



**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 13 June 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

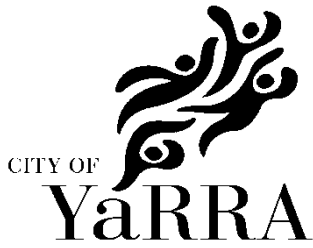
**Rostered Councillor membership**

Councillor Stephen Jolly  
Councillor Mi-Lin Chen Yi Mei (substitute for Cr James Searle)  
Councillor Jackie Fristacky (substitute for Cr Mike McEvoy)

- I. ATTENDANCE**  
Michelle King (Senior Statutory Planner)  
Amy Hodgen (Co-Ordinator Statutory Planning)  
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri as the Traditional Owners  
of this country, pays tribute to all  
Aboriginal and Torres Strait Islander  
people in Yarra and gives respect to  
the Elders past and present."***



## Guidelines for public participation at Internal Development Approval Committee meetings

### **POLICY**

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Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch  
2008**

## 1. Committee business reports

Item		Page	Rec. Page
1.1	582 Heidelberg Road, Alphington - PLN17/0858 - Development of the land for the construction of a multi-storey building, use of the land for dwellings and an indoor recreational facility (gym), reduction in the statutory car parking requirement.	5	47
1.2	107 Coppin Street, Richmond - PLN17/0730 - Development of the land for 7 triple-storey dwellings and a reduction in the car parking requirement.	58	87
1.3	100 Scotchmer Street Fitzroy North VIC 3068 - Planning Application PL09/0904 - Amendment to Planning Permit PL09/0904 to increase the operating hours and patron numbers of the existing use (Cafe) and for the sale and consumption of liquor.	91	111
1.4	PLN17/0868 - 231 Napier Street, Fitzroy - Demolition of the existing building to allow for the construction of a seven (7) storey building for dwellings and a reduction in the car parking requirement of the Yarra Planning Scheme.	114	144
1.5	93 Wellington St, Collingwood - Planning Permit Application PLN17/0512 - Construction of a 12 storey building plus basement, with reduction in the car parking requirement associated with dwellings	150	177

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- 1.1 582 Heidelberg Road, Alphington - PLN17/0858 - Development of the land for the construction of a multi-storey building, use of the land for dwellings and an indoor recreational facility (gym), reduction in the statutory car parking requirement.**
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## **Executive Summary**

### **Purpose**

1. This report provides the Internal Development Approvals Committee with an assessment of a planning application submitted for 582 Heidelberg Road, Alphington. The report recommends approval of the application subject to a number of conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Land Use (Clauses 11.01, 16.01, 17.01, 21.04 and 34.01)
  - (b) Built form (Clauses 15.01, 21.05 and 22.10)
  - (c) Off-site amenity impacts (Clause 15.01 and 22.05)
  - (d) Apartment development guidelines (Clause 58)
  - (e) Car parking, bicycle parking (Clause 18.02, 21.06, 52.06 and 52.34)

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification
  - (b) Land use
  - (c) Built form and design
  - (d) Off-site amenity impacts
  - (e) Internal Amenity
  - (f) Sustainable design
  - (g) Car parking and bicycle facilities
  - (h) Traffic and access
  - (i) Objector concerns

### **Objector Concerns**

4. 127 objections were received to the application, these can be summarised as:
  - (a) Excessive height and setbacks;
  - (b) Design incongruous with existing character;
  - (c) Amenity impacts (overshadowing, overlooking, visual bulk and light spill);
  - (d) Dominance of residential use within a commercial zone
  - (e) Poor internal amenity and inconsistencies with clause 58 (Apartment Guidelines);
  - (f) No provision for affordable housing
  - (g) Insufficient ESD standards;
  - (h) Insufficient car parking;
  - (i) Traffic impacts;
  - (j) Insufficient infrastructure capacity to support the development (e.g. public transport schools, medical centres etc); and
  - (k) Insufficient landscaping opportunities

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 9205 5330

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**1.1 582 Heidelberg Road, Alphington - PLN17/0858 - Development of the land for the construction of a multi-storey building, use of the land for dwellings and an indoor recreational facility (gym), reduction in the statutory car parking requirement.**

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Trim Record Number: D18/88208

Responsible Officer: Manager Statutory Planning

**Proposal:** Development of the land for the construction of a multi-storey building, use of the land for dwellings and an indoor recreational facility (gym), reduction in the statutory car parking requirement.

**Existing use:** Office

**Applicant:** Tract Consultants Pty Ltd

**Zoning / Overlays:** Commercial 1 Zone

**Date of Application:** 12 October 2017

**Application Number:** PLN17/0858

**Planning History**

1. PLN14/0623 – Application under Section 173A of the Planning and Environment Act 1987 (the Act) for the removal of Section 173 Agreement (R085764C) from the subject land and an amendment to Section 173 Agreement (R085763F) that affects the land to the south (35 Coate Avenue). This application was approved on approved 12 December 2014.

**Background**

2. Prior to advertising, amended plans were submitted on 9 February 2018 responding to Council Officer's preliminary concerns. Specifically, the overall height of the building was reduced by approximately 0.9m, with equivalent reductions occurring at each level. A bronze colour finish was also introduced within the south-eastern wing of the upper levels, replacing the white colour finish maintained for the balance of the building.
3. Sketch plans were provided on 4 June 2018 in response to the Urban Design recommendations from Message Consultants. These plans increase the upper level setbacks from the southern and western boundaries. The amendments would also result in a reduction in the number of dwellings from 172 to 156. The sketch plans are included as an attachment to the report and will be discussed as relevant.

**Existing Conditions**

Subject Site

4. The subject site is located on the south-west corner of Heidelberg Road and Chandler Highway and extends to Coate Avenue to the west. The site is generally rectangular in shape except for splays at the north-west and north-east of the site.
5. The site has a frontage of 62.51m to Heidelberg Road and 51.77m to Chandler Highway, yielding an overall site area of 3,729sqm. There are no restrictive covenants or agreements registered on the titles provided.
6. The site is developed with a two storey office building above under croft car parking. The pedestrian entrance to the building is located at the corner of Heidelberg Road and Coate Avenue. Vehicle access is provided via a crossover toward the south of the Coate Avenue boundary.

- The building is setback approximately 3.5m from the rear boundary, with this area vegetated with medium-sized shrubs. Garden beds and small to medium-sized trees are scattered along the site's perimeter.

Surrounding Land

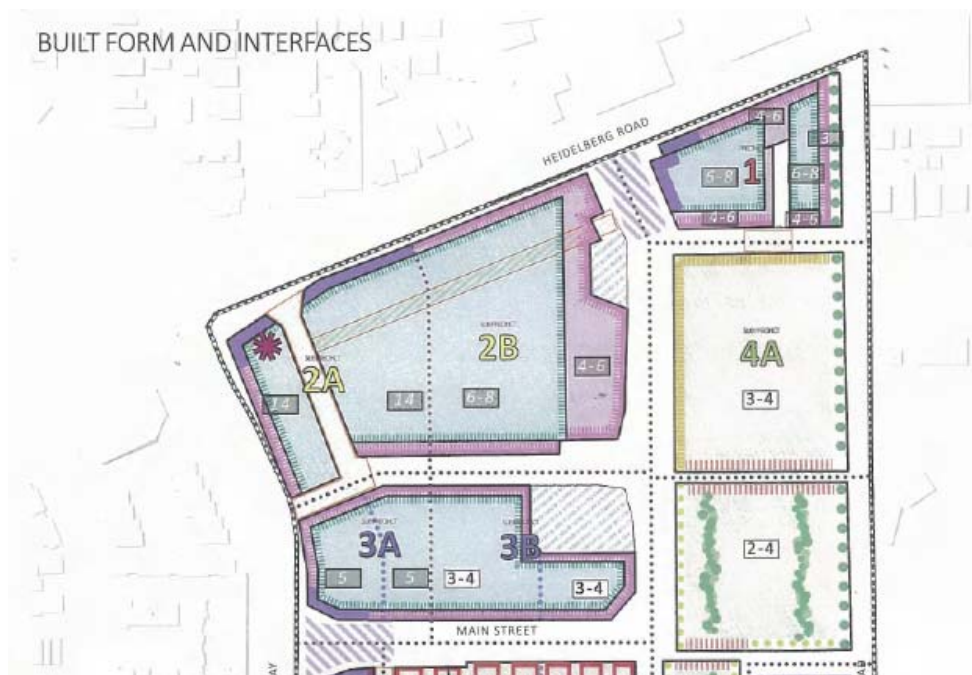
- The site is located on the robust intersection of Heidelberg Road and Chandler Highway, both Road Zone category 1 roads. To the south and east of the site is characterised by low scale residential one and two storey dwellings. On the eastern side of Heidelberg Road is the former Alphington Paper Mills site, which is undergoing significant redevelopment. The northern side of Heidelberg Road is within the City of Darebin and comprises predominately residential uses west of Grange Road/Chandler Highway, with the Alphington Neighbourhood Activity Centre to the east of Grange Road/Chandler Highway.
- Land immediately surrounding the subject site is described as follows:

*North*

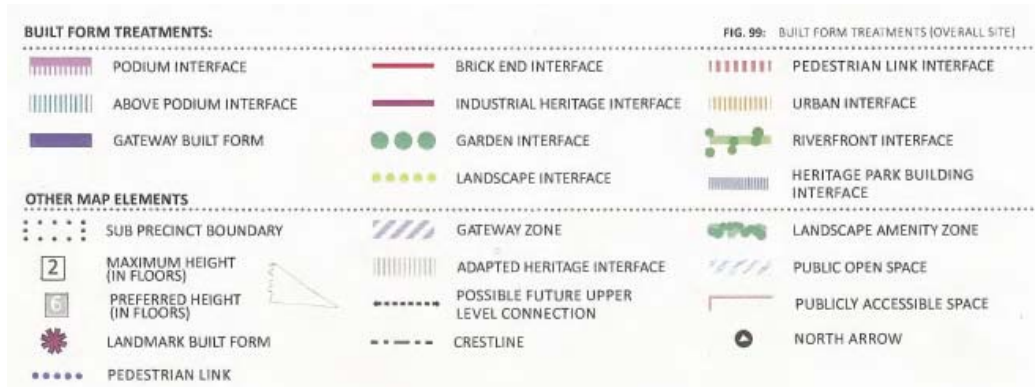
- Heidelberg Road is immediately north of the subject site, it comprises three lanes in either direction in addition to a designated bicycle lane. A concrete medium strip separates the road with a centre turning island located adjacent to Coate Avenue.
- A bus stop is situated in front of the subject site, with a bus shelter presently positioned within the narrow footpath.
- Land on the northern side of Heidelberg Road is within the City of Darebin. This contains a recently constructed three storey townhouse development, extending from Grange Road to Perry Street to the west. Limited front setbacks are provided from Heidelberg Road.

*East*

- Chandler Highway is immediately east of the site. Construction work is currently underway to widen the road. On the eastern side of Chandler Highway is the former Alphington Paper Mill Site (which extends to the Yarra River to the south and Parkview Avenue to the east). A development plan has been approved for the site with building heights illustrated in the Built Form and Interfaces Map below.







**Built Form Treatment Plan (Figure 99) p. 111 of the Development Plan**

14. A planning application (PLN17/0978) has been received for development of the site on the opposite corner of Heidelberg Road and Chandler Highway (Precinct 2A). The application proposes a 17 storey apartment building comprising 346 dwellings. The applicant lodged an application for review with the Victorian Civil and Administrative Tribunal (VCAT) on 30 April 2018 against Council’s failure to determine the application. The hearing is listed for 3 days commencing 1 October 2018. No decision has been made by Council at this stage.



**Image of Planning Application PLN17/0978**

15. Further to the east of this proposal, Planning Permit PLN17/703 was issued on 5 June 2018 for use and development of the land for a mixed use development containing dwellings, two supermarkets, shops, food and drink premises, office (including medical centre), restricted recreation facility (gym), childcare centre, education centre (primary school) and place of assembly and a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan. The approved buildings range in height from 14 storeys at the western end transitioning down to 5 storeys at the corner of Latrobe Avenue. Plans for the proposed development have not yet been endorsed.
16. Further to the east of the Former Paper Mill site and the northern side of Heidelberg Road (within Darebin) is the Alphington Neighbourhood Activity Centre, which contains various retail premises to support the local community.

*South*

17. Immediately to the south is No. 35 Coate Avenue. This site is developed with 20 two-storey townhouses, four fronting Coate Avenue, six facing Chandler Highway and the remaining 10 facing a centrally located driveway. The four northernmost townhouses have an interface with the subject site and are setback a minimum of 5.83m from the shared boundary.

The townhouses have previously been used as serviced apartments however it appears that works are currently being undertaken to convert the serviced apartments into dwellings. For example the signage for the serviced apartments has been removed and letterboxes have been installed. While it does not appear that anyone is currently residing in the townhouses, the following report has conservatively assessed the townhouses as dwellings rather than serviced apartments.

*West*

18. Coate Avenue, a local street, is immediately to the west of the site. On the western side of Coate Avenue are one and two detached brick dwellings orientated toward Coate Avenue.



**Aerial Image of the site & surrounds (subject site outlined in red)**

**The Proposal**

19. The applicant seeks approval for development of the land for construction of a multi-storey building, use of the land for dwellings and an indoor recreation facility (gym), reduction in the statutory car parking requirements.
20. The decision plans, being the advertised plans prepared by DKO Architecture dated 20 December 2017 (Revision A) and received 9 February 2018 are summarised as follows:

*Basement*

21. Two levels of basement are proposed comprising car parking, residential storage cages and bicycle storage. It is noted that the site boundaries are not clearly depicted on these levels, this will be conditioned accordingly.
22. The basement levels extend along the eastern boundary and a section of the northern boundary and are otherwise set back from boundaries.

23. Rain water retention and detention tanks are shown adjacent to the lower basement (Basement 2) with various services shown within the upper level basement (Basement 1) including a fire pump room, water meter room and bin storage.
24. Basement 1 contains individual garages for the townhouses along Coate Avenue, with six of the townhouses also having a secondary living area adjacent to Coate Avenue.
25. Lift and stair access is provided from the basement levels to the levels above, with vehicle ramps connecting the basements to the ground level.

*Ground Level*

26. The ground level also contains car parking, accessed via Coate Avenue at the southern end of the building.
27. Also within the car parking area is bicycle storage, commercial storage units, bin storage and building services including a substation, main switch room and comms room.
28. The townhouses extend along Coate Avenue, each with individual entrances to the street. This level contains a terrace and the main living, kitchen and dining areas to six of the townhouses. A void is provided between the outdoor terraces and the front boundaries providing natural light access into the secondary living spaces on the Basement 1 Level. 1.2m high fencing extends along the front boundary line.
29. The townhouse on the corner of Heidelberg Road and Coate Avenue contains a bedroom and bathroom on this level.
30. The office tenancy extends along the majority of the Chandler Highway (eastern) interface, with the exception of the substation, which is located at the southern end.
31. The gym is situated immediately north-west of the office, facing the corner of Heidelberg Road and Chandler Highway and extending along Heidelberg Road.
32. Both the gym and the office tenancies extend to the boundary line, comprising glazing and direct entrances from the street.
33. Further to the west along Heidelberg Road, adjacent to the gym, is the residential lobby entrance. The entrance is double height with a width of 4.8m, composed of clear glazing to the street. The lifts are west of the lobby entrance connected by a corridor.

*Mezzanine*

34. A mezzanine level contains the first level of the townhouses along Coate Avenue, comprising two bedrooms and a bathroom for six of the townhouses and the living space for the townhouse closest to the corner of Coate Avenue and Heidelberg Road.
35. Additional car parking and storage is also provided with the mezzanine level also facilitating double height floor levels to the residential entrance, gym and office tenancies.

*Level 1*

36. This level contains additional car parking and residential storage.
37. The second level of the townhouses faces Coate Avenue, each comprising a bedroom and bathroom, with the northernmost townhouse containing two bedrooms.
38. The second level of the office extends along Chandler Highway, wrapping around the Heidelberg Road.

39. A two bedroom dwelling also faces Heidelberg Road between the lift lobby and the townhouses.

*Level 2*

40. The top level of the townhouses extend along Coate Avenue, with the three southernmost townhouses containing roof terraces, the remaining townhouses provide an additional bedroom and a further living room.
41. One and two bedroom apartments extend along the northern, eastern and the eastern portion of the southern perimeter.
42. Car parking is provided centrally to this level, extending along the remainder of the southern boundary.

*Level 3 and above*

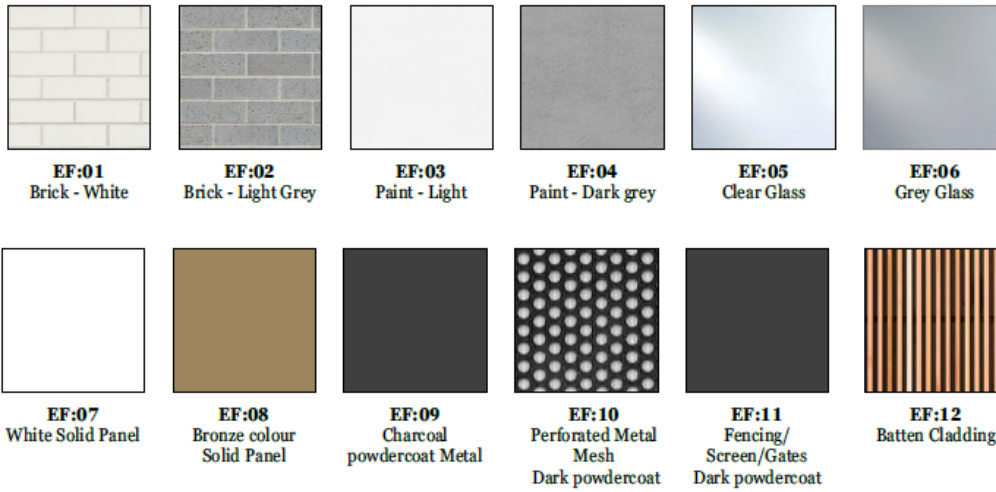
43. Level 3 contains the podium communal terrace which is to be landscaped containing a swimming pool and communal facilities.
44. The tower component of the building extends along the Heidelberg Road and Chandler Highway interfaces.
45. The upper levels of the building taper away from the southern and western interfaces, with the uppermost level (Level 12) providing a minimum set back of 17.65m from the southern boundary and 17.1m from the western boundary (excluding terraces).
46. Level 12 also comprises a communal terrace extending to the west (above the Level 11 roof). This is set back a minimum of 8.5m from the western boundary.

*General*

47. The building is composed of a podium and tower form, reaching a total of 13 storeys at the corner of Chandler Highway and Heidelberg Road.
48. The overall height of the building is 45.46m.
49. A total of 172 dwellings are proposed consisting of 20 x 1 bedroom apartments, 114 two bedroom apartments and 31 three-bedroom apartments and 7 three-bedroom townhouses.
50. Office is proposed to the ground and first floor levels with a net leasable area (NLA) of 982sqm and a gross floor area (GFA) of 1229sqm (as shown on the plans).
51. Gymnasium with a net floor area of 280sqm on the ground floor
52. A total of 264 car spaces and 148 bicycle spaces

*Materials*

53. A mixed palette is proposed as shown below:



*Use*

54. The gym is to operate from 6am to 9pm each day and will have a maximum of 4 staff (including gym instructors and trainers) and 15 members/visitors present on the land at any one time.



**Level 3 (podium level) showing typical apartment layouts**



**Artist impression from the corner of Heidelberg Road & Chandler Highway**



**Artist impression from Coate Avenue, viewed from the south of the proposal**

**Planning Scheme Provisions**

Zoning

*Clause 34.01 – Commercial 1 Zone (C1Z)*

- 55. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required to use land for accommodation (dwellings) if a frontage at ground floor exceeds two metres. Residential lobby entrance to Heidelberg Road and townhouse frontages along Coate Avenue exceeding 2m in width.
- 56. Pursuant to Clause 34.01-1, a planning permit is required for a leisure and recreation facility (includes gym), however a permit is not required for office.
- 57. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
- 58. Also pursuant to Clause 34.01-4, an apartment development must meet the requirements of Clause 58.

Particular Provisions

- 59. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5.

<b>Proposed Use</b>	<b>No. Apt/ area</b>	<b>Statutory Parking Rate</b>	<b>No. of Spaces Required</b>
One & Two-bedroom dwelling	134	1 space per dwelling	134
Three or more-bedroom dwelling	38	2 spaces per dwelling	76
Residential visitors	172 dwellings	1 space per 5 dwellings	34
Office	982sqm	3.5 spaces per 100sqm of LFA	34
Gym	350sqm	Nil	N/A
<b>Total Required</b>			<b>278</b>
<b>Allocated</b>			<b>264</b>
<b>Reduction required under Clause 52.06</b>			<b>14</b>

- 60. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car spaces required under Clause 52.06-5. A gym is not included within Table 1 of clause 52.06-5 of the Yarra Planning Scheme, therefore car parking provision is required to be provided to the satisfaction of the Responsible Authority.

*Clause 52.34 – Bicycle Facilities*

61. Pursuant to clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

<b>Use</b>	<b>Quantity/Size</b>	<b>Statutory Rate</b>	<b>No. Spaces required</b>
Dwellings (four or more storeys)	172 dwellings	1 per 5 dwellings for residents 1 per 10 dwellings for visitors	34 resident spaces 17 visitor spaces
Office	1229sqm	1 employee space per 300sqm of NFA if the NFA exceeds 1000sqm; 1 visitor space per 1000sqm of NFA if the NFA exceeds 1000sqm	Not applicable
Minor Sports and recreation facility (incl. gym)	280sqm (2 staff)	1 space per 4 employees.  1 visitor space to each 200sqm of NFA	1  1 visitor space
		<b>Total:</b>	<b>34 resident spaces, 1 staff spaces and 18 visitor spaces</b>

62. The proposal provides 148 bicycle spaces and as such the requirement of Clause 52.34-3 is exceeded.

*Clause 58 – Apartment Developments*

63. The purpose of this clause is:

- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- (c) *To encourage apartment development that is responsive to the site and the surrounding area.*

64. A development must meet of the objectives of this clause and should meet all of the standards.

General Provisions

65. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

*Clause 11.06-2 - Housing Choice*



66. The objective of this clause is:  
(a) *To provide housing choice close to jobs and services.*

*Clause 11.06-5 – Neighbourhoods*

67. The objective of this clause is:  
(a) *To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.*

*Clause 13.03-1 – Use of contaminated and potentially contaminated land*

68. The objective of this clause is:  
(a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

*Clause 13.04 – Noise and Air*

69. The objective of this clause is:  
(a) *To assist the control of noise effects on sensitive land uses.*

*Clause 15.01.1 – Urban Design*

70. The objective of this clause is:  
(a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

*Clause 15.01-2 – Urban Design Principles*

71. The objective of this clause is:  
(a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

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

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*  
(b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*  
(c) *Urban Design Charter for Victoria (Department of Planning and Community Development 2009).*

*Clause 15.01-4 – Design for Safety*

73. The objective of this clause is:  
(a) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

*Clause 15.01-5 – Cultural Identity and Neighbourhood Character*

74. The objective of this clause is:  
(a) *To recognise and protect cultural identity, neighbourhood character and sense of place.*

*Clause 15.02 – Sustainable Development*

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

*Clause 16.01-1 – Integrated Housing*

76. The objective of this clause is:  
(a) *To promote a housing market that meets community needs.*

*Clause 16.01-2 – Location of residential development*

77. The objective of this clause is:  
(a) *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

*Clause 16.01-3 – Housing opportunity areas*

78. The objective of this clause is:  
(a) *To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

*Clause 16.01-4 – Housing Diversity*

79. The objective of this clause is:  
(b) *To provide for a range of housing types to meet increasingly diverse needs.*

*Clause 16.01-5 – Housing affordability*

80. The objective of this clause is:  
(a) *To deliver more affordable housing closer to jobs, transport and services.*

*Clause 17.01.1 - Business*

81. The objective of this clause is:  
(a) *To encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

*Clause 18.01 – Integrated Transport*

82. The objective of this clause is:  
(a) *To create a safe and sustainable transport system by integrating land-use and transport.*

*Clause 18.02-1 – Sustainable personal transport*

83. The objective of this clause is:  
(a) *To promote the use of sustainable personal transport*

*Clause 18.02-2 - Cycling*

84. The objective of this clause is:  
(a) *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

*Clause 18.02-3 – Principal Public Transport Network*

85. The objective of this clause is:  
(a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne.*

*Clause 18.02-5 – Car parking*

86. The objective of this clause is:
- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land Use*

*Clause 21,04-1 – Accommodation and Housing*

87. The relevant objectives of this clause are:
- (a) *Objective 1 To accommodate forecast increases in population.*
    - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
    - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
  - (b) *Objective 2 To retain a diverse population and household structure; and*
  - (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

*Clause 21.04-3 – Industry, office and commercial*

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

*Clause 21.05-2 – Urban design*

89. The relevant objectives and strategies of this clause is:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
  - (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
      - *Significant upper level setbacks*
      - *Architectural design excellence*
      - *Best practice environmental sustainability objectives in design and construction*
      - *High quality restoration and adaptive re-use of heritage buildings*
      - *Positive contribution to the enhancement of the public domain*
      - *Provision of affordable housing.*
  - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
  - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
  - (e) *Objective 21 To enhance the built form character of Yarra's activity centres.*
  - (f) *Objective 22 To encourage the provision of universal access in new development.*

*Clause 21.05-4 Public environment*

90. The relevant objectives and strategies of this clause is:
- (a) *Objective 28: To provide a public environment that encourages community interaction and activity:*

- (ii) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
- (iii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
- (iv) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
- (v) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
- (vi) *Strategy 28.8 Encourage public art in new development.*
- (vii) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

#### *Clause 21.06 - Transport*

91. The relevant objectives of this clause is:

- (b) *To provide safe and convenient pedestrian and bicycle environments.*
- (c) *To facilitate public transport usage.*
- (d) *To reduce the reliance on the private motor car.*
- (e) *To reduce the impact of traffic.*

#### *Clause 21.07 – Environmental Sustainability*

92. The relevant objectives of this Clause are:

- (f) *To promote environmentally sustainable development*
- (g) *To improve the water quality and flow characteristics of storm water run-off.*

#### *Clause 21.08 – Neighbourhoods*

##### *Clause 21.08-6 – Fairfield and Alphington*

93. Clause 21.08-6 identifies that *'the Heidelberg Road neighbourhood activity centre is on the boundary between the Cities of Yarra and Darebin. It is a small convenience centre, with limited furniture and home wares outlets and a small amount of office space.'*

94. Implementation of the built form strategies at clause 21.05 includes:

- (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*

95. Figure 16; the built form character type identifies the subject site within a Main Road precinct, which seeks to:

- (a) *Maintain the hard urban edge of development;*
- (b) *Reflect the fine grain of the subdivision pattern in building design where this exists along main roads.*

#### Relevant Local Policies

##### *Clause 22.05 – Interface Uses Policy*

96. The objectives of this clause are:

- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
- (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

##### *Clause 22.10 – Built form and design policy*

97. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site

coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

*Clause 22.12 – Public Open Space Contribution*

98. The objectives of this clause are:
- (a) *To implement the Yarra Open Space Strategy;*
  - (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*
  - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
99. The subject site is in an area where cash contribution is the preferred method of public open space contribution (Area 3078B).

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

100. The relevant objectives of this clause are:
- (c) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
    - (i) *Suspended Solids - 80% retention of typical urban annual load*
    - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
    - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
    - (iv) *iv. Litter - 70% reduction of typical urban annual load*
  - (d) *To promote the use of water sensitive urban design, including stormwater re-use.*

*Clause 22.17 – Environmentally Sustainable Development*

101. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

**Advertising**

102. The original application was advertised during August 2017 in accordance with Section 52 of the *Planning and Environment Act 1987* (the Act) by way of 1,396 letters sent to the surrounding property owners/occupiers and by four signs on the site. A total of 127 objections were received. The concerns can be summarised as:
- (a) Excessive height and setbacks;
  - (b) Design incongruous with existing character;
  - (c) Amenity impacts (overshadowing, overlooking, visual bulk and light spill);
  - (d) Dominance of residential use within a commercial zone
  - (e) Poor internal amenity and inconsistencies with clause 58 (Apartment Guidelines);
  - (f) No provision for affordable housing
  - (g) Insufficient ESD standards;
  - (h) Insufficient car parking;
  - (i) Traffic impacts;
  - (j) Insufficient infrastructure capacity to support the development (e.g. public transport schools, medical centres etc); and
  - (k) Insufficient landscaping opportunities
103. The grounds of objections will be considered and addressed where relevant throughout the following assessment.

**Referrals**

### External Referrals

104. The application was required to be referred to the following referral authorities, with their comments attached to this report:
- (a) Transport for Victoria (formally PTV)

### Internal Referrals

105. The application was referred to the following areas, with their full comments attached to this report:
- (a) Urban Design Consultant – Message Consultants
  - (b) Open Space Unit (Landscape Architect and Arborist)
  - (c) Environmentally Sustainable Development (ESD) Advisor
  - (d) Engineering Services Unit
  - (e) City Works branch
  - (f) Strategic Transport
  - (g) Wind Consultant – Vipac Consultants
  - (h) Acoustic Consultant – SLR Consulting Australia

## **OFFICER ASSESSMENT**

106. The relevant considerations for this assessment are as follows:
- (a) Strategic justification
  - (b) Land use
  - (c) Built form and design
  - (d) Off-site amenity impacts
  - (e) Clause 58 (Apartment Developments)
  - (f) Environmentally Sustainable Design
  - (g) Car parking, bicycle facilities and traffic generation
  - (h) Streetscape works
  - (i) Objectors' concerns

### Strategic Justification

107. State Policy supports housing at higher densities on this site, being within proximity of a Neighbourhood Activity Centre (NAC), infrastructure and amenities. Notably, Clause 16.01-1 (Integrated housing) seeks to *'Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.'* The subject site, at 3,729sqm in area, within a Commercial 1 Zone and with three street abutments, presents an opportunity for increased housing yield.
108. Additionally, clause 16.01-2 seeks to *'Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.'* The subject site benefits from access to jobs, services and public transport within the Alphington NAC and the future development of the Amcor site.
109. At a local level, there is an expectation stated at Clause 21.04-1 that C1Z will accommodate some of Yarra's housing growth, however potential amenity conflicts between residential and other uses needs to be managed, with Strategy 3.1 requiring that *'new residential development in the Commercial 1 Zones to be designed to minimise potential negative amenity impacts of existing non-residential uses in the vicinity'*. Potential interface issues with non-residential uses will be discussed as relevant through this report.
110. Housing diversity is encouraged at both a State and local level, with State policy at clause 16.01-4 identifying the objective *'To provide for a range of housing types to meet increasingly diverse needs.'* Including the strategy to *'support opportunities for a wide range of income groups to choose housing in well-serviced locations.'* Objectives within the MSS on land use (Clause 21.04) are very similar, advocating for the retention of a diverse population and

household structure. The proposed development supports these policies by incorporating a mix of one, two and three bedroom dwellings at various sizes and layouts.

111. State and local policies on built form (Clause 15.01 and 21.05) are consistent in their objectives for the delivery of responsive and high quality built form environments. At a local level, Objective 17 of Clause 21.05 seeks *'to retain Yarra's identity as a low-rise urban form with pockets of higher development'*, with Strategy 17.1 to *'Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form'*. As the subject site is not within the activity centre nor a strategic redevelopment site, consideration needs to be given to the specific strategic context of the site, the impacts of a taller built form on the site and the particular design response. In undertaking this assessment, Council's Built Form and Urban Design policy at clause 22.10 needs to be considered.
112. Yarra recognises the importance of environmentally sustainable development within its MSS (Clause 21.07) and through its Environmentally Sustainable Development Policy at clause 22.17 and Stormwater Management (WSUD) Policy at Clause 22.16. The environmental sustainability of the proposed development will be covered in greater detail within this report.
113. Both State and local policy directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (Clauses 18.02-1, 18.02-2, 18.02-3 and 21.06). In regard to car parking, Clause 18.02-5 encourages an adequate supply of car parking to be provided with consideration to *'existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.'*
114. At a local level, clause 21.06 acknowledges that whilst parking availability is important for many people, *'unrestricted car use and parking is neither practical nor achievable.'* Matters relating to transport relevant to the proposed development will be covered later within this report.
115. The site is well-positioned to accommodate more intensive development of the site, with the nearby NAC and future development on the Amcor site offering accessibility to jobs, services and public transport. Having regard to the above discussion, the proposal demonstrates strong policy support at both a State and local level.

