

### **3.5 675 Victoria Street, Abbotsford (City of Yarra) - Objection to Fifteen (15) storey mixed use development**

#### **Executive Summary**

##### Purpose

The purpose of this report is to consider whether the City of Boroondara confirms its objection submitted to the City of Yarra in relation to a fifteen storey mixed use development proposed at 675 Victoria Street, Abbotsford located within the City of Yarra and abutting the Yarra River. The report includes an assessment of the proposal and outlines the issues of concern which have been raised in an objection which has already been lodged by officers to ensure that it was received by the City of Yarra within the public notification period.

##### Background

On 17 July 2023 the City of Boroondara received public notice of a proposed development abutting the Yarra River within the City of Yarra which forms the border of the two municipalities. The public notification period for the application formally closed on 14 August 2023 although at the time of writing this report no decision has been made.

The proposal is for a fifteen storey (48metre) high mixed use building comprising office space and dwellings upon three levels of basement car parking.

Following a review and assessment of the proposal an objection has been lodged by officers on behalf of the City of Boroondara to ensure that it was lodged within the public notification period. The issues raised in the objection include concern about the excessive scale, massing and bulk of the proposal in a sensitive landscape setting of the Yarra River Corridor and environment.

##### Key Issues

A detailed assessment of the proposal has been undertaken by Planning Officers which is outlined in detail within the report, with the following key conclusions:

- The site has clear strategic support for increased density and built form under the Yarra Planning Scheme, being a 'strategic development site' within a Major Activity Centre and Commercial 1 Zone, and having excellent access to public transport. However, whilst the local policy, reference documents and DDO1 potentially contemplate increased height, the proposal is well beyond an acceptable scale being 48m compared to a guideline height of 18m.
- The 15 storey component of the development would have separation distances of approximately 83m to the northern river bank and 210m to Young Street, Kew. Whilst this distance mitigates some of the visual impact and bulk of the building and specific amenity impacts to Boroondara residents, a 15 storey building as designed is considered to have a significant impact on the Yarra River corridor and its landscape character. It is considered that the proposed building should be significantly reduced in height.
- The development seeks to retain some vegetation to its northern interface and proposes additional canopy tree planting, to achieve heights of up to 30m.

However, given the space available and comparable building height and scale, the landscaping proposed would be insufficient to mitigate the detrimental impact of the building on the Yarra corridor environment.

### Next Steps

Subject to confirmation that Council has concern with the proposed development and wishes to maintain an objection to the proposal, officers will reiterate the concerns and review any amended proposal submitted.

## **Officers' recommendation**

That the Urban Planning Delegated Committee resolve to:

1. Confirm the City of Boroondara's objection to the proposed 15 storey mixed use development within the City of Yarra at 675 Victoria Street, Abbotsford, raising concern about the excessive scale, massing and bulk of the proposal in a sensitive landscape setting of the Yarra River Corridor and environment.
2. Authorise the Director Urban Living to review and assess any amended proposal submitted to the City of Yarra and withdraw the City of Boroondara's objection should the issues of concern raised in the objection relating primarily to scale, massing and bulk of the building within the Yarra River Corridor landscape setting be addressed.

**Responsible director:** **Scott Walker, Director Urban Living**

## 1. Purpose

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<b>Summary and reference details:</b>	
Boroondara Reference	PENQ23/00454
Permit Application (City of Yarra) Ref	PLN22/0732
Notification End Date	14 August 2023
Address of the Land	675 Victoria Street & Lot 63B on PP2796, Abbotsford
Development Description	Construction of a mixed use building (15 storeys containing office and dwellings with roof plant above and basement levels), permit required for dwelling use only, the reduction of the car parking requirements associated with the office and tree removal (including native vegetation)
Date of objection	14 August 2023
Application Status (as of date of writing the report)	Not yet determined

## 2. Policy implications and relevance to community plan and council plan

The Boroondara Community Plan sets the strategic direction for the municipality based on seven themes and a series of strategic objectives. Local planning directions in the Planning Policy Framework (relating to issues such as heritage, urban design and architecture), and planning controls (such zones and overlays) play a critical role in delivering on Council's commitments set out in the Community Plan.

The key themes within the Community Plan that are relevant to the proposed development include:

Theme 3 - The Environment.

Theme 4 - Neighbourhood character and heritage.

