes relevant design principles for development proposals for non-residential and residential development not covered by Clauses 54 to 56 and references the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004).
- Clause 17.07 Economic Development (Business) seeks to encourage development which meet the communities needs for retail, entertainment and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The policy also seeks to manage out of centre development

in Metropolitan Melbourne. A strategy to achieve this is to 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.

## **5.2 Local Planning Policy Framework (LPPF)**

### **5.2.1 Municipal Strategic Statement (MSS)**

The relevant provisions of the MSS are summarised as follows:

- The land use amenity principles for residential developments are to maintain the highest standards of residential amenity, and in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to service local community needs. In doing this, ensure that responsibility for management of operations impacts such as traffic, parking, odour, light spill, signage and noise falls upon the agent of change, to minimise impacts on the neighbourhood. All new dwellings immediately adjacent to a Road Zone, should consider acoustic attenuation measures.
- Strategy 3.1 of Clause 21.04 seeks to ensure that the reasonable expectations of amenity for existing residential uses are maintained.
- Clause 21.08-9 provides a vision for North and West Melbourne. The following is relevant to this application:

‘Higher scales of development are located at the Central City Fringe, around the North Melbourne Railway Station and along Flemington Road; however these forms maintain solar access to the public domain, important view corridors and protect the heritage values of the area.’

With relation to height and scale, this policy recommends:

- Maintaining the existing low scale of the residential areas of North Melbourne (identified as [1] in Figure 20).
- Ensure infill redevelopment and extension complement the architecture, scale and heritage values of the residential area, especially where it is within a Heritage Overlay (identified as [1] in Figure 20).

### **5.2.2 Local Policies**

The relevant local policies are summarised as follows:

#### **Clause 22.05 Heritage Places Outside the Capital City Zone**

The following objective is relevant to this application:

- To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.

#### **Clause 22.14 Discretionary Uses in the Residential 1 Zone**

The following objectives are relevant to this application:

- To facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs to the local community.
- To discourage new non-residential uses that have a negative impact on residential amenity or would be more appropriately located within Mixed Use or Business Zones.
- It is policy to:
- Discourage new non-residential uses in the Residential 1 Zone unless there is a net benefit to local residents and the local community.
- Ensure the intensity of non-residential uses are appropriate to a residential context.

- Minimise the effects of non-residential uses on residential amenity by controlling numbers of operators, practitioners, staff levels, hours of operation, traffic and parking movements, light, noise and air emissions.
- Encourage non-residential uses to locate:
  - In buildings that were purpose built for predominantly non-residential purposes.
  - On corner sites that have direct access to a Road Zone.
  - On sites that are located adjacent to the boundary of a non-residential zone.
- Ensure that responsibility for management of operational impacts such as traffic, parking, odour, light spill, signage and noise falls upon the agent of change to minimise impacts on the neighbourhood.

#### **Clause 22.17 Urban Design outside the Capital City Zone**

This Clause provides objectives and policy direction with relation to scale, context, building height and bulk, large and prominent sites, facades, building tops, pedestrian connection and vehicle access and weather protection amongst others.

### **6 ZONE**

The subject site is located within the Residential 1 Zone, which includes the following relevant purposes:

- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

### **7 OVERLAY**

The subject site is affected by Heritage Overlay, North & West Melbourne Precinct, which includes the following relevant purposes:

- To ensure that development does not adversely affect the significance of heritage places.

#### **PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

- Clause 52.06, Car Parking
- Clause 52.07, Loading and Unloading of Vehicles
- Clause 52.29, Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34, Bicycle Facilities
- Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys

### **9 GENERAL PROVISIONS**

The following particular provision applies to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

### **10 PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting 3 notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

### **11 OBJECTIONS**

The application received seven objections raising the following concerns (summarised):

- Overdevelopment of the site;



- Demolition of the existing building;
- Heritage and streetscape character;
- Building height;
- Amenity impacts to neighbouring primary school including overshadowing and privacy;
- Access via Brougham Street;
- Proposed mixed use in a residential zone.
- Traffic and resident parking demand in Brougham Street;
- Pedestrian safety due to parking arrangements, demand and delivery vehicles;
- Amenity impacts including noise, light, smokers, and violence should the restaurant (cafe) sell liquor;
- On balance the development and use will not result in community benefit.

The application also received a letter of support stating that the built form is 'well modulated and the colours compliment the immediate context'. This respondent was an objector to the previously approved development.