#### Land Use

116. As stated within the planning controls section, a permit is required for the dwellings and the gym use. The office is 'as of right' within the C1Z. In assessing the proposed uses, consideration needs to be given to Council's Interface Uses Policy at Clause 22.05 of the Yarra Planning Scheme.
117. A permit is only triggered to use the land for dwellings within the C1Z as the residential uses exceed a ground floor frontage of 2m in width. The intention of this permit trigger is to ensure that residential uses do not erode active retail frontages within commercial areas. However, given the isolated nature of the commercially-zoned site (surrounding by residential zoning), the inclusion of a wider residential frontage to Heidelberg Road will not impact the integrity of a continuous retail frontage. The proposal appropriately locates the commercial activity (office and gym) to the corner of Chandler Highway and Heidelberg Road, transitioning to the residential uses to the west. The ground level residential frontage to Coate Avenue is also an appropriate response given the residential zoning (and uses) within the remainder of this local street. However, as will be discussed within the built form assessment, improvement is required to the interface with the western portion of Heidelberg Road.
118. Residential use of the land has clear policy support within both State and local policy as outlined within the 'Strategic Justification' section earlier. The residential use is also

consistent with the purpose of the C1Z, which includes: *'To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

119. While residential use of the land is supported and will contribute toward a vibrant mixed use commercial centre, consideration needs to be given to potential land use conflicts with non-residential uses. In this case, the only non-residential uses proximate to the site are those proposed within the development, being the office tenancy and gym. Office uses do not typically generate off-site amenity impacts such as noise, odour or light spill. The offices are face Chandler Highway and Heidelberg Road, with no openings onto the residential component of the development. There are no potential overlooking impacts into the proposed dwellings.
120. The gym (restricted recreational facility) will be available to residents and employees of the development as well as the wider community, supporting convenient access to services. The proposed gym is consistent with the purpose of the C1Z *'to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.'*
121. Having regard to the decision guidelines of the C1Z, the proposed gym is considered appropriate. The gym is complementary to the residential and offices uses also proposed within the development. The gym is proposed to operate between 6am and 9pm daily, with some scheduled classes proposed. As the gym does not directly abut the residential uses, it is unlikely that noise or vibrations emitted from the gym would impact the residential amenity. However there may be impact upon the abutting office tenancy. The acoustic report submitted with the application does not consider the potential impacts on the office; as such a condition of any permit will require this to be considered within the acoustic report. With respect to light spill and overlooking impacts from the gym, this is not expected given that all window and door openings are orientated to Heidelberg Road and Chandler Highway.
122. The decision guidelines within the C1Z for new permit required uses also require consideration of the availability and connection to existing services as well as the impact on traffic generation. As will be discussed in greater detail later within the report, it is considered that these matters are addressed.

#### Built Form and Design

123. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clauses 15, 21.05 and 22.10. As supplementary guidance, the recently released *Urban Design Guidelines for Victoria* prepared by the Department of Environment, Land, Water and Planning are also of relevance.
124. These provisions and guidelines seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and its relationship to adjoining properties.

#### *Street Level Interface*

125. Clause 22.10.3-4 (Street and Public Space quality) includes the following design guidelines; *The design of the ground level street frontage of new development should provide a high level of pedestrian amenity and visual interest by:*
  - (a) *Providing well-defined entries at ground level on the street frontage.*
  - (b) *Incorporating commercial/display or retail space (where appropriate).*
  - (c) *Installing glazed areas allowing permeability into the interior spaces.*
  - (d) *Matching ground floor level with street level.*
  - (e) *Avoiding sub-basement car parks where the structure of the car park and vents are raised above the footpath level.*



126. Having regard to the above, the proposed development is considered to generally deliver a successful street level interface, contributing to the public space quality and responding appropriately to the different interfaces. Along Heidelberg Road and Chandler Highway, the building is constructed to the street edge, with double height glazing that responds appropriately to the scale of these streets and the prominence of the corner location. To Coate Avenue, a noticeably different treatment is provided, responding to the local residential character of this interface with a row of individual townhouses. A building canopy is also proposed along Heidelberg Road and Chandler Highway providing weather protection for pedestrians.
127. The majority of the publically visible sides of the building are activated and offer a visually engaging pedestrian experience. However, concern is raised with the treatment of the western section of the Heidelberg Road elevation (excerpt below). Due to the provision of services, the extent of activation is limited. It is considered that this elevation could be improved by providing glazing to the full width of the bicycle storage area and ensuring a high quality material treatment is provided for the emergency exit doors, fire booster cabinet and the remaining portion of the wall. These matters will be conditioned accordingly.



**Western portion of the Heidelberg Road facade**

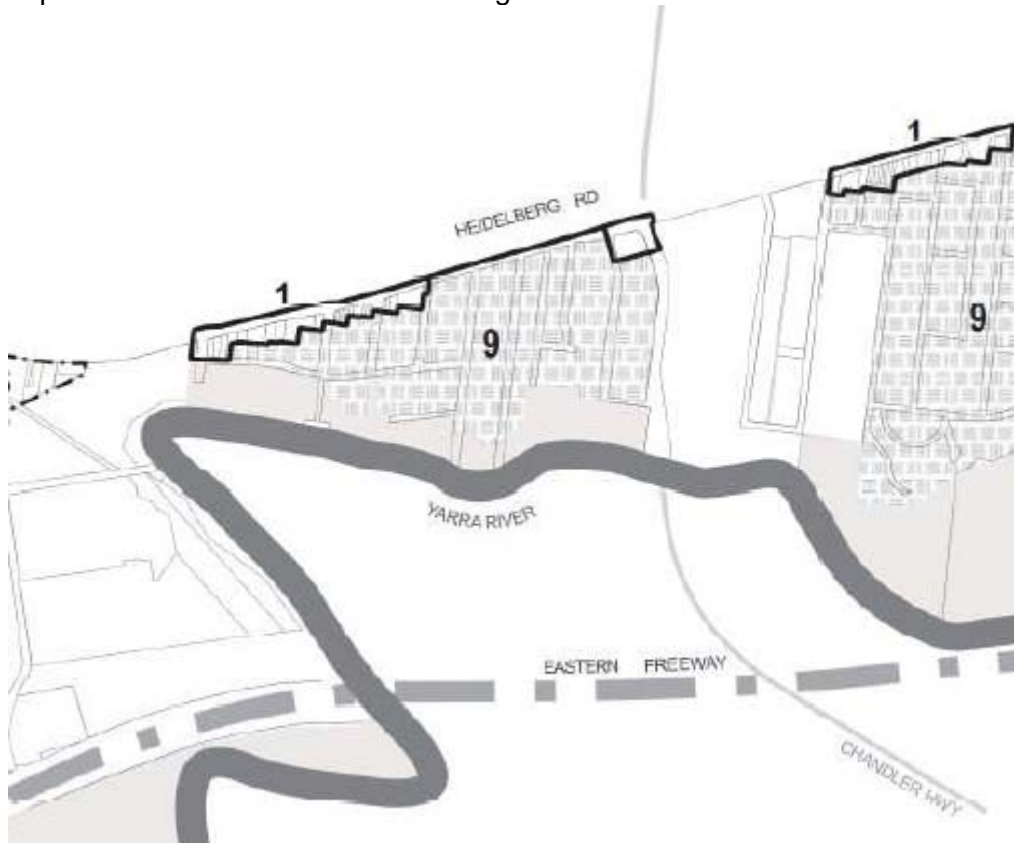
128. In contrast to the existing building on the site, the floor level of proposed development is generally consistent with the natural ground level of the Heidelberg Road and Chandler Highway footpaths. While there is a subgrade level to the townhouses facing Coate Avenue, given the dwelling entrances are at street grade, maintaining sufficient integration with the street.
129. The various entrances to the building are clearly defined, including a prominent double height entrance for the residential apartments to Heidelberg Road, the individual entrances into the townhouses along Coate Avenue and the separate entrances for the gym and office space directly into the tenancies. As will be discussed within the section on micro climate, it is recommended that the entrances into the commercial tenancies be located away from the corner of Heidelberg Road and Chandler Highway. This suggestion is expected to shift the entrances so they are more centrally located to the tenancies; this is considered an appropriate alteration and will continue to support the presence of the building entries.
130. While Message consultants were comfortable that the ground level plane was appropriately treated, they advised that its success will depend on close attention to the resolution of elements such as service cupboards and substations. Message subsequently recommend greater detail of the street level treatment, at a more readable scale, be provided as a condition of permit. This will be conditioned accordingly.

*Height and setbacks of upper levels*

131. As discussed in the strategic justification for the proposal, Council's MSS directs that development outside activity centres and not on strategic redevelopment sites should be maintained at a low scale. This is sought to protect the integrity of Yarra's streetscapes and

the amenity of surrounding properties. However, as will be discussed below, the particular context of the site can support a taller built form with limited impact to the surrounding area.

132. Council's Built Form and Urban Design Policy guidance for setbacks and building height at clause 22.10-3.3 is as follows:
- (a) *To ensure that the setbacks of new development complement the desired neighbourhood character of the area (as identified in the Site Analysis Plan and Design Response, the Municipal Strategic Statement and any relevant local planning policies).*
  - (b) *To ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.*
133. Due to its three street frontages, the site presents somewhat of an island site. The existing office building is also visually detached and incongruous with the surrounding residential area to the south and west. This variation in the treatment of this site is also reflected in clause 21.08-6 (Fairfield/Alphington), which includes the site within the Main Roads Precinct, as distinct from the Garden suburban residential precinct that it surrounds. As a consequence of the site's isolation, development of the subject site is expected to have little impact on character of the surrounding residential area.



**1**

**Main Roads**

- Maintain the hard urban edge of development.
- Reflect the fine grain of the subdivision pattern in building design where this exists along main roads.

**9**

**Garden Suburban Residential**

- Maintain the existing pattern of front setbacks.
- Reinforce the garden character of the streetscape.
- Accommodate second storey extensions, or second storeys of new buildings, within an envelope that maintains the low, horizontal form of existing dwellings.

**Excerpt from Figure 16: Built form character map**

134. The site’s location on the intersection of two major roads and its detachment from the lower scale residential areas, lend itself to a more robust built form treatment. Also, whilst the site is not within the Amcor strategic redevelopment site, being located on the opposite corner, the site will be read in the context of the anticipated taller built form on this corner. As outlined in the description of the surrounding area, the development plan for the Amcor site specifies a preferred building height of 14 storeys on the south-east corner of Heidelberg Road and Chandler Highway.
135. Message Consultants have undertaken an urban design review of the proposal on behalf of Council. In regard to the proposed height, they also considered there to be *‘a rational and some validity in urban design terms to the concept of a building height at the Chandley [sic] Highway/Heidelberg Road corner that responds to the scale expected on the opposite corner as part of the Amcor development.’*
136. However, while Message was comfortable with the 13 storey form at the major intersection of Heidelberg Road and Chandler Highway, they felt that a more *‘purposeful transition’* is required to the residential areas to the south and the west. They have recommended reducing the heights to the western and southern wings as illustrated in the following diagrams contained within their advice. With these changes, the southern and western wings of the building would have a perceive height of eight storeys, which was considered to provide a more comfortable and responsive step down to the surrounding lower built forms.



**Eastern (Chandler Hwy) Elevation with Message Consultants suggested amendments**



**Northern (Heidelberg Rd) Elevation with Message Consultants suggested amendments**

137. The permit applicant has responded by providing a set of sketch plans incorporating these additional setbacks (refer to artist images below). These sketch plans will be conditioned accordingly. As will be discussed within the assessment of the off-site amenity impacts, it is considered that the proposed development is appropriately massed to reduce unreasonable amenity impacts such as visual bulk and overlooking. On this basis, Council officers are satisfied that the height and massing of the development appropriately responds to the specific context of the site and is overall consistent with clause 22.10-2.

**Artist Impression from Coate Avenue, south of the site**



**Current application**



**Sketch plan incorporating Urban Design suggestions**

*Detailed Design and Materiality*

138. The proposed development presents a high quality and well resolved design. Message Consultants opined that *'the proposal demonstrates a sophisticated approach to management of the overall form, with solid brick elements to the lower levels and elegant sculptured balcony banding to the upper levels.'* Message also noting that the *'horizontal banding to the tower is offset by the vertical recesses and the changing profile of balcony upstands across the main facades to achieve a dynamic overall effect and balance of vertical and horizontal proportions.'*
139. As outlined in the background section, in a preliminary review of the application, Council officers raised concern with the extensive use of 'white' to the solid elements to the tower element. The applicant responded at the further information stage by introducing a bronze colour to the south-eastern wing of the building. This was reflected in the advertised plans and considered to provide an appropriate variation in finishes, without compromising the simplicity and elegance of the design.
140. As identified by Message consultants, care needs to be exercised in the final selection of the materials to ensure that the finishes are robust and durable, with elements such as the white coloured balcony undersides treated to avoid build-up of dirt given the high traffic volumes past the site. This will be dealt with by way of condition.

*Micro climate*

141. A desktop environmental wind assessment prepared by MEL consultants was submitted with the application and has been peer reviewed by Vipac Consultants. Vipac were comfortable with the analysis approach, assessment criteria, wind environment and exposure estimate outlined in the report.
142. The MEL report concludes that wind conditions in the surrounding streetscapes would achieve the criterion for walking comfort for all wind directions, with the residential tower entrance within short term stationary criterion. This was also considered acceptable by Vipac.

143. The report also suggests that it would be preferable to relocate the commercial entrances away from the corner of Heidelberg Road and Chandler Highway. It was also recommended in report that the assumptions are qualified by a wind tunnel study in the design detailed stage. These matters will be conditioned on permit accordingly.

#### Offsite Amenity Impacts

144. The policy framework for offsite amenity considerations is contained within Clause 22.05 (Interface Uses Policy) and clause 22.10-3.8 (Off-site Amenity), with additional guidance within the *Urban Design Guidelines* and the Decision guidelines within the C1Z.

#### *Visual bulk*

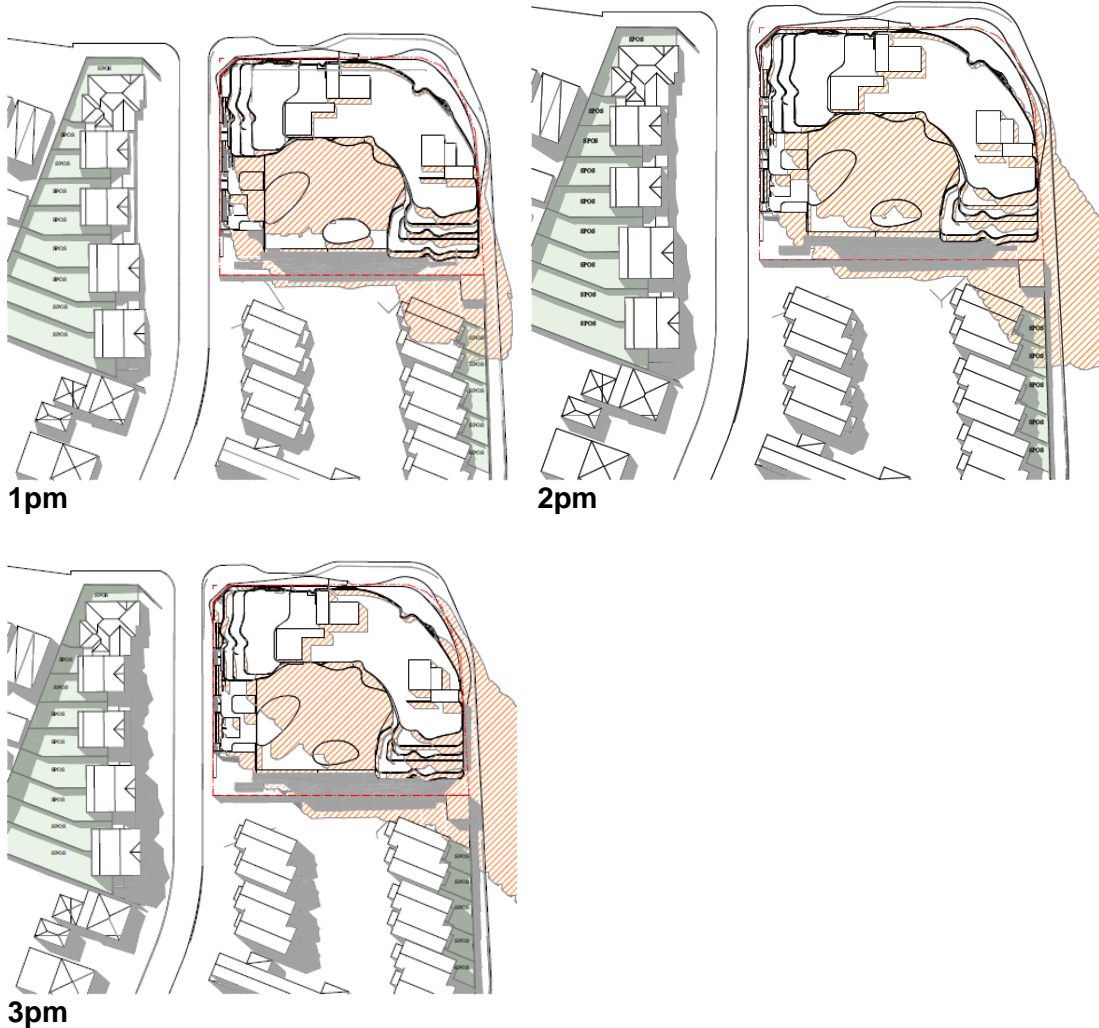
145. The interfaces to the west and south have the greatest potential to be impacted by the proposed development from a visual bulk perspective. It is considered that Heidelberg Road provides a sufficient buffer from the existing dwellings to the north as will Chandler Highway from the future development of the Amcor site.
146. As discussed within the assessment of the height and setbacks, Message Consultants has suggested lowering the western and southern sections of the tower element to better step down to the low scale residential forms. They consider that this will also have the desirable effect of reducing the perceived height of the building to approximately eight storeys as viewed from the west and the south. Message was satisfied that this also sufficiently addressed potential visual bulk impact.
147. While the proposed development will still be clearly visible from the townhouses to the south, the primary orientation of these dwellings to the east and west, rather than toward the subject site, thus reducing the impact on these dwellings. While the development would be visible from dwellings further to the south along Coate Avenue, however the visual impact will be sufficiently mitigated by their distance. On the basis, it is considered that the proposal, subject to the refinements presented in the sketch plans, will not result in unacceptable visual bulk.
148. The most immediate outlook from the dwellings west of Coate Avenue will be to the proposed three storey townhouses that are to extend along Coate Avenue. The scale and grain size of these buildings is considered an appropriate response to the residential street and would not be perceived as excessively bulky. While the upper levels will be visible, the combined setback of Coate Avenue and the additional setbacks described within the Message Advice and the sketch plans would be sufficient to mitigate any unreasonable visual bulk from these properties. Also noting that the principal private open space areas of these properties are orientated to the west and away from the subject site. Therefore, subject to the sketch plan changes, it is not considered that the proposed development will result in unreasonable visual bulk to these properties.

#### *Overshadowing*

149. Shadow diagrams have been submitted for each hour from 9am to 3pm at the September Equinox. This is consistent with the time period considered under Standard B22 (Overlooking) of clause 55. The shadow diagrams indicate that at 9am there will be additional overshadowing cast on the properties to the west of Coate Avenue, with Nos. 44, 46 and 48 Coate Avenue most affected and a slight increase to No. 42 Coate Avenue. However from 10am there will be no additional shadows cast on these secluded private open space areas by the proposed development for the remainder of the day. Given that 6 hours between 9am and 3pm will remain unaffected by the proposal, the impacts are not considered unreasonable. Furthermore, at 9am, the secluded private open space areas of the affected dwellings are already largely overshadowed by their own dwellings. It is also noted that the increased upper level setbacks from the west reflected in the sketch plans would further assist in reducing the overshadowing impacts.

150. The shadow cast by the proposed development will mainly impact the common driveway for the townhouses to the south. From 1pm, there will be additional overshadowing of the secluded private open space of the northernmost townhouse proximate to Chandler Highway. At 2pm, the two northernmost townhouses proximate to Chandler Highway will be affected. At 3pm, the secluded private open space areas will be overshadowed by the townhouses themselves.

**Shadow diagrams for September Equinox**

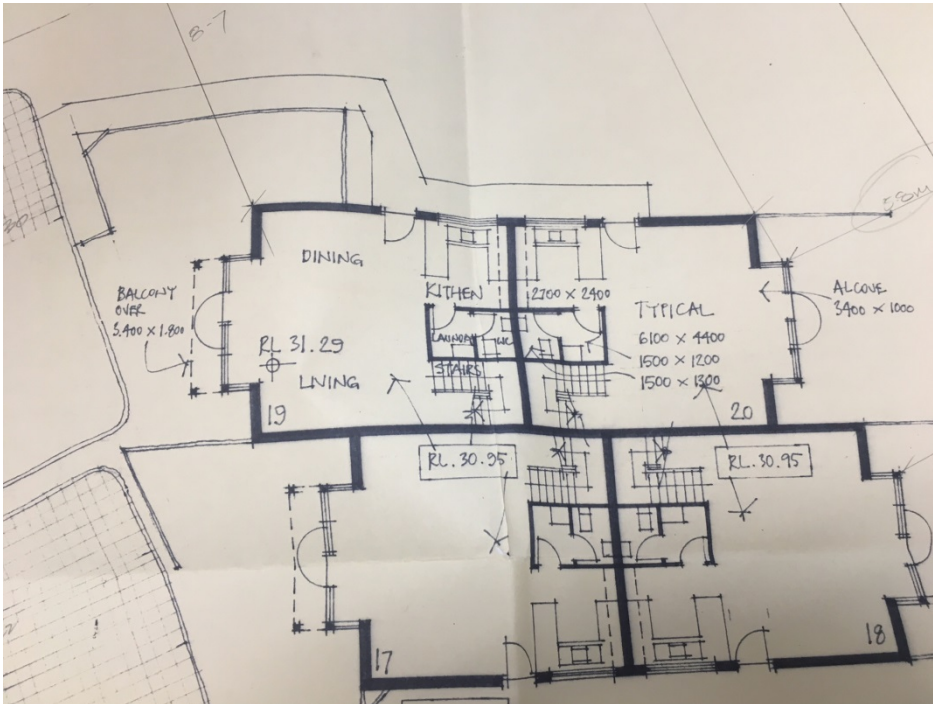


151. The increased level of shadow the northernmost townhouse facing Chandler Highway would have an unreasonable impact on the afternoon solar access to this area. However, given this shadow is predominately caused by the uppermost levels of the proposal, the increased setbacks from the southern boundary suggested by Message Consultants and reflected in the sketch plans will reduce the extent of overshadowing to an acceptable degree.

*Daylight/solar access to existing windows*

152. The existing daylight levels to dwellings on the western side of Coate Avenue are not expected to be noticeably affected by the proposed development given the separation of Coate Avenue of approximately 15m, combined with the existing setbacks of the dwellings on the west of Coate Avenue and the upper level setbacks of the proposed development (ranging from 3m to 17.1m).
153. The townhouses to the south each contain a ground floor north-facing kitchen window facing the subject site. As illustrated in the plans and site photo below, these windows are secondary to the open kitchen/living area, with one of these composed of glass bricks.

While there is likely to be some solar access lost to these windows, the level of internal amenity to these dwellings will be maintained by the primary windows to the east and west. It is therefore not considered that the amenity of these dwellings will be unreasonably compromised by the proposed development.



Excerpt from plans on file 8 (Planning Permit 5977 issued circa 1989)



Northern elevation of the townhouse to the south at 35 Coate Avenue

154. With respect to daylight to the adjacent townhouses, it is considered that there is sufficient separation from the proposed development to maintain an adequate level of daylight, with the windows of the serviced apartment setback 8.2m combined with the proposed development, which is setback from 4.5m to 17.63m from the boundary. Furthermore, it appears that the primary outlook and daylight access is provided from the east and west windows, rather than those to the north. On this basis, the proposed development is not considered to unreasonably impact the internal amenity of the townhouses to the south.



*Overlooking*

155. In assessing overlooking impacts, Standard B22 (overlooking) of clause 55 has been considered (whilst not applicable). This standard considers views between habitable room windows and/or SPOS within 9m should be minimised to no more than 25%. Coate Avenue is sufficiently wide at approximately 15m to prevent unreasonable overlooking of the dwelling on the western side of the street.
156. In regard to the townhouses to the south, there is only one existing habitable room window within 9m of the shared boundary (noting the private open space for the townhouses is a minimum of 12m away). This window is 8.2m from the boundary and 12.9m from the closest habitable room window of the proposed development. On this basis, it is not considered unreasonable overlooking impacts will occur as a result of the proposed development. There are no other sensitive areas proximate to the subject site that unreasonable overlooking impacts would occur.

Clause 58 (Apartment Developments)

*Standard D1 – Urban context*

157. This standard has two purposes;
- (a) To ensure that the design responds to the existing urban context or contributes to a preferred future development of the area; and
  - (b) That development responds to the features of the site and the surrounding area.
158. These matters have been covered earlier within the report.

*Standard D2 – Residential Policies*

159. As outlined earlier within the Strategic Justification section, here is general policy support for the proposed development under the purpose of the Commercial 1 Zone and local policies of the Yarra Planning Scheme.

*Standard D3 – Dwelling diversity*

160. The application contains a mix of dwelling types and sizes as encouraged under this Standard, with 20 x 1 bedroom dwellings, 114 x 2 bedroom dwellings and 38 x 1 bedroom dwellings.

*Standard D4 - Infrastructure*

161. The proposal is located within an established area with existing utility services and infrastructure. A substation is proposed, ensuring that the development will not unreasonably overload the existing capacity of the utilities. There is no evidence to suggest that the proposed development would impact on the operation of the existing services and therefore the purpose of the Standard is considered to have been met.

*Standard D5 – Integration with the street*

162. Integration with the abutting streetscapes has been discussed previously within the built form and design section.

*Standard D6 – Energy efficiency*

163. This standard seeks to ensure that buildings are orientated to make appropriate use of solar energy and also sited to ensure that the energy efficiency of existing adjoining dwellings is not unreasonably reduced.

The proposed development orientates living areas and balconies to the north where practical to do so. While some south-facing balconies are unavoidable within an apartment typology, the L-shape of the upper levels reduces the extent of entirely south-facing apartments and provides greater opportunities for easterly and westerly aspects.

164. The Sustainability Management Plan prepared by Wood & Grieve Engineers states that the NatHERS annual cooling load (21Mj/m<sup>2</sup>) will not be exceeded. However, given the large areas of exposed glazing to summer sun angles is proposed, Council's ESD advisor has requested additional sample NatHERS ratings for dwelling Types 1E, 3H and 3D. This will be conditioned accordingly.
165. With respect to the impact on the energy efficiency of surrounding properties, the proposal is considered acceptable. As discussed within the offsite amenities section, the additional overshadowing cast by the proposed development at the September Equinox is minimised by Coate Avenue and the generous upper level setbacks.
166. Further consideration of Council's ESD Policy at clause 22.17 is provided later within this report.

*Standard D7 – Communal open space*

167. This Standard requires developments with greater than 40 dwellings to provide a minimum of 2.5sqm of communal open space per dwelling or 250sqm, whichever the lesser. In the case of the subject site, the lesser is 250sqm. The proposed development comfortably meets this requirement, providing 927sqm of communal open space within the Level 3 podium in addition to 230sqm communal open space area on Level 12.
168. The location and design of these spaces is also consistent with Standard D7, such as:
  - (a) Passive surveillance of the podium would be provided from balconies of apartments to the levels above.
  - (b) The Level 12 terrace does not receive any passive surveillance given that it is located on the top level. While there is an apartment abutting this terrace, in order to protect the amenity of this dwelling, there are no openings provided from the dwelling. This is considered an acceptable outcome. However a condition of any permit issued will require the door between the common corridor and the terrace to be clear glazed to facilitate visibility between the two spaces.
  - (c) Garden beds provide a buffer between the podium level apartments and the podium terrace. It is unclear whether fencing is also proposed to the individual apartments. A condition of any permit issued will require details of fencing to be provided, demonstrating that privacy of these apartments will be protected.
  - (d) The acoustic report submitted with the application does not consider noise from the communal areas. A condition of any permit that issues will require an updated acoustic report to be provided assessing the noise impacts from these areas and recommend any necessary mitigation measures.
  - (e) As discussed within the assessment of Standard D10 (landscaping), detailed landscape treatment is proposed within the communal areas.

*Standard D8 – Solar access to communal open space*

169. The standard encourages communal outdoor open space to be located on the northern side of a building if appropriate. It also seeks to ensure at least 50 per cent, or 125sqm, whichever the lesser, of the primary outdoor open space area receives a minimum two hours of sunlight a day between 9am and 3pm on 21 June.
170. In the case of the subject site, locating the podium terrace on the south-west area is considered more appropriate to maintain the hard-edge presentation to the corner of Heidelberg Road and Chandler Highway, whilst respecting a transition to more sensitive residential uses to the south and west.

However the provision of a second area of open space on Level 12 of the building ensures that an adequate degree of solar access penetrates the communal open space area.

171. It is noted that as a result of the sketch plan changes discussed earlier, it is proposed to relocate the terrace from Level 12 to Level 11. While this area is likely to experience a slight increase in morning shadowing, it is expected that it will continue to comfortably meet the minimum solar access requirements of Standard D8.

*Standard D9 – Safety*

172. This standard seeks to ensure that the layout of development provides for the safety and security of residents and property. The proposed development achieves the standard by providing a clear and secure residential entry to Heidelberg Road. Glazing is also provided from the lift lobby and bicycle storage to Heidelberg Road for added passive surveillance. The townhouses along Coate Avenue are to be fenced along the boundary, securing access.
173. There is concern with the safety of the landscaped deep soil planting area along the southern boundary. While this area will be visible from the townhouses to the south (separated by a permeable chain wire mesh fence), the proposed development turns it back on this area. There appear to be windows shown along the southern side of the proposed carpark, however the elevation indicates that there will be a perforated metal mesh screen with greater than or equal to 20% openings. To improve the level of passive surveillance, it is suggested that the openings to the screen to the ground floor be a minimum of 50% to allow clear views from the carpark to the landscaped area to the south. Additionally, to further delineate this area as a private area, it is recommended that the eastern and western ends be fenced. These matters will be conditioned accordingly.
174. No lighting details are provided, however it is considered that there would be sufficient illumination from the street lighting to avoid safety concerns. Ambient light would also be anticipated from the lobby entrances and the commercial frontage along Heidelberg Road.
175. The car parking and bicycle storage facilities are located within secure areas within the development thus not posing any safety or security concerns to the future residents, staff and visitors.

*Standard D10 – Landscaping*

176. This standard seeks landscape layout and design to:
- (a) Be responsive to the site context.
  - (b) Protect any predominant landscape features of the area.
  - (c) Take into account the soil type and drainage patterns of the site and integrate planting and water management.
  - (d) Allow for intended vegetation growth and structural protection of buildings.
  - (e) In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
  - (f) Provide a safe, attractive and functional environment for residents.
  - (g) Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
  - (h) Maximise deep soil areas for planting of canopy trees.
177. An arboricultural assessment prepared by Tree Logic (dated 10 August 2017) and landscape concept plan prepared by TCL (dated January 2018) was submitted with the application. The arboricultural assessment identified 11 trees on the site, with only one of these trees of sufficient size to trigger Local Law No. 3 for its removal. The report concludes that none of the existing vegetation is significant and does not warrant retention. It appears that all the existing vegetation is proposed to be removed as it is not shown on the landscape plan. This will need to be confirmed by permit condition. Council's Open Space Unit have also assumed that all vegetation to be removed and is supportive of this.