## 3. Background

### Public Notice

On 17 July 2023 the City of Boroondara received public notice of an application for a 15 storey mixed use development at 675 Victoria Street, Abbotsford from the City of Yarra pursuant to section 52(1) of the *Planning and Environment Act*

1987 (The Act). Subclauses (b) and (d) of s52(1) of the Act require the responsible authority (City of Yarra) to give notice of the application:

- *to a municipal council, if the application applies to or may materially affect land within its municipal district*
- *to any other persons, if the responsible authority considers that the grant of the permit may cause material detriment to them*

The City of Yarra has given notice to the City of Boroondara along with certain residents within Boroondara in Young Street, Kew which are located opposite the site on the other side of the Yarra River. A number of these residents have individually objected to the proposal direct to the City of Yarra.

An objection was lodged by officers on behalf of the City of Boroondara on 14 August 2023 to ensure that it was received by Yarra Council within the formal public notification period. A copy of the objection is included as an **attachment**.

At the time of writing this report City of Yarra had not determined the application.

#### Location and Relationship to the City of Boroondara

The subject site is located along the southern bank of the Yarra River within the City of Yarra. The municipal boundary of the City of Boroondara sits to its north while also wrapping around to the east of the site. The following (approximate) separation distances are highlighted:

- Separation from the Site to the north:
  - 29m to the boundary with the City of Boroondara
  - 45m to the north bank of the Yarra River
- Separation from the Site to the east:
  - 190m to the boundary with the City of Boroondara
  - 205m to the east bank of the Yarra River

The site also has frontage to Victoria Street (which becomes Barkers Road at the Victoria Street Bridge, to the east), which provides direct vehicle access to the City of Boroondara. The Main Yarra Trail traverses directly in front of the site, which crosses over the Yarra River at Walmer Bridge (into the City of Boroondara) to the west of the Site.

The image below shows the general location of the site within the context of the planning zones, the municipal boundaries (the City of Boroondara's boundary roughly follows the central point of the Yarra River), the Yarra River, along with the surrounding property boundaries.





Figure 1 - General location of the Site (outlined in blue) shown in the context of the planning zones and municipal boundaries, accessed from VicPlan on 27/07/2023

The aerial images below are taken from Weave, Council's internal mapping system.



Figure 2 - General location of the Site (outlined in blue) in the context of aerial imagery taken 22/07/2022, accessed from Weave 27/07/2023





Figure 3 - General location of the Site (outlined in blue) in the context of aerial imagery taken 22/07/2022, accessed from Weave 27/07/2023



Figure 4 - Oblique looking south, showing the Site (indicated by blue arrow) within the surrounding context

### Proposed Development

The application seeks planning permission to construct a 15 storey, mixed use building, comprising office space and dwellings, upon 3 levels of basement; and, the removal of native vegetation along with access to a Transport Zone 2 road (Victoria Street).

The proposal would be predominantly residential; however, commercial office space would form the interface with Victoria Street, at ground floor level.

The proposal includes the provision for public access through the site, from Victoria Street to the Main Yarra Trail. Further, a building setback from the northern boundary, ranging from (approx.) 13m to 14.5m, would be landscaped and operate as communal open space.

The form of the building, as viewed from the north (City of Boroondara), would read as a podium and tower typology. The following key (approximate) parameters are provided (note all references to storeys are as viewed from the northern boundary of the site):

- Setbacks of storeys 1 - 3 to northern boundary: 13m to 14.5m
- Setbacks of storeys 4 & 5 to northern boundary: 23m
- Setbacks of storeys 6 - 15 to northern boundary: 38m
- Maximum height: 15 storeys (48m)
- Dwellings: 134
- Office space: 537sqm
- Car Parking spaces: 186

The figures below depict the general form and appearance of the building, its relationship with the Yarra River and the slope of the land.