## **12 CONSULTATION**

The objections submitted clearly articulate their concerns and it was considered that a consultation meeting would not be productive in this instance. Ongoing discussions both in person and over the phone occurred with objectors and the applicant during the application process.

## **13 REFERRALS**

### **13.1 Internal**

The application was referred internally to the following departments for comment.

#### **13.1.1 Urban Design**

The proposed development is generally supported. It is recommended that rooftop shade structures, lighting and ESD be designed into the development. Further details should be provided with relation to the interface between the brick and lightweight walls at the north and south west boundaries.

#### **13.1.2 Engineering Services**

Civil Design have recommended a number of conditions to any permit issued. Traffic and parking provided the following comments (summarised):

- The proposal is likely to result in a shortfall on 6-8 long term car parking spaces and 3 short-term spaces.
- The proposed waiver of car parking is supported subject to the provision of a Car Park Management Plan to ensure short term car parks are available for short term uses only.
- The stackers must be able to accommodate a standard stacker as a minimum, and stackers must be able to operate independently.
- The Brougham Street entrance ramp and internal ramps must have a width of 6.1 metres.
- Swept path diagrams for space 1 and stacker spaces 19-22 and 27-38 must be submitted as a condition to any permit issued.
- Swept path diagrams must be prepared for 2 vehicles passing at the bottom of the ramp.
- All redundant crossovers must be demolished and the kerb/channel reinstated.
- Internal links with the childcare centre/restaurant (cafe) and the basement car park must be provided.
- 5 visitor bicycle rails should be provided around the periphery of the site.
- Further justification for the loading/unloading of vehicles must be provided.

- Waste Services raised a number of concerns with the submitted Waste Management Plan (WMP) and have recommended that a revised WMP be submitted as per their recommendations. The application plans will need to be amended in order to accommodate changes to the WMP.

### **13.1.3 Children's Services**

Children's Services Department raised detailed matters relating to the design of the proposed childcare centre and the need to comply with relevant regulations. These comments were forwarded to the applicant for consideration.

### **13.2 External**

The application was not required to be referred externally.

## **14 ASSESSMENT**

The application seeks approval for the construction of a four storey plus rooftop mixed use development, comprising residential, medical centre, child care centre and restaurant (cafe), as well as a reduction of the parking, loading and bicycle requirements. The key issues for consideration in the assessment of this application are heritage, built form, and the proposed uses and their potential amenity impacts including parking and traffic.

### **14.1 Heritage**

#### **14.1.1 Demolition**

The application includes the proposed demolition of the existing buildings on site. The existing buildings to be demolished are ungraded buildings within the Heritage Places Inventory.

Given the buildings hold no individual significance in the Inventory, they are not contributory to the North and West Melbourne Heritage Precinct and their demolition will not impact on the integrity of the Heritage Place.

#### **14.1.2 New Building**

The subject site is surrounded on three sides by Flemington Road, Abbotsford Street and Brougham Street. These streets are all level 3 streetscapes where they adjoin the subject site. Brougham Street is a Level 2 streetscape on the south side of the street.

To the west of the site, set back approximately 20 metres from the common boundary, is the 'D' graded St Michael's Primary School building.

The proposed built form has been designed so that the bulk of the building has been set back from the common boundary of the primary school. The proposed built form will be two storeys high adjacent to the school grounds. It is considered that the proposed built form will not detract from the Heritage Precinct or the surrounding graded buildings for the following reasons.

- The proposed building is separated from the 'D' graded St Michael's building by the open space within the school grounds.
- The proposed development is separated from surrounding 'C' and 'D' graded buildings to the south by a 30 metre wide road reserve.
- The proposed form is of an appropriate scale to the site and surrounds, with the four storey element being set back from the neighbouring graded building, which is of a similar height.
- The location of the site at an intersection with three streets means it has limited connection to the surrounding heritage precinct.
- The proposed colours draw reference from the neighbouring red brick building and nearby parklands within the Parkville Heritage Precinct to the north, whilst the

materials and finishes provide a modern interpretive response to the surrounding built form and natural environment.

- The neighbouring graded building at St Michael's School is built to the site boundary along Brougham Street, and set back from Flemington Road. The proposed development is built to all site boundaries. The neighbouring school building fronting Flemington Road is of a modern design and has no heritage grading.

## 14.2 Built Form

The Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) must be considered in assessing the design and built form of residential development of four or more storeys.