178. Standard D10 states that deep soil planting should be provided for 15% of a site that is greater than 2,500sqm, equating to 559.35sqm of the subject site; with a minimum dimension of 6m. Deep soil areas should support one large tree or two medium trees per 90sqm of deep soil (i.e. 6 large or 12 medium trees). The standard also states that where deep soil areas cannot be met; an equivalent canopy cover should be achieved by canopy trees or climbers with planter pits sized appropriate for mature tree soil volumes and vegetated planters green roofs or green facades.
179. The proposed development has a deep planting zone area of 345sqm and between 4.5m and 6.85m wide along the southern boundary. This is proposed to support 10 *Corymbia maculatas* (Spotted Gums). Council's Open Space Unit however recommends that this be replaced with a locally indigenous form of *Eucalyptus Leucoxylon* ssp. *Connata* (Melbourne Yellow Gum) to enhance the urban biodiversity values. This will be conditioned accordingly. Council's Open Space Unit has also suggested that a maintenance feasibility assessment is undertaken to ensure that a row of Eucalypts are capable of growing to heights of 15m and widths of 10m in the southern setback. This will also be conditioned.
180. While the minimum deep planting area is not met, an equivalent canopy cover is achieved across the site including the landscaped podium indicating 17 trees in addition to 6 trees within the Level 12 terrace. The specific trees species have not been nominated, however the landscape plan indicates small to medium deciduous trees such as ornamental pears are proposed to the podium terrace and on the Level 12 podium more hardy wind and sun tolerant species, such as Olive trees.
181. To ensure that the Landscape Objectives are met, greater detail is required on the landscape plan via a condition of permit, including:
- (a) Plants identified by genus and species
  - (b) Number of plants
  - (c) Pot sizes at planting
  - (d) Tree sizes at maturity
  - (e) Planter details; dimensions, proposed planting medium, irrigation and drainage
182. Street trees along Heidelberg Road and Coate Avenue will be discussed in streetscape works later within the report.

*Standard D11 – Access*

183. Vehicle access for the proposed development will continue to be provided via Coate Avenue, however shifted further south and slightly widened. The vehicle crossover is to be 6.4m in width, comprising approximately 12% of the Coate Avenue frontage. This comfortably achieves Standard D11, which discourages access way widths exceeding 33 per cent of the frontage. The location of vehicle access via Coate Avenue (rather than Heidelberg Road) is also consistent with Standard D11, which seeks minimise the number of access points to a road in a Road Zone. The proposed vehicle crossover will require the existing speed hump to be removed. Council's Engineering Unit has suggested a raised pavement threshold treatment be installed at the northern end of Coate Avenue. This would be conditioned accordingly.

*Standard D12 – Parking location*

184. Lift and stair access is provided from within the car parking areas to all levels of the development. This ensures convenient access for residents, staff and visitors in accordance with Standard D12.

185. While the car parking is provided within the building, it is not clear on the plans whether there is to be a door securing the entrance to the car parking area, there is also no details on how access to the visitor spaces is to be provided e.g. intercom. It may also be appropriate to provide a more secure area for the residential car parking spaces. This detail will be required via condition.
186. The SMP indicates in the BESS assessment that the car park will either be natural ventilated or use Carbon Monoxide monitoring to control the operation and speed of the ventilation. Given that the plans show a carpark exhaust, the latter appear to apply. The carpark exhaust is located within the podium communal terrace. Council's ESD advisor has recommended that it be relocated away from the communal terrace and is filtered to remove carpark pollutants.
187. The acoustic report submitted with the application does not cover potential noise impacts from the car park access areas. As discussed within the noise section, a revised acoustic report is required as a condition of any permit that issues to ensure that unreasonable noise impacts associated with the proposed car park access do not occur.

*Standard D13 – Integrated water and stormwater management*

188. A MUSIC report has been provided within the submitted SMP demonstrating best practice in stormwater management, achieves through the provision of 30,000L rainwater tank for irrigation, a 25sqm rainwater garden and a 25,000L stormwater detention system. The rainwater garden has not been shown on the plans nor has the capacity of the stormwater detention system. This will be conditioned accordingly.

*Standard D14 – Building setbacks*

189. The predominately island site minimises the potential impact of building setbacks on adjoining sites. Heidelberg Road, Chandler Highway and Coate Avenue provide sufficient separation to ensure that the existing and future development of these sites is not adversely affected with respect to daylight access, privacy and reasonable outlook.
190. In regard to the residential interface immediately to the south, as discussed within the offsite amenity impacts section, the proposed setbacks (subject to conditions) are adequate to minimise potential amenity impacts in relation to overlooking, overshadowing and daylight access.

*Standard D15 – Internal views*

191. Where upper levels are setback i.e. southern and western edges, the balconies sufficiently overlap so as not to overlook more than 50% of the level below. In regard to apartments on the same levels, there appear to be dividing screens between abutting balconies, however no details have been provided. This will be conditioned accordingly to ensure privacy between dwellings is achieved. The dwellings are all orientated to face outward. Even with the L-shape form of the building, the apartment and balconies have been designed to avoid direct overlooking opportunities within the 'elbow' of the building. The only internal overlooking opportunities occur on the podium level. As discussed previously, a condition will require fencing to be provided to a maximum 25% openings.

*Standard D16 – Noise impacts*

192. The proposed development is not located in proximity to noise generating areas as listed under this Standard. Notwithstanding this, an acoustic report was submitted with the application prepared by Acoustic Logic dated 13 October 2017. This identifies that traffic noise on Heidelberg Road and Grange Road (Chandler Highway) are the dominate local noise sources. The report recommends acoustic glazing and acoustic seals in some locations to mitigate road noise.

193. The analysis and recommendations have been reviewed by SLR. Also reviewed by SLR was the Chandler Highway Upgrade, Noise Mitigation Report prepared by ARUP for the Chandler Highway Upgrade works. SLR note that the predicted post-upgrade noise level increase is less than 1dB and 1.5 dB due to reflections from building proposed within the Amcor Site. SLR was satisfied that the post-upgrade noise levels would not have significant implications for the subject site.
194. While the Acoustic Logic recommends acoustic mitigation measures, the report is not clear what internal targets are being sought. SLR recommends adopting the targets within Standard 16 of 40dBA leq 16h for habitable rooms and 35 dBA leq 8h for bedrooms. Additional information is also required by SLR in order to undertake a full review of the glazing recommendations. From the information provided, SLR are concerned that some areas may exceed the recommended noise targets and suggest that minimum Rw ratings should be provided for lightweight walls exposed to noise from Heidelberg Road. A revised acoustic report will be required to include the additional information with any necessary upgrades to the plans shown accordingly.
195. The acoustic report does not consider mechanical plant, SLR recommend using SEPP N-1 zoning levels and consider only the balcony mounted units on the quiet side of the building is likely to be at risk at exceeding these EPA Standards.
196. As mentioned previously, the acoustic report also does not consider potential noise impacts caused by the communal facilities on apartments facing this area. A condition of permit will require an amended acoustic report to consider these impacts.

*Standard D17 – Accessibility objective*

197. This standard requires at least 50 percent of dwellings to have:
- (a) Clear opening with of at least 850mm at the entrance to the dwelling and main bedroom
  - (b) Clear path with a minimum width of 1.2m connecting a dwelling entry to the main bedroom, an adaptable bathroom and living area
  - (c) Main bedroom with access to an adaptable bathroom
  - (d) At least one adaptable bathroom meeting Design A and B within Table D4 contained within the Standard.
198. The individual apartment layouts and clause 58 summary table prepared by the architects demonstrates that the above accessible design is achieved for a total of 108 (65%) dwellings, exceeding the Standard of 50%.

*Standard D18 – Building entry and circulation*

199. As assessed earlier in this report, the main residential lobby entry would be readily visible from Heidelberg Road, providing a clear sense of address accentuated by its double height. A canopy above the entrance also provides weather protected transition space. The ground level entry and lift lobbies to all levels are clear glazed to Heidelberg Road, offering passive surveillance and natural light into these spaces.
200. The commercial uses; the gym and office, have separate entrances directly into these areas, ensures that there is clear demarcation between the residential and commercial access points, consistent with the standard.
201. The ground floor lobby has a minimum width of 2.1m, with lift lobbies 2.21m wide. The balance of the corridor spaces are 1.6m wide and clear of any obstructions. This is considered to provide adequate circulation. While there are bends in the corridors (due to the curvature of the building), clear view lines would be maintained, consistent with the standard.

*Standard D19 – Private open space*

202. Relevantly, the standard states that a dwelling should have a balcony with an area and dimensions specified in Table D5 (below), with convenient access from a living room:

**Table D5 Balcony size**

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

203. The individual apartment layouts and Clause 58 development summary table confirms that all dwellings achieve the minimum areas and dimensions as required pursuant to Table D5. All balconies are also conveniently accessed from the main living areas of each dwelling.

*Standard D20 – Storage*

204. The standard encourages each dwelling to have convenient access to usable and secure storage space in accordance with Table D6 (below)

**Table D6 Storage**

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

205. The clause 58 development summary details the internal and external storage allocation, demonstrating compliance with Table D6 above. The internal storage calculations are also confirmed within the individual dwelling layouts. External storage is provided within the car parking areas either adjacent to car spaces or stand-alone storage cages. The standard is considered to be met.

*Standard D21 – Common property*

206. The common property areas within the development are clearly delineated from private areas via fencing. The communal areas are functional and readily accessible from communal corridors and lift access. The proposed common property areas do not appear to create any spaces that would be difficult to maintain into the future.

*Standard D22 – Site services*

207. Site services appear to be adequately accommodated within the development. These are mostly located internally within the building, either within the basement or ground floor. Services that are required to be externally accessible such as the fire booster, have been minimised so not to dominate the street frontages.
208. Mail boxes are conveniently located adjacent the residential lobby areas. This is considered an appropriate location for convenient access to future residents and mail delivery services.

*Standard D23 – Waste and recycling*

209. A Waste Management Plan (WMP) has been prepared by WasteTech services (dated 21 December 2017) containing details on how waste is to be managed including noise and odour control.
210. Each level has two bin chutes (recycle and general waste) located near the lift core and the second stairwell toward the south-east section of the building. These transfer waste to the ground floor and basement levels. The townhouses will have a separate bin room within the basement, proximate from their garages. An area for hard waste is also provided within the basement level.
211. Waste from the office and gym will be stored within a separate waste area within the ground floor in the south-east corner, transferred from the tenancies by cleaning staff.
212. Collection of all waste and recycling will occur twice a week by a private contractor. Collections will be performed by a small rigid rear lift vehicle from within the development. Swept path diagrams submitted with the application have demonstrated that there is sufficient area for collection vehicles to enter and perform collections.
213. The WMP has been reviewed by Council's City Works Branch and deemed to be acceptable.

*Standard D24 – Functional layout*

*Bedrooms*

214. Table D7 within Standard D24 states that the main bedroom should have minimum dimensions of 3.4m x 3m with remaining bedrooms of 3m x 3m. The Clause 58 summary table and the sample apartment types demonstrate full compliance with Table D7.

*Living areas*

215. Table D8 within Standard D24 specifies a minimum area of 10sqm and width of 3.3m be provided for single bedroom dwellings, and for two or more bedrooms; a minimum area of 12sqm and minimum width of 3.6m. The Clause 58 summary table and the sample apartment types demonstrate full compliance with Table D7.

*Standard D25 – Room depth*

216. This Standard discourages single aspect rooms exceeding a room depth of 2.5m times the ceiling height. As demonstrated on elevations and sections, all levels have floor to ceiling heights of 2.7m, thus room depths should not exceed 6.75m.
217. However, the standard states that this can be increased to 9m for open plan habitable rooms, providing the kitchen is the furthest from the window and the ceiling is at least 2.7. This is met within the development, with the deepest single aspect apartments on Levels 1 and 2 meeting the aforementioned criteria.

*Standard D26 – Windows*

218. This standard requires all habitable room windows to have a window to an external wall of a building. This is the case for all bedrooms and main living spaces.



219. Initial concern was raised with the planning officer with respect to the daylight access to the habitable rooms within the basement levels of the townhouses. This concern was reviewed by Council's ESD advisor and Message Consulting; however both were comfortable with the arrangement given that these were secondary areas to the principal living/dining/kitchen areas at ground level. On this basis, the layout and arrangement is considered acceptable.

*Standard D27 – Natural ventilation*

220. This standard encourages that at least 40 per cent of dwelling provide effective cross ventilation that has:
- (a) A maximum breeze path through the dwelling of 18m
  - (b) Minimum breeze path through the dwelling of 5m
  - (c) Ventilation openings with approximately the same area.
221. The clause 58 development summary table suggests that 74 dwellings (43%) receive cross ventilation, which would meet the standard. However a number of individual apartment layouts appear to rely upon skylights to achieve cross ventilation. Given that skylights would only be feasible for the uppermost level, and as much of the roof space is occupied by roof top services, opportunities for skylights appear restrictive. The plans also do not show any skylights. A condition of permit is required for the proposal to clearly demonstrate that at least 40 per cent of dwellings within the development provide cross ventilation opportunities in accordance with Standard D27.

Environmentally Sustainable Design

222. In addition to previously discussed energy efficiency and integrated water and stormwater management objectives and standards of Clause 58 (Apartment Developments), Council's local policies at Clause 22.16 and Clause 22.17 also call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation.
223. The applicant submitted a Sustainable Management Plan (SMP) prepared by Wood and Grieve Engineers (dated 7 February 2018). The SMP proposes to implement the following initiatives into the development:
- (a) Average 6 Star NatHERS thermal energy ratings for dwellings.
  - (b) Gym and retail areas to be 20% improvement on NCC energy efficiency standards
  - (c) A 10 kW solar PV array to contribute to onsite electricity consumption.
  - (d) A MUSIC model demonstrating best practice
  - (e) 30,000 litres of rainwater storage for landscape irrigation
  - (f) 25m<sup>2</sup> raingarden
  - (g) 25,000 litres of stormwater detention
  - (h) Energy efficient hot water, heating/cooling and lighting
  - (i) Water efficient fixtures and taps.
224. Council ESD advisor has reviewed the SMP and was satisfied that it largely meets Council's Environmentally Sustainable Design standards, however further amendments are requested to address the following
- (a) Relocation of the carpark exhaust away from the common area garden and filtered to remove carpark pollutants.
  - (b) Ensure that all habitable rooms have an operable window to facilitate natural ventilation.
  - (c) Increase bicycle provision (as will be discussed in the bicycle provision)
  - (d) Demonstrate that cooling loads are achieved (as discussed within the Clause 58 assessment)
  - (e) Location of the raingarden and size of the detention tank (as discussed within the Clause 58 assessment).

225. Wood & Grieve Engineers have advised on behalf of the applicant that the car park exhaust cannot be feasibly and safely relocated within the development. Wood & Grieve have confirmed that the current location would comply with the BCA and Australian Standards AS 1668.2 in regard to the distance from dwelling openings and adjoining properties. Wood & Grieve have also advised that the exhaust is discharged vertically at a high velocity so it is not expected to impact upon the common areas. On this basis, the carpark exhaust will not be required to be relocated. The remaining matters can be addressed via condition on any permit that issues.
226. Council's ESD advisor also suggested filtering of the car park exhaust, Wood & Grieve also do not recommend this as a filtration system would be spatially intensive, costly and energy intensive. Filtration systems also require regular maintenance to be effective, which would be burdensome on the future owners corporation and if not properly maintained would reduce airflow performance in the car park ventilation system. Given that the current unfiltered system is compliant with the BCA and Australian Standards, it is not considered necessary to require a filtration system to be introduced.
227. Additionally, a number of ESD improvement opportunities have been suggested by Council's ESD advisor to be considered. Of these, the permit applicant has agreed to include preparation of an Environmental Management Plan by the building contractor to monitor and control activities undertaken during construction. The remaining suggestions were not considered feasible for the project. A condition will include the Environmental Management Plan commitment, however given that the proposal would meet Council's Environmental Sustainable Design Standards (subject to the aforementioned conditions), the above suggestions are not considered necessary.

#### Car & Bicycle parking and Traffic Generation

##### *Car Parking provision*

228. As outlined in the Particular Provisions section earlier in this report, the proposal is seeking a statutory car parking reduction of 14 car spaces. The Transport Impact Assessment submitted with application prepared by GTA (dated 31 January 2018) proposes to provide all of the statutory residential car spaces, 22 of the statutory 34 car spaces for office employees (shortfall of 12 spaces) and one employee space for the gym. The remaining 36 spaces are to be shared between all visitors to the site.
229. As identified in the summary of clause 52.06 in the particular provisions section, there is no rate for a gym, with this to be to Council's satisfaction. GTA have adopted the NSW Road & Maritime Services' Guide to Traffic Generating Developments, which specified a parking rate of 4.5 spaces per 100sqm of GFA. Applying this rate would equate to 12 spaces. Council's Engineers considered this rate to be slightly high given some of the patronage for the gym is likely to be drawn from the offices and residence within the development.
230. In regard to residential visitors, while the statutory requirement is for 34 spaces, a lower rate of 0.12 spaces per dwelling is typically observed for apartment dwellings in the evening and weekends and 0.07 spaces per dwelling during the weekdays. This would result in a demand for 21 spaces in the evening and on weekends and 12 during the weekdays.
231. The visitor demand for office is estimated at 10% of the total office parking demand i.e. 3 spaces.

232. Council's Engineering Services Unit has reviewed the anticipated car parking demand and has raised no objection to the car parking reduction. While there may be some overflow visitor parking generated during peak weekday evenings, regular turnover would be supported by the existing 2P within the Coate Avenue. Given that the majority of dwellings have off-street parking, it is not anticipated that the potential overflow will unreasonably impact the current parking needs of the residents. It further noted that future owners, occupiers and staff will not be eligible for staff, resident or visitor parking permits.
233. To ensure that the allocation of parking is provided as described, a Car Parking Management Plan will be requested as a condition of permit. This will also require visitor parking to be provided free of charge and appropriately time restricted.

#### *Car Parking Design*

234. The car park layout and design has been reviewed by Council's Engineering Services Unit who is generally comfortable subject to the following additional plan details included as permit conditions:
- (a) Dimension of the head room clearance at the entrance and critical points along the internal ramps, to achieve a minimum 2.1m throughout car parks and 2.5m above accessible spaces
  - (b) Column depths and setbacks to be dimensioned on the drawings and satisfy Diagram 1 Clearance to car parking spaces at clause 52.06-9
  - (c) Each ramp grade length and transition to be dimensioned
  - (d) Ensure that the proposed building canopy along Chandler Highway does not obstruct a driver's sight lines of the traffic signal lanterns at the Heidelberg Rd/Chandler Highway intersection.

#### *Bicycle parking provision and design*

235. As outlined in the planning controls section earlier in this report, pursuant to Clause 52.34-3, the proposed application requires a minimum of 40 resident/ bicycle spaces to be provided. The proposal exceeds the requirements, providing 146 spaces across the basements and ground floor. Council's Strategic Transport Unit in their referral have overestimated the bicycle requirements based upon an over calculation of the office area, basing this on the GFA rather than NLA. Notwithstanding this, the overall recommendations from the Strategic Transport Unit are still considered appropriate.
236. Council's Strategic Transport Unit has suggested that a minimum of two shower/change room should be provided. Given that it is likely that office or gym employees will be commuting by bike, it is considered reasonable to provide end of trip facilities that can be used by both tenancies. This will be conditioned accordingly.
237. Council's ESD advisor has recommended that this be increased to 175 resident spaces, 13 staff spaces plus visitor bike parking spaces. Council's Strategic Transport Department recommend a similar increase; however only suggest one space per dwelling (i.e. 172 spaces). Given that the latter reflects best practice, it is considered acceptable for the development to provide one space per dwelling.
238. Council's Strategic Transport Unit has reviewed the location and design of the bicycle spaces and is not satisfied that the bicycle parking provision is suiting the needs for either visitors or employees. The spaces were not considered acceptable for visitors given that the spaces are not quick and easy to access and they are scattered in various places with steep ramps (1:4) in between making it difficult for some cyclists to navigate safely. Visitor spaces should also be designed as horizontal bike rails.
239. Given the above concerns, Council's Strategic Transport Unit recommends allocating three spaces along the Heidelberg Road frontage with the remaining visitor spaces in a single location on the ground floor.

240. In regard to employee/resident spaces, Council's Strategic Transport Unit considers that these should be located separately to visitor spaces within a secure facility. It has been recommended that employee resident bicycle parking be contained in a maximum of two secure facilities, within close proximity to the lift-shaft. It is also required that a minimum with a minimum of 20% horizontal spaces, with all walkways and bicycle parking spaces must comply with Australian Standard AS2890.3.

241. These matters will be addressed via conditions accordingly.

*Traffic Generation*

242. GTA in their traffic report anticipates the following traffic generation rates:

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Residential (172 dwellings)	0.35 trips per dwelling in each peak hour Based on approved Development Plan for AMCOR	60	60
Office 982 m <sup>2</sup>	2.0 trips per 100 m <sup>2</sup> in each peak hour. Based on approved Development Plan for AMCOR	20	20
Gymnasium 280 m <sup>2</sup>	3.0 trips per 100 m <sup>2</sup> in each peak hour. Based on NSW RMS Guidelines	8	8
<b>Total</b>		<b>88</b>	<b>88</b>

243. The distribution of traffic is expected as follows:

Direction	Proportion	Arterial Route
North	10%	Grange Road
South	10%	Chandler Highway
East	30%	Heidelberg Road
West	50%	Heidelberg Road

244. Council's Engineering Services Unit considered the GTA assumptions to be reasonable.

245. A SIDRA modelling analysis has also been undertaken by GTA to assess the capacity of the intersection of Heidelberg Road/Coate Avenue. The results of the modelling identified the right hand turn movement from Coate Avenue into Heidelberg Road in the PM peak hour. GTA attributes this exceedance to the inability of the SIDRA modelling to detect gaps in stationary traffic. GTA's on-site observations of traffic conditions observed a capacity of two cars to be stored within the right turn slot in the Heidelberg Road median. In light of these observations, Council's Engineering Services Unit was satisfied that traffic should be able to exit Coate Avenue satisfactorily without long delays.

*Green Travel Plan*

246. Council's Strategic Transport Unit has identified that a Green Travel Plan should be provided given the scale of the development pursuant to Council's ESD Policy at Clause 22.17-4. The Green Travel Plan would assist in reducing the demand for car parking and traffic generation by encouraging other modes of transport. Council's Strategic Transport Unit have suggested incorporating the following information:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) details of bicycle parking and bicycle routes;
  - (f) details of GTP funding and management responsibilities;
  - (g) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
  - (h) security arrangements to access the employee bicycle storage spaces; and
  - (i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (j) Provisions for the Green Travel Plan to be updated not less than every 5 years.
247. The requirement for a green travel plan in accordance with the above will be included as a condition of any permit that issues, with the exception for the report to be updated every 5 years. Given that this document would be endorsed and form part of the planning permit, it is considered unreasonably burdensome to require the report to be updated periodically.

#### Streetscape works

248. The landscape plans submitted depict three new street trees along Coate Avenue adjacent to the subject site. While it is not clear on the plans whether the two existing street trees are to be removed, Council's Open Space Unit suggest that they are replaced given they are small and do not offer much shade. It is requested that a Melia azedarach (White Cedar low fruiting variety) is planted, which would also allow maximum sunlight penetration in cooler months. Council's Open space Unit have also requested whether the applicant would be willing to concurrently replace the four street trees on the western side as well. The permit applicant have agreed to contribute of \$4,090 (excl. GST) as quoted by Council's Open Space team for the cost of the supply, installation and establish maintenance for the tree planting along both sides of Coate Avenue. This will be reflected in a condition if a permit is to issue.
249. It is unclear on the landscape plan whether works are proposed along the Heidelberg Road streetscape, other than for a note that 'verge and pavements to City of Darebin standards. This needs to be amended to reference City of Yarra's Standards. Council's Open Space Unit has advised that the two street trees along Heidelberg Road would need to be retained and protected during construction works. A condition will be included on any permit issued requiring a Tree Management Plan outlining tree protection measures during and post construction.
250. Council's Strategic Transport Unit has identified that the existing bus shelter along Heidelberg Road adjacent the front boundary is obstructing the footpath and has resulted in a 'goat track' across the nature strip as illustrated in the image below.



251. It has been suggested by the Strategic Transport Unit that it would be preferable if the bus shelter be removed given that the proposed building canopy would provide weather protection. This has been discussed with Transport for Victoria (formally PTV) who has advised that they would be willing to entertain the relocation of the bus shelter (at the permit holder's cost), subject to an approved redesign demonstrating DDA compliant seating and bus stop infrastructure. A condition will be included to further investigate redesign of the bus stop in consultation with and approval of Transport for Victoria and the Responsible Authority.
252. As mentioned previously, the location of the vehicle access requires the existing speed hump to be removed. A raised pavement threshold at the northern end of Coate Avenue is suggested as an alternative traffic calming measure. This will be included as works at the cost of the permit holder as a condition of permit.
253. Reconstruction of the footpath, kerb and channel along the site's street frontages has been requested by Council's Engineering Services Unit, in addition to profiling and re-sheeting half the width road pavement of Coate Avenue outside the site's frontage. This is to address damage that occurs during the course of the development. This will be managed via Council's Standard conditions relating to the repair of Council's assets.
254. Council's Engineering Services Unit has suggested that the existing electrical pole and street light on the west side of Coate Avenue would need to be replaced to eliminate light spill into the new dwellings at the cost of the permit holder. To address this concern, a condition will be added to any permit issued that existing street lights must be baffled to prevent unreasonable light spill to the future dwellings.

Objector Concerns

255. The following objector issues have been addressed in the report within the paragraphs described:
  - (a) Excessive height and setbacks (Paragraphs 131 to 137);
  - (b) Design incongruous with existing character (Paragraphs 123 to 140);
  - (c) Amenity impacts (overshadowing, overlooking and visual bulk) (Paragraphs 144 to 156);
  - (d) Dominance of residential use within a commercial zone (Paragraphs 116 to 122);
  - (e) Poor internal amenity and inconsistencies with clause 58 (Apartment Guidelines) (Paragraphs 157 to 221);
  - (f) Insufficient ESD standards (Paragraphs 222 to 227);
  - (g) Insufficient car parking (Paragraphs 228 to 237)
  - (h) Traffic impacts (Paragraphs x to x); and
  - (i) Insufficient landscaping opportunities (Paragraphs x to x)

256. Matters not dealt with in the report are discussed below:

*No provision for affordable housing*

- (a) There is no requirement in the Yarra Planning Scheme to provide affordable housing within proposed developments. However, the proposed development includes a mix of one, two and three bedroom dwellings in a range of sizes. The increased supply of apartments would be expected to assist in the affordability and availability of housing within Alphington.

*Insufficient infrastructure capacity to support the development (e.g. public transport schools, medical centres etc.*

- (b) As outlined in paragraphs 107 to 115, it is encouraged at both State and local levels to provide increased housing around existing infrastructure. Furthermore, the delivery of the future Amcor site will increase the facilities available to the local community. As such, this is not considered a ground for limiting or refusing the proposed development

## **Conclusion**

257. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State policies' urban consolidation objectives and Council's preference to direct housing within commercial areas.

258. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0858 for Development of the land for the construction of a multi-storey building, use of the land for dwellings and an indoor recreational facility (gym), reduction in the statutory car parking requirement at 582 Heidelberg Road, Alphington, generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

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

Design

- (a) The following amendments as reflected within the sketch plans dated 4 June 2018:
  - (i) Increased setbacks at Level 8 and 9 to 11.75m from the southern boundary and 6.16m from the western boundary (excluding balconies);
  - (ii) Increased setback at Level 10 to 17.63m from the southern boundary and 9.32m from the western boundary(excluding balconies);
  - (iii) Increased setback at Level 11 and 12 to 17.63m from the southern boundary and 17.1m to 20.31m from the western boundary(excluding balconies);
  - (iv) Relocated on the communal terrace from Level 12 to Level 11 within the western setback with a minimum area of 230.23sqm
- (b) Title boundaries clearly depicted on the basement floor plans

- (c) Detailed street level elevations at a scale of 1:50 depicting ground level treatment to Heidelberg Road and Chandler Highway, including:
  - (i) Glazing to the full width of the bicycle storage area to Heidelberg Road;
  - (ii) High quality material treatment to the emergency exit doors, fire booster cabinet and the remaining portion of the ground floor elevation to Heidelberg Road between the residential lobby entrance and Coate Avenue;
- (d) Updated material schedule to include greater detail of the material and treatment of the balcony undersides to avoid a build-up of dirt;
- (e) Openings to the south facing screen adjacent to the carpark to a minimum of 50% at ground level to allow clear views of the deep soil planting area from the carpark;
- (f) Provision of boundary fencing to the east and west ends of the deep soil planting area;

#### General

- (g) Door between the common corridor and the Level 11 terrace to be clear glazed
- (h) Provision and details of privacy fencing to the dwellings within the Level 3 podium;
- (i) Details of privacy screens to abutting balconies within the development;

#### ESD

- (j) Demonstrate through individual apartment layouts that a minimum 40% of dwellings will achieve cross ventilation in accordance with Standard D27
- (k) Any skylights proposed for cross ventilation to be shown on the roof plan and indicated as operable;
- (l) Notation confirming all habitable room windows are fitted with an operable window;

#### Bike and car parking

- (m) Dimension of the head room clearance at the entrance and critical points along the internal ramps, to achieve a minimum 2.1m throughout car parks and 2.5m above accessible spaces.
- (n) Location and detail of vehicle access door (if proposed) to the car park and associated intercom for visitor access and/or details to secure residential/staff parking areas;
- (o) Column depths and setbacks to be dimensioned on the drawings in accordance with Diagram 1 Clearance to car parking spaces at clause 52.06-9;
- (p) Each ramp grade length and transition to be dimensioned;
- (q) Demonstrate that the proposed building canopy along Chandler Highway will not obstruct a driver's sight lines of the traffic signal lanterns at the Heidelberg Rd/Chandler Highway intersection.
- (r) Visitor bicycle parking:
  - (i) Provided within a single easily accessible location within the ground floor
  - (ii) Appropriately sign posted with details of directional signage to be shown
  - (iii) Comprising horizontal rails
- (s) Resident/employee bicycle facilities resigned to:
  - (i) Within a secure location, within close proximity to the lift shaft
  - (ii) Minimum of 20% horizontal spaces
  - (iii) All walkways and bicycle parking spaces to comply with Australian Standard AS2890.3
- (t) End of trip facilities comprising a minimum two showers and two change rooms, readily accessible for the gym and office tenancies.

#### Reports

- (u) Any amendments as required by the endorsed Landscaping Plan pursuant to Condition 14;
- (v) Any amendments as required by the endorsed Sustainable Management Plan pursuant to Condition 16 including:
  - (i) Location and size of the rainwater garden



- (ii) Capacity of the stormwater detention tank;
- (w) Any amendments as required by the endorsed Acoustic Report pursuant to condition 18;
- (x) Any amendments as required by the Wind Tunnel Study pursuant to Condition 21; including the relocation of the entrances to the commercial tenancies away from the intersection of Heidelberg Road and Chandler Highway

**Ongoing architect involvement**

2. As part of the ongoing consultant team, DKO Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

**General**

3. The development and uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

**Use Conditions**

8. Except with the prior written consent of the Responsible Authority, the gym authorised by this permit may only operate between the hours of 6am and 9pm.
9. Except with the prior written consent of the Responsible Authority, no more than four (4) staff are permitted on the land at any one time.
10. Except with the prior written consent of the Responsible Authority, no more than 15 patrons are permitted within the gym at any one time.
11. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
12. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

**General Amenity**

13. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) The presence of vermin.

To the satisfaction of the Responsible Authority.