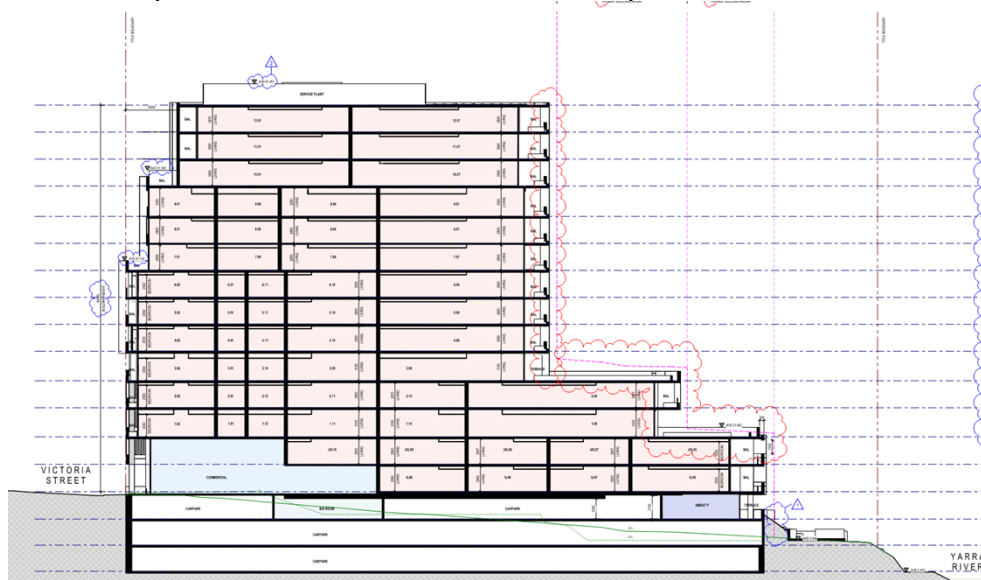


Figure 5 - Section of the proposed building



Figure 6 - Proposed access to Main Yarra Trail





Figure 7 - Render of the proposed development and its interface with the Yarra River



Figure 8 - Render of the proposed development, as viewed from the north

### Planning Controls (Yarra Planning Scheme)

- Commercial 1 Zone
- Design and Development Overlay - Schedules 1-G & 2
- Significant Landscape Overlay - Schedule 1
- Land Subject to Inundation Overlay
- Development Contributions Plan Overlay - Schedule 1
- Adjoins Transport Zone 2 road
- Clause 52.06 (Car parking)
- Clause 52.17 (Native Vegetation)
- Clause 52.29 (Land Adjacent to the Principal Road Network)
- Clause 52.34 (Bicycle Facilities)
- Clause 53.18 (Stormwater)
- Clause 58 (Apartment Developments)
- Within area of Aboriginal Cultural Heritage sensitivity
- Adjoins Environmental Protection Overlay land

### Commercial 1 Zone

#### Purpose:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

## Design and Development Overlay - Schedule 1-G (Yarra (Birrarung) River Corridor)

### Relevant Design Objectives:

- To ensure new buildings, tennis courts, swimming pools and other structures are appropriately set back from the banks of the Yarra River and adjacent public open space.
- To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting.
- To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, pedestrian and bicycle paths.
- To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.
- To minimise impervious surfaces to allow for the filtration of water and retention and establishment of vegetation and canopy trees.

### Requirements:

Map Reference Area	Location	Minimum setback	Maximum building height		Discretionary maximum building height
			0m to 10m from setback line	10m to 25m from setback line	>25m from setback line
G	Victoria Street, Abbotsford	25 metres	11 metres	18 metres	18 metres

**LEGEND**

- Area Boundary
- Mandatory Minimum Setback Line \*
- Setback Reference Line

The following points are highlighted in relation to the above requirements:

- The minimum setback is measured from the setback reference line and includes basements and projections.
- Maximum building height is mandatory, albeit an additional 1m allowance is provided due to the slope of the land. Further, this only relates to parts of the building within 25m of the setback line, beyond which the maximum height is discretionary although “should” be adhered to with the requirements stating that:

*Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees..*

#### Design and Development Overlay - Schedule 2 (Main Roads and Boulevards)

DDO2 relates to the southern portion of the site and is primarily concerned with the interface with and impact upon Victoria Street.

Relevant Design Objectives:

- *To recognise the importance of main roads to the image of the City.*
- *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
- *To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To limit visual clutter.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

There are no specific requirements in DDO2, beyond the objectives outlined above.

#### Significant Landscape Overlay - Schedule 1 (Yarra (Birrarung) River Corridor Environs)

Landscape Objectives to be Achieved:

- *To retain vegetation that contributes to landscape character, heritage values or neighbourhood character.*
- *To maintain and protect linear public open space and provide for secluded areas of public open space with access to the river where appropriate.*
- *To encourage the co-location or clustering of buildings, jetties and mooring facilities on public land.*
- *To encourage bicycle and shared paths that are safe, well located and require minimal earthworks and vegetation removal.*

- *To ensure fencing within close proximity to the Yarra River is low in scale, visually permeable and does not contrast with the natural landscape character.*

In addition to the above, the decision guidelines advise that the following considerations (as relevant to the City of Boroondara) can be taken into account:

- *Whether the scale, form, siting and design of new buildings, including materials, colours and finishes, are sensitively integrated with the natural landscape setting of the river corridor.*
- *Whether the spacing between buildings allows for the planting of appropriate vegetation and canopy trees to filter views of the development.*
- *Whether the existing and proposed vegetation fronting the Yarra River will filter the majority of views of the proposed development.*

### Other Planning Controls

The remaining planning controls, while highly relevant to the assessment of the proposal, are not relevant to the considerations of the City of Boroondara. The remaining planning controls are matters for the City of Yarra along with the relevant referral authorities.