### Element 1 – Urban Context

The subject site is surrounded by a variety of building types and forms. Brougham Street is made up of one and two storey dwellings, a two and three storey school, a one and two storey residential aged care facility, and a high ceilinged two storey church. The intersection with Abbotsford Street comprises a number of single and two storey commercial buildings, whilst across Flemington Road is Royal Park and the seven storey new Royal Children's Hospital.

Given the number of civic, social and commercial buildings in close proximity to the subject site, the proposed modern mixed use building with commercial/community services at ground floor level is appropriate to the urban context and land use character of the area.

The proposed building mass and rhythm has been design to provide a transition with a low two storey built form adjacent the open space of the school ground and the four storey high density built form adjoining the busy three way intersection. The maximum height of the proposed building is similar to the existing school building, given the slope of the land and the proposed floor to ceiling heights. The proposed building mass and rhythm are appropriate to the site and respond to the surrounding built form.

The proposed ground floor provides appropriate visual and physical connections to all three street frontages as follows:

- The ground floor of the Brougham Street frontage provides small open space terraces and direct access to home offices (with dwellings above), as well as vehicle access. This reflects the residential character across Brougham Street.
- The Abbotsford Street corner includes the main entrance to the childcare centre and the dwellings above ground floor level. The submitted elevations do not match the floor plans (it appears the elevations relate to the previously approved scheme). A condition of any permit issued must correct this error, and ensure that the development clearly identifies the entrance and what land uses it provides access to, in order to avoid confusion given the variety of land uses within the building. A condition should also require details of proposed signage in order to ensure it is integrated into the façade of the building.
- The entry to the restaurant (cafe) and the primary entrance to the medical centre are from the Flemington Road frontage. The restaurant (cafe) has been design to address and interact with the corner of Abbotsford Street and Flemington Road. There are no screens applied to the restaurant (cafe) frontage, with the aim being to ensure that it is a clearly identifiable land use providing visual and physical interaction with the street. The development is set back from Flemington Road at ground floor level in order to allow outdoor dining and disabled access to the medical centre.

- Clear windows have been provided into the consulting rooms of the medical centre. This may prove to be a privacy issue when in operation. It is recommended that screening to these windows be considered, perhaps through the provision of obscure glazing as opposed to the perforated metal screens applied to the upper levels.

The proposed modern architectural character is strongly supported by Urban Design and the materials, colours and finishes provide an interpretive response to the Heritage character and parklands of the neighbourhood.

### **Element 2 – Building Envelope**

As previously stated, the height and massing of the proposed development has been appropriately designed to respect the built form and heritage character of the site and surrounds.

Shadow diagrams have been provided with the application material submitted which show that there will be overshadowing of the open space of the school at 9am. By 11am there will be no overshadowing of the school grounds. The overshadowing at 9am affects approximately a third of the primary open space of the school. Children will normally occupy this space between 11-11.20am and 12.50pm-1.50pm. Any development on the subject site will overshadow the school in the morning to some extent given the orientation of the site. On balance, the proposed extent of overshadowing onto the school grounds is considered acceptable.

Consideration of the proposed development's street setbacks and relationship with adjoining buildings have been discussed in detail above, considering the neighbouring heritage building and the proposed developments façade treatment. The proposed built form outcome with relation to setbacks and building separation is supported.

All new dwellings within the development are orientated toward the street, however some windows have been provided on the western and south western facades to provide light to bedrooms. These windows are shown as clear glazing, however they appear to allow views into the play space of the childcare centre below. Whilst the windows are required for access to light, they should be screened and not openable to ensure there is no unreasonable overlooking to the privacy and safety of the children below.

The proposed roof has been designed to be a children's play space. Children's Services raised the need for shade structures on the roof. It is recommended that shade structures be provided either through built form or landscaping, set back from all site boundaries by at least 8 metres to reduce visibility. Any permanent structures should be designed to minimise their visibility in terms of bulk, materials and finishes.

### **Element 3 – Street Pattern and Street Edge Quality**

This element has been addressed in detail above, with relation to the proposed façade treatment, setbacks and response to surrounding heritage buildings. The subject site is a medium sized parcel of land. The development should provide clearly identifiable signs and entrance designs, to ensure it is easy to identify the correct entrance for each of the land uses within the building.

It is recommended that low fencing be provided in front of the terraces to the home offices, to ensure visibility into the terrace area. This will improve safety by removing any alcoves.