**Landscaping Plan**

14. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Urbis and dated 11 October 2017, but modified to include (or show):
- (a) Clearly show any existing vegetation to be removed and/or retained;
  - (b) Trees proposed within the southern setback to be *Eucalyptus Leucoxylon* ssp. *Connata* (Melbourne Yellow Gum) or similar to the satisfaction of the responsible authority
  - (c) A maintenance feasibility assessment of the trees within the southern setback to demonstrate their capacity to grow to heights of a minimum of 15m and spread o 10m;
  - (d) A plant schedule including the following:
    - (i) Plants identified by genus and species
    - (ii) Number of plants
    - (iii) Pot sizes at planting
    - (iv) Tree sizes at maturity
  - (e) Planter details dimensions, proposed planting medium, Irrigation and drainage
  - (f) Notation referencing to 'City of Darebin' standards replaced with a reference to 'City of Yarra' standards.
  - (g) Two existing street trees along the eastern side of Coate Avenue adjacent to the site frontage removed and replaced with three *Melia Azedarach* (white Cedar low fruiting variety);
  - (h) Retention of the existing street trees along the Heidelberg Road frontage.
15. Before the new building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed at the cost of the permit holder and to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,

To the satisfaction of the Responsible Authority.

**Sustainable Management Plan**

16. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wood & Grieve Engineers and dated 12 October 2017, but modified to include or show:
- (a) Additional sample NatHERS cooling load ratings for dwelling types 1E, 3H and 3D
  - (b) Demonstrate a maximum cooling load of 21 Mj/m<sup>2</sup> for all apartments
  - (c) Requirement for an Environmental management Plan to be developed by the building contractor to monitor and control activities during construction.
17. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

**Acoustic Report**

18. Before the development commences, an amendment Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic dated 13 October 2017, but modified to include:
- (a) Consideration of potential noise impacts from the vehicle entrance door (if proposed);
  - (b) Consideration of potential noise and reverberation impacts from the gym to the office;
  - (c) Consideration of the potential noise impacts generated by the Level 3 podium and Level 11 roof terrace on the adjacent residential dwellings;
  - (d) Daytime targets of 40dBA Leq to be met for habitable rooms and 35dBA Leq in bedrooms at night.
  - (e) Minimum Rw rating for lightweight external walls exposed to high levels of road traffic;
  - (f) Consideration of mechanical plant equipment and the ability to meet SEPP N-1 requirements
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Waste Management Plan**

20. The provisions, recommendations and requirements of the endorsed Waste Management Plan generally in accordance with the Waste Management Report prepared by WasteTech Services dated 10 October 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.

**Wind Tunnel Study**

21. Before the development commences, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study is to test the assumptions for the wind climate conditions as covered within the desk top Environmental Wind assessment prepared by MEL Consultants dated 13 October 2017.
22. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

**Lighting Plan Design**

23. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances must be provided. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

**Car parking**

24. Before the buildings are occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each use including:

- (i) Residential car parking provided in accordance with clause 52.06 (i.e. one space per 1 & 2 bedroom dwellings and two spaces for 3 or more bedroom dwellings)
  - (ii) A minimum of 22 spaces allocated to office employees
  - (iii) A minimum of 1 space allocated to the gym;
  - (iv) Provision for 36 visitor spaces
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) details of any car share spaces (if proposed)
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
  - (e) Visitor parking to be provided free of charge to visitors;
  - (f) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (g) the number and allocation of storage spaces;
  - (h) policing arrangements and formal agreements;
  - (i) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
  - (j) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 20; and
  - (k) details regarding the management of loading and unloading of goods and materials.
25. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

28. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 25 September 2017, but modified to include or show:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);

- (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) details of bicycle parking and bicycle routes;
  - (f) details of GTP funding and management responsibilities;
  - (g) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
  - (h) security arrangements to access the employee bicycle storage spaces; and
  - (i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
29. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Bicycle rails**

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, three bike rails must be installed along the Heidelberg Road frontage:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.

### **Street Trees**

31. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of the two existing street trees adjacent Heidelberg Road frontage:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
32. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
33. Before the development commences, the permit holder must make a one off contribution of \$4,090 to the Responsible Authority to be used for replacement/new street tree plantings within Coate Avenue that are required as a result of the development.

### **Public realm and Infrastructure**

34. Within three months of commencement of the development, the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) Removal of the existing speed hump;
  - (b) Proposed raised pavement threshold treatment at the northern end of Coate Avenue

### **Timing of works**

35. Before the building is occupied, all works required by condition 34 must be fully constructed and completed at the full cost of the owner to the satisfaction of the Responsible Authority.

**Damage to Council Infrastructure**

36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

**Road and Footpath Damage**

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire abutting street footpath for the width of the property frontage if required by the Responsible Authority):

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

**Vehicle Crossovers**

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

**Bus Stop redesign**

40. Before the commencement of the development, or by such later date as approved in writing by the Responsible Authority, detailed design of the Heidelberg Road bus stop adjacent to the site's frontage must be submitted to and approved by Transport for Victoria (PTV) and the Responsible Authority. The redesigned bus stop must include the following (as relevant):

- (a) Removal/relocation of the existing shelter
- (b) Seating
- (c) Bus stop signage
- (d) Provision for a continuous footpath along Heidelberg Road
- (e) Compliant with requirements of the Disability Discrimination Act 1992 (DDA)

41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redesigned bus stop as approved by Condition 40 must be completed at the full cost of the permit holder to the satisfaction of the Responsible Authority and Transport for Victoria (PTV).

**PTV Conditions (42 and 43)**

42. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Heidelberg Road and Chandler Highway are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing [customerservice@ptv.gov.au](mailto:customerservice@ptv.gov.au)

43. The existing bus stop and associated infrastructure on Heidelberg Road, must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

### **Lighting**

44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby must be provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
45. Before the building is occupied, existing street lights must be baffled to the satisfaction of the Responsible Authority to prevent light spill into the proposed dwellings

### **Graffiti Proof**

46. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

47. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
  - (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (s) vehicle borne material must not accumulate on the roads abutting the land;
  - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
48. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
49. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Time Expiry**

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

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

*Notes:*



A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 9205 5330

**Attachments**

- 1 Decision Plans
- 2 Sketch plans
- 3 Landscape Plans
- 4 Transport for Victoria (formally PTV) Referral Comments
- 5 Urban Design Peer Review (Message Consultants)
- 6 Open Space Unit Referral Comments
- 7 Environmental Sustainable Development Officer Referral Comments
- 8 Engineering Services Unit Referral Comments
- 9 Strategic Transport Referral Comments
- 10 City Works Unit Referral Comments
- 11 Wind Consultant peer review (Vipac)
- 12 Acoustic Consultant Peer Review (SLR Consulting)

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**1.2 107 Coppin Street, Richmond - PLN17/0730 - Development of the land for 7 triple-storey dwellings and a reduction in the car parking requirement.**

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**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for 107 Coppin Street, Richmond. The report recommends approval of the application, subject to a number of conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Built form (Clauses 15.01, 21.05, 32.08 & 55);
  - (b) On & off-site amenity impacts (Clause 22.16, 22.17 & 55);
  - (c) Car Parking (Clause 52.06).

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) State and Local Planning Policy Framework Summary;
  - (b) Built form and design;
  - (c) Off-site Amenity Impacts;
  - (d) Internal Amenity;
  - (e) Car Parking; and,
  - (f) Objector concerns.

**Objector Concerns**

4. Fourteen (14) objections were received to the application, these can be summarised as:
  - (a) Demolition of the existing dwelling;
  - (b) Does not respect the neighbourhood character;
  - (c) Overdevelopment of the site/excessive height;
  - (d) Lack of on-site open space;
  - (e) Potential off-site amenity impacts (overshadowing, loss of daylight, overlooking, noise)
  - (f) Loss of car parking spaces on Brady Street;
  - (g) Increased traffic impacts.

**Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Lara Fiscalini  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5372

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**1.2 107 Coppin Street, Richmond - PLN17/0730 - Development of the land for 7 triple-storey dwellings and a reduction in the car parking requirement.**

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Trim Record Number: D18/82979

Responsible Officer: Coordinator Statutory Planning

**Proposal:** Development of the land for 7 triple-storey dwellings and a reduction in the car parking requirement.

**Existing use:** Single Dwelling

**Applicant:** Diverscity

**Zoning / Overlays:** General Residential Zone (Schedule 2)/No Overlays

**Date of Application:** 04/09/2017

**Application Number:** PLN17/0730

**Planning History**

1. There is no planning history for this site.

**Background**

2. The application was submitted to Council on 4 September 2017, with additional information submitted on 20 November 2017. The application was advertised, with fourteen (14) objections received.
3. Amended plans were submitted on 6 & 8 March 2018 under Section 57A of the *Planning and Environment Act 1987* (The Act) in response to objections and Council concerns. The amended plans incorporated the following changes into the development;
  - (a) The setback of the ground level garages increased from 1m to 1.3m from Brady Street (southern boundary);
  - (b) The pedestrian entrances and pathways within the Brady Street frontage removed, with each garage door increased in width and altered in design.
  - (c) A setback provided in the south-east corner from the southern and eastern boundaries at levels 1 & 2;
  - (d) Additional fenestration to the Coppin Street façade.
4. The amended plans were readvertised to all current objectors. A Consultation Meeting was held on 17 April 2018, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present. No further changes to the plans were made following this meeting.
5. During the assessment process it was noted that the existing shadow diagrams were not correct, as they did not include the current afternoon shadows cast by the 3.6m high garage wall that extends along the site's eastern boundary. Amended shadow diagrams, demonstrating the correct shadow impacts, were submitted by the applicant on 29 May 2018. These drawings were sent to all objectors with the invitations to the IDAC meeting and will be referenced within this assessment.
6. It is also noted that the original car parking rate attributed to the development was based on each dwelling providing two bedrooms, however upon further review it is considered that the ground level living rooms could be converted to a third bedroom for each dwelling. On this basis, a more conservative approach with regards to the statutory car parking reduction has been taken throughout this assessment.

Whilst Units 1-4 have car stackers that will provide two on-site parking spaces, thereby meeting the car parking provision at Clause 52.06 of the Yarra Planning Scheme (the Scheme) for a three-bedroom dwelling, Units 5-7 will each fall short by one resident space. The amended approach to car parking results in no changes to the plans, and as a reduction in the statutory car parking rate has formed part of this development from the start, there is no requirement to re-advertise the application. The more conservative assessment based on the possibility three bedroom dwellings will form part of this report.

## Existing Conditions

### Subject Site

7. The subject site is located on the eastern side of Coppin Street, Richmond, and extends to Murray Street in the north and Brady Street in the south, resulting in three street interfaces to the land.
8. The site has a frontage to Coppin Street of 17.6m, to Murray Street of 36.88m and to Brady Street of 35.66m, yielding an overall site area of approximately 649sqm. The eastern boundary is irregular in shape, with a cut-out section in the south-east corner designated as a 'carriageway easement'. A single-storey garage, associated with the subject site, is construction over this entire area.
9. A single-storey dwelling occupies the land. The dwelling has varied setbacks from Coppin Street, from 2.3m to 6.2m, with a 0.9m setback from Murray Street and a setback of 1.9m from Brady Street.
10. Secluded private open space (SPOS) is located on the eastern side of the site, with an outbuilding and the aforementioned garage extending along the southern boundary to abut the eastern boundary of the site.



*Coppin Street façade*

### *Certificate of Title*

11. The certificate of title submitted with the application shows a section along the eastern boundary that is designated as a 'carriageway easement'. This easement extends for a length of 5.82m along the boundary, for a width of 1.22m, and is shown accordingly on the survey plan.
12. Council's Subdivisions Officer assessed the title and provided the following comments;

*The subject land includes a narrow sliver at the site's southeast corner which is denoted on title as a carriageway easement, A-1, outside of the title boundaries. This sliver extends north from the southern laneway connecting Coppin Street and Lord Street (also designated as A-1).*

*Council's Engineering department confirms that while the southern laneway is on the Yarra Road Register and is therefore a public road, the sliver is not. Moreover, the sliver does not form part of the title to the adjoining land to the east, or appear as a carriageway easement in its favour. As it is neither a road nor does it form part of any title, the sliver can be considered an anomalous, 'no-mans-land'. It is submitted that the sliver has probably always been used as part of the subject land, or since at least 1962, when a garage was constructed over it. As the proposal effectively affirms the status quo in proposing a new garage in the same location, with no adverse amenity impacts, it is considered that there are no issues in this regard.*

### Surrounding Land

13. The surrounding land is residential, with a built form scale ranging in height from single to triple-storey. Traditional housing stock is interspersed with contemporary townhouses, with higher built form emerging along Coppin Street to the north and south. The more immediate interfaces are as follows;

#### *South*

14. To the south of the subject site, on the opposite side of Brady Street, is a row of three double-storey townhouses, addressing Coppin Street to the west and Brady Street to the north. The western-most dwelling is set back 3m from Coppin Street, behind a solid 2m high fence extending along the front and side boundaries. A double-storey wall, with no openings, is constructed hard-edge to the Brady Street footpath, with a garage door further to the east. A first-floor terrace is located above this garage.
15. The remaining two townhouses extend along Brady Street further to the east, with small front setbacks and first-floor balconies facing north. Each dwelling is provided with a first-floor terrace, located above ground level garages with vehicle access from Brady Street.

#### *East*

16. To the east of the subject site is a double-storey dwelling, located on a site with a front interface to Murray Street and a rear boundary along Brady Street. The dwelling's western wall is set back 2.4m from the rear boundary of the subject site, with one ground-floor habitable room window (HRW) within this wall. The main entrance to this dwelling is provided from Murray Street, with a crossover and on-site car parking space within part of the site's front setback. The remaining front setback appears to function predominantly as the site's SPOS, with services located in the remaining open space. Three matching dwellings extend further to the east along Murray Street.

#### *North*

17. To the north of the subject site, on the opposite side of Murray Street, are two contemporary double-storey townhouses, with the western-most dwelling set back 3.74m from Coppin Street. The second dwelling addresses Murray Street, with two garages providing vehicle access from this interface. The ground and first-floor walls are setback varying distances from Murray Street, with small ground level courtyards and first-floor terraces providing areas of SPOS.
18. Further to the east, along the northern side of Murray Street, is a row of single-storey Victorian-era dwellings.

*West*

19. To the west, on the opposite side of Coppin Street, are two contemporary double-storey dwellings, with Dame Nellie Melba Memorial Park to the north-west.
20. The site is located within proximity to the following;
  - (a) 280m to the south of the Bridge Road Major Activity Centre (MAC);
  - (b) 480m to the north of the Swan Street MAC;
  - (c) 1km to the west of Burnley Park;
  - (d) 730m to the north-west of Burnley Train Station;
  - (e) 780m to the north-east of East Richmond Train Station.



*Figure 2 – Aerial photograph with subject site outlined*

**The Proposal**

21. The proposal seeks development of the land for 7 triple-storey dwellings and a reduction in the car parking requirement. In summary, the development includes;
  - (a) Full demolition of the existing dwelling, fences and all structures on the site (no permit required for these works);
  - (b) Construction of 7, triple-storey attached townhouses, oriented to the north to address Murray Street, with vehicle access from Brady Street in the south;

*Basement*

- (c) Each dwelling will have access to a basement level, with Units 1-4 provided with a car stacker pit (providing 2 car parking spaces per dwelling). The remaining areas of basement for all dwellings will contain storage, with individual rainwater tanks (1,000L capacity) attached to toilets within each dwelling;

- (d) The basement will be set back 0.95m from the southern boundary, 3.13m from the western boundary, 5m from the northern boundary and will extend along the eastern boundary;

#### *Ground level*

- (e) Unit 1 will address Coppin Street, with a pedestrian entrance within this frontage and a setback of 3.25m from the Coppin Street boundary;
- (f) The remaining 6 Units will address Murray Street, with setbacks of 3.95m from this interface. Front entrances will be recessed 1.4m from the dwelling facades;
- (g) Grass courtyards will be located within the northern and western setbacks;
- (h) Unit 7 will extend along the eastern boundary for its entire length (10.8m);
- (i) The southern wall will be composed of seven separate garage doors and setback 1.3m from the southern boundary;
- (j) Single garages will be provided for Units 5-7;
- (k) The remaining ground floors will contain living rooms, storage, bin and bicycle storage and laundries;
- (l) Unit 1 will have access to a lift;

#### *First-floor*

- (m) Unit 1 will be setback 3.2m from Coppin Street, with Unit 7 extending along the eastern boundary for a length of 8.6m;
- (n) All dwellings will be set back 5.66m from the northern boundary, with balconies projecting 1.91m into this setback;
- (o) Rear walls will be setback 0.9m from the southern boundary;
- (p) Dwellings at this level will contain open-plan living rooms/kitchens;

#### *Second-floor*

- (q) Unit 1 will be setback 3.28m from Coppin Street, with a 9.2m long wall extending along the eastern boundary of Unit 7;
- (r) All dwellings will be setback 3.75m from the northern boundary and 0.7m from the southern boundary;
- (s) Dwellings at this level will contain 2 x bedrooms and ensuites/bathrooms.

#### *General*

- (t) The maximum height of the development will be 8.93m;
- (u) The façade of Unit 1 will address Coppin Street, with a central vertical separation to provide the appearance of two individual dwellings;
- (v) The Murray Street facade of each dwelling will contain a degree of verticality to provide a fine-grain design response;
- (w) 1.2m high fences will extend along the northern and western boundaries, composed of a mixture of 'hit and miss' brick pattern and vertical timber battens;
- (x) The development will be composed of a mixture of brickwork and metal cladding, with polycarbonate garage doors;
- (y) Individual solar panel arrays (2kw) will be located on the roof of each dwelling.

22. It is highlighted that a number of dimensions on the plans do not match the 1:200 scale. These discrepancies are minor and would not result in any fundamental changes to the development. A condition of any permit issued can ensure that all dimensions and the scale of the plans are consistent.

## **Planning Scheme Provisions**

### Zoning

*General Residential Zone (Schedule 2)*

- 23. Pursuant to clause 32.08-2 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the site for dwellings.
- 24. Pursuant to clause 32.08-4 of the Scheme, an application to construct a dwelling on a lot between 500sqm to 650sqm must provide a minimum garden area of 30% of the lot.
- 25. Pursuant to clause 32.08-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.
- 26. Pursuant to Clause 32.08-9 and Schedule 2 of the Zone, a building constructed for use as a dwelling must not exceed 9m in height or more than 3 storeys at any point.

Overlays

- 27. N/A

Particular Provisions

*Clause 52.06 – Car Parking*

- 28. Clause 52.06-2 requires that before a new use commences, the number of car spaces specified under Clause 52.06-5 must be provided. The Clause 52.06-5 requirements are outlined below.

Use	Bedrooms	Rate	No. required	No. proposed	Reduction required
7 Dwellings	3 bedrooms	2 resident space to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom)	14	11	3
7 Dwellings		1 space for visitors to every 5 dwellings for developments	1	0	1
Total					4

- 29. As outlined within paragraph 6 of this report, the residential car parking rate has been based on the possibility that the ground level living room of each dwelling may be utilised as a bedroom, thereby increasing each dwelling to a 3-bedroom dwelling. The development therefore requires a reduction in resident car parking of 3 spaces, with a reduction of 1 visitor car parking space required.

*Clause 55 – Rescode*

- 30. Clause 55 is applicable for a development of two or more dwellings. A development should meet all the standards and must meet all the objectives.

General Provisions

*Clause 65 – Decision Guidelines*

- 31. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted.



Before deciding on an application, the Responsible Authority must consider, amongst other things, the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

32. The following SPPF provisions of the Scheme are relevant:

*Clause 11 – Settlement*

33. *Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);*

- (a) *Diversity of choice.*
- (b) *Adaptation in response to changing technology.*
- (c) *Economic viability*
- (d) *A high standard of urban design and amenity.*
- (e) *Energy efficiency.*
- (f) *Accessibility*
- (g) *Land use and transport integration*

34. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

*Clause 11.02 – Urban growth*

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

*Clause 11.04-2 – Housing Choice and Affordability*

36. The objective of this clause is: *to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

*Clause 11.04-4 – Liveable Communities and Neighbourhoods*

37. The objective of this clause is: *to create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities.*

*Clause 15 – Built Environment and Heritage*

*Clause 15.01-1 – Urban design*

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

*Clause 15.01-4 – Design for safety*

39. The Objective of this Clause is *‘to improve community safety and encourage neighbourhood design that makes people feel safe’.*

*Clause 15.01-5 – Cultural identity and neighbourhood character*

40. The objective of this clause is *‘to recognise and protect cultural identity, neighbourhood character and sense of place’.*

*Clause 15.02-1 – Energy and resource efficiency*

41. The objective of this clause is *'to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'*.

*Clause 16 – Housing*  
*Clause 16.01-1 – Integrated housing*

42. The objective of this clause is *'to promote a housing market that meets community needs'*.

*Clause 18.02-1 - Sustainable personal transport*

43. The objective of this clause is *'to promote the use of sustainable personal transport'*.

Local Planning Policy Framework (LPPF)

44. The following LPPF provisions of the Scheme are relevant:

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land use*  
*Clause 21.04-1 – Accommodation and Housing*

45. The relevant Objectives and Strategies of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*  
(b) *Objective 2 To retain a diverse population and household structure.*

*Clause 21.05-2 – Urban design*

46. This clause incorporates the following objectives to achieve this:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*  
(b) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*  
(c) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

*Clause 21.06 – Transport*  
*Clause 21.06-1 – Walking and cycling*

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

*Clause 21.07 Environmental Sustainability*

48. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development:*

*Clause 21.08 Neighbourhoods*

49. Clause 21.08-10 – Central Richmond (between Swan Street and Bridge Road)

- (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

Relevant Local Policies

*Clause 22.10 (Built form and design policy)*

50. The policy applies to all new development not included in a heritage overlay and incorporates the following relevant objectives;
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
  - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
  - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
  - (d) *Encourage environmentally sustainable development.*

*Clause 22.13 (Residential built form policy)*

51. This policy applies to Residential Zones in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08. The subject site is identified as 'inner suburban residential' built form type in Figure 24 of Clause 21.08-10.
52. These built form types are described as *Built form dominated residential areas with small gardens (if any) and minimal front and side setbacks* and include the following design guidelines at Clause 22.13-3.2;
- (a) *Maintain the existing pattern of front setbacks.*
  - (b) *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
  - (c) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
  - (d) *Orient buildings at right angles to the street frontage.*
  - (e) *Provide front fencing that is open (unless the building is zero front setback).*
  - (f) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

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

53. This policy applies to new buildings and contains the following (relevant) objectives;
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended);*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*

*Clause 22.17 (Environmentally Sustainable Design)*

54. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

**Advertising**

55. The application was advertised under the provisions of Section 52 of the Act with 62 letters sent to surrounding owners and occupiers and two signs displayed on site.
56. Fourteen (14) objections were received to the application, these can be summarised as:
- (a) Demolition of the existing dwelling;
  - (b) Does not respect the neighbourhood character;

- (c) Overdevelopment of the site/excessive height;
  - (d) Lack of on-site open space;
  - (e) Potential off-site amenity impacts (overshadowing, loss of daylight, overlooking, noise)
  - (f) Loss of car parking spaces on Brady Street;
  - (g) Increased traffic impacts.
57. Amended plans were submitted on 6 & 8 March 2018 under Section 57A of the *Planning and Environment Act 1987* (The Act) in response to objections and Council concerns. The amended plans incorporated the following changes into the development;
- (a) The setback of the ground level garages increased from 1m to 1.3m from Brady Street (southern boundary);
  - (b) The pedestrian entrances and pathways within the Brady Street frontage removed, with each garage door increased in width and altered in design.
  - (c) A setback provided in the south-east corner from the southern and eastern boundaries at levels 1 & 2;
  - (d) Additional fenestration to the Coppin Street façade.
58. The amended plans were readvertised to all current objectors.
59. A Consultation Meeting was held on 17 April 2018, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present. No further changes to the plans were made following this meeting.
60. During the assessment process it was noted that the existing shadow diagrams were not correct, as they did not include the current afternoon shadows cast by the 3.6m high garage wall that extends along the site's eastern boundary. Amended shadow diagrams, demonstrating the correct shadow impacts, were submitted by the applicant on 29 May 2018. These drawings were sent to all objectors with the invitations to the IDAC meeting and will be referenced within this assessment.
61. As outlined previously, the original car parking rate attributed to the development was based on each dwelling providing two bedrooms, however upon further review it is considered that the ground level living rooms could be converted to a third bedroom for each dwelling. On this basis, a more conservative approach with regards to the statutory car parking reduction has been taken throughout this assessment. The amended approach to car parking resulted in no changes to the plans, and as a reduction in the statutory car parking rate has formed part of this development from the start, there was no requirement to re-advertise the application.

## **Referrals**

### External Referrals

62. No external referrals were required.

### Internal Referrals

63. The original application was referred to Council's Engineering Services Unit, Urban Design Unit, Open Space Unit and ESD Officer, with referral comments attached to this report. The amended application was re-referred to Council's Engineering Services Unit and Urban Design Unit. These comments are also attached to this report.

## **OFFICER ASSESSMENT**

64. This assessment will be framed around the following:
- (a) Strategic policy support;
  - (b) Clause 55 Assessment;
  - (c) Car Parking/Traffic;

(d) Objector concerns.

Strategic policy support

- 65. State and local planning policies are consistent in outlining that the subject land is located in an area where an increased intensity of development is encouraged. The context of the site; within a GRZ, within close proximity to two MACs and with a substantial land area, creates an appropriate opportunity for increased residential density to occur.
- 66. The GRZ identifies the purpose of the land as an area in which *to encourage development that respects the neighbourhood character of the area, whilst encouraging a diversity of housing types and housing growth in locations offering good access to services and transport*. Further, Clause 11 of the Scheme states that planning is to *facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities*.
- 67. The dwellings would provide increased housing opportunities consistent with Clause 11.01 and Clause 16.01-2, which seeks to encourage new housing with good access to services and transport. This outcome is also encouraged by Clause 18.02 of the Scheme.
- 68. The site is within proximity to trams along Bridge Road and Swan Street and has excellent access to shops, restaurants, community facilities and supermarkets. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS.
- 69. The application includes an increased density of dwellings while avoiding unreasonable amenity impacts, as will be assessed in detail below. Strategically, the development of the site is supported.

Clause 55 – ResCode

*B1 – Neighbourhood character objectives*

- 70. As can be seen in the following images, built form immediately adjacent to the land to the north and south along Coppin Street provides a consistent response with regards to the double-storey height, flat roof design and contemporary style.



*No. 105 Coppin Street*



*No. 111 Coppin Street*

71. The dwellings immediately opposite the site, on the western side of Coppin Street, are also contemporary in design, providing an eclectic character to the surrounding streetscape.



*Nos. 106 & 108 Coppin Street*

72. Given this context, it is clear that the site is located in an area undergoing a degree of change, with the lack of heritage overlay affecting the surrounding land providing for less restrictive outcomes with regards to design and built form.

73. The location of the subject site provides an appropriate response for the construction of a multi-townhouse development. The design of the western-most townhouse will retain a degree of integration with Coppin Street, with the use of articulation and different materials within the façade providing a degree of verticality along Coppin Street that retains the fine-grain pattern of this streetscape. Similar design responses have been utilised along the Murray Street frontage, with this defining the individual dwellings and also retaining the fine-grain pattern of this secondary streetscape.
74. The proposal responds appropriately to the height of the contemporary townhouses to the north, south and east, being only one-storey higher, thereby complying with Clause 22.13-3.2 of the Scheme, with the separation provided by the adjacent streets to the north and south further improving the transition in scale between the existing built form.
75. Concerns were raised in Council's original Urban Design advice regarding the integration of the development with Coppin Street. It was noted that *the proposal does not provide primary frontages of any units to Coppin Street. It is acknowledged that Unit 01 provides its main pedestrian entrance from Coppin Street, however, the façade design presents side walls of Unit 1 that contain large portion of blank walls. Overall, the Coppin Street frontage is not acceptable and it is highly recommended to have Unit 1 and Unit 2 to front Coppin Street and provide their vehicular entrances from other two residential streets.*
76. To alleviate this concern, the amended design incorporated a design feature into the northern-most façade of Unit 1, with a section of light grey render to match the dimensions of the window on the southern side of the first-floor façade. Further, two windows have been provided at ground level. The differences between the original and proposed Coppin Street façade are demonstrated in the images on the following page.



Original Coppin Street façade



Amended Coppin Street façade

77. The primary pedestrian entrance for Unit 1 has always been provided from Coppin Street; this has been retained in the amended design. Given the design changes incorporated into the façade, it is not considered necessary to amend the internal layout to provide the pedestrian entrance for Unit 2 from this façade. The design of the façade allows the development to present as two modulated forms within the streetscape, with the vertical separation providing a fine-grain finish. This outcome is acceptable.
78. Urban Design also raised concerns with the primary use of Brady Street for vehicle access, with this resulting in a long stretch of garage frontage within this streetscape. However, the southern side of Brady Street already has this interface, with a wide crossover and three garages addressing the street. Of the three street interfaces, Brady Street provides the preferred outcome for vehicle access, based on the existing context along the southern side of this street.

79. A recommendation to alter the material of the garages was provided with this advice, so as to alleviate the impact of the appearance of the garages within the southern elevation. Recommendations included the use of glazing or a combination of different materials, to provide some contribution of this section of the building to the social and visual experience of the public realm.
80. The amended plans altered the finish of the garage doors to a translucent material, with the design of the doors alternating between vertical and horizontal patterns. A combination of white and green finishes will be used. Further, the garages will be separated through the provision of green walls and light coloured render. This outcome is considered reasonable, and will provide a degree of visual interest along this section of Brady Street.
81. Based on the above, the proposed development will adequately respect the existing and emerging neighbourhood character and the objective of the Standard will be met.

*B2 – Residential policy objectives*

82. The subject site is located within proximity of two MACs, with the development of the site resulting in efficient use of existing infrastructure and supporting an increase in population in established areas, consistent with Clause 21.04-1 of Council's MSS. The objectives of the Standard are met.

*B3 – Dwelling diversity objective*

83. This Standard does not apply to developments with less than 10 dwellings.

*B4 – Infrastructure objectives*

84. The proposal is located within an area with existing utility services and infrastructure, with the site already accommodating a building which is connected to all necessary services. The objectives of the Standard are met.

*B5 – Integration with the street objective*

85. Unit 1 will be oriented to Coppin Street, with the remaining dwellings addressing Murray Street to the north. The proposed fence to extend along both streetscapes will be 1.2m in height, thereby allowing clear views to the dwellings. This design is consistent with design guidelines at Clause 22.13-3.2 of the Scheme.
86. Individual paths will be provided for each dwelling, clearly identifying each entrance, with windows and balconies at the upper levels providing surveillance opportunities between the public and private realm. The objective of the Standard will be met.

*B6 – Street setback objective*

87. The context of the subject site results in no direct abutments to the north and south, being separated from the adjacent sites by roads, and is on a corner, with the majority of frontage addressing Murray Street to the north.
88. Table B1 at Clause 55.03-1 notes that the development should be set back the average distance of the setbacks of the front walls of existing buildings on the abutting allotments. Whilst the adjacent sites along Coppin Street do not directly abut the subject site, this Standard provides guidance by which to retain the existing setback pattern along the streetscape.



89. The adjacent setbacks from Coppin Street are 3.021m and 3.741m provided to the south and north respectively. This equates to an average setback distance of 3.381m. Unit 1 is proposed to be setback 3.63m from Coppin Street. This distance achieves the objective of the Standard and suitably references the adjacent setbacks along the eastern streetscape, consistent with Clause 22.13-3.2 of the Scheme.
90. With regards to corner sites, the Standard notes that; *front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.*
91. The Murray Street frontages will be set back 3.95m from the northern boundary, with the entrances recessed to be setback 5.2m from this interface. The adjacent dwelling addressing Murray Street is set back 6m from its front boundary. The setbacks provided from Murray Street respond well to the existing setbacks, with a generous area of open space within the front setbacks which references the context of the sites to the east. The objective of the Standard is met.