### Planning Policy

The key policy of the Yarra Planning Scheme, as it relates to both the development and the considerations of the City of Boroondara, are outlined below:

Clause 12.03-1R (Yarra River Protection) seeks to maintain and enhance the natural landscape character of the Yarra River corridor. The policy seeks a number of measures in relation to the Yarra River, including improving water quality, protecting archaeology, improving canopy cover, maintaining recreation and ensuring buildings respect and fit within the context of the river corridor.

#### Key Strategies:

- Promote a sense of place and landscape identity by:
  - Retaining a dominant and consistent tree canopy along the river corridor and in its broader landscape setting.
  - Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.
- Ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment by:
  - Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.
  - Ensuring that the siting and design of buildings avoids conflicting with the local natural landscape and environmental character.
  - 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 21.08-1 (Neighbourhoods - Abbotsford) identifies the land as being a strategic development site.

Clause 22.11 (Victoria Street East Precinct Policy) is the key policy guiding development in the area and identifies the Site as being within the Victoria Street Major Activity Centre. The policy provides the following relevant objectives and policies.

Clause 22.11-2 (Objectives):

- To minimise the impact of building massing and siting when viewed from within the river corridor and ensure a vegetation dominated setting along the River edge.
- To relate the siting scale bulk and massing of new development to the distinctive landscape and ex-industrial character of this section of the Yarra River Corridor.
- To encourage high quality urban design and architecture throughout the precinct which contributes to the public realm, including the Yarra River corridor and street scapes.

Clause 22.11-2 (Policy):

- New development is encouraged to be set well back from the River with the area provided by setbacks and additional open space integrated with the River corridor to provide universal public access.
- Muted natural colours for fittings and bases, finished with graffiti proof paint, is encouraged.
- Built form does not unreasonably impact on the landscape within viewed from the River corridor and public access routes along the River corridor.
- Buildings should be set back to maintain views to important landmarks such as views from Victoria Street footpath to the Skipping Girl sign and to preserve or create view lines to the River corridor.
- Taller building elements may be constructed, provided that an appropriate height transition is provided within the site to minimise impacts on the amenity of the surrounding area including through the overshadowing of public spaces.

### Scope of Considerations

Based on the strategic context of the land, being within a Major Activity Centre, Commercial 1 Zone, and being identified as a strategic development site with excellent access to public transport, it is clear that the Planning Scheme supports a development of increased density at this location. Further, the development appears to generally align with the mandatory control components under the Planning Scheme, which means that the height as proposed can be considered and may be possible subject to a planning permit.

Whether the development strikes the appropriate balance in terms of design quality, benefits, building height, scale and bulk to justify the significant departure from the discretionary height within the planning scheme is ultimately a decision for the City of Yarra. That said, there is an abundance of guidance within the Planning Scheme to direct development outcomes for the site.



The planning controls and policy remain relevant for the considerations of the City of Boroondara; however, this is only in so far as they impact upon the municipality and the Yarra River Corridor which is of relevance and importance to Boroondara and its residents.

The scope of considerations for the City of Boroondara relate to the ways in which the municipality may be affected by the proposed development, as viewed through the lens of the applicable planning controls and policy within the Yarra Planning Scheme. These are outlined as follows:

- Visual impact, bulk and scale of buildings and the Yarra River environment
- View lines
- Amenity impacts such as overlooking and overshadowing
- Main Yarra Trail
- Landscaping and tree removal
- Traffic impacts

#### **4. Outline of key issues**

##### Visual Impact, bulk and scale of buildings and the Yarra River environment

The development appears to generally comply with the mandatory built form controls of DDO1 for the setbacks between 0 and 25 metres from the setback reference line abutting the Yarra River. While there may be some minor encroachments, whether these are viewed as breaches is a matter for the City of Yarra. From the perspective of the City of Boroondara, any (potential) breaches are minor and inconsequential in terms of the visual impact upon the municipality.

However, beyond the mandatory setback requirements, DDO1 has a discretionary height control of 18m. The development seeks a height of approximately 48m (15 storeys) in this area of the site.