#### Element 4 – Circulation and Services

As raised in Children's Services and Engineering Services referral comments, a Car Park Management Plan is essential for the safe operation of the car park, particularly given there are likely to be many children and prams during peak periods within the basement car park. Short term childcare drop off spaces must be located as close as practicable to the lifts; vehicles must be able to safely pass one another; and long term car park uses may only use the stacked systems provided. The recommendations of Engineering Services with relation to the car parking provision and layout are considered in further detail below.

The application plans show some space for waste storage, and a waste management plan has been submitted. As requested by Waste Services, a revised waste management plan is required for the proposed development.

Cleaners' cupboards have been provided within the medical centre and childcare centre. Waste storage within the medical centre, childcare centre and restaurant (cafe) have not been shown on the application plans. This must be identified as it is unlikely that all waste will be taken to the basement waste storage facilities regularly throughout the day.

Entrances to each individual land use must be clearly identifiable from the street. This can be achieved through the provision of signage including street numbers, the location of letter boxes and directions to reception for delivery of packages.

#### Element 5 – Building Layout and Design

The proposed development provides a variety of 1 bedroom, 2 bedroom and 2 bedroom plus home office dwellings. This is an improvement on the diversity on offer from the previously approved development. The proposed diversity of dwellings is supported.

The proposed building layout ensures all dwellings are orientated towards the street.

In order to achieve the required open space area for the childcare centre a rooftop play area has been proposed. Children's services have raised concerns over the fact that the rooftop open space is not 'directly accessible' from the level 2 childcare centre (being separated by a level of dwellings). Whilst this is a somewhat awkward arrangement, this is really a matter which will need to be resolved through the Department of Human Services (DHS) rather than planning. Ultimately, if the proposed provision of open space is not considered appropriate by DHS then an amendment to the plans, or a reduction in the number of children allowed, may be required.

The lift and stair core ensure equitable access to all land uses within the building from the basement car park to the rooftop.

The proposed dwellings and the childcare centre have good access to daylight and sunlight and the design of the development allows for adequate ventilation.

The proposed restaurant (cafe) does not provide for waste or cleaning products to be stored on site. All other uses have adequate storage opportunities. A condition of permit should require storage within the restaurant (cafe).

The proposed design is supported by Urban Design, who consider that it provides a detailed and attractive façade which responds well to surrounding built form and the natural environment. An objector to the previous application supports this proposal, particularly with relation to the design detail.

## Element 6 – Open Space and Landscape Design

The proposed development provides sufficient open space for dwellings and the childcare centre. Open space of the dwellings is orientated towards the street and capitalises where possible on park views and northern orientation. All two bedroom apartments have been provided with generous balconies (particularly on the upper level). The provision and orientation of open space is supported. Whilst the proposal does not allow for landscaping on site at ground level, there is opportunity for a rooftop garden and ESD principles should be adopted were possible.

### 14.3 Proposed Uses

The Municipal Strategic Statement indicates that the subject site is located within a predominantly low scale, limited residential area. However the existing local land use pattern in Brougham Street, Abbotsford Street and Flemington Road surrounding the subject site includes the following land uses:

- Residential;
- Commercial;
- Primary School;
- Aged Care;
- Church;
- Royal Park; and
- Royal Children's Hospital.

A purpose of the Residential 1 Zone is to:

'In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential land uses to serve local community needs.'

Clause 22.14 contains a number of policies for discretionary uses in the Residential 1 Zone. The proposed non-residential element of the proposal as a whole complies with this policy as follows:

- The proposed non-residential land uses are all orientated towards Abbotsford Street or Flemington Road. Only the car park and home offices are accessed from Brougham Street.
- The proposed development has been designed to minimise amenity impacts on neighbouring residential development through restricting the hours of operation and the number of practitioners in the medical centre, the number of seats in the café, and the number of children permitted in the child care centre. The ground floor commercial land uses are orientated away from surrounding residential development in order to minimise light spill, noise and air emissions.
- The proposed vehicle access will not be directly from a Road Zone Category 1. However, on-street car parking is available within the abutting Road Zone. The use of Brougham Street for vehicle access is considered in detail below.
- A revised Waste Management Plan is required in order to ensure that sufficient waste storage and collection arrangements are made for the proposed non-residential land uses.
- A condition of permit will require signage to be integrated into the building design. This will be assessed with the submission of Condition 1 plans and must not unreasonably impact the amenity of surrounding residential developments.