*B7 – Building height objective*

92. Pursuant to Clause 32.08-9 and Schedule 2 of the Zone, a building constructed for use as a dwelling must not exceed 9m in height or 3 storeys at any point. The development meets these provisions and complies with the Standard, with a maximum height of 8.93m proposed.

*B8 – Site coverage objective*

93. The development will encompass 65.7% of the site, thereby exceeding the 60% coverage recommended by the Standard. This outcome is acceptable, given the inner-urban context of the land and the high site coverage found in adjacent sites, in particular the contemporary townhouse developments to the north and south of the land. Given the existing context, this outcome is acceptable.

*B9 – Permeability objectives*

94. The Town Planning Report submitted with the application indicates that the development will provide 30% permeability, thereby meeting the 20% recommended by the Standard. A Garden Area Plan (TP-023) indicates that a garden area of 30% will be provided, as required by clause 32.08-4 of the Scheme. The garden area does not include the areas of driveway adjacent to Brady Street.
95. It is noted that the driveways will be finished with permeable paving; this is demonstrated in the finishes schedule and on the landscape plan, with a notation on the floor plan confirming this. Based on this, the overall permeability of the site will exceed the 30% specified in the report and further exceed the 20% specified by the Standard.

*B10 – Energy efficiency objectives*

96. The proposal will achieve a good level of energy efficiency, with the ESD report submitted with the application describing the following features to be incorporated into the design;
- (a) Each dwelling will be provided with a rainwater tank (1,000L capacity), with the drawings noting that these tanks will be connected to toilets within the development;
  - (b) A STORM rating of 126% will be achieved, with a BESS score of 57% (50%+ achieving best practice);
  - (c) Each dwelling will be provided with a separate solar array, with individual capacities of 2kW;

- (d) Natural ventilation and daylight will be provided to all habitable rooms, with the principal living rooms and areas of open space oriented to the north;
  - (e) External clothes drying lines will be installed in each balcony;
  - (f) Double-glazed windows will be provided for all north-facing habitable rooms to improve thermal performance;
  - (g) Internal space for bicycle storage will be provided at ground level for each dwelling;
  - (h) The degree of on-site permeability will exceed the recommendations of the relevant Standard.
97. All of these measures will assist in achieving a good energy efficiency outcome, however a number of additional requirements were requested by Council's ESD Advisor, as follows;
- (a) An amended BESS report to include;
    - (i) the NatHERS heating and cooling loads, ensuring that the Energy section of the report achieves a minimum 50% best practice score. An average NatHERS rating of 7 Stars is required;
    - (ii) an updated Water section, to achieve or exceed the required 50% best practice standard. Increased capacity for the 1,000L rainwater tanks is recommended in order to achieve this outcome.
  - (b) External shading for the second-floor west-facing window in Townhouse 01, such as exterior adjustable blinds, louvers; as well as a horizontal fixed eave over the north-facing windows of the second-floor bedrooms;
  - (c) At least one operable window for each habitable room to optimise opportunities for cross ventilation.
  - (d) The location of food production gardens for each dwelling, as outlined in the BESS report;
  - (e) A solar hot water system.
98. The majority of these commitments and amendments can be required via conditions of a permit, if one is to issue, with the BESS and ESD reports to be endorsed if a planning permit is to issue. The Applicant has indicated that they do not wish to commit to a solar hot water system at this stage, and may explore this option later within the building process. As individual rainwater tanks and a solar array is already included within the development, these features are considered to provide a good approach to energy efficiency and the addition of the solar hot water system is not required.
99. It is not considered that the energy efficiency of adjacent sites will be unreasonably impacted by the proposed development. On this basis, the proposed development satisfies the requirements of Clause 22.16 (Stormwater Management) and Clause 22.17 (Environmentally Sustainable Development) of the Scheme.

*B11 – Open space objective*

100. This standard does not apply as no public or communal open space is proposed.

*B12 – Safety objective*

101. The dwelling entrances for Units 2-7 are clearly visible along Murray Street, with the entrance for Unit 1 obvious within the Coppin Street frontage. The 1.2m high fencing along the northern and western boundaries will allow views to all entrances from the adjacent streets, further increasing the safety of each dwelling. The floor plan also indicates that all entrances will have external sensor lighting provided. The Standard will be met.

*B13 – Landscaping objectives*

102. The proposal allows for a good degree of landscaping to be provided. A number of existing trees will be retained, with additional trees and shrubs proposed within the Coppin Street and Murray Street frontages. A Landscape Plan, prepared by Wallbrink Landscape Architecture, was submitted, with this outlining all existing and proposed vegetation within the site.

The plan was referred to Council's Open Space Unit, who confirmed that the plan and the proposed species were generally acceptable, with the following comments and requests for further information provided;

- (a) Additional detail on the proposed 'permeable paving' is required. The legend does not provide adequate information, with part of the drive over grid pavers appearing to be located along Brady Street. This finish is not supported in the area outside the property boundary, with potential maintenance issues arising;
- (b) Further detail on the proposed planters at first floor is requested; to include information on the proposed material, height, width, water proofing, soil medium, drainage and irrigation of these features;
- (c) The use of natural turf is preferred over synthetic turf. The latter reduces soil permeability and health and requires land-fill disposal at the end of its useful life. In addition it does not support insect or other biological processes, and retains heat.

- 103. Further, Open Space advice recommended the provision of an Arborist Report, a Tree Impact Statement and a Tree Management Plan. There are no trees that will be impacted outside the subject site, with no overlays on the land that require the retention of vegetation. On this basis an Arborist Report and Tree Impact Statement is not considered necessary, however the provision of a Tree Management Plan is. This plan recognises that a number of trees are to be retained within the site and it will provide measures by which these trees can be protected.
- 104. These alterations and additional information can be required via conditions, if a planning permit is to issue.
- 105. The degree of landscaping proposed is similar to existing conditions within the site, and reflects the amount of vegetation found within adjacent sites. The provisions of Clause 22.13-3.2 and the objectives of the Standard are met.

*B14 – Access objectives*

- 106. This standard seeks to ensure that the number of vehicle crossovers respects the character of the street, whilst maximising the retention of on-street car parking spaces. The proposed development seeks to provide new vehicle crossings on Brady Street. As parking is prohibited along the northern side of this street, no on-street car parking spaces will be affected by these works.
- 107. It is recognised by Council's Engineers that vehicles park in an informal arrangement along the southern side of Brady Street, with the narrow width of the street resulting in cars parking partially upon the kerb. This practice is allowed, with permit parking restrictions along this side of the street. The original design of the proposed garages provided a 1m setback from the subject site's southern boundary, with pedestrian doors for each dwelling restricting the width of the garage doors. The combination of these factors inhibited cars from entering or exiting the garages when cars were parked on the southern side of Brady Street. On this basis, Council's Engineers recommended that vehicle access be provided from Murray Street instead.
- 108. This alternative arrangement would result in a compromised design outcome, with the retention of the northerly aspect for primary frontages and open space (and not garages) a preferred response. Whilst a small number of dwellings address Brady Street, this roadway has more of a laneway character, with rear boundary fences and roller doors common features along both sides of the streetscape. Crossovers are also a relatively common characteristic along both sides of Brady Street, particularly further to the east, with on-site vehicle access provided within a number of sites.

109. Murray Street, whilst providing some vehicle access, is primarily a residential street with dwellings addressing both sides. Relocating the vehicle access to Murray Street would alter the character of this street, as well as compromising the amenity of the new dwellings as outlined above.
110. Instead, an alternative design to the Brady Street access was submitted via the amended plans, with the rear setback increased to 1.3m, and the pedestrian entrances removed from this interface. This allowed each garage door to increase in width from 3.4m to 3.8m. Swept path diagrams were submitted with the amended plans, with these satisfactorily demonstrating that entry and exit movements into and out of the garages for the B85 design vehicle via Brady Street could occur. The on-street parking on the southern side of the street was factored into the assessment, and Council Engineers confirmed that this outcome was acceptable.
111. It is highlighted that the swept path diagrams referred to the parked vehicle as a ‘small car’, however Council’s Engineers confirmed that a B85 design vehicle would also be able to park in this space. As noted in the Engineering advice ‘*Width-wise, there is only a difference of 17cm between the B85 design vehicle and a small car – this should not be critical in terms of turning movements for a car entering or exiting into and out of the garages*’.
112. It is noted that a sewer vent is located directly adjacent to the site’s southern boundary. To allow access to the proposed garages, the sewer vent must be relocated to the satisfaction of the relevant water authority. A note to this effect will be added to any planning permit issued.

*B15 – Parking location objectives*

113. The on-site car parking spaces for the dwellings will be provided in the form of individual garages, with car stacker units provided for 4 of the 7 dwellings. The car stackers are located beneath the living rooms of these dwellings, with bedrooms at second floor. The separation of the stackers from the bedrooms will limit unreasonable noise impacts to these more sensitive rooms to an acceptable degree.
114. The specifications of the stacking systems have been assessed by Council Engineers, with the Wöhr Parklift 461 type car stacker to be used. The use of this type of stacker is considered appropriate for this development, and satisfies the vehicle height clearance requirement of *Design standard 4: Mechanical parking* of the Scheme.
115. The car spaces are conveniently located and secure, with direct access to each dwelling. It is not clear whether the design of the garage doors provide any openings to allow for natural ventilation. A condition of the permit can require a degree of ventilation to be shown on the plans. On this basis, the objective of the Standard is met.

*B17 – Side and rear setbacks objective*

*Western setback*

116. The setbacks from Unit 7 to the western boundary are outlined below;

Wall location	Wall height	Setback required	Setback provided	Complies?
Ground floor entrance	2.4m	1m	1.5m	Yes
First-floor balcony	5.9m	1.69m	1.4m	No
First-floor kitchen	5.9m	1.69m	1.25m	No
Second floor master bedroom	8.93m	4.02m	1.4m	No

Second floor bedroom 2	8.93m	4.02m	1.25m	No
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117. The first and second-floor setbacks do not comply with the Standard, however a variation is considered acceptable, based on the existing context of the adjacent site to the east. This site has frontages to Murray Street to the north and Brady Street to the south, with the section of land along the western side of the dwelling narrow and appearing to be used for services (hot water system). The rear section of land on the southern side of the site also appears to be more of a service area, with a fixed clothes line within this space. It is the area of land on the northern side of the dwelling that has a more accessible and direct connection with the primary living room of the dwelling at ground level, along with a northern orientation and better amenity than any other section of land on the site.
118. A small length of wall (1.2m) will extend beyond the front verandah of the adjacent property to the north, with a 3.2m long wall adjacent to the open space to the south. Given the relatively limited length of wall to the north, the non-compliant setback of this wall is not anticipated to result in unreasonable visual impacts from the abutting site. It is also not expected that any significant shadows will be cast by this wall, with this aspect to be discussed later within this report.
119. An existing 3.6m high wall extends along the rear section of the shared boundary, with this wall creating a visual presence within the open space to the south of the adjacent site. This wall will be removed and replaced with a 2.8m high ground floor wall, with the non-compliant setbacks above. The new wall along the boundary will reduce the existing heights experienced along the boundary, with the walls above provided with enough of a setback so as to appear as a more recessive element when viewed from the south-east.
120. Given the context of the open space within the adjacent site as outlined above, this outcome is considered acceptable. The occupants of this dwelling have a choice between open space to the north and south of the dwelling, with no unreasonable visual impacts expected to affect the northern area of space within this site. The objectives of the Standard are met.

*Southern elevation*

121. The setbacks of all dwellings from the southern boundary are outlined below.

Wall location	Wall height	Setback required	Setback provided	Complies?
Ground level/garages	2.4m	1m	1.3m	Yes
First-floor kitchens	5.9m	1.69m	0.7m	No
Second-floor bedrooms	8.93m	4.02m	0.7m	No

122. The lack of compliance associated with the setbacks of the two upper levels is appropriate based on the following;
- (a) A pattern of limited setbacks from Brady Street is already evident, with reference to the double-storey townhouses immediately to the south of the site;
  - (b) The southern walls are directly adjacent to Brady Street, thereby providing an additional 5m between these walls and the dwellings to the south;
  - (c) The combined distance will assist in reducing visual impacts from the dwellings on the southern side of Brady Street, in particular from the first-floor habitable room windows of these dwellings;
  - (d) The non-compliant setbacks will not result in unreasonable overshadowing to these adjacent dwellings, as will be discussed later within this report.
123. The objective of the Standard is met.

*B18 – Walls on boundaries objective*

*Western boundary*

124. To comply with this standard, any new wall constructed along the western boundary should not exceed 11.9m in length. The standard also notes that the average wall height should not exceed 3.2m, with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.
125. The ground floor plan provides a dimension of 11.05m for the length of the ground floor wall, with the scale equating to 10.8m. The east elevation indicates (via scale) that this wall will be 11.2m in length. All of these lengths meet the Standard. The height of the ground floor wall, at 2.8m, will also meet the Standard.
126. The length of the new wall along the first and second-floor boundary scales at 8.4m on the first-floor plan and 8.8m on the second-floor plan, with a dimension of 9.2m on the latter. These wall lengths will meet the Standard.
127. The maximum height of the wall to level 2 will be 8.93m, thereby not meeting the remainder of the Standard. This outcome is acceptable, based on the following;
  - (a) The majority of the new boundary wall will be located directly opposite the service area and double-storey wall to the east;
  - (b) Walls on boundaries form a common feature of the neighbourhood character;
  - (c) The proposed wall will not cause unreasonable loss of daylight to the adjacent dwelling, being located opposite a west-facing window with a separation of 2.4m provided. This aspect will be discussed in detail within the following Standard.
128. The objective of the Standard is met.

*B19 – Daylight to existing windows objective*

129. There are a number of HRW addressing the subject site within the dwellings to the north, south and east. The dwellings to the north and south are separated from the subject site by Murray Street and Brady Street respectively, thereby limiting amenity impacts to these sites. The only HRW within the dwelling to the east is setback 2.4m from the proposed boundary wall of the development, with this window at ground level. A non-habitable bathroom window is located within the first-floor of this dwelling. The setbacks provided from all of these windows will ensure that they will continue to have access to a minimum area of 3sqm and minimum dimension of 1m clear to the sky, as per the first part of Standard B19.
130. To adhere with the remainder of this Standard, walls more than 3m in height opposite an existing HRW should be set back from the window at least 50 per cent of the height of the new wall. The maximum height of the new walls will extend to 8.9m, thereby requiring a setback of 4.45m from all HRW to comply.
131. The proposed northern walls will be set back 11.5m and 12.5m from the adjacent windows within the dwellings to the north. The southern walls will be set back 7.3m from the windows to the south. In both instances the Standard will be met.
132. The eastern wall will be set back 2.4m from the ground floor HRW to the east, thereby failing to meet the Standard. A variation in this instance is considered acceptable, based on the following;
  - (a) The west-facing window within the adjacent dwelling is a secondary window to the ground floor living room. The primary light source for this room are two north-facing, full-height windows, as demonstrated in the image below. It is not anticipated that the new wall will result in unreasonable loss of daylight to this room, given the provision of the more substantial north-facing windows. On this basis, the objective of the Standard is met.



*Land on the northern side of the adjacent dwelling*

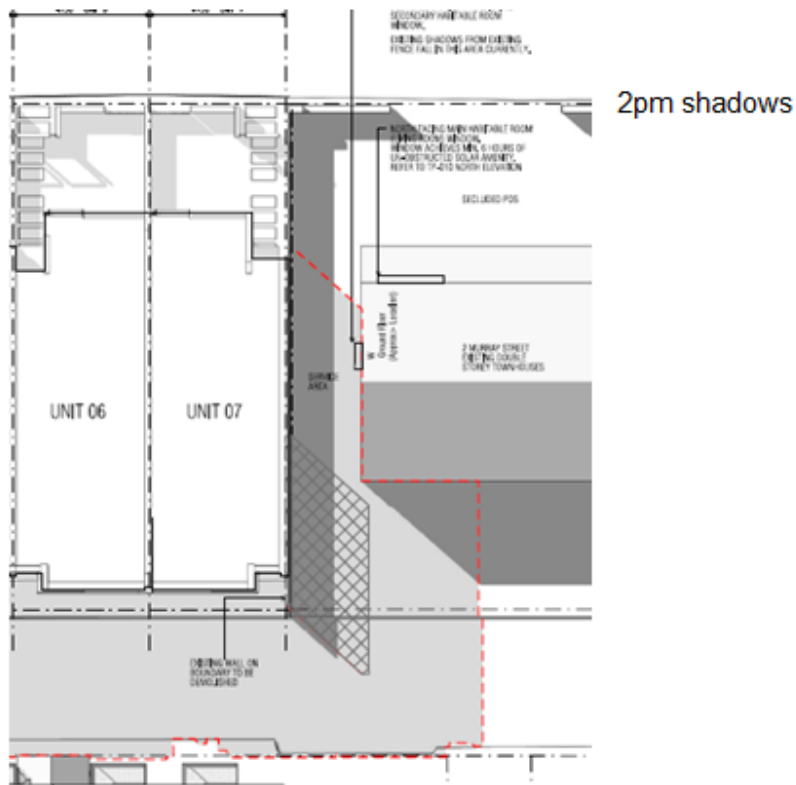
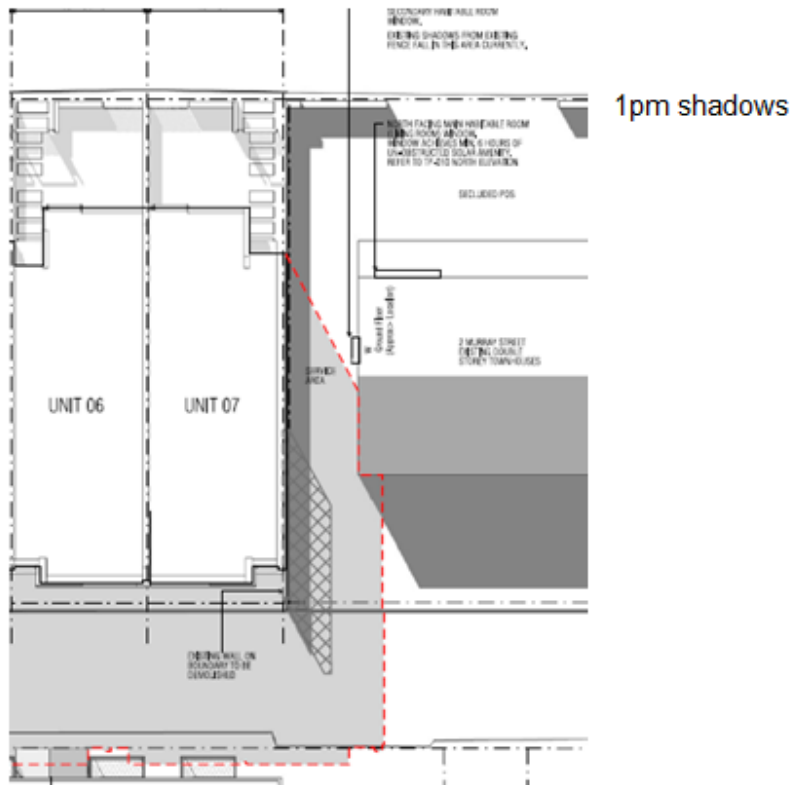
*B20 – North-facing windows objective*

133. There are no north-facing windows within 3m of the subject site.

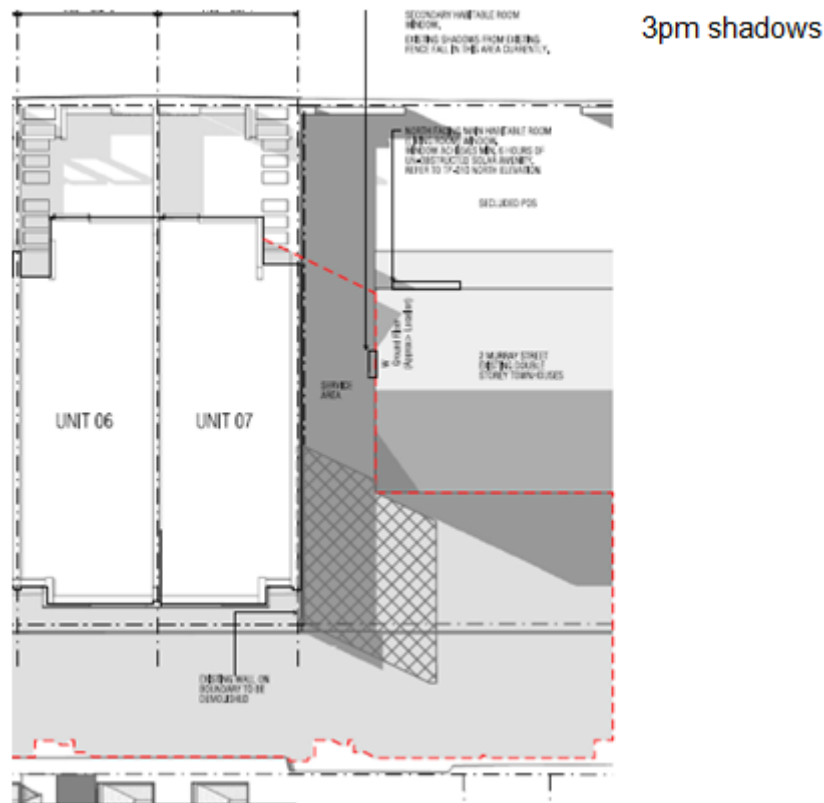
*B21 – Overshadowing open space objective*

134. SPOS associated with the double-storey townhouses to the south is located at first-floor, in the form of terraces above the respective garage of each dwelling. The separation provided by Brady Street, along with the elevated location of the terraces, ensures that at no time throughout the day will these areas be affected by additional shadows cast by the proposed development.
135. Sectional shadow diagrams also demonstrate that no additional overshadowing will affect the first-floor north-facing balconies of these dwellings at any time during the day at the September equinox.
136. The shadow diagrams indicate that additional shadows will be cast within the southern open space area of the property to the east from midday onwards. As noted previously, amended shadow diagrams were submitted by the applicant on 29 May 2018, with these plans including the existing shadows cast by the garage wall abutting the site's eastern boundary. The amended drawings demonstrate that existing shadows extend to cover almost half of this open space by 3pm.
137. The new development will result in significant overshadowing to this area of open space during the afternoon; however it is noted that the adjacent dwelling also contributes to a large degree of shadowing within its own site. Further, as outlined previously, the layout of the adjacent site appears to rely more on space at the front (north) of the dwelling for recreational purposes, with the land along the western side of the dwelling and at the rear providing more of a service area.

The shadows to be cast in this space, and the lack of shadows cast within the open space to the north, are shown below, with the new overshadowing portrayed in light grey, and the existing overshadowing in dark grey and a hatched pattern.







138. Given this context, it is considered that the most useable area of open space associated with the adjacent site is on the northern side of the dwelling. Based on the orientation of the site, this area receives good solar access, with a solid fence along the northern boundary restricting views to this space. The development of the subject site will not result in any additional overshadowing of this area. This outcome is considered to be reasonable and the objective of the Standard is met.

*B22 – Overlooking objective*

- 139. The standard states that a HRW should be located and designed to avoid direct views into the SPOS of an existing dwelling (or a HRW) within a horizontal distance of 9m (measured at ground level). Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7m above floor level. This Standard does not apply to windows associated with non-habitable rooms (i.e. bathroom, staircase).
- 140. The proposed dwellings contain south-facing kitchen windows at first-floor and bedroom windows at second floor. Of the 7 dwellings, 5 are located directly opposite ground and first-floor north-facing windows within the townhouses on the southern side of Brady Street, with views to the first-floor terraces of these townhouses potentially available from the second-floor windows. To alleviate unreasonable overlooking to the south, the kitchen windows associated with these 5 dwellings have been screened with upward angled louvres, with a maximum transparency of 25%, for the full height of the windows. The bedroom windows have been screened with 10mm wide horizontal louvres to a height of 1.5m above the finished floor level of the second floor.
- 141. Whilst the overlooking diagram provided at Drawing TP-012 demonstrates that this measure will adequately limit views to the southern windows, it is not clear whether unreasonable views to the first-floor terraces will be addressed.

To ensure that the Standard is met, a condition can be added to any permit issued requiring the screening for the bedroom windows to be extended in height to 1.7m above the floor level, and have a maximum transparency of 25%.

142. The kitchen windows of Units 1 & 2 have not been provided with any screening; these windows directly address blank walls to the south. The bedroom window of Unit 2 has been screened in accordance with those further to the east, as views to the first-floor terrace may be possible from this dwelling. To further ensure that compliance is achieved, the condition outlined above will include the bedroom window to Unit 2.
143. The east-facing kitchen and bedroom windows of Unit 7 have been screened to prevent unreasonable views to the SPOS to the east, with the kitchen window screened for its full height and the bedroom window screened to a height of 1.7m with horizontal louvres. To ensure the Standard is met, a condition of any permit issued can require notations added to the east elevation that specify the transparency of this screening will be no greater than 25%.
144. The north-facing windows and first-floor balconies will be setback 13.5m and 11.4m respectively from any habitable room windows within the dwellings to the north. As both distances exceed the 9m distance outlined in this Standard, no screening measures are required.
145. All views to the west within 9m will fall within the Burnley Street road reserve and public realm.
146. Based on the conditions discussed, the Standard will be met.

*B23 – Internal views objective*

147. To limit views into the SPOS and HRW of dwellings within a development, Standard B23 states that windows and balconies should be designed to prevent overlooking of more than 50 percent of the SPOS of a lower-level dwelling directly below and within the same development. In this instance, SPOS is provided for all dwellings via first-floor balconies, with no SPOS below.
148. The plans indicate that full height cladding will be located on one, if not both sides, of each balcony. This will restrict internal views and ensure the objective of the Standard is met.

*B24 – Noise impacts objective*

149. Car stacking systems are proposed within 4 of the 7 dwellings. These car stackers will be located directly beneath the kitchen of each dwelling, with all bedrooms located at the second floors. This separation provides appropriate attenuation to these more sensitive rooms within the development.
150. Concerns have been raised about potential noise impacts from first-floor balconies addressing Murray Street. The noise generated by the new dwellings will be residential in nature and it is not considered that the proposed development of the site will generate unreasonable noise impacts on surrounding residential sites. The Scheme does not include reference to applicable noise control legislation, instead the *Environment Protection (Residential Noise) Regulations 2008* is the relevant legislation regarding residential noise impacts and how they can be controlled.

*B25 – Accessibility objective*

151. The dwelling entries at the ground floor of all proposed dwellings will be accessible to people with limited mobility, with Unit 1 containing a lift to provide access to the upper levels. The Standard will be met.

*B26 – Dwelling entry objective*

152. A degree of shelter and transitional space will be provided around the entrances to each dwelling, with these entrances clearly visible from Coppin Street and Murray Street. The Standard will be met.

*B27 – Daylight to new windows*

153. All new habitable room windows will receive adequate daylight in accordance with the Standard, being oriented to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1m.

*B28 – Private open space objective*

154. Each dwelling will have access to open space at ground level, directly accessed from the living rooms at ground floor. First-floor balconies, directly accessible from the principal habitable rooms at this level will also be available. The first-floor balconies will be 6sqm for Unit 1 and 7sqm for Units 2-7. All of these balconies will have minimum depths of 1.9m.
155. Whilst the dimensions of the balconies fall slightly short of the 8sqm Standard, a minor variation is reasonable given the provision of the larger areas of open space available at ground level. Each balcony will have a good connection with the primary living spaces and will have a northerly orientation. The objectives of the Standard will be met.

*B29 – Solar access to open space objective*

156. Direct solar access will be available to the first-floor, north-facing balconies of the townhouses, ensuring that the Standard is met.

*B30 – Storage objective*

157. Each dwelling will be provided with generous internal storage at basement level, with additional storage at ground floor, ensuring the Standard is met.

*B31 – Design detail objective*

158. The proposed development is contemporary in design and incorporates modern materials, with the use of brickwork referencing more traditional materials in the area. The façade design, including in-set balconies and a combination of light and dark grey tones provides articulation and a visually interesting response which breaks up the massing of the development along all interfaces.
159. The flat roof form matches the roof designs to the north and south, with the window proportions and locations also referencing the modern character of the adjacent dwellings. The location and design of the garages along Brady Street are visually compatible with the development and an acceptable response within the Brady Street environment, with a number of garage doors located directly to the south of the site and further to the east along Brady Street.
160. There are some discrepancies in the material schedule (TP013) and elevations (TP010), with an amended materials schedule not provided when the Section 57A Plans were submitted. To ensure that all details are consistent, an amended materials and finishes schedule can be required via a permit condition, clearly detailing all materials proposed throughout the development to match the amended elevations.
161. Urban Design advice recommended that the solid balcony balustrades be replaced with glazing. This change is not considered necessary, with the small areas of solid balustrade providing a degree of articulation within both the Coppin Street and Murray Street frontages.

The development provides a relatively substantial degree of glazing through the use of large windows, particularly facing north, with the solid finish to the balustrades breaking up the massing of the facades by providing breaks within the glazed areas. This outcome is considered acceptable and the objective of the Standard is met.

*B32 – Front fences objective*

162. A 1.2m high fence will extend along the front (western) and northern boundaries of the site, with the fence constructed of a combination of vertical timber battens and a 'hit & miss' brick design. The height of the fence along Coppin Street will match the existing fence height along this boundary, with an existing solid fence (approximately 1.8m high) along Murray Street replaced with the lower-scale, more permeable design. Views to both street frontages will be available and the objective of the Standard will be met.

*B33 – Common property objective*

163. There is no common property proposed as part of the development.

*B34 – Site services objectives*

164. Bin storage will be provided within each garage, with individual mail boxes within the Murray Street and Coppin Street frontages. The objective of the Standard will be met.

Car Parking/Traffic

*Car Parking*

165. Clause 52.06-2 states that before a new use commences, the number of car spaces specified under Clause 52.06-5 must be provided. The Clause 52.06-5 requirements are outlined below.

Use	Bedrooms	Rate	No. required	No. proposed	Reduction required
7 Dwellings	3 bedrooms	2 resident space to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom)	14	11	3
7 Dwellings		1 space for visitors to every 5 dwellings for developments	1	0	1
Total					4

166. The development requires a reduction of 3 residential and 1 visitor parking space. The reduction in residential parking is considered acceptable, with each dwelling having access to at least 1 on-site car parking space. Four of the seven dwellings would meet the statutory requirement.
167. Council Engineers raised no concerns with the reduction in both residential and visitor car parking, outlining the following;
- (a) Residents would know up-front that each dwelling would contain at least one on-site space.
  - (b) The site is within walking distance of the Bridge Road MAC and good public transport services, with additional trams along Swan Street located 500m to the south of the site;

- (c) Four of the seven dwellings contain mechanical parking in the form of car stacking systems. Based on this, the development does not have spare capacity to practically accommodate a single at-grade on-site space for visitors.
168. Permit parking zones extend along Murray and Brady Street, thereby detracting visitors from parking in these streets, with 2P restricted parking located along both sides of Coppin Street. The restricted parking will allow for regular turnover and available parking spaces for short-term stays, with the western side of Coppin Street providing unrestricted overnight parking. Given this context, it is likely that visitors to the site will be able to find parking in the surrounding area, with Council Engineers raising no objection to the reduction of one visitor space.
169. The internal layout of the individual garages and access to the dwellings from Brady Street is satisfactory, as confirmed in the Engineering comments, who noted;
- (a) *The internal dimensions of each garage satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.*
  - (b) *The submitted swept path diagram provided by MGA Traffic satisfactorily demonstrates the entry and exit movements into and out of a garage for the B85 design vehicle via Brady Street. The on-street parking that takes place on the south side of the street has been factored in the assessment.*
170. As outlined earlier within the report, vehicles parking on the southern side of Brady Street do so partially on the kerb, as shown in the following image. This arrangement is recognised by Council's Engineers and facilitated via the permit parking restrictions along this side of the street. If vehicles were to park fully within the street, there would be inadequate passing room along Brady Street. The proposed access to the new garages will ensure that these car parking spaces are maintained, with Council Engineers confirming that a B85 vehicle could be accommodated within this space.
171. Parking is prohibited along the northern side of Brady Street. No on-street car parking will be impacted by the proposal.