The interrelationship between vegetation and built form is highly relevant given the context and planning controls which have a consistent theme of retaining canopy cover along the river corridor and ensuring views to developments are filtered through vegetation.

The proposal would include retention of canopy cover in front of the site and at obliques. There is also significant canopy cover to the opposite riverbank (within the City of Boroondara). The retained vegetation (on both sides of the river) would ensure that views to the lower levels of the proposed development are filtered, as viewed from the City of Boroondara. The retained vegetation would be further enhanced by proposed planting.

However, it is also clear that views to the upper most levels of the development would not be screened, filtered or mitigated in any way, particularly when viewed from higher vantage points from within the City of Boroondara.

In terms of the visual impact, there are clear views to the site from Young Street and the properties abutting the river. The figures below provide some context and a benchmark to understand the likely visual impact as viewed from the junction between Young Street and Hodgson Street. In elevational view and as viewed from the north, the proposed development would sit approximately 4 storeys above the adjacent building at No. 679 Victoria St (the Honeywell site),

which acts as a reference point for understanding the scale and bulk of the proposal. The building at No. 679 Victoria St is 11 storeys in height.



Figure 9 - Photo taken 29/07/2023 showing the façade of the building at No. 679 Victoria St (outlined by red elliptical which corresponds to the figures below)



Figure 10 - Aerial depicting location of Site (outlined in blue), location that photo was taken (red view cone) and the façade of the building visible in the photo above (outlined by red elliptical)





Figure 11 - Front elevation of the proposal, within the context of the adjacent built form at No. 679 Victoria St (outlined by red elliptical which corresponds to the figures above)



Figure 12 - Oblique looking south, showing the Site (indicated by blue arrow) within the context of the adjacent built form at No. 679 Victoria St (outlined by red elliptical which corresponds to the figures above) and the surrounds, taken from Google Maps 3D and accessed 29/07/2023

The development fails to 'avoid visual bulk' to the Yarra River Corridor. This is a result of the development's proximity to the River Corridor along with its overall height and massing. DDO1 provides clear guidance for the subject site in terms of appropriate built form and bulk. The controls at Area G prescribe a tiered approach to heights and setbacks. The proposal completely disregards the planning controls, clearly exceeds the benchmark height of the adjoining buildings (such as the Honeywell site) and has not provided sufficient explanation and justification.

The development also fails to meet the strategies of the Yarra River Protection Clause and Victoria Street East Precinct Policy within the Yarra Planning Scheme. The development would not be subordinate to the landscape setting due to the excessive building bulk, scale and height over and above the natural tree canopy height (something that the policies explicitly discourage). The proposed building conflicts with the natural landscape and environmental character, to the detriment of the Yarra River Corridor.

### View Lines

View lines in planning terms are typically understood to be a line of sight which connects specific viewing areas (such as important public spaces) with key landmarks (whether natural, cultural or built).

The siting of the proposed development is not considered to impact specifically upon any particular view lines, as viewed generally from the public realm within the City of Boroondara, although may impact some residents' views to the City skyline. However, the building sitting well above the canopy tree line will be a dominant structure in the landscape outlook across the Yarra River from properties and public areas within Boroondara.

### Amenity Impacts Such as Overlooking and Overshadowing

The Planning Scheme seeks to limit views to sensitive areas (habitable rooms and secluded private open space) of dwellings, within a distance of 9m. The proposed development is well beyond 9m, to the nearest dwelling within the City of Boroondara. As such, it is not considered to result in any unreasonable overlooking.

Given the proposal sits to the south of the City of Boroondara (and the separation to the east is well beyond any shadow impacts), the proposal would not result in any shadows to land within the City of Boroondara.

### Main Yarra Trail

The proposal does not seek to obstruct the trail. In fact, it proposes a landscaped setback which adjoins the trail (ranging from approximately 13m - 14.5m in depth) and seeks to facilitate additional pedestrian links (to Victoria Street).

It is not considered that the proposal would result in any direct detriment to the trail or users of the trail beyond the broader impacts of a large building overwhelming the landscape setting and ambience of the trail corridor.

### Tree Removal and Landscaping

The existing trees onsite, which are relevant to the City of Boroondara (to the northern side of the site), are trees (as numbered by the submitted Tree Impact Assessment) 17 - 25. The figure below provides an extract from the existing tree plan.