#### 14.3.1 Dwellings

Dwellings are an as of right use within the Residential 1 Zone, and therefore do not require a planning permit. It is considered that the design of the proposed development ensures that the proposed dwellings will not impact on the amenity of surrounding existing land use and development, whilst ensuring good onsite amenity.

### 14.3.2 Medical Centre

The proposed medical centre will allow for four practitioners to work on site at any one time, and will operate between 8 am and 9 pm, Monday to Saturday.

The proposed use of the site as a medical centre is appropriate in this location given the mixed use nature of the area. The local community will benefit from the provision of a medical centre in the immediate locality, and the location makes it conveniently located nearby both a primary school and an aged care facility, a church and two tram routes. The centre is likely to attract medical practices related to the new Children's Hospital.

The proposed hours of operation will allow service to the community outside of business hours, whilst ensuring that it does not unreasonably conflict with nearby residential land use.

### 14.3.3 Restaurant (cafe)

It is anticipated that the restaurant (cafe) will attract customers from the on site visitors and staff, as well as nearby residents, and visitors associated with other non-residential land uses in the locality. Therefore, there will be a very low amount of independent traffic generation from this use. Traffic and Parking are discussed as a whole of development consideration below.

The proposed restaurant (cafe) will be able to accommodate up to 68 seats, and will operate from 8am to 9pm, seven days per week. The location of this premise on the corner of Abbotsford Street and Flemington Road reduce the potential amenity impact of the use on the residential land uses to the south with relation to noise and light disturbance.

The proposed hours of operation are appropriate to the location, and will not unreasonably impact the amenity of surrounding residential land uses.

Waste management will need to be coordinated with the overall development in order to minimise amenity impacts. The site includes an area for outdoor dining. It is recommended a condition be placed on any permit issued ensuring that no amplified live music be played on site.

The current application does not include the sale or consumption of liquor for the restaurant (café). This would require separate planning approval.

### 14.3.4 Childcare Centre

The use of the site as a childcare centre is a section 2 use. The VCAT decision of 2008 allowed for the use of a child care centre on site. The previously approved childcare centre allowed for 75 children on site. The proposed childcare centre allows for 88 children. The previous decision did not restrict the hours of operation for the childcare centre, however the application submission specified hours between 7am and 7pm, Monday to Friday. The proposed hours are from 6.30am to 6.30pm, Monday to Friday.

It is considered that the use of the site will provide a service to the local community, and is particularly well located given the neighbouring Primary School. The proposed hours ensure that noise will not disrupt neighbouring residential land use during the evenings and on weekends, when most people are at home.

The room sizes and outdoor play areas do not appear to provide sufficient space as required by the *Children's Services Regulation Act 2009*. However, separate approval is required in accordance with this act, and the number of children may be further restricted by the department at a later date. It is recommended that a note be placed on any permit issued advising that 'this approval does not consider the requirements of the *Children's Services Regulation Act 2009*.'

The subject site is an appropriate location for a Mixed Use development given it is located on a corner, surrounded by a variety of other non residential land uses, on a Road Zone Category 1, and adjacent two public transport routes. The medical centre and child care centre are considered to provide a community service, whilst the restaurant (café) would service visitors to the site and surrounds as well as local patrons. Provided parking and traffic conditions generated by the land uses are acceptable, the uses are supported. Parking and traffic impacts are discussed in greater detail below.

## **14.4 Parking and Traffic**

### **14.4.1 Parking**

The proposed development seeks a reduction in the required car parking spaces for the development. An assessment by Engineering Services suggests a shortfall of 6-8 long-term and 3 short-term car parking spaces on site.

Demand for visitor parking associated with the residences is likely to be during the evenings and on weekends, when demand from the commercial elements of the proposal will be low.

Subject to the submission of a Car Park Management Plan ensuring effective management of all short term and long-term car parking spaces on site, the proposed provision of car parking is acceptable and the shortfall can be accommodated within the surrounding street network.

The car park management plan must address the allocation of car parking spaces to the satisfaction of the Responsible Authority. The car stackers must be allocated to long term parking demands such as staff or residents and must be able to operate independently. Spaces allocated to drop-off and pick-up for the child care centre must be those most conveniently located to the internal lift and stair access to the building.