### *Traffic*

172. Council Engineers anticipate traffic generation for the site to be in the order of 4 vehicle trips per dwelling per day, equating to a total of 28 vehicle trips for the overall development. Based on this assessment they stated that these volumes are considered low and should not adversely impact on the capacity of the surrounding road network.

### Objector concerns

173. Concerns raised in the objections have either been discussed previously throughout this report, or are addressed below.

(a) *Demolition of the existing dwelling;*

The land is not affected by the heritage overlay, and the demolition of the existing dwelling does not require a planning permit in accordance with the General Residential Zone.

(b) *Does not respect the neighbourhood character;*

These aspects of the development have been discussed in paragraphs 69 to 80 of this assessment.

(c) *Overdevelopment of the site/excessive height;*

These aspects of the development have been discussed in paragraphs 91 & 92 of this assessment.

(d) *Lack of on-site open space;*

These aspects of the development have been discussed in paragraphs 93-94 & 154-155 of this assessment.

(e) *Potential off-site amenity impacts (overshadowing, loss of daylight, overlooking, noise)*

These aspects of the development have been discussed in paragraphs 129 to 150 of this assessment.

(f) *Loss of car parking spaces on Brady Street;*

These aspects of the development have been discussed in paragraphs 168 to 171 of this assessment.

(g) *Increased traffic impacts.*

This aspect of the development has been discussed in paragraph 172 of this assessment.

### **Conclusion**

174. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Internal Development Approvals Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0730 for development of the land for 7 triple-storey dwellings and a reduction in the car parking requirement at 107 Coppin Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Turco and associates, received by Council on 6 & 8 March 2018 but modified to show:
  - (a) All dimensions to match the 1:200 scale on all drawings, with consistent heights and lengths of all walls shown on all floor plans and elevations;
  - (b) Ventilation for all garages;
  - (c) An amended materials and finishes schedule, demonstrating consistent details with materials and finishes shown on the proposed elevations;
  - (d) Any changes to the plans associated with requirements of the Sustainable Design Assessment outlined at Condition 3;
  - (e) External shading for the second-floor west-facing window in Townhouse 01, such as exterior adjustable blinds, louvers etc.;
  - (f) A horizontal fixed eave over the north-facing windows of the second-floor bedrooms;
  - (g) At least one operable window for each habitable room;
  - (h) The location of food production gardens for each dwelling;
  - (i) Any changes to the plans associated with requirements of the Landscape Plan outlined at Condition 5;
  - (j) The following windows to be screened to a height of 1.7m above the finished floor level and with a maximum transparency of 25%, in accordance with Standard B22 – Overlooking of the Yarra Planning Scheme;
    - (i) Second-floor south-facing bedroom windows of Units 2-7;
    - (ii) First-floor east-facing kitchen window of Unit 7;
    - (iii) Second-floor east-facing bedroom window of Unit 7.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Aaron Paris and dated 20 November 2017 but modified to include or show:
  - (a) An amended BESS report to include;
    - (i) the NatHERS heating and cooling loads, ensuring that the Energy section of the report achieves a minimum 50% best practice score;
    - (ii) An average NatHERS rating of 7 Stars is required;
    - (iii) An updated Water section, to achieve or exceed the required 50% best practice standard;
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Wallbrink Landscape Architecture and dated 20 November 2017, but modified to include (or show):

- (a) Additional detail on the 'permeable paving' with none of this paving type to be provided outside the title boundaries;
  - (b) Further detail on the proposed planters at first floor, including information on the proposed material, height, width, water proofing, soil medium, drainage and irrigation of the planters;
  - (c) The use of natural turf instead of synthetic turf.
6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
    - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
    - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
    - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
  7. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
    - (a) the protection of the proposed trees to be retained on site;
      - (i) pre-construction;
      - (ii) during construction; and
      - (iii) post construction
    - (b) the provision of any barriers;
    - (c) any pruning necessary; and
    - (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.
  8. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
  9. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
  10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
  11. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
    - (a) in accordance with any requirements or conditions imposed by Council;



- (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
13. Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
15. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

18. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

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

**NOTES:**

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

All future property owners, residents and visitors within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

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

**CONTACT OFFICER:** Lara Fiscalini  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5372

**Attachments**

- 1 PLN17/0730 - 107 Coppin Street Richmond - Advertising S57 - Plans
- 2 PLN17/0730 - 107 Coppin Street Richmond - Advertising S57 - Swept Path Diagram
- 3 PLN17/0730 - 107 Coppin Street, Richmond - Landscape Plan
- 4 PLN17/0730 - 107 Coppin Street, Richmond - Amended shadow diagrams - existing conditions
- 5 171130 - Coppin Street, 107, Richmond
- 6 PLN17/0730 - 107 Coppin Street Richmond - UD Comments
- 7 PLN17/0730 - 107 Coppin Street Richmond - UD re-referral 18 April 2018
- 8 PLN17/0730 - 107 Coppin Street Richmond - Engineering comments
- 9 PLN17/0730 - 107 Coppin Street, Richmond - Engineering referral comments

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**1.3 100 Scotchmer Street Fitzroy North VIC 3068 - Planning Application PL09/0904 - Amendment to Planning Permit PL09/0904 to increase the operating hours and patron numbers of the existing use (Cafe) and for the sale and consumption of liquor.**

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**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of an application to amend planning permit PL09/0904 and recommends approval subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 13.04 – Noise and Air
  - (b) Clause 17.01 – Commercial
  - (c) Clause 21.04 – Land Use
  - (d) Clause 22.01 – Discretionary Uses in the Residential 1 Zone
  - (e) Clause 22.05 – Interface Uses
  - (f) Clause 22.09 – Licensed Premises

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Use and strategic justification;
  - (b) Liquor licence, and,
  - (c) Objector concerns.

**Objector Concerns**

4. Fifteen (15) objections were received for the application, the grounds of which can be summarised as:
  - (a) Noise impacts;
  - (b) Anti-social behaviour associated with the service of liquor;
  - (c) Increased car parking pressure;
  - (d) Concerns regarding footpath trading, and;
  - (e) Waste impacts
5. Four (4) letters of support were received for the application, the grounds of which can be summarised as:
  - (a) Proposed licensed/ operating hours are similar to other hospitality businesses in the area;
  - (b) The area is in need of a diversity of businesses.

**Conclusion**

6. Based on the following report, the proposal, subject to conditions, is considered to comply with the relevant planning policy and should therefore be supported.

**Key Recommendation**

7. This report recommends a reduction in the proposed operating hours of the Café use and the proposed hours for the sale and consumption of liquor as follows:

Day	Proposed	<b>Recommended Operating Hours</b>	
		Internal	Courtyard
Monday-Wednesday	6.30am – 5.00pm	6:30am – 5:00pm	7:00am commencement
Thursday and Friday	6.30am – 10.00pm	6:30am – 10:00pm	7:00am commencement
Saturday	8.00am – 10.00pm	8:00am – 10:00pm	8am – 6pm
Sunday	8.00am – 5.00pm	8:00am – 5:00pm	no change

Day	Proposed	<b>Recommended Liquor Licence Hours</b>	
		Internal	Courtyard
Monday-Wednesday	6.30am – 5.00pm	9:00am – 5:00pm	no change
Thursday and Friday	6.30am – 10.00pm	9:00am – 10:00pm	9:00am – 6:00pm
Saturday	8.00am – 10.00pm	9:00am – 10:00pm	9:00am – 6:00pm
Sunday	8.00am – 5.00pm	9:00am – 5:00pm	no change

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

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**1.3 100 Scotchmer Street Fitzroy North VIC 3068 - Planning Application PL09/0904 - Amendment to Planning Permit PL09/0904 to increase the operating hours and patron numbers of the existing use (Cafe) and for the sale and consumption of liquor.**

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Trim Record Number: D18/85238

Responsible Officer: Senior Coordinator Statutory Planning

<b>Proposal:</b>	Amendment to Planning Permit PL09/0904 to increase the operating hours and patron numbers of the existing use (Café) and for the sale and consumption of liquor.
<b>Existing use:</b>	Food and drink premises (café) with no liquor licence
<b>Applicant:</b>	Sebastiano Ghezzi
<b>Zoning / Overlays:</b>	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (Schedule 327)
<b>Date of Application:</b>	04 October 2017
<b>Application Number:</b>	PL09/0904.01

### Planning History

1. Planning Permit PL09/0904 (subject permit) was granted by Council on 28 October 2010 for the *use of the site (including the rear courtyard) as a food and drinks premises (café), part demolition and buildings and works*. The permit allows for a maximum of 49 patrons (with a maximum of 20 patrons in the rear courtyard). The following operating hours were approved:
  - (a) Monday to Friday 7:00am – 5:00pm
  - (b) Saturday and Sunday 8:00am – 5:00pm
2. Planning Permit PL05/0801 was granted on 14 October 2005 to *Develop the land through buildings and works associated with the construction of a front verandah (includes part demolition)*.
3. Planning Permit SP01/0082 was granted on 11 February 2002 for a *Variation of Easement*. Specifically this allowed for the creation of a new easement within 1.2m of the rear boundary for drainage and sewerage purposes.

### Background

#### *Footpath Trading*

4. The business operating at the subject site currently has on-street dining along Scotchmer Street. Any changes to the operating hours and sale/consumption of liquor on the footpath will need to be obtained under a separate process through Council's Local Law Department. This planning application therefore does not pertain to the footpath trading.

### Existing Conditions

#### Subject Site

5. The subject site is located on the south-western corner of Scotchmer and Egremont Streets in North Fitzroy. The site has a 6.3m frontage to Scotchmer Street, and a 22.6m frontage to Egremont Street, yielding a total area of approximately 139sqm.

6. A two storey, brick shop building exists on the site, constructed to the northern, western and eastern boundaries. The site is currently operating as a food and drink premises (café) associated with current Planning Permit PL09/0904. Internally, the café consists of a seating area at the front of the site, food preparation areas, a kitchen and two toilets. An outdoor courtyard is located at the rear of the built form which is predominantly covered by the balcony of the first floor dwelling at the subject site. The subject site forms the eastern half of a Victorian-era pair of shop buildings.
7. At first floor is a shop-top dwelling with access from Egremont Street. The secluded private open space (**SPOS**) associated with this dwelling is located directly above the ground floor courtyard of the cafe. This residence is not part of the application.
8. There are a number of entrances to the site along Egremont Street. The northernmost is a single door that leads to a set of stairs to a dwelling at the first floor. The second entrance is a double gate to the courtyard (gate that forms part of this application as discussed previously). Finally, there is a single wooden gate that leads to the area identified as a drainage and sewerage easement on the title provided.



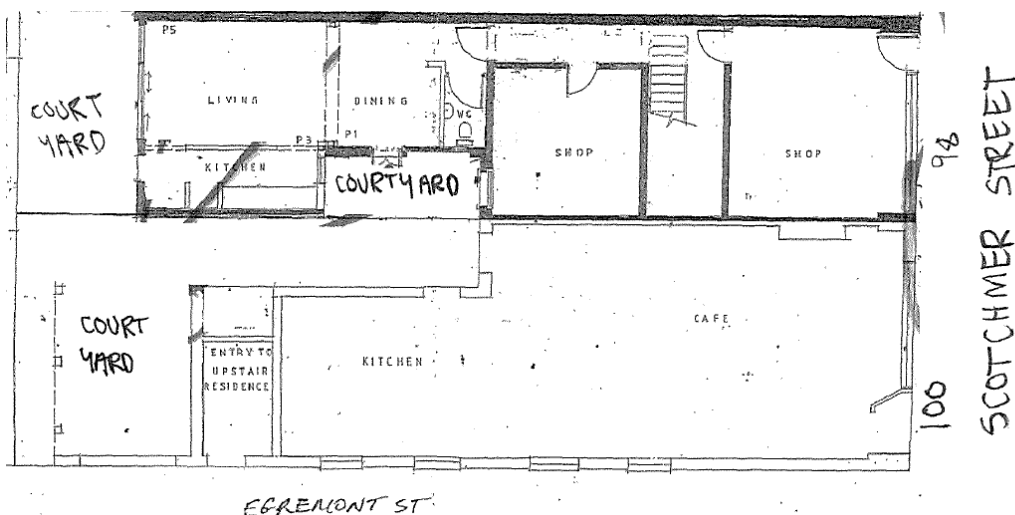
Figure 1: The subject site at the intersection of Scotchmer and Egremont Streets.



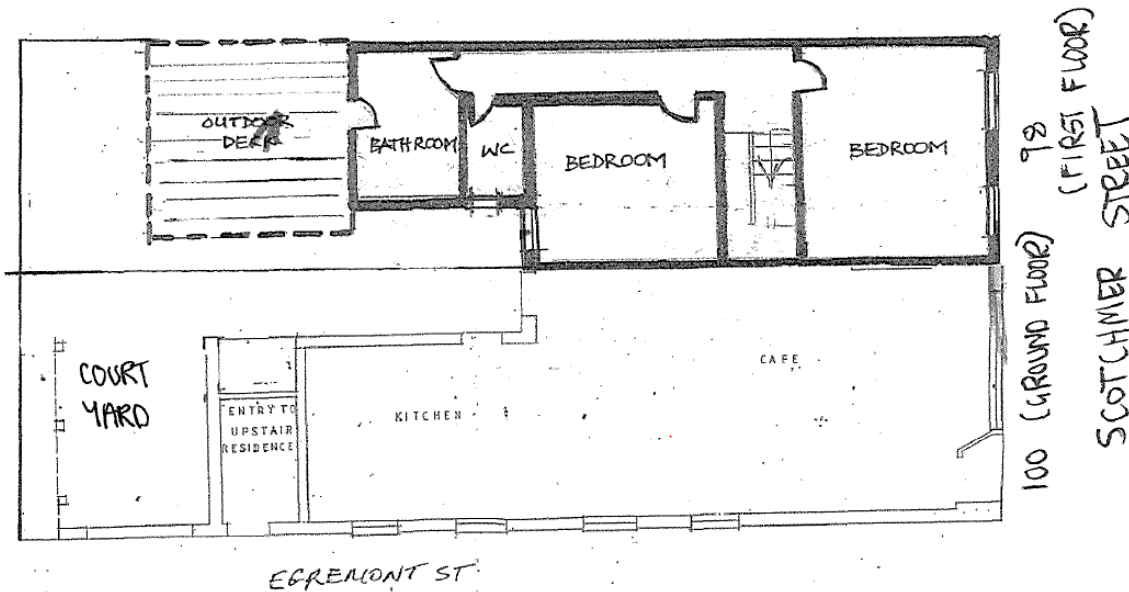
Figure 2: The subject site (centre) as it fronts Egremont Street. The south-adjointing property is seen in the foreground

### Surrounding Land

9. The immediate surrounding area is mixed in nature, with the subject site being on the boundary of the Commercial 1 Zone, itself being within the Neighbourhood Residential Zone. The site is located on the south-western corner of Scotchmer and Egremont Streets, with Scotchmer Street containing a mix of residential and commercial uses. Egremont Street is low scale and residential in nature. A number of commercial uses along Scotchmer Street are located within the Neighbourhood Residential Zone, including:
  - (a) A second hand bookstore located at No. 98 Scotchmer Street (the west-adjointing property);
  - (b) The Sortino Social Club located at No. 101 Scotchmer Street (located opposite the subject site to the north);
  - (c) A pet supplies store located at No 76 Scotchmer Street, 80m east of the subject site, and;
  - (d) A jewelry store located at No. 55 Scotchmer Street, further east.
  
10. The architecture along parts of Scotchmer Street is mixed and includes numerous double storey shop-buildings of the Victorian-era with zero front setbacks and glazing fronting the street. This creates an urban environment along Scotchmer Street that lends itself to commercial uses, including within the Neighbourhood Residential Zone.
  
11. To the east of the subject site, land is zoned Commercial 1 and forms the Fitzroy North Neighbourhood Activity Centre (**NAC**) which includes a number of commercial businesses along Scotchmer Street, Best Street and St Georges Road. Businesses cater to the surrounding area and include a mix of retail premises (including supermarket Piedemonte's) and a number of cafes, restaurants and bars. A tram stop for route 11 is located at the corner of Scotchmer Street and St Georges Road.
  
12. *98 Scotchmer Street, Fitzroy North*  
 To the west of the subject site is a double-storey Victorian-era shop building which, together with the subject site, forms a Victorian-era pair complete with shared front verandah. Similar to the subject site, the site is being used for commercial purposes at ground floor (a second hand bookshop named 'Already Read Books') and a dwelling above. As illustrated by figures 3 and 4 below:
  - (a) The shop comprises the front two rooms at ground floor;
  - (b) The dwelling comprises the rear section of the ground floor, including a dining room and associated courtyard which faces the subject site and a south-facing living area and rear courtyard;
  - (c) The dwelling also occupies the entire first floor of the site and includes two bedrooms – one fronting Scotchmer Street and one with a south-facing window. The dwelling's primary area of SPOS is located at the rear first floor balcony which has an interface with both the rear courtyard of the subject site and the first floor balcony of the dwelling above the subject site.



**Figure 3:** The ground floor layout of No. 98 Scotchmer Street and the subject site.



**Figure 4:** The first floor layout of No. 98 Scotchmer Street compared to the ground floor layout of the subject site.

13. Further west is generally comprised of single-storey dwellings on the southern side of Scotchmer Street that typically feature modest front setbacks and small areas of SPOS towards the rear of each lot.
14. *102-106 Scotchmer Street, Fitzroy North*  
To the east of the subject site (on the opposite side of Egremont Street) is a double-storey building of the Victorian-era fronting Scotchmer Street. The front section of the building appears commercial with zero front setback and glazing to the street. Towards the rear, however, a former industrial use is evident with a saw roof for the southern half of the site. The building has previously been used as a veterinary clinic however is currently vacant. Planning application PLN18/0066 is currently being considered by Council for the use of the land as a Place of Assembly, the sale and consumption of liquor and a reduction in the car parking requirements. The use is proposed to operate with a maximum of 100 patrons between the hours of 10am to 11pm (Monday to Saturday) and 10am to 10pm (Sunday). It should be noted that this site is located within the Commercial 1 Zone.
15. *35 Egremont Street, Fitzroy North*  
To the south of the subject site is a three-storey converted-warehouse dwelling with a two-storey wall constructed to the common boundary with the subject site. Further details of the interface with the subject site include:
  - (a) A garage a ground floor (accessed via Egremont Street);
  - (b) A balcony at first floor which is open to the sky but enclosed by the walls of the original building. The balcony has an opening to Egremont Street but does not have any openings to the subject site.
  - (c) Second-floor rooms that are set back approximately 2m from the subject site and have no openings facing the subject site. This floor, however, does have a large window facing Egremont Street as well as a door leading to a second-floor balcony in the southeast corner of the lot.
16. Further south is generally comprised of single storey residential dwellings on both side of Egremont Street which typically feature modest front setbacks, habitable rooms fronting the street and rear areas of SPOS.

**The Proposal**

17. To amend Planning Permit PL09/0904 in the following ways:
  - (a) Provide for the sale and consumption of liquor (under a Restaurant and Café Licence);
  - (b) Increase the number of patrons from 49 to 58, and;



- (c) Extend the operating hours of the existing use (Café) as follows:
- |       |                     |                  |
|-------|---------------------|------------------|
| (i)   | Monday to Wednesday | 6:30am – 5:00pm  |
| (ii)  | Thursday and Friday | 6:30am – 10:00pm |
| (iii) | Saturday            | 8:00am – 10:00pm |
| (iv)  | Sunday              | 8:00am – 5:00pm  |

### **Legislative Provisions**

18. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act). Section 72 of the Act states:
- (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
- (2) *This section does not apply to—*
- (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
- (b) *a permit issued under Division 6.*
19. The original Planning Permit PL09/0904 was issued on 28 October 2010 and was not issued at the direction of the Tribunal or under Division 6 of the Act.
20. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit. Accordingly, the relevant sections will be addressed in this report.

### **Planning Scheme Provisions**

#### Zoning

21. *Neighbourhood Residential Zone (Schedule 1)*  
Pursuant to Clause 32.09-1 of the Yarra Planning Scheme (the Scheme), the use of the land as a food and drink premises is a Section 2 use, requiring a planning permit. As set out earlier in the report, the food and drink premises (cafe) is operating under an existing planning permit.

#### Overlays

22. *Heritage Overlay (Schedule 327) (North Fitzroy precinct)*  
The proposal will not trigger a planning permit under the Heritage Overlay provisions as there are no buildings and works, demolition or signage proposed.

#### Particular Provisions

23. *Clause 52.27 – Licensed Premises*  
Pursuant to Clause 52.27 (Licensed Premises) of the Scheme, a planning permit is required to use land to sell or consume liquor if *a licence is required under the Liquor Control Reform Act 1998*.

#### General Provisions

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

Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is provided later in this report.

#### State Planning Policy Framework (SPPF)

25. The following SPPF provisions of the Scheme are relevant:

*Clause 13.04 – Noise and Air*

26. The relevant objective of this clause is:  
(a) To assist the control of noise effects on sensitive land uses.

*Clause 17.01 - Commercial*

27. The relevant objective of this clause is:  
(a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

28. The relevant strategy of this clause is to:  
(a) *Locate commercial facilities in existing or planned activity centres*

#### Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land Use*

29. The relevant objectives of this clause are:  
(a) To reduce potential amenity conflicts between residential and other uses.  
(b) To increase the number and diversity of local employment opportunities.

*Clause 21.08-8 – Fitzroy North*

30. The following relevant element is offered at this clause:  
(a) *The North Fitzroy Village neighbourhood activity centre is a mixed use centre with strong convenience retailing located on St Georges Road. Further north along St Georges Road is the North Fitzroy neighbourhood activity centre. This centre provides a number of specialist business services. Linkages between the two parts of the centre should be improved.*

#### Relevant Local Policies

*Clause 22.01 – Discretionary Uses in the Residential 1 Zone*

31. This policy seeks to ensure that residential amenity is not adversely affected by non-residential uses. The following policies are relevant:  
(a) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*  
(b) *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*  
(c) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*  
(d) *Noise emissions should be compatible with a residential environment.*

*Clause 22.05 – Interface Uses Policy*

32. This policy applies to applications for use and development within a Residential Zone and within 30 metres of an existing business. The policy comprises various considerations and decision guidelines for non-residential use and development located near residential properties relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential properties.

*Clause 22.09 – Licensed Premises*

33. The following objectives of this clause are relevant:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises;*
  - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues, and;*
  - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
34. The following relevant policies are outlined and categorised below:

*Location and Access*

- (a) *Licensed premises should be located where:*
- (i) *The land is not zoned Residential (excluding the Mixed Use Zone);*
  - (ii) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered;*
  - (iii) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises, and;*
  - (iv) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*

*Venue Design*

- (b) *The entry and exits points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.*
- (c) *Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.*

*Hours of Operation*

- (d) *Licensed premises in a Residential zone (other than a Mixed Use Zone) should not provide for the sale and consumption of liquor beyond 8pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area;*
- (e) *Deliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.*
- (f) *Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday;*
- (g) *An assessment of the impact of the hours of operation on the amenity of nearby properties and the surrounding area must consider:*
  - (i) *The proposed use and licence type.*
  - (ii) *The zoning of surrounding land.*
  - (iii) *The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.*
  - (iv) *The nature of surrounding uses and hours of operation.*
  - (v) *Potential noise emissions from the premises.*
  - (vi) *The impact of patrons arriving and leaving the premises, including...Any cumulative impact on the amenity of the area.*

*Patron Numbers*

- (h) *The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).*
- (i) *The number of patrons reflects the strategic and physical context of the site and will not adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impact.*

#### *Noise*

- (j) *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
- (k) *Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.*
- (l) *On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.*
- (m) *Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.*

#### *Noise and Amenity Action Plan*

- (n) *Where required, licensed premises are managed in accordance with a Noise and Amenity Action Plan (NAAP).*

### **Advertising**

- 35. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* (the Act) by way of letters sent to the surrounding property owners/occupiers and by two signs on the site.
- 36. Fifteen (15) objections were received for the application, the grounds of which can be summarised as:
  - (a) Noise impacts;
  - (b) Anti-social behaviour associated with the service of liquor;
  - (c) Increased car parking pressure;
  - (d) Concerns regarding footpath trading, and;
  - (e) Waste impacts
- 37. Four (4) letters of support were received for the application, the grounds of which can be summarised as:
  - (a) Proposed licensed/ operating hours are similar to other hospitality businesses in the area;
  - (b) The area is in need of a diversity of businesses.
- 38. Following the advertising period, a consultation meeting was held on 30 January 2018 and attended by the Applicant, approximately 10 objectors and Council officers. No resolutions were reached at the meeting.

### **Referrals**

#### External Referrals

- 39. The application was not required to be referred to any external authorities under Section 66 of the Scheme.

#### Internal Referrals

#### *Amenity Enforcement Unit*

40. The following advice was provided:  
*The compliance branch has not received any recent complaints in relation to amenity concerns at the above address. Considering the hours proposed are between 8am-5pm (Sunday), 6:30am-5pm (Mon-Wed) and no later than 10pm (Thurs-Fri-Sat) for a café with a maximum of 58 patrons, the compliance branch does not have any concerns with the proposed liquor licence.*

*Social Planning Unit*

41. The following advice was provided:  
*A Restaurant and Café liquor licence requires the predominant activity, at all times, to be the preparation and serving of meals for consumption on the premises. It also requires tables and chairs to be available for at least 75% of patrons attending the premises at any one time. The floor plan provided does not seem to allow for 75% seating for the patrons proposed. Additionally, confirmation should be sought to ensure that the outdoor seating is not included in the calculation given that it is exposed to the elements and therefore not always available for usage. The seating requirement should also be included as a condition on any amended planning permit issued, and the licence type should also be clearly stated (restaurant and café) to ensure it is clear in the event that they apply for changes in the future (change of licence type is a planning permit trigger).*

*Council's draft licenced premises policy (adopted by Council on 15 August 2017) states that licensed premises should not commence the sale and consumption of liquor before 9am. Consideration should therefore be given to restricting commencement hours of 9am, rather than the earlier commencement proposed. The draft policy also makes reference to timeframes for deliveries and waste collection.*

## **OFFICER ASSESSMENT**

42. The primary considerations for this assessment are as follows:
- (a) Use and Strategic justification
  - (b) Liquor Licence
  - (c) Objector concerns.

### Use and Strategic Justification

43. The proposal is generally considered to be consistent with relevant provisions of the State and local planning policy frameworks in relation to economic development, and will not impact on the orderly planning of the area, subject to the reduced patrons numbers and hours of operation/ liquor discussed in more detail later in this report.
44. The State and Local Planning Policy Framework pursues the sustainability of commercial uses. These policies encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts.
45. Specifically, Clauses 13.04-1, 21.04-2 and 22.05 identify that noise and the interface between uses must be managed appropriately, particularly in a municipality such as Yarra where *'almost all residents are within 400m of an activity centre... Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted'* (Clause 21.04-2).
46. The subject site is located within a Neighborhood Residential Zone (NRZ) but is also proximate to the Commercial 1 Zone (which commences at the opposite side of Egremont Street at No.102 Scotchmer Street). Refer to figure 5 below.

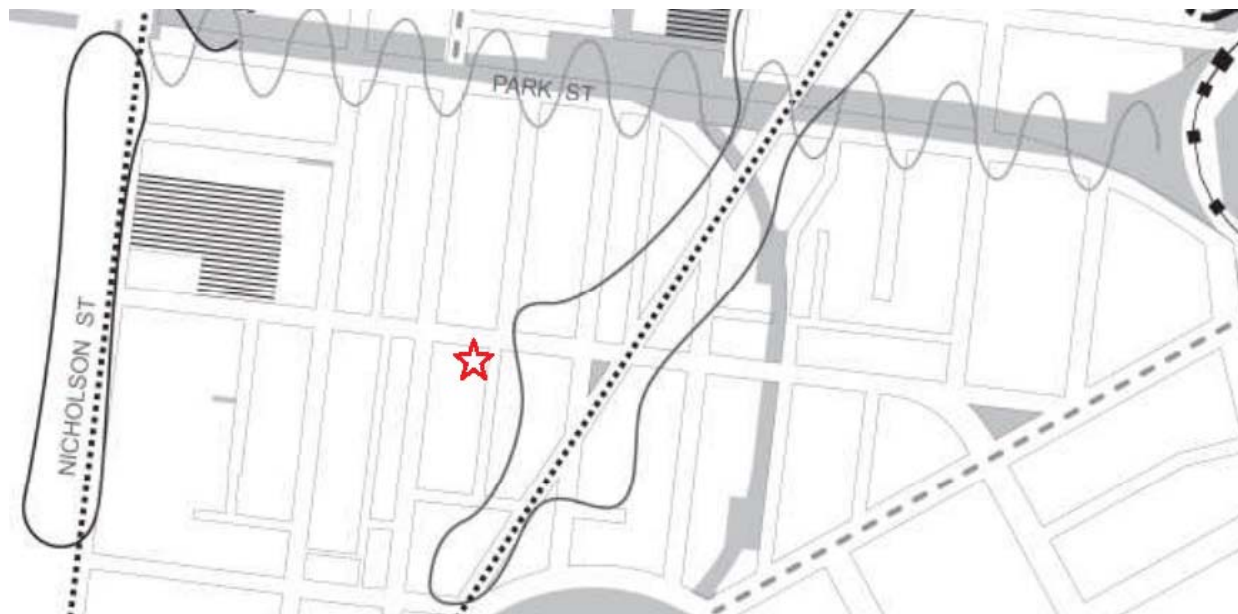


**Figure 5:** The zoning of the subject site and surrounding land: pink depicts the NRZ while purple shows the C1Z.



**Figure 6:** Looking south along Scotchmer Street: the subject site (red) is within the NRZ; properties to the east (purple) are within the C1Z. The area shown in blue is the western extent of the Fitzroy North Neighbourhood Activity Centre.

47. As depicted by figures 7 below, the site is within proximity to two activity centres:
  - (a) the Fitzroy North Neighbourhood Activity Centre (approximately 20m east), and;
  - (b) the Carlton North Neighbourhood Activity Centre (approximately 400m west).
  
48. Figure 6 above shows the commercial nature of the subject site and its similarity and connection to commercial buildings within the Fitzroy North Neighbourhood Activity Centre.



**Figure 7:** The subject site and its proximity to the Fitzroy North Neighbourhood Activity Centre (east) and the Carlton North Neighbourhood Activity Centre (west).

49. The purpose of the Neighborhood Residential Zone includes *‘to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations’*. The increased operating hours associated with the existing Café use will enhance the ability of the business to *‘provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations’*. The proposed hours of operation have been compared to the existing hours of operation for the existing Café use in the table below:

Day	Existing hours	Proposed hours	Increase of hours
Monday - Wednesday	7:00am to 5:00pm	6:30am to 5:00pm	0.5 hours
Thursday and Friday	7:00am to 5:00pm	6:30am to 10:00pm	5.5 hours
Saturday	8:00am to 5:00pm	8:00am to 10:00pm	5 hours
Sunday	8:00am to 5:00pm	8:00am to 5:00pm	None

50. Given the residential zoning and the subject site’s proximity to the Commercial 1 Zone, activity centres and sensitive residential uses, a balanced assessment of the proposal is required.
51. Nearby residential properties are within proximity to both commercially-zoned land and the Fitzroy North Activity Centre. As such, these properties are not considered to have the same amenity expectations as would properties in the residential hinterland, such as within eastern sections of Clifton Hill, for example. Using the same logic, non-residential uses within the residential zone must respect the reasonable amenity of nearby residential uses and cannot expect to have the same operating capacity as a non-residential use within a commercial zone.
52. Clause 22.01 of the scheme provides policy guidelines for non-residential uses within the Residential 1 Zone so as to protect residential amenity. A key policy at this clause is that non-residential uses should be limited to 8am-8pm. The proposed extension to the operating hours, with recommended reduced hours (outlined in the following paragraph), would allow for a closing time of 10pm internally on Thursday, Friday and Saturday nights. In conjunction with independent acoustic advice received, this is considered appropriate as it is not anticipated to result in unreasonable noise impacts for nearby dwellings whilst still providing a reasonable operating capacity for a commercial use in proximity to the Commercial 1 Zone and an activity centre.