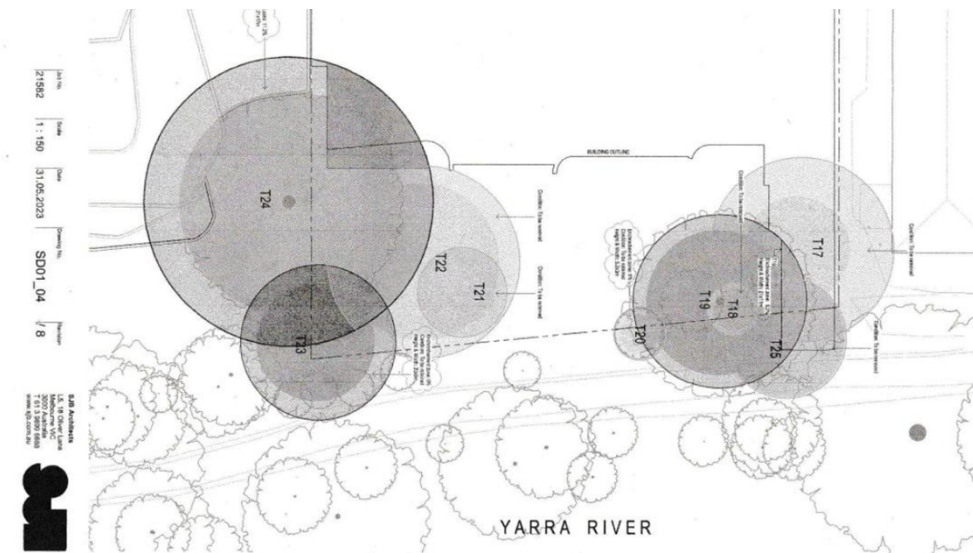


Figure 13 - Extract from existing Tree Plan

A summary of the proposed tree removal and retention, is provided as follows:

- Trees 17,18, 20, 21 & 22: Assessed as having low retention value - proposed to be removed.
- Tree 19: Native *Corymbia maculata* (Spotted Gum) - 21m high x 11 canopy - proposed to be retained.
- Tree 23: Native *Corymbia maculata* (Spotted Gum) - 20m high x 9 canopy - proposed to be retained.
- Tree 24: Assessed as having low retention value, however it is on a neighbouring property - proposed to be retained.
- Tree 25: Assessed as having medium retention value. Indigenous *Eucalyptus camaldulensis* (River Red Gum) - 18m high x 9m canopy - proposed for removal.

The overall tree removal and retention strategy is logical and has identified the most suitable trees to be retained. The strategy seeks to remove low value trees and retain larger native trees of higher value. It is also noted that a Landscaping Concept Plan has been submitted which seeks to replace removed trees and increase canopy cover overall.

The most controversial element of the tree removal strategy is the proposed removal of Tree 25, the River Red Gum which sits outside of the property boundary.

Tree 25 is proposed for removal to facilitate the proposed public access link, from Victoria Street to the Main Yarra Trail. The retention of Tree 25 is desirable however, the individual loss of this tree in itself does not have a direct detrimental impact on the City of Boroondara. Whether the loss of the tree provides for effective cost-benefit, or whether the pedestrian link is desirable at all, is a matter for the City of Yarra and relevant referral authorities.

In terms of the landscaping response, the Landscape Plan has been provided in 'concept' only, that is to say that specific species have not been nominated for specific locations, at this stage. This is not uncommon for a development of the scale and complexity proposed. If the proposal is approved, a condition of permit would typically be used to require the submission of a detailed landscape plan which aligns with the commitments and themes in the 'concept plan'.



While a detailed landscape plan has not been submitted, the 'concept plan' provides the following design intent and key details:

- In addition to the retained trees, the following can be accommodated on the Site: 15 Type A Trees (6m high x 4m canopy), 18 Type B Trees (8m high x 8m canopy) and 4 Type C Trees (12m high x 12 canopy).
- The planting strategy is to focus on native and indigenous species.
- To ground level, the following selection of trees are proposed: Black wattle, Blackwood, Drooping Sheoak, Spotted Gum, Yellow Gum, Red Flowering Yellow Gum. These trees range from 10m - 30m in height and 7m - 12m in canopy spread.
- Thick native and indigenous under-canopy planting is also proposed at ground level, to the river frontage.
- Trees, shrubs and planters are also proposed to the upper levels.

The below figure provides a render of the proposed landscaping scheme.



Figure 14 - Render of proposed landscaping scheme, from Landscape Concept Plan

The building setbacks to the Yarra River are considerable and capable of accommodating large canopy trees. However, no amount of landscaping can mitigate the scale, bulk and massing of the imposing building proposed which would sit well above the existing and future canopy line. Existing and proposed vegetation will not be sufficient to screen or filter the dominance of the building. Accordingly, the space provided for landscaping is considered insufficient for a building of the scale proposed.