Engineering Services have requested a number of further details required in order to ensure that the car park can operate safely and efficiently. This includes swept path diagrams. These will form a condition of any permit issued.

The proposed bicycle parking is 1 space short of the statutory requirements. The application plans also show a number of bicycle parking spaces on the street surrounding the development. This approval cannot assume that those on-street spaces will be provided, and all reference to them should be removed from the plans. Separate approval from engineering services for the on street spaces is required. Given the waiver of car parking being allowed, it is recommended that a condition of permit require the statutory requirement for bicycle parking, that is, 13 spaces on site. There is sufficient room within the existing basement to accommodate this. No approval for a waiver of the bicycle requirements would then be necessary and no reference to it would need to be made in the preamble to any permit issued.

### **14.4.2 Traffic and Safety**

Brougham Street traffic volumes considerably throughout the day. Whilst there are several non-residential land uses within the street, it is typically quiet through the day and weekends. However, during peak hour, including school pick-up and drop-off times, significant volumes of traffic exist.

The proposal allows for one new double crossover to Brougham Street and the deletion of two existing single crossovers in Brougham and Abbottsford Streets. The proposed crossover will be located close to an existing single crossover into the school grounds, which appears to be used for access of delivery and maintenance



vehicles only. A 0.7 metre wide pedestrian refuge is proposed between the two crossovers.

Engineering Services recommends a 2 metre wide pedestrian refuge for crossovers wider than 7.6 metres as per Australian Standards. Whilst the proposed crossover is less than the maximum width above, it is beside a single crossover to the Primary School which is not regularly used. The crossover location is as per the previous approval by VCAT, and the car park design would be severely comprised by shifting the driveway to the east by at least 1 metre. Given that cars exiting the site will be at the easternmost end of the crossover, there will be sufficient sight lines for pedestrians coming along Brougham Street. Likewise, cars entering the site will have clear visibility of pedestrians. The proposed arrangement is therefore considered acceptable.

The proposed location of the crossover matches the pattern of crossovers in the street, and is close to a break in the median strip in Brougham Street, allowing vehicles to turn either left towards Abbotsford Street or right to continue west up Brougham Street to Dryburgh Street.

The proposed location of access to the site on Brougham Street is similar to that included in the two previous proposals.

Clause 22.14 - Discretionary Uses in the Residential 1 Zone states that:

‘Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.’

In 2005 VCAT upheld City of Melbourne Refusal (P3438/2005) for the proposed four storey building, two dwellings, medical centre (5 practitioners), function centre (150 patrons), and child care centre (100 children) and a 3 level basement car park (59 spaces). This proposal is considered a more intensive land use with regards to demand for parking and traffic. The VCAT decision included the following comment on traffic:

‘A considerable amount of time was spent during the hearing on submissions about existing traffic conditions in the North and West Melbourne area and concerns that this proposal is unsustainable on the basis that it would contribute to increased congestion, reduced amenity and safety...

‘Suffice to say we have not been persuaded that there are sufficient traffic related issues which would prevent the grant of a permit for the proposal before us.’

The 2008 VCAT decision (P3258/2007) also supported the proposal, however this decision was for a less intensive use with regards to parking demand and traffic generation.

The proposed car park configuration, and waiver of parking is supported by Engineering Services. Whilst the proposal will result in an increase in traffic on Brougham Street, thereby raising concerns with relation to safety for pedestrians, on balance, the proposed location of access, provision of on-site car parking, and traffic generation does not warrant refusal of this application.

#### **14.4.3 Loading and Unloading**

The applicant has not submitted sufficient detail with relation to deliveries. The submission states that delivery vehicles will utilise on street parking. It is recommended that the Car Park Management Plan be broadened to include details of delivery, and that delivery not occur during peak parking demand times during the morning and afternoon.

## 14.5 Waste

Waste Services were not satisfied with the submitted Waste Management Plan and have made a number of recommendations, including the provision of a waste storage area at ground floor level.

This would result in the loss of some of the terrace area within the front setbacks of the home offices, thereby compromising the design. Alternatively, bins may be brought to ground level by mechanical tug for collection. The location and collection method of bins must be to the satisfaction of both Waste Services and Town Planning (should the design change to provide ground floor waste storage).