53. The proposed hours of operation for the rear courtyard have the potential to result in unreasonable noise impacts to nearby residential properties – an issue that was confirmed by independent advice sought from an external acoustic engineer (discussed further in a later section of this report). As such, it is recommended that the rear courtyard operating hours have the following reductions (should an amended permit issue):
- (a) Operating hours to be restricted for the rear courtyard to no earlier than 7am, seven days a week, and;
  - (b) Operating hours to be restricted no later than 6pm on Thursdays, Fridays and Saturdays.
54. The recommended hours for the rear courtyard are considered to strike an appropriate balance between competing policy objectives for both residential amenity protection and the facilitation of local employment opportunities. It is considered that the recommended operating hours will allow the existing business to continue to meet the needs of the surrounding area, while not unreasonably affecting the amenity of residents. In order to achieve the State and Local Planning Policy Frameworks, Council policy seeks to *'provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres'*.
55. The proposal is generally compliant with Council's vision and neighbourhood strategies in that the proposal will provide ready access to a use that serves the needs of the local community and will not prejudice the needs of the surrounding activity centres, as identified in Clauses 21.03 and 21.08 of the Scheme.
56. The proposal is considered to somewhat be in accordance with local policy at Clause 22.01 given that:
- (a) the subject site is a Victorian-era shop building and is thus a preferred location for non-residential uses.
  - (b) Noise emissions will be compatible with a residential environment (subject to conditions - as outlined in greater detail later within this report).
57. The proposal, however, is not in accordance with all elements of this policy, including:
- (a) The subject site does not have access to a Road in a Road Zone. This is considered to be of minimal consequence given that the application is for an amendment to an existing non-residential use and the site's proximity to activity centres.
  - (b) Car parking is not provided on site, however this is irrelevant as the scope of the amendment does not include car parking considerations;
  - (c) The hours of operation do not comply with the suggested 8am-8pm. Subject to the recommended conditions outlined above, the proposed hours would be appropriate for the site and context.
58. It is thus submitted that the proposal meets policy objectives within Clause 22.01.
59. The amendment seeks to increase the patron numbers associated with the Café use from 49 to 58 patrons. As outlined in greater detail at paragraphs 82-85, an increase in patron numbers beyond 49 would not comply with relevant VCGLR requirements and is therefore not supported. Should an amended permit issue, it is recommended that the number of patrons (49) remains unchanged.

#### Liquor Licence

60. Clause 22.09 (Licensed Premises Policy) and Clause 52.27 (Licensed Premises) provide the relevant guidance in relation to considerations of the proposed sale and consumption of liquor on off-site amenity impacts, including cumulative impacts. Clause 22.09 of the Scheme is Council's local policy to guide the assessment of new or extended licensed premises within the municipality. It contains six key elements that will be considered in the following section. In addition, Cumulative impacts will be discussed at the end of this section of the report.



61. It should be noted that the applicant did not originally state which category of liquor licence was being applied for. During the application process, the applicant confirmed in writing that the intended liquor licence category is a Restaurant/Café licence. This is recommended to be included in the permit preamble, should an amended permit issue. This recommendation is also in accordance with advice received from Council's Social Planning Unit. Given this category, relevant VCGLR regulations will require that liquor is only served in conjunction with meals.

#### *Location and Access*

62. The subject site is located on a corner allotment within the Neighbourhood Residential Zone and in proximity to two activity centres, with a mix of both commercial and residential uses in nearby. Whilst Clause 22.09 states that *licensed premises should be located where the land is not zoned residential*, the location in this instance is considered appropriate given the aforementioned site context and proximity of multiple alternative transport modes.
63. In addition, the café is located within a commercial building and is already operating under the existing Planning Permit PL09/0904. The use has been operating for a number of years (albeit under a different business), with no complaints on record with Council's Compliance branch. The existing business model operates primarily as a local venue serving meals and catering for the local community. With the inclusion of the recommended reduced licensed hours, liquor is anticipated to complement the existing café use rather than change the venue to a bar or night club.
64. The main pedestrian entrance into the cafe is from Scotchmer Street. The site also has a side gate on Egremont Street at the rear courtyard which is within direct proximity to dwellings on Egremont Street. In contrast, the Scotchmer Street access point fronts the principal street and other commercial uses. It is considered that the Scotchmer Street entrance will function as the primary entrance which will generally limit patron ingress/egress to the less sensitive Scotchmer Street interface.
65. The prominence of the Scotchmer Street entrance and the windows fronting the street will allow for a reasonable level of surveillance of patrons as they enter and exit the premises. Given the proximity and direction of public transport options and the North Fitzroy Neighbourhood Activity Centre, patrons departing the premises are more likely to head east, which allows patrons easy access to trams, taxis and retail and hospitality services. Given the surrounding zoning, east is the least sensitive direction.

#### *Venue Design*

66. The decision plans do not show any changes to the built form of the subject site. The applicant's acoustic report recommends that acoustic screening be provided for the rear courtyard. The acoustic screening for the rear courtyard is considered to have been recommended by the acoustic engineer as part of the justification of allowing trading until 10pm in the rear courtyard. Given the significant reduction to 6pm for the rear courtyard, the acoustic screening is not considered to be necessary for inclusion as permit conditions, should an amended permit issue. If the applicant wishes to pursue acoustic screening, this can be applied for in a subsequent permit application.
67. Toilet facilities are located to the north of the rear courtyard, however patrons will enjoy convenient access to these via the rear door of the main building. The first floor of the shop-top dwelling cantilevers over part of the path from the rear exit to the toilets. No unreasonable amenity impacts are anticipated in association with the rear toilets.

68. A smoking area cannot be provided on-site given the high site coverage and the fact that the rear courtyard is largely covered by the first-floor balcony of the shop top dwelling. Regardless, smoking at the site will not be possible due to the Restaurant/ Café licence type, which prescribes that liquor be served in conjunction with meals only. With current smoking laws, this will prevent patrons from smoking on the premises, including the footpath trading area along Scotchmer Street.
69. The decision plans show that bins will continue to be stored along the rear of the site, accessible from Egremont Street. Including the recommended reductions contained within this report, should an amended permit issue there would be no increase in patrons numbers and a limited increase in the licensed hours. As such, a Waste Management Plan is not considered necessary in this instance. The amended use, however, would be required to comply with the following, should an amended permit issue:
- (a) the general amenity condition which is included on the current Planning Permit PL09/0904, and;
  - (b) a standard permit condition that would restrict the emptying of glass bottles into bins to between the hours of 8am and 8pm.

*Hours of Operation*

70. The application seeks the sale and consumption of liquor during the following hours:

Day	Proposed hours
Monday - Wednesday	6:30am to 5:00pm
Thursday and Friday	6:30am to 10:00pm
Saturday	8:00am to 10:00pm
Sunday	8:00am to 5:00pm

The proposed licensed hours shown above are not considered to be in accordance with Council’s Licensed Premises policy. Recommended hours for the sale and consumption of liquor have been provided in the table below:

Day	Recommended licence hours	Adjusted Recommendation (Rear Courtyard)
Monday - Wednesday	9:00am – 5:00pm	no change
Thursday and Friday	9:00am – 10:00pm	9:00am – 6:00pm
Saturday	9:00am – 10:00pm	9:00am – 6:00pm
Sunday	9:00am – 5:00pm	no change

71. The recommended hours shown above are based primarily on the potential for noise impacts, and as such, the large share of noise-impact discussion is contained within this section of assessment.
72. Noise impacts form a critical part of the application’s assessment. The applicant’s submitted acoustic report identifies the following properties as the most sensitive noise receivers:
- (a) 100 Scotchmer Street (dwelling located at first floor of subject site)
  - (b) 98 Scotchmer Street (dwelling to the west of the subject site, at rear section of ground floor and entire first floor);
  - (c) 35 Egremont Street (dwelling to the south of the subject site)
73. Council’s independent acoustic peer review found the following additional properties to also be sensitive noise receivers:
- (a) 34 and 36 Egremont Street - dwellings located on the eastern side of the street, respectively 15m and 19m to the southeast of the subject site.
74. The applicant’s acoustic report found that the proposed hours of operation/ licensed hours would be appropriate on the following assumptions:

- (a) *Access door to the rear courtyard shall incorporate self-closing mechanism and remain closed after 6pm;*
  - (b) *Trading should be limited to the proposed hours and the rear courtyard vacated between 10pm and 7am – this means that the courtyard would need to be closed between 10pm and 7am the following day);*
  - (c) *Any music associated with the development will be limited to background music below conversation level;*
  - (d) *Install additional screening around the exiting deck in the rear courtyard area to create an enclosed space for the rear courtyard, suitable materials includes imperforate solid sheeting such as fibre cement sheet, Colorbond sheeting, Perspex glass etc.*
75. Council's independent peer-review of the submitted acoustic report found a number of issues with the document, including the following:
- (a) Acoustic levels had been predicted rather than measured;
  - (b) The appropriateness of the acoustic data input was questioned;
  - (c) Nos. 34 and 35 Egremont Street were not included as sensitive noise receivers.
76. In summary, the peer review did not raise issues with the proposed extended operating hours within the building to 10pm on Thursday through Saturday. The main area of concern was the use of the rear courtyard and its potential for unreasonable noise impacts during the evening period. The peer review recommended that an earlier close time for the rear courtyard be included as a condition. Following these findings, the applicant was provided with an opportunity to produce a revised acoustic report that addressed the peer-review's concerns. The applicant chose not to take this opportunity and instead elected that the application proceed without a revised acoustic report.
77. Given that the peer review found so many issues with the submitted acoustic report, it is not recommended that the document be endorsed to form part of the amended permit (should one issue). The clear issue from Council's peer review was the closing time for the rear courtyard. It is therefore recommended that the rear courtyard be restricted to vacate at 6pm on Thursday, Friday and Saturday, instead of the proposed 10pm. The 6pm restriction to the courtyard is considered to provide a balanced outcome given the following:
- (a) The proximity of residential uses to the site and the potential for unreasonable noise impacts. SEPP N-1 guidelines show that 6pm marks the commencement of the *evening* period on weekdays. Therefore the recommended 6pm restriction will ensure that the courtyard area is vacated during weekday evening periods, ensuring reasonable protection of amenity for nearby dwellings;
  - (b) The peer review of the applicant's acoustic report found a number of issues and questioned the appropriateness of the proposed courtyard hours. With this advice, and in the absence of a revised acoustic report addressing these issues, it is considered essential to significantly reduce the courtyard hours so as to ensure reasonable protection of amenity for nearby dwellings.
78. Clause 22.09-3 of the scheme recommends that licensed premises not provide for the sale and consumption of liquor beyond 8pm for venues in a Residential Zone. With a closing time of 10pm, the proposal exceeds the recommendation by two hours on Thursday, Friday and Saturday evenings (indoors only). Sunday through Wednesday, the sale/consumption of liquor will cease at 5pm – three hours earlier than the recommended maximum 8pm. Further, as outlined earlier, Council's peer-review of the submitted acoustic report did not raise any concerns with the proposed 10pm closing time for Thursday-Saturday and it is considered that the building associated with the café will provide reasonable noise attenuation for nearby dwellings.
79. With regards to the use of the rear courtyard, the recommended hours put a significant reduction in the sale and consumption of liquor within the rear courtyard – with a maximum of 6pm Thursday through Saturday – two hours earlier than the recommended maximum.

In summary, the recommended closing hours for the sale and consumption of liquor have been formulated to allow for reasonable protection of residential amenity and are considered to be generally in accordance with Council's liquor policies.

80. The policy also recommends that licensed premises should not commence the sale and consumption of liquor before 9am. The Applicant has not distinguished between operating hours for the café use and the licensed hours. As such, it is assumed that the proposed licensed hours commence at 6:30am Monday-Friday and 8am weekends. This is not supported by local policy or Council's Social Planning Unit, who commented that the liquor hours should not commence prior to 9am. In light of these considerations, revised commencement hours for the liquor licence are recommended, which can be included as a condition, should an amended permit issue. It should be noted that this recommendation will not affect the proposed operating hours of the café use, i.e. it would only restrict the sale and consumption of liquor to be no earlier than 9am.
81. Given the existing site conditions, site context and additional measures to minimise noise (see noise section of this report below), the recommended hours of operation are not anticipated to result in unreasonable amenity impacts to the surrounding area and are therefore considered acceptable.

#### *Patron Numbers*

82. This section of Clause 22.09 states:

*The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).*

83. The application seeks to provide the sale and consumption of liquor to a maximum of 58 patrons.
84. In accordance with the aforementioned VCGLR Factsheet, a Café and Restaurant Licence must ensure that 75% of patrons have access to a table and seat at any given time. The plans show a total of 37 seats within the title boundaries of the site. On this basis, a maximum of 58 patrons would mean that only 64% of patrons have access to a seat and table, failing the requirement for a Café/ Restaurant Licence. A maximum of 49 patrons would see this ratio increased to over 75%. Therefore, should an amended permit issue, the maximum number of patrons for the sale and consumption of alcohol should be provided for a maximum of 49 patrons. This recommendation is consistent with advice received from Council's Social Planning Unit.
85. The recommended maximum of 49 patrons would comply with both the relevant Building Regulations and Liquor Licence regulations, and is therefore considered appropriate for the site and context. It should be noted that the existing café use has a maximum of 49 patrons permitted under the current planning permit. As such, the recommended patron numbers would not result in any increase of patrons permitted on the premises, should an amended permit issue.

#### *Noise*

86. Noise considerations have been largely assessed in the *Hours of Operation* section of this assessment so as to provide a basis for the recommended operating/licensed hours. In summary, Council's independent peer-review of the Applicant's acoustic report found multiple concerns and found that the use of the rear courtyard until 10pm Thursday-Saturday would likely result in unreasonable noise impacts to nearby dwellings. As such it is recommended that the use of the rear courtyard have a maximum closing time of 6:00pm.

87. In addition to the above, the peer review did not object to the proposal for a closing time of 10pm internally, and is thus considered to protect reasonable amenity of nearby dwellings.
88. In addition to the recommended restrictions for the use of the rear courtyard, a number of further conditions are recommended to minimise noise impacts:
- (a) Music that is played will be limited to background levels and inside the premises only.
  - (b) No external speakers to be located within the courtyard.
  - (c) Conditions will require that the noise from the premises must comply with EPA requirements, notably SEPP N-1 and N-2 which control commercial noise and music from public premises.
  - (d) The emptying of glass bottles in garbage must not occur before 8am on any day or after 8pm on any night – this is a Standard planning condition that is used to minimise the associated noise impacts.
  - (e) Before the commencement of the sale and consumption of liquor, the applicant must display a sign at the exit of the premises reminding patrons to minimise noise as they exit.
89. In summary, the recommended reduced hours for use of the courtyard, combined with the recommended conditions above are considered to provide for reasonable noise protection of nearby dwellings whilst at the same time allowing for a reasonable operating capacity for commercial use in proximity to the Commercial 1 Zone and activity centres.

*Noise and Amenity Action Plan*

90. Given that the amendment application is associated with a café, a Noise and Amenity Action Plan was not required to be submitted as part of the application, in accordance with Clause 22.09.

*Cumulative Impacts*

91. It is necessary to give consideration to potential cumulative impacts associated with a proposal for a new or expanded liquor licence as outlined at both Clauses 22.09 and 52.27. The 'Corner Hotel' decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) provides a potential assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours), the required level of assessment will vary.
92. Since the 'Corner Hotel' decision, Council has developed an assessment tool to determine the likelihood of cumulative impacts occurring as a result of a proposal based on risk factors associated with the type of premises, size of premises and closing hours of the premises, to help determine what level of assessment is appropriate.
93. It is considered that a cumulative impact assessment is not warranted for this application, as the proposal scores a total of one on the determinative risk factors. Applying the matrix of risk below, a reasonable consideration would suggest that a score of one to three would be no risk, but that a score higher than three would be a potential risk and require a cumulative impact assessment.

Type of Premise	Risk Factor
<b>Café / Restaurant</b>	<b>0</b>
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2

Size of Premise	Risk Factor
<b>0 – 49 patrons</b>	<b>1</b>
50 – 99 patrons	1
100 – 199 patrons	2
200+	3

Closing hours	Risk factor
<b>11pm</b>	<b>0</b>
12am	1
1am	2
2am	3
3am	3
After 3am	4

94. Overall, it is anticipated that the venue's potential to contribute to a negative cumulative impact will be limited (score of 1), provided that the conditions discussed throughout this report aimed at minimising any off-site amenity impacts are applied to any amended planning permit that issues and the recommendations contained within this report are complied with.

#### Summary of Recommendations

95. The proposed increase in patron numbers (from 49 to 58) is not supported from a planning perspective.
96. The operating/licensed hours that are proposed by the application are not fully supported from a planning perspective.
97. These recommendations have been elaborated upon further within earlier sections of the report. For the sake of clarity, the proposed hours/patron numbers and recommended hours/patron numbers are shown below. Note that the recommended liquor licence hours are separate to the recommended operating hours.

#### *Proposed Operating/ Liquor Licence Hours*

Day	Proposed hours
Monday-Wednesday	6:30am – 5:00pm
Thursday and Friday	6:30am – 10:00pm
Saturday	8:00am – 10:00pm
Sunday	8:00am – 5:00pm

#### *Recommended Operating Hours*

Day	General Recommendation	Adjusted Rear Courtyard Recommendation
Monday-Wednesday	6:30am – 5:00pm	7:00am commencement
Thursday and Friday	6:30am – 10:00pm	7:00am commencement
Saturday	8:00am – 10:00pm	8am – 6pm
Sunday	8:00am – 5:00pm	no change

#### *Recommended Liquor Licence Hours*

Day	General Recommendation	Adjusted Rear Courtyard Recommendation
Monday-Wednesday	9:00am – 5:00pm	no change
Thursday and Friday	9:00am – 10:00pm	9:00am – 6:00pm
Saturday	9:00am – 10:00pm	9:00am – 6:00pm
Sunday	9:00am – 5:00pm	no change

*Patron Numbers*

	<i>No. of Patrons</i>
Existing	49
Proposed	58
Recommended	49

98. The rationale for the above recommendations have been provided at various earlier sections of this report , including at:
- paragraphs 43-58 (operating hours);
  - paragraphs 70-81 (liquor licence hours), and;
  - paragraphs 82-85 (patron numbers).

Objector Concerns

99. The following objector concerns have been addressed throughout the report.
- Noise impacts – discussed at paragraphs 70-91 and 86-89;
  - Anti-social behaviour associated with the service of liquor – discussed at paragraphs 62-65 and 91-94;
  - Increased car parking pressure – discussed at paragraph 57;
  - Concerns regarding footpath trading – discussed at paragraph 4, and;
  - Waste impacts – discussed at paragraph 69.

**Conclusion**

100. Based on this report, the proposal is considered to substantially comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL09/0904 for the sale and consumption of liquor (Restaurant and café Licence) and an increase in the operating hours associated with the existing use (Café) at 100 Scotchmer Street, Fitzroy North, subject to the following amended permit preamble and conditions:

**Amended preamble to read:**

Use of the site (including the rear courtyard) as a food and drinks premises (Café), the sale and consumption of liquor (Restaurant and Café Licence), part demolition and buildings and works.

**Conditions (amended or new conditions in bold)**

- The use and development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
- Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
- No more than 49 patrons are permitted to be on the premises at any one time. No more than 20 of the patrons are permitted to be within the courtyard at any one time.
- No more than four staff may be present on the site at any one time.
- Except with the prior written consent of the Responsible Authority, the use may only operate between the following hours:**
  - Monday to Wednesday 6:30am – 5:00pm**
  - Thursday and Friday 6:30am – 10:00pm**

- (c) **Saturday** **8:00am – 10:00pm**
- (d) **Sunday** **8:00am – 5:00pm**

6. **Except with the prior written consent of the Responsible Authority, the rear courtyard may only be used between the following hours:**
  - (a) **Monday to Wednesday** **7:00am – 5:00pm**
  - (b) **Thursday to Friday** **7:00am – 6:00pm**
  - (c) **Saturday** **8:00am – 6:00pm**
  - (d) **Sunday** **8:00am – 5:00pm**
  
7. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
  - (a) **Monday to Wednesday** **9:00am to 5:00pm**
  - (b) **Thursday to Saturday** **9:00am to 10:00pm**
  - (c) **Sunday** **9:00am to 5:00pm**
  
8. **Except with the prior written consent of the Responsible Authority, sale and consumption of liquor within the rear courtyard may only occur between the following hours:**
  - (a) **Monday to Wednesday** **9:00am to 5:00pm**
  - (b) **Thursday to Saturday** **9:00am to 6:00pm**
  - (c) **Sunday** **9:00am to 5:00pm**
  
9. **No external speakers are to be located within the courtyard.**
  
10. **The provision of music and entertainment on the land must be at a background noise level.**
  
11. **No emptying of bottles into garbage bins is permitted after 8pm on any night or before 8am on any day.**
  
12. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
  
13. **The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).**
  
14. **The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**
  
15. **The amenity of the area must not be detrimentally affected by the use through:**
  - (a) **The transport of materials, goods or commodities to or from land;**
  - (b) **The appearance of any buildings, works or materials;**
  - (c) **The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or**
  - (d) **The presence of vermin.**
  
16. **Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.**
  
17. **This permit will expire if:**



- (a) the extended operating hours of the Café or the sale and consumption of liquor is not commenced within two years of the date of the amended permit

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

**NOTES:**

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

**Attachments**

- 1 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - IDAC Attachment - Social Planning Referral Comments
- 2 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - IDAC Attachment - Acoustic Peer Review
- 3 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - IDAC Attachment - Acoustic Report
- 4 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - IDAC Attachment - Plans
- 5 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - IDAC Attachment - Compliance Referral Comments
- 6 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - Advertising S52 - Building Surveyors Report
- 7 PL09/0904.01 - 100 Scotchmer Street Fitzroy North - Advertising S52 - Current Planning Permit

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**1.4 PLN17/0868 - 231 Napier Street, Fitzroy - Demolition of the existing building to allow for the construction of a seven (7) storey building for dwellings and a reduction in the car parking requirement of the Yarra Planning Scheme.**

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### **Executive Summary**

#### **Purpose**

1. This report provides Council with an assessment of Planning Permit Application No. PLN17/0868 which affects the land at 231 Napier Street, Fitzroy and recommends approval, subject to conditions.

#### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15.01 – Urban Environment;
  - (b) Clause 21.05-2 – Urban Design;
  - (c) Clause 22.02- Development Guidelines for Sites Subject to the Heritage Overlay;
  - (d) Clause 22.05 – Interface uses policy;
  - (e) Clause 32.04 – Mixed Use Zone;
  - (f) Clause 43.01 – Heritage Overlay;
  - (g) Clause 52.06 – Car Parking;
  - (h) Clause 52.34 – Bicycle Facilities; and
  - (i) Clause 58 – Apartment Developments.

#### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic context,
  - (b) Built form and design;
  - (c) Heritage;
  - (d) Internal amenity;
  - (e) Off-site amenity;
  - (f) Car parking, bicycle parking, traffic; and
  - (g) Objector concerns.

#### **Objector Concerns**

4. Eleven objections were received to the application, these can be summarised as:
  - (a) Neighbourhood character - the development is not in keeping with the residential character of the street;
  - (b) The height, bulk and scale of the building is excessive and the design lacks setbacks;
  - (c) The development will diminish the visual prominence of the Fitzroy Town Hall and block views to the clock-tower;
  - (d) The reduction in the car parking requirement will result in a significant impact on the on-street parking available and the surrounding street network;
  - (e) Off-site amenity impacts including overshadowing and loss of outlook;
  - (f) Property devaluation in the area;
  - (g) On-site amenity including compromised light to lower level north-facing apartments; and
  - (h) East side of Napier Street not shown on the submitted elevations – the inappropriate scale is therefore not shown.

#### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5307

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**1.4 PLN17/0868 - 231 Napier Street, Fitzroy - Demolition of the existing building to allow for the construction of a seven (7) storey building for dwellings and a reduction in the car parking requirement of the Yarra Planning Scheme.**

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Trim Record Number: D18/90386

Responsible Officer: Senior Co-ordinator Statutory Planning

<b>Proposal:</b>	Demolition of the existing building to allow for the construction of a seven (7) storey building for dwellings, including a reduction in the car parking requirement of the Yarra Planning Scheme.
<b>Existing use:</b>	Single-storey office building
<b>Applicant:</b>	Tract Consultants Pty. Ltd.
<b>Zoning / Overlays:</b>	Mixed Use Zone / Heritage Overlay (HO334) / Environmental Audit Overlay
<b>Date of Application:</b>	13 October 2017
<b>Application Number:</b>	PLN17/0868

### Planning History

1. There are no previous planning permits relevant to the current application.

### Background

2. Planning Permit Application PLN17/0868 was received by Council on 13 October 2017. Following the submission of further information on 23 November 2017 the application was advertised on 18 December 2017. A total of eleven (11) objections were received.
3. A planning consultation meeting was held on 27 February 2018 and attended by one objector, the Applicant, a Councillor and Council Officers to discuss all issues and concerns raised in the letters of objection. The Applicant did not make any commitments to make changes, moreover the proposal, as originally submitted to Council, forms the basis of assessment and decision.

### Existing Conditions

#### Subject Site

4. The subject site is located on the western side of Napier Street, between St David Street to the north and Moor Street to the south, in Fitzroy. The land gradient falls from the west to the east and the site is rectangular in shape, with a frontage to Napier Street of 12.8m and a depth of 30.7m, yielding an overall site area of approximately 393sq.m.
5. The subject site is developed with a large single-storey, rendered concrete office building setback approximately 2m from the eastern (front) boundary providing for garden areas, is constructed to the side boundaries for a length of approximately 24m and is setback approximately 4.8m from the western (rear) boundary where it provides three car parking spaces for the existing office use.
6. There are no restrictive covenants or encumbrances detailed on the certificate of title submitted with the application. However, party wall easements exist along both northern and southern boundaries and a 1.5m wide drainage easement spans the length of western boundary at the rear and beyond that is a carriageway easement (not located on the subject site) that only bounds the site at the south-west corner. The subject site is a beneficiary to the carriageway easement.

Surrounding Land

7. The subject site and surrounding land are located in a precinct bordered by Brunswick Street to the west, Johnston Street to the north, Smith Street to the east and Gertrude Street to the south. Within this part of Fitzroy, the street layout is typically a grid configuration, varied only by industrial or institutional allotments. The area is predominantly residential in use, with more mixed use / business precincts flanking Brunswick, Smith, Gertrude and Johnston Streets. Dwellings tend to be one and two storeys in height, with taller forms comprised of three to five-storey apartment buildings, including large buildings associated with the public housing estate further south. The area is characterised by a mix of architectural styles from the Victorian, Edwardian and Interwar era, with intermittent post-war apartments, warehouse forms, commercial buildings and contemporary infill developments.
8. Whilst some sections of the west and east sides of Napier Street display consistent rows of single-storey, attached dwellings of the Victorian-era, the site has an immediate abuttal to the north and south with large, single-storey commercial buildings that have rendered concrete façades and large quantities of fenestration. Further north, at the north-west corner of the St David and Napier Street intersection is a part five and part six-storey apartment building that is constructed hard-edge to both streets.
9. The property beyond that to the south has been issued with planning permit no. PLN14/0849. This permit was issued on 24 June 2015 and allows for the *“demolition of the existing (office) building to allow for the development of the land with a five-storey building (for the purpose of dwellings), including a reduction in the car parking requirement of the Yarra Planning Scheme”*. An extension to the life of this permit was granted on 28 July 2017 allowing the development to commence no later than 24 June 2018 and completed no later than 24 June 2020. The site is currently under construction.
10. Further south, is a four-storey apartment building (as permitted under planning permit no. PLN14/0023) and beyond that, at the north-west corner of Napier and Moor Streets, is the Whitlam Reserve which displays a vast grassed area and several trees. Opposite the reserve, at the north-east corner, is the Napier Hotel (located over 50m from the subject site). The hotel was built in 1913 and has been used as such for many years. The hotel is double-storey and is a large corner building constructed to the east, south and west boundaries with a beer garden and a bin storage area along the northern boundary.
11. At the south-west corner of Napier and Moor Streets is Fitzroy Town Hall (FTH), a 19<sup>th</sup> century building with a neo-classical frontage to Napier Street. The building is utilised for civic offices and a library. With the exception of the Police station occupying the south-west corner of the site, the Town Hall occupies the entire block that is defined by Napier Street to the west, Condell Street to the south, Young Street to the east and Moor Street to the north.
12. To the west of the subject site is a 6.4m wide vehicle access way / driveway (covered by a carriageway easement) with car parks located to the south and east (immediate rear of the subject site) of this, all associated with several buildings that front onto Moor, Young, St David and Napier Streets (including the subject site). The driveway is accessed from Young Street to the west and extends towards the north, terminating at St David Street. To the west of the driveway (approximately 7.5m away from the site), is a four-storey apartment block that fronts onto St David Street with several habitable room windows and balconies facing the site.
13. To the south of the driveway is an open-air car park associated with eight, attached brick veneer, double storey townhouses that front onto Moor Street.
14. To the east of the subject site, on the opposite side of Napier Street is a row of primarily single-storey, attached dwellings of the Victorian-era.

15. The site is located within 170m of the Brunswick Street Major Activity Centre (MAC) Street to the west and approximately 320m of the Smith Street MAC to the east. The site is also located within a 3km radius from Melbourne CBD.

## **The Proposal**

16. The application seeks the demolition of the existing office building and the construction of a seven storey residential building for 18 apartments (two of which would be split level) and a reduction in the associated car parking requirement of the Yarra Planning Scheme.

17. The facets of the development can be summarised as follows:

### Development

18. *Demolition*

- (a) Demolition of the existing building in its entirety;

19. *Layout*

- (a) Construction of a seven level building with a total of 18 apartments (6 x 1 bedroom, 8 x 2 bedroom, 4 x 3 (min) bedroom with 2 that would be split level i.e. over two levels) ranging in size between 66sqm and 222sqm;
- (b) Pedestrian entry to the building via Napier Street;
- (c) All apartments have terrace / balcony areas that would range between 8.7sqm and 35.8sqm;
- (d) The apartments facing onto Napier Street are provided with additional courtyard / private open spaces of 3.9sq.m;
- (e) Fourteen car spaces accommodated within a car stacker arrangement and accessed from the driveway to the west provided at the ground floor, together with 18 bicycle spaces and a bin store;
- (f) The provision of 8 stores (storage cages measuring 5 cubic metres) in basement / sub-ground level;
- (g) Central common stairwells with voids extending through the height building allowing daylight into the building;
- (h) Lift providing access between the ground floor and Level 6;

20. *Heights and setbacks*

- (a) The building height would be 17.7m at the Napier Street interface, stepping up to a height of 20m and up to a maximum building height of 23.7m (as measured above the natural ground level at the rear where the land gradient slopes);
- (b) The building is setback between 1.8m and 2.7m from the eastern (front) boundary from the ground through to Level 5 with balconies that would extend into these setbacks;
- (c) At Level 6 (i.e. top-most level), the building is setback 6.5m from the eastern (front) boundary with a balcony that would extend 2.16m into this setback;
- (d) The building is constructed to the northern and southern boundaries for its full length from the ground through to Level 1, and for a length of 15m at a height of 20m and 10.77m at a maximum height of 20.5m (i.e. split in two sections due to the central stairwell / void);
- (e) The top-most level (Level 6) is setback 600mm from both northern and southern boundaries;
- (f) The building is setback 1.8m from the western (rear) boundary with balconies that extend into this setback;
- (g) The proposed site coverage will be approximately 97%, with zero site permeability.