### Traffic Impacts

With respect to traffic impacts, the development would have direct access to Victoria Street, which in turn provides access to the City of Boroondara by way of the Victoria Street Bridge and Barkers Road. The consideration of the traffic impacts is confined to the impacts upon the land within the City of Boroondara. In addition, these considerations are confined further noting that Barkers Road is a Transport Zone 2 road, which is the jurisdiction of VicRoads (whom will be a determining referral authority to the proposal). As such, the considerations for the City of Boroondara are confined to the local roads which connect to Barkers Road.

The proposal is supported by a Traffic Impact Assessment which finds:

- 186 car parking spaces are proposed, which would serve the dwellings. No parking spaces are proposed for the office space.
- The likely vehicle movements are 3 vehicles per dwelling per day, or 0.3 movements at peak times.
- The application of these rates across the proposed 134 dwellings (note that no office parking is proposed) equates to a projected peak hour traffic generation of 40 vehicles.
- This results in 20 additional vehicle movements in the AM peak and 26 additional movements generated to/from the road network over and above the existing use.
- The Traffic Impact Assessment concludes that this level of traffic increase is low and will not have a material impact on the surrounding road network.

The proposal has also been discussed with the City of Boroondara's Traffic Engineers who generally concur with the findings of the traffic report submitted with the application but to give extra comfort have also tested the impact with a more conservative rate to the traffic movements (4-5 movements per dwelling per day or 0.4-0.5 movements at peak times). They have concluded that the traffic movements can be accommodated without a significant impact to the road network, even at the higher rate.

## **5. Consultation/communication**

To assist in the assessment of the proposal, the application was reviewed with the following internal experts of the City of Boroondara:

- Arborist
- Urban Designer
- Traffic Engineer

Formal consultation with the community through public notice of the application has been undertaken by the City of Yarra. A number of Boroondara residents have lodged objections direct to Yarra but have also provided a copy to Boroondara for information. The issues raised by Boroondara residents in those objections include:

- Loss of amenity and landscape impacts on the river corridor;
- Proposal is contrary to the Yarra River Strategic Plan;
- Development exceeds the preferred height of 18 metres;
- Great weight should be given to the Yarra River policies based on previous VCAT case along the corridor under the new DDO1 controls;
- Proposal is an overdevelopment of the site and will destroy the riverscape environment and skyline;

## **6. Financial and resource implications**

The review of the proposal and preparation of an objection has been undertaken by staff within operational budgets. There are no other broader budgetary or financial impacts of the proposal.

## 7. Governance issues

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## 8. Social and environmental issues

The proposal has the potential to provide for additional housing needs in an excellent location close to services and facilities. However, the positive outcomes of the development need to be balanced with the environmental and landscape character impacts on the Yarra River Corridor.

## 9. Conclusion

It is considered that the proposed development would unduly impact upon the natural character and setting of the Yarra River Corridor; by reason of its proximity, scale, bulk and overall height, which is 2.7 times higher than the 18m discretionary height control of the Design and Development Overlay 1 applying to the site; resulting in a development which fails to meet (or performs poorly against) the design objectives of DDO1, the decision guidelines of SLO1, the strategies of Clause 12.03- 1R and the objectives and policies of Clause 22.11, of the Yarra Planning Scheme.

The issues with the development, as they impact upon the Yarra River Corridor and the City of Boroondara, stem from the overall height, scale and bulk of the proposal. There is insufficient justification for a development as proposed, with the relevant planning controls and policies being explicit that a development of the scale proposed in this sensitive river corridor is discouraged.

Accordingly, it is considered that the City of Boroondara should maintain its objection to the application and seek a reduction in the height and scale of the building proposed.

**Acting Manager: Erin McCarthy, Co-ordinator, Planning and Placemaking**

**Report officers: Scott Walker, Director Urban Living  
Jock Farrow, Principal Planner, Planning and Placemaking**



14 August 2023



[info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au)

City Of Yarra  
PO Box 168  
RICHMOND VIC 3121

Dear Sir/Madam,

**LETTER OF OBJECTION TO PLANNING PERMIT APPLICATION PLN22/0732;  
AT THE LAND: 675 VICTORIA STREET & LOT 63B ON PP2796, ABBOTSFORD**

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**Objector Details:**

City of Boroondara  
8 Inglesby Road, Camberwell  
City of Boroondara Ref: PENQ23/00454

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I refer to the notice (pursuant to section 52(1) of the *Planning and Environment Act 1987*) of the above referenced planning permit application, received by the City of Boroondara on 17 July 2023.