## 14.6 Environmentally Sustainable Design (ESD)

The design incorporates a number of ESD features including:

- A storm water tank to be installed within the basement car park to be used to collect water from the rooftop and second floor play area to be reused for the flushing of toilets. This is highlighted in the Architects statement and will be required as a condition of permit.
- Shared walls and floors, providing the opportunity for increased energy ratings for the dwellings.
- A northern orientation for many of the apartments (i.e. those fronting Flemington Road).
- Natural light ventilation to the corridors for the apartments.
- Movable screens to the façade for solar control.

## 14.7 Objector Concerns

Following the above assessment of the proposal and in anticipation of the imposition of appropriate conditions on any permit issued, a summary of responses to objector concerns is as follows:

- **Demolition:** The demolition of the existing building is supported given that the existing building is ungraded and therefore does not contribute to the Heritage Place of North and West Melbourne.
- **Heritage:** The proposed built form is interpretive to the heritage streetscape and place.
- **Appropriateness of Built Form:** The proposed scale and form of the development has been thoughtfully designed to reduce the impact on the neighbouring St Michaels Primary School, is appropriate to the built form of the locality, and is appropriate to the site itself.
- **Overshadowing:** The proposal will not unreasonably overshadow the neighbouring primary school.
- **Overlooking:** Screening has been provided in most instances in order to prevent overlooking. A condition of permit will require all windows to be screened to prevent unreasonable overlooking into the primary school.
- **Access:** The proposed location of access into Brougham Street has been supported by two previous VCAT decisions. Traffic and Parking demands have been assessed by Engineering Services and are considered acceptable.
- **Land Uses:** The proposed mixed use nature of the development is appropriate to the site location, being on a corner adjacent two public transport routes and surrounded by a variety of commercial, residential and community land uses. The proposed uses on site are orientated towards servicing the local community and the new Children's Hospital and should result in a net community benefit.
- **Pedestrian conflict:** A condition of permit will require delivery to occur outside of peak drop-off and pick-up periods in order to reduce potential conflicts and safety concerns with high pedestrian traffic.

- **Liquor Licence:** The proposed restaurant (cafe) does not include the sale and consumption of liquor. The premises has been orientated towards Flemington Road in order to reduce the impact on nearby residential land uses with relation to light, noise etc.

## 14.8 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme and that a Notice of Decision to Grant a Permit should be issued for the proposal subject to conditions.

## 15 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the advertised plans but amended to show:
  - a) Corrected Abbotsford Street elevations which reflect the floor plans.
  - b) Appropriate screening to consulting rooms 1 and 2 on the Flemington Road elevation at ground floor level.
  - c) Screening to windows on the western and south western facades on the third floor plan. Windows must not be openable.
  - d) Shade structures must be provided either through built form or landscaping on the rooftop, setback from all site boundaries by at least 8 metres. Any permanent structures must be designed to minimise their visibility in terms of bulk, through the provision of appropriate design details, materials and finishes.
  - e) Integrated signage which provides easily identifiable entrances to each of the land uses available on site.
  - f) The provision of fences not more than 1.5 metres in height to the home office terraces, which are permeable so as to allow views into the terrace areas.
  - g) The location of waste storage on site for the Medical Centre, Childcare Centre and Restaurant (cafe).
  - h) Any modifications required for waste collection and storage in accordance with the Waste Management Plan required by Condition 3.
  - i) External stairs within the Flemington Road frontage must be setback sufficiently to allow all necessary tactile ground surface indicators to be installed within the property cartilage
  - j) Deletion of all unnecessary vehicle crossovers from the ground floor plan, and reinstatement of the kerb/channel.
  - k) Details of the proposed car stackers (must be a Standard Type as a minimum), including sections showing the pits. The stackers must be able to operate independently.
  - l) Submission of swept path diagrams for space 1 and stacker spaces 19-22 and 27-38, and for 2 vehicles passing at the bottom of the ramp.

- m) The provision of 13 bicycle spaces must be provided on site. Deletion of any proposed bicycle rails not within the title boundaries.
- n) Notation on the plans regarding the proposed storm water tank at basement level to collect water from the rooftop and second floor play area for reuse within the building for toilet flushing.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

- 2. The development and use as shown on the endorsed plan(s) must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. Prior to the commencement of the use and/or development, a Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the City of Melbourne Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne - Engineering Services.
- 4. Prior to the commencement of development, a Car Park and Traffic Management Plan must be completed, detailing:
  - a) Short term childcare drop off spaces located as close as practicable to the lifts. Vehicles must be able to safely pass one another, and long term car park uses only may use the stacked systems provided.
  - b) Details of Loading/Unloading arrangements. Delivery and pick-up hours must not conflict with peak pick-up/drop-off times associated with the child care centre and neighbouring school.

This Plan must be submitted to and be approved by the Responsible Authority.

- 5. Except with the prior written consent of the Responsible Authority the uses hereby permitted must only operate between the following times:
  - a) Childcare centre: 6.30am to 6.30pm, Monday to Friday
  - b) Restaurant (cafe): 8am to 9pm, Monday to Sunday
  - c) Medical Centre: 8am to 9pm, Monday to Saturday.
- 6. No amplified live music or entertainment is permitted on the restaurant (cafe) without the written consent of the Responsible Authority.
- 7. The medical centre must not be used by more than 4 practitioners for the purpose of providing health services, and 6 staff in total at any one time.
- 8. The restaurant/café must not have more than 68 patrons at any one time.
- 9. Prior to the commencement of the development (excluding demolition), hereby approved, the applicant must undertake a Phase 1 environmental assessment of the site to determine if it is suitable for the intended use. This assessment must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association and be submitted to the Responsible Authority for approval.  
Should this assessment prove inconclusive and reveal that a Phase 2 environmental assessment is required then this assessment must also be undertaken and submitted to the Responsible Authority for approval.

Should this Phase 2 assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970.

This Statement must state that the site is suitable for the intended uses. Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

If there are conditions on a Statement of Environmental Audit that the Responsible Authority consider require significant ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987. This Agreement must be executed on title prior to the occupation of the building. The applicant must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority.

- 10. Prior to the commencement of the development, including bulk excavation, a detailed construction management plan must be submitted to and approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider matters including the following:

- a) public safety, amenity and site security;
- b) amenity of occupiers of adjacent buildings;
- c) operating hours, noise and vibration controls;
- d) air and dust management;
- e) stormwater and sediment control;
- f) waste and materials reuse and
- g) traffic management.

Prior to preparation of the construction management plan, the applicant/builder should contact Councils Construction Management Group to discuss the content of the construction management plan.

- 11. Prior to the commencement of construction, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) the removal of the windows/openings on the boundary when the adjoining property is further developed in a manner which would affect these windows/openings.

The owner/permit applicant of the land subject of this permit must pay all of Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Engineering Conditions:**

12. Pursuant to the *Road Management Act 2004* any works within the road reserve of Flemington Road, an Arterial Road, will require the written consent of VicRoads, the Coordinating Road Authority. Footpaths and nature strips of such roads fall under the City of Melbourne's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from building line to building line. Subsequently our conditions for non road works on footpaths and nature strips of Arterial Roads are listed below.
13. The owner of the subject land must construct a drainage system, incorporating water sensitive urban design, within the development and make provision to connect this system to the City of Melbourne's stormwater drainage system in accordance with plans and specifications first approved by the Responsible Authority.
14. The Owner of the subject land must construct all necessary vehicle crossings in asphalt and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications first approved by the Responsible Authority.
15. The Owner of the subject land will not be permitted to alter the existing footpath/road levels in Flemington Road, Abbotsford Street and Brougham Street for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the Responsible Authority.
16. Requests for tree removal must be referred to the Responsible Authority; Manager Urban Landscapes.
17. The Owner of the subject land must reconstruct the footway in asphalt in Abbotsford Street and Brougham Street adjacent the subject land in accordance with plans and specifications first approved by the Responsible Authority.

**Time Limits:**

18. This permit will expire if one or more of the following circumstances apply:
  - The development is not started within two years of the date of this permit;
  - The development is not completed within four years of the date of this permit; and/or
  - The use is not commenced within four years of the date of this permit.The Responsible Authority may extend the date upon which the permit expires. a request for an extension of time must be in writing and be received before the permit expires, or within three months afterwards.

**Notes:**

1. All necessary approvals and permits are to be first obtained from the City of Melbourne and VicRoads and the works performed to the satisfaction of Manager - Engineering Services Branch and VicRoads.
2. This approval does not consider the requirements of the *Children's Services Regulation Act 2009*.

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 9 December 2011.

**Dianne King**

Senior Planning Officer

**16 DECISION**

The signature and date below confirms that the Lord Mayor, Deputy Lord Mayor and Councillors affirmed this recommendation as the Council's decision.

Signature:

Date affirmed:

**Dianne King**

Senior Planning Officer