Following a detailed review of the proposal, the City of Boroondara hereby object to the proposal on the following grounds:

**Objection:**

The proposed development would unduly impact upon the natural character and setting of the Yarra River Corridor; by reason of its proximity, scale, bulk and overall height, which is 2.7 times higher than the 18m discretionary height control of DDO1; resulting in a development which fails to meet (or performs poorly against) the design objectives of DDO1, the decision guidelines of SLO1, the strategies of Clause 12.03-1R and the objectives and policies of Clause 22.11, of the Yarra Planning Scheme.

The issues with the development, as they impact upon the Yarra River Corridor and the City of Boroondara, stem from the overall height, scale and bulk of the proposal. There is insufficient justification for a development of the height proposed, with the relevant planning controls and policies being explicit that a development of the scale proposed in this sensitive river corridor is discouraged.

The planning controls and policy which are relevant to the grounds of objection, are outlined below.

**Camberwell office** 8 Inglesby Road Camberwell VIC T 9278 4444 F 9278 4466  
**Postal address** Private Bag 1, Camberwell VIC 3124  
**Email** [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au)  
**Website** [www.boroondara.vic.gov.au](http://www.boroondara.vic.gov.au)

DDO1 Design Objectives:

- *To ensure new buildings, tennis courts, swimming pools and other structures are appropriately set back from the banks of the Yarra River and adjacent public open space.*
- *To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting.*
- *To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.*

The development fails to 'avoid visual bulk' to the Yarra River Corridor. This is a result of the development's proximity to the River Corridor along with its overall height and massing. DDO1 provides clear guidance for the subject site in terms of appropriate built form and bulk. The controls at Area G prescribe a tiered approach to heights and setbacks with an 18m discretionary maximum building height for 25 metres and more from the setback line along the Yarra River. Within this area the proposed development has a 15 storey (48m) high building component despite the requirements within the DDO1 stating:

- *Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.*

The proposal completely disregards the planning controls and fails to 'avoid visual bulk', to the detriment of the Yarra River Corridor. The scale and bulk of the buildings also fail to provide sufficient space for the adequate planting and growth of vegetation including large canopy trees.

SLO1 Decision Guidelines:

- *Whether buildings will protrude above the predominant tree canopy within a given area*
- *Whether the scale, form, siting and design of new buildings, including materials, colours and finishes, are sensitively integrated with the natural landscape setting of the river corridor.*
- *Whether the existing and proposed vegetation fronting the Yarra River will filter the majority of views of the proposed development.*

The development performs poorly against the SLO1 decision guidelines, as follows:

- The development would protrude well above the predominant tree canopy which appears to be approximately 20 metres. This means that the development would exceed the canopy height by an estimated 28 metres.
- The development fails to integrate sensitively with the natural landscape setting, resulting in a discordant and imposing form.
- Existing and proposed vegetation will not be sufficient to screen or filter the dominance of the building given its scale and bulk.

Clause 12.03-1R (Yarra River Protection) Key Strategies:

- *Promote a sense of place and landscape identity by:*
  - *Retaining a dominant and consistent tree canopy along the river corridor and in its broader landscape setting.*
  - *Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.*
- *Ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment by:*
  - *Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.*
  - *Ensuring that the siting and design of buildings avoids conflicting with the local natural landscape and environmental character.*
  - *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.*

The development fails to meet the strategies of the Yarra River Protection Clauses within the Yarra Planning Scheme. The development would not be subordinate to the landscape setting due to the excessive building bulk, scale and height over and above the natural canopy height (something that the policies explicitly discourage). The proposed building conflicts with the natural landscape and environmental character, to the detriment of the Yarra River Corridor.

Clause 22.11 (Victoria Street East Precinct Policy):

Objectives:

- *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.*

Policy:

- *Built form does not unreasonably impact on the landscape within viewed from the River corridor and public access routes along the River corridor.*

The impact of the building massing has not been minimised nor has it been designed to ensure that vegetation is the dominant view. The development would sit well above the canopy line, becoming a dominating presence within the River Corridor and resulting in an unreasonable impact upon the landscape character.

**END OF OBJECTION.**

If you have any further questions, please contact:

Jock Farrow  
Principal Planner  
[Jock.Farrow@boroondara.vic.gov.au](mailto:Jock.Farrow@boroondara.vic.gov.au)  
9278 4811

Yours sincerely,



Scott Walker  
**DIRECTOR URBAN LIVING**