21. *Design detailing, colours and materials*

- (a) The building adopts a contemporary design with concrete polished and “Bush-hammered” walls from the ground through to Level 5 and black stained timber walls to Level 6 and sand-blasted and stainless steel balustrades to the balconies that would curve at their underside and wrap into the curved concrete soffit edge;
- (b) The eastern (front) and western (rear) elevations are punctuated with windows and balconies with sand-blasted and stainless steel balustrades;
- (c) The western elevation provides textured glass behind the 1.7m high balustrades of each balcony at Levels 1, 2 and 3 for screening purposes;
- (d) Void areas are cut through centrally through within the building, with screens located to limit direct views internally (between habitable room windows that face into the voids and walkways);

## 22. ESD Features

- (a) The building achieves an average 7 star energy rating;
- (b) Habitable rooms will have good access to daylight and ventilation;
- (c) Operable windows and sliding doors will be provided providing good cross-ventilation opportunities;
- (d) A 14000lt water tank connected and used for the purpose of flushing toilets within the building;
- (e) Living areas will be provided with large areas of glazing, providing for extensive areas of natural light to the main activity areas within each dwelling;
- (f) AC units and solar panels to the roof; and
- (g) Wall-mounted, secure bicycle spaces (18) located internal to the building;

## 23. Car parking and access

- (a) A reduction of 11 car spaces associated with the car parking provision of the Yarra Planning Scheme;
- (b) Vehicle access from the driveway / carriageway to the west of the site;
- (c) Excavation and construction of a sub-ground level providing a pit for the mechanical car stacker;
- (d) A total of 14 car spaces provided in the form of a car stacker and the electronic shuffling of cars through mechanical means;
- (e) A tilt door constructed of stainless steel to the garage; and
- (f) Private waste collection (from Napier Street).

## Planning Scheme Provisions

### Zoning

#### *Mixed Use Zone*

24. The site is located within a MUZ, of which the purpose is:

- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- (c) *To provide for housing at higher densities.*
- (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

25. Under clause 32.04-2 of the Yarra Planning Scheme (the Scheme):

- (a) no planning permit is required to use the site as dwellings.

26. Under clause 32.04-6 of the Scheme, a permit is required to construction two or more dwellings on a lot.
27. An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.
28. Pursuant to Clause 32.04-10, a building must not be constructed that exceeds the maximum building height specified in a schedule to this zone. With no maximum height requirement outlined in the Schedule, there are no height restrictions within this zone.

Overlays

*Heritage Overlay – Schedule 334 (South Fitzroy Precinct)*

29. The subject site is located within a heritage overlay.
30. The purpose of the Heritage Overlay is:
  - (a) *to implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
  - (b) *to conserve and enhance heritage places of natural or cultural significance;*
  - (c) *to conserve and enhance those elements which contribute to the significance of heritage places;*
  - (d) *to ensure that development does not adversely affect the significance of heritage places; and*
  - (e) *to conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*
31. Pursuant to Clause 43.01-1 a planning permit is required to construct and carry out works, including demolition.

*Environmental Audit Overlay*

32. Pursuant to Clause 45.03-1 it is a requirement of the Scheme that:
  - (a) *Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
    - (i) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    - (ii) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
33. In the event a permit is to be granted, the above requirements will be included as a note on the permit.

Particular Provisions

34. Pursuant to clause 52.06-5 of the Scheme, the following car parking requirements apply to the development:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents					



Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
1 bedroom	6	1 space to each 1 or 2 bedroom dwelling;	14	14	8
2 bedroom	8				
3 bedroom	4	2 spaces to each three or more bedroom dwelling	8		
-Visitors		1 to every 5 dwellings	3	0	3
<b>Total</b>	18		<b>25 spaces</b>	<b>14</b>	<b>11</b>

35. The table above demonstrates that the proposed development has a statutory requirement to provide 25 car parking spaces, comprising 22 residential spaces and 3 residential visitor spaces.
36. The application is seeking a reduction of the above requirements, with a total of 14 car parking spaces being provided within a car stacker arrangement. Residents would be provided with 14 car spaces (i.e. there are no car parking spaces designated for visitors). The reduction being sought is for a total of 11 car spaces (equating to 8 resident spaces and 3 visitor spaces).
37. Clause 52.06-6 of the Scheme states that an application to reduce the number of car parking spaces required under clause 52.06-5 must be accompanied by a Car Parking Demand Assessment. A Traffic Engineering Assessment prepared by the TraffixGroup and dated August 2017 was submitted with the application.

*Clause 52.34 – Bicycle facilities*

38. The purpose of this clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of clause 52.34-3 and clause 52.34-4.
39. The following table provides a summary of the relevant bicycle requirement at Clause 52.34-3 of the Scheme:

Land Use	Units/Area proposed	Employee/Resident rate:	Visitor rate:	No. required
Dwellings - Residents	18 apartments	1 resident bicycle parking space for every 5 dwellings	1 visitor space for every 10 dwellings	3 resident. 1 visitor.
<b>Total provided</b>				<b>18 bicycle spaces</b>

40. The provision of 18 bicycle parking spaces on site would exceed the minimum statutory requirement.
41. The proposal is not required to include any showers or change room facilities specifically for cyclists.

General Provisions

*Clause 65 – Decision Guidelines*

42. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted.

Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

*Clause 11.02 – Urban Growth*

*Clause 11.02-1 – Supply of Urban Land*

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

*Clause 13.04-1 – Noise abatement*

44. The objective of this clause is *“to assist the control of noise effects on sensitive land uses.”*

*Clause 15 – Built Environment and Heritage*

*Clause 15.01-1 – Urban design*

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

*Clause 15.01-2 – Urban Design Principles*

46. The objective of this clause is *“to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.”*

47. This clause outlines principles relating to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of sites and empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture. These principles will be addressed in the following urban design assessment.

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

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
- (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
- (c) *Urban Design Charter for Victoria (Department of Planning and Community Development 2009).*

*Clause 15.01-4 – Design for safety*

49. The Objective of this Clause is *“to improve community safety and encourage neighbourhood design that makes people feel safe.”*

*Clause 15.01-5 – Cultural identity and neighbourhood character*

50. The objective of this clause is *“to recognise and protect cultural identity, neighbourhood character and sense of place.”*

*Clause 15.02-1- Energy and resource efficiency*

51. The objective of this clause is *“to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.”*

*Clause 16.01-2 – Location of residential development*

52. The objective of this clause is *“to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs services and transport.”*

*Clause 16.01-3 – Housing opportunity areas*

53. The objective of this clause is *“to identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.”*

*Clause 16.01-4 – Housing diversity*

54. The objective of this clause is *“to provide for a range of housing types to meet increasingly diverse needs.”*

*Clause 16.01-5 – Housing affordability*

55. The objective of this clause is *“to deliver more affordable housing closer to jobs, transport and services.”*

*Clause 18 – Transport*

56. This clause provides a range of objectives to reduce private motor vehicle usage and encourage the use of public transport, cycling and walking. This in turn, will reduce pressure on road networks. In particular, clause 18.02-1 encourages sustainable personal transport, including walking, cycling and public transport.

Local Planning Policy Framework (LPPF)

57. The following LPPF provisions of the Scheme are relevant:

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land use*

*Clause 21.04-1 – Accommodation and Housing*

58. The relevant objectives and strategies of this clause are:

- (a) *Objective 1 - To accommodate forecast increases in population.*
- (b) *Objective 2 - To retain a diverse population and household structure; and*
- (c) *Objective 3 - To reduce potential amenity conflicts between residential and other uses.*

*Clause 21.05 - Built Form*

*Clause 21.05-1 – Heritage*

59. The relevant Objectives of this Clause are:

- (a) *Objective 14 To protect and enhance Yarra's heritage places.*
  - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (ii) *Strategy 14.2 Support the restoration of heritage places.*
  - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
  - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
  - (v) *Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.*

- (vi) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- (vii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*
- (viii) *Strategy 14.9 Apply the Landmarks and Tall Structures policy at clause 22.03*

*Clause 21.05-2 – Urban design*

60. The relevant Objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra:*
  - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (c) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric through the application of the following relevant strategies:*
  - (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
  - (ii) *Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*

*Clause 21.05-4 – Public environment*

61. The relevant objective and strategies of this clause are:

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
  - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
  - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
  - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
  - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
  - (v) *Strategy 28.8 Encourage public art in new development.*
  - (vi) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

*Clause 21.06 – Transport*

*Clause 21.06-1 – Walking and cycling*

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

- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
  - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
- (b) *Objective 32 - To reduce the reliance on the private motor car:*
  - (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*

- (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*

(c) *Objective 33 - To reduce the impact of traffic:*

- (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

*Clause 21.07-1 – Environmentally sustainable development*

63. The relevant objective of this clause is:

(a) *Objective 34 To promote ecologically sustainable development that has the following strategy:*

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

*Clause 21.08-7 - Neighbourhoods (Fitzroy)*

64. This clause describes the area in the following way (as relevant):

(a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*

65. Relevant built form strategies include:

(a) *Ensure that development does not adversely affect the significance of the heritage place.*

(b) *The implementation of built form strategies in clause 21.05 includes:*

- (i) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
- (ii) *Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and, where subject to the Heritage Overlay protects the heritage of the site and of the area.*

### Relevant Local Policies

*Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay*

66. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:

- (a) *to conserve Yarra's natural and cultural heritage;*
- (b) *to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
- (c) *to retain significant view lines to, and vistas of, heritage places;*
- (d) *to preserve the scale and pattern of streetscapes in heritage places;*
- (e) *to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*

- (f) *to ensure the adaption of heritage places is consistent with the principles of good conservation practice;*
- (g) *to ensure that additions and new works to a heritage place respect the significance of the place;*
- (h) *to encourage the retention of 'individually significant' and 'contributory' heritage places; and*
- (i) *to protect archaeological sites of cultural heritage significance.*

67. This Policy refers to an incorporated document (*City of Yarra Review of Heritage Overlay Areas 2007*), which identifies the level of significance for all buildings/sites within the Heritage Overlay. Specifically, the subject site is nominated as having a 'not-contributory' value to the South Fitzroy Heritage Precinct.

*Clause 22.02-5.7 - New Development, Alterations or Additions*  
*Clause - 22.02-5.7.1 General*

68. Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
- (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
- (c) *Be visually recessive and not dominate the heritage place;*
- (d) *Be distinguishable from the original historic fabric;*
- (e) *Not remove, cover, damage or change original historic fabric;*
- (f) *Not obscure views of principle façades; and*
- (g) *Consider the architectural integrity and context of the heritage place or contributory element.*

69. *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*

70. *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

*Clause 22.05 – Interface Uses Policy*

71. This policy applies to applications for use or development within Mixed Use Zones (amongst others).

72. The relevant objective of this clause is *“to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.”*

73. This policy outlines recommendations for dwelling design to incorporate measures to protect future residents from noise, fumes, vibration, light spillage and other likely disturbances in the realisation that whilst inner-city living creates vibrant and active communities, the mix of land uses can sometimes create conflict. The policy encourages the location of noise-sensitive rooms and openings away from the interface; the provision of acoustic assessment reports where necessary; and appropriate siting, setbacks, articulation and screening to prevent overlooking.

*Clause 22.03 – Landmarks and Tall Structures*

74. The Municipal Strategic Statement (MSS) identifies the importance of landmarks and tall structures to the built form of the City. The MSS seeks to retain important landmarks and icons which contribute to the identity of the City and to maintain view lines to key landmark sites. This Policy responds to the MSS by identifying key valued landmarks.
75. The objective under this clause is *“to maintain the prominence of Yarra’s valued landmarks and landmark signs.”*
76. Clause 22.03-4 of the Scheme states: *New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference (as relevant):*
- (a) *Clock tower of Fitzroy Town Hall; and*
  - (b) *Spire of St Marks Church, George Street, Fitzroy*

*Clause 22.12- Public Open Space Contribution*

77. The objectives of this clause are:
- (a) *To implement the Yarra Open Space Strategy;*
  - (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*
  - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
78. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121B). Given the size of the site, a land contribution will not be practical and therefore a cash contribution will be requested instead.

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

79. This policy applies *to new buildings* and has an objective *“to promote the use of water sensitive urban design, including stormwater re-use.”*

*Clause 22.17 - Environmentally Sustainable Design*

80. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

**Advertising**

81. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 85 letters sent to the surrounding property owners/occupiers and one sign displayed along the Napier Street frontage.
82. Eleven (11) objections were received to the application and these can be summarised as:
- (a) Neighbourhood character - the development is not in keeping with the residential character of the street;
  - (b) The height, bulk and scale of the building is excessive and the design lacks setbacks;
  - (c) The development will diminish the visual prominence of the Fitzroy Town Hall and block views to the clock-tower;
  - (d) The reduction in the car parking requirement will result in a significant impact on the on-street parking available and the surrounding street network;

- (e) Off-site amenity impacts including overshadowing and outlook;
- (f) Property devaluation in the area;
- (g) On-site amenity including compromised light to lower level north-facing apartments; and
- (h) East side of Napier Street not shown on the submitted elevations – the inappropriate scale is therefore not shown.

## Referrals

### External

83. The proposed development does not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

### Internal

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

- (a) Urban Design (Internal);
- (b) ESD advisor;
- (c) Heritage Advisor;
- (d) Traffic Engineering Unit; and
- (e) Services and Contracts Unit.

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

## OFFICER ASSESSMENT

86. The following key issues and policies will be used to frame the assessment of this planning permit application:

- (a) Strategic policy support;
- (b) Heritage, built form and design;
- (c) Clause 58;
- (d) Off-site amenity;
- (e) Car parking and traffic;
- (f) Objector concerns.

### Strategic policy support

87. State and local planning policies are consistent in outlining that the subject land is located in an area where an increased intensity of development is encouraged. The context of the site; within the MUZ, close location to the Brunswick Street Major Activity Centre (MAC) and proximity to the CBD, creates an excellent opportunity for increased residential densities and higher built form.
88. The MUZ specifically identifies the purpose of the land as an area where higher residential density developments are anticipated and expected and whilst this development would provide only dwellings, the area already contains a good mix of uses with the Brunswick Street MAC within easy walking distance. Further, Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities.
89. The dwellings would provide increased housing opportunities consistent with Clause 11.01 and Clause 16.01-2, which seeks to encourage new housing with good access to services and transport. This outcome is also encouraged by Clause 18.02 of the Scheme.



The site is within walking distance to trams along Brunswick and Smith Streets and is within proximity to trams along Gertrude Street, Nicholson Street and Victoria Parade, including buses along Johnston Street to the north. The site has excellent access to shops, restaurants, community facilities and supermarkets. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS.

90. The application includes dwellings while avoiding unreasonable amenity impacts (that will be further reduced as a consequence of deleting one level), as will be assessed in detail later in this report. To guide the process of redevelopment and urban renewal of the subject site and surrounding land, a range of built form controls apply to the land. The eleven design principles outlined within *Clause 15.01 Urban Environment* and the *Urban Design Guidelines for Victoria (2017)* will be used to assess the appropriateness of the built form along with *clause 58* (to assess on and off-site amenity impacts).

#### Heritage, built form and design

91. The relevant permit trigger for the development is the MUZ, and the primary considerations for the proposed development are the decision guidelines at clause 32.04-13 of the Scheme. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at *Clause 15.01-2 Urban design principles* and *Clause 21.05 Urban design*.
92. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the context, height and massing, relationship to adjoining buildings, energy efficiency and architectural quality. These matters, and others, will be assessed in turn below.
93. In order to understand the neighbourhood character context, clause 21.08 of the Scheme describes the built form character of specific neighbourhoods. Relevant to this section of Fitzroy is clause 21.08-7, which identifies the character of Fitzroy as deriving from that of the heritage precinct in which it is located.
94. As heritage and neighbourhood character are not mutually exclusive in this instance, some cross-over between discussion between heritage and neighbourhood character will be offered in the following assessment.
95. However, in terms of the Heritage Overlay, before any assessment of the proposed additions can be made, it is important to establish whether the proposed full demolition of the existing office building is appropriate. An assessment of this is provided as follows:

#### *Demolition*

96. The building on site has been graded as having 'not-contributory' value to the wider South Fitzroy Heritage Overlay Precinct (HO334). In terms of demolition, Clause 22.02 supports the demolition of "not-contributory" buildings subject to an appropriate replacement building. The application was referred to Council's Heritage Advisor who raised no concerns with the extent of demolition proposed but raised some concerns with the replacement building (which will be discussed under the following heading).

#### *Context*

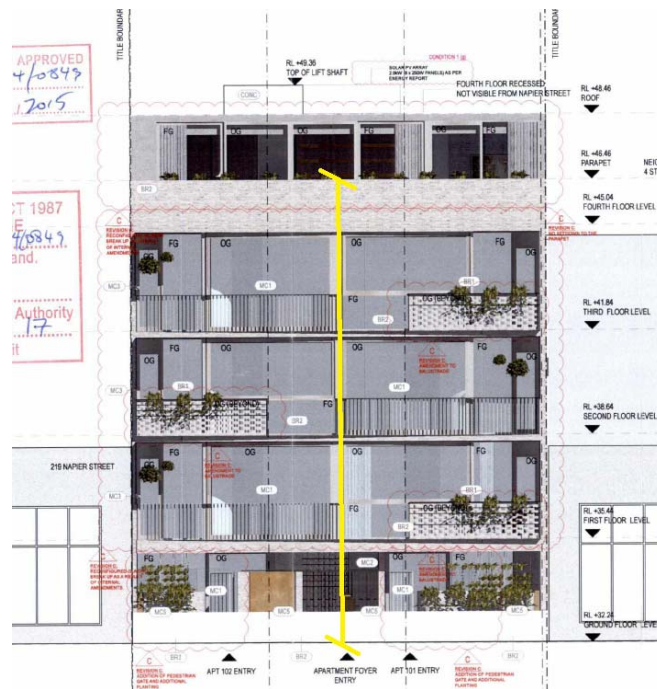
97. When it comes to considering the acceptability of the proposed development in relation to the existing neighbourhood character, it is necessary to evaluate the existing and emerging built form of the surrounding area. As detailed in the site and surrounds section of this report, the subject site is located in a pocket of mixed land uses and varying levels of built form, including new developments that have introduced new building heights of 4 and 5 storeys equating to maximum building heights of between 14.2m and 16.2m to Napier Street (with the latter under construction) further south.

These new building heights are also required to be considered and will inform the height most appropriate to the site, combined with comments provided by Council's Urban Design Unit and Heritage Advisor.

98. The subject site is located in a former pocket of warehouse and factory buildings, with some buildings having been converted into residential apartments, and/or office buildings. Buildings to the west of the subject site are generally taller than other parts of Yarra and ranging between two-five storeys. Those immediate to the north and south are single-storey but are likely to be developed in the future with further residential developments, in keeping with the emerging trend evident and as a consequence of new surrounding built form, including that to the west and opposite the subject site.
99. With this context in mind, it is clear that the subject site is strategically located with an opportunity for higher density redevelopment but with a balancing restriction affecting the site in the form of the Heritage Overlay, with policy at clause 22.02 of the Scheme seeking to preserve the scale and pattern of streetscapes in heritage places. This is also supported by Objective 14 of the MSS, which requires development to protect and enhance Yarra's heritage places via Strategy 14.6, which aims to protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within heritage places and from adjoining areas.

*Height and setback*

100. On the issue of height, Council's heritage advisor stated that *the preferred height on this site is a 4 storey street wall*. This was because this wall height would align with the development south of the immediate adjoining property currently under construction (planning permit no. PLN14/0849). It was also deemed that *five levels with a deep setback to make the top level not visible from the immediate streetscape is the maximum which this site and this streetscape can accommodated before it is adversely affected*.
101. Council's Urban Designer is also unresponsive of the proposed 17.7m wall height to the street and recommended a height of 14.2m to be consistent with developments approved beyond the adjoining property to the south.
102. The application proposes a street wall height of 17.7m to Napier Street. This is 3.5m greater in height than the street wall / or immediate façade abutting the eastern (front) boundary of the development currently under construction beyond the adjoining property to the south (at No. 223 Napier Street). The approved building on that site measures 14.2m above natural ground level to the highest point of the textured brickwork at the fourth floor (as shown in the diagram below with a yellow line):



103. With the comments provided by both Council’s Heritage Advisor and Urban Designer in mind, the relationship between the building approved at No. 223 Napier Street and the proposed building, requires some improvement. It is considered that changes to the building height can be easily facilitated with a condition requiring the deletion of one level. A condition will specifically require the deletion of a level below that of Level 5 and Level 6 given the built form above that is recessive from the street. This design change will reduce the wall height (immediate abutting built form on the front (eastern) boundary) by 3.2m and will provide a height of 14.5m as measured above the natural ground level (i.e. 300mm taller as opposed to 3.5m) on the boundary to the highest point of the balustrade associated with the new Level 4. The two upper most levels (i.e. current Levels 5 and 6 as identified on the plans) are recessive and would be setback 2.7m and 6.6m and would therefore provide a clear separation from the reduced street wall height (hence the reason that deleting one level below these two levels is the preferred option).
104. Whilst a condition requiring the deletion of one level does not fully address the building height of five storeys recommended by Council’s Heritage Advisor and Urban Design Unit, it would reduce the overall building height to six storeys and it would be consistent with recent planning approvals on adjoining lots. The reduced height will also strike a reasonable balance by providing a transition of one-storey with the five-storey building approved at property No. 223 Napier Street to the south.
105. It is acknowledged that to the immediate north of the subject site is single storey built form. The proposed development would present a level of height greater in comparison to the single-storey commercial buildings to the immediate north and the fine grain residential developments along the eastern side of Napier Street. However, as is evident, the subject site is surrounded by higher built form.
106. The condition deleting one floor level would produce a better relationship with the four-storey apartment block that fronts St David Street to the west given the separation distance produced by the carriageway easement, rear interface (as opposed to a street interface) and height transition of two-storeys (in lieu of three as currently proposed). The building would be located opposite a non-sensitive interface to the north, being the roof space of the adjoining single-storey commercial building. Similarly to the south, this is a transition far greater than the building to the north, but when read together with the part five and part six-storey height at the north-west corner of the St David and Napier Street intersection, it is considered that the surrounding area can readily absorb this transition.

More importantly is the immediate height transition between residential apartment buildings and the evident emerging character with that provided by built forms approved to the south (as opposed to the commercial less sensitive buildings).

107. Acknowledging the views of the northern elevation of the proposed building from the north (across single storey built form), the visual massing across the northern interface has been appropriately addressed. The stairwell / voids located centrally and opposite the boundary provides a break in the building and there is a textured finish to the walls and a delineation of the levels as a result of the concrete polished finish to the edging of the concrete panels. A condition will require the services on the roof of the building to be appropriately screened from public view to further enhance the presentation of the building. It is important to note that the on-boundary walls and location of voids and stairwells provide appropriate equitable development opportunities for the adjoining sites to the immediate north and south of the site.
108. The fine grain residential developments located opposite, on the eastern side of Napier Street, are removed from the subject site. Additionally, the Napier Hotel is located at the north-east corner of the intersection of Moor and Napier Streets (i.e. approximately 54.7m to the south-east) and the Fitzroy Town Hall is located approximately 87m to the south. To the immediate north and south are large, single-storey commercial buildings unlikely to be maintained in their current form and hence, the site is considered capable of being developed with a more robust architectural response.

#### *Architectural quality*

109. Council's Urban Designer commented that the materials and finishes proposed are of high quality but raised concern with the design in that it would be distinctly different from the developments approved to the south of the adjoining property. However, the two developments approved to the south of the adjoining property (i.e. at property Nos. 219 and 223 Napier Street) are both distinctly different, which is considered to positively contribute to the visual experience of the street. The image below identifies the development approved at property No. 219 Napier Street that evidently is distinctly different from the development approved and under construction at property No. 223 Napier Street.



110. It is also worth highlighting that the Tribunal (*Owners Corporation PS 421649U v Yarra CC* [2015] VCAT (30 March 2015)) in deliberating concerns relating to architectural compatibility is quoted in the VCAT order as follows at paragraphs 14 and 16:

111. [14] *In relation to architectural compatibility the Tribunal again affirms that planning is concerned with architecture only in the broad sense. It is a relevant planning consideration whether the architecture is good, bad or indifferent, but beyond this the Tribunal will not arrogate to itself the role of an architectural critic. In this case the Tribunal is satisfied that the architecture of the proposed development has been carefully thought out and is entirely satisfactory.*
112. [16] *This is precisely the type of architectural debate that the Tribunal should not seek to arbitrate. There may well be legitimate arguments around the coffee tables of architecture faculties for and against the deletion of the inverted arched openings, but in the absence of this issue having an impact in a town planning sense the proponent of the development should be able to proceed with the design that it prefers.*
113. With the above in mind, the detailing and design of the building is considered to provide an appropriate design response to the street. Council's Heritage Adviser also commented and sought clarity on the application of each material in the design of the building and further suggested that "no timber is to be used where it is exposed to weathering and no stained timber is used." A condition will require the submission of a schedule of materials and whilst Council's Heritage Advisor recommended not using a timber finish (because of its weathering) this is a commonly used and with proper maintenance, is an acceptable material.

*Energy and resource efficiency*

114. The proposed development is considered to meet the provisions of clause 15.01-2 of the Scheme given the following:
- (a) The building would achieve an average 7 star energy rating;
  - (b) Habitable rooms will have good access to ventilation;
  - (c) Operable windows and sliding doors will be provided providing good cross-ventilation opportunities;
  - (d) The building will be provided with a 14000lt water tank that would be used for the purpose of flushing toilets;
  - (e) Living areas will be provided with large areas of glazing, providing for extensive areas of natural light to the main activity areas within each dwelling;
  - (f) The installation of solar panels and AC units to the roof; and
  - (g) The provision of 18 bicycle spaces.
115. Council's ESD advisor raised concerns in relation to the levels of daylight to the bedrooms that face into the internal private spaces / voids and stairwells of the building. However, the development is restricted by its orientation, surrounding built-form and the equitable development opportunities of surrounding sites. These are factors that must be considered and tempered with when considering design matters relating to energy efficiency in an inner city context. The apartments benefit far greater from orientating main living quarters to the street and / or the rear (where there is a driveway) in terms of access to daylight.
116. The design response includes centrally located voids designed to provide some daylight into bedrooms of dwellings. Whilst not ideal, given that 37% of the total number of bedrooms would be provided with daylight greater than 0.5% to 90% of their floor area, the site context conditions and orientation has largely determined this layout. According to daylight modelling, the living quarters of each apartment will receive excellent levels of daylight as these areas would be located to the west and east, opposite the driveway and carriageway easement, and Napier Street, respectively. The west-east orientation of the site, its depth, and location and abuttal to surrounding commercial properties (with a high probability of future development to a similar scale), including deletion of one level that will further improve internal daylight access, have predetermined the locations of windows and as such, this is acceptable. A condition will require further daylight modelling as part of a revised Sustainable Management Plan (required to reflect the reduced building height).

117. Council's ESD Advisor's recommendations to improve the energy performance of the building through the provision of external fixed or adjustable shading devices to the west and east facing balconies and provision of a larger solar PV array to cover 100% of common area electricity will be addressed with conditions. However, in relation to the provision of extensive landscaping and communal spaces for the residents such as a communal garden, these elements are not critical to the design and will not be adopted given the sites location on a leafy street and proximity to the Whitlam Reserve.
118. Through the incorporation of the above-mentioned conditions, it is considered that the proposal will achieve a good level of environmentally sustainable design and appropriate internal amenity for future occupants. This satisfies a number of clauses including Clauses 15.02-1, 18.02-1 and 21.07 of the Scheme, including Clause 22.17 Environmentally Efficient Design of the Scheme.

*Light and shade*

119. In similar vein to the development at No. 223 Napier Street, from 9.00am to 12 noon, the development will increase the shadows cast over the driveway and onto the building opposite, the carriageway easement and open car parking area to the west. From 12 noon to 3pm the shadows would be cast over the roof, the open air car spaces and within the front setback of the adjoining property to the south and over the public domain of Napier Street. Given the shift in the shadows cast and their progression throughout the day, the development will not unreasonably impact the public realm.

*Street and public space quality*

120. The ground floor terraces and the balconies / terraces at the upper levels, including the level of fenestration would provide for an active frontage to the street, while also increasing passive surveillance to the area, particularly to Napier Street.

*Landmarks, views and vistas*

121. The Fitzroy Town Hall is located approximately 87m to the south from the subject site and St. Mark's Church is located 126m to the east.
122. The policy direction under clause 22.03 (Landmarks and Tall Structures) of the Scheme outlines that development should maintain the prominence of Yarra's landmarks (i.e. the FTH clock-tower and the spire of St Mark's Church on George Street). The clock-tower is located approximately 113m to the south of the subject site and as such its prominence and views to it would be unaffected by the proposed development.
123. Furthermore and as quoted in the previous report to IDAC relating to the development at No. 223 Napier Street, *the Tribunal (Owners Corporation PS 421649U v Yarra CC [2015] VCAT (30 March 2015)) in deliberating concerns relating to Yarra's landmarks with particular regard to the development at No. 219 Napier Street (approved under planning permit no. PLN14/0023) stated at paragraphs 11 and 12:*
124. *[11] The Tribunal adopts with respect the views expressed by the Tribunal in Celic v Yarra CC<sup>1</sup> in relation to the policy expressed in the Yarra Planning Scheme "to maintain the prominence of Yarra's valued landmarks and landmark signs. The Tribunal adopted what was said in the Dimmays case:*
- (a) *The policy does not require there to be no visible structure near the landmark but rather that the landmark tower remain "the principal built reference".*

- (b) *The policy was not intended to preserve and protect every possible view of the landmark from public spaces.*
  - (c) *Key or important views need to be carefully dealt with, not every incidental view.*
  - (d) *Not all views of the landmark are of equal work.*
125. *[12] The Tribunal considers that the medium scale built form of the proposed development and its distance from the Town Hall are such that interference with the views of the Town Hall will be minimal. The views that now exist from the relevant view shed are at present transitory and of minor importance. The interference with these views certainly does not warrant rejection of the proposal.*
126. With the above in mind, the same is said in relation to the proposal with regard to its relationship to the clock tower of the Fitzroy Town Hall the spire of St Marks Church.
127. As previously identified in relation to the development approvals to the south (quoted from the previous Officer's report in relation to the development approval at property no. 223 Napier Street), *policy direction for protection of views to identified landmarks such as the clock-tower and the church spire is not to be construed to the point where all views are attributes the same level of protection. In this particular scenario, it is considered that the views along Napier Street (from north-to-south) are the relevant/significant views of the clock-tower as opposed to any line of site from the north, through and above any number of properties, and through the driveway and carriageway easement to the west.*
128. The policy does not direct that all views must be protected and with the retention of the majority of existing views from Napier Street, it is considered that the visibility of the clock-tower would not be unreasonably diminished by the development.

#### *Landscape architecture*

129. There is no landscaping proposed but this is characteristic of other recently approved residential developments in the surrounding area and this design response is considered acceptable for the site context and zoning. That said, fronting the street at ground level will be the secluded private space associated with two dwellings which is consistent with the lower scale residential properties in the area.

#### Clause 58

##### *Standard D1 – Urban context*

130. The purpose of this standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area. These aspects have been discussed in detail earlier within this report, with the proposed building considered to be an acceptable response within the existing and emerging character of the neighbourhood subject to the deletion of one level and subsequent reduction in height.
131. The additional built form will responds to the features of the site and the surrounding area, with the developments approved south of the immediate adjoining property with direct interfaces to tall built forms to the west and south, and commercial buildings with 100% site coverage. The Standard is met.

##### *Standard D2 – Residential Policies*

132. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the MUZ and local policies of the Scheme. The site can clearly support higher density residential development, based on its proximity to public and community infrastructure and services. The Standard is met.

##### *Standard D3 – Dwelling diversity*

133. The proposal would provide a good combination of one, two, three and four bedroom dwellings. The Standard is met.

*Standard D4 - Infrastructure*

134. The proposal is located within an established mixed area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services.

*Standard D5 – Integration with the street*

135. Subject to the deletion of one level of the building (reducing it from seven to six storeys in height) and the street wall therefore reduced to a more comparable height to the built form at property No. 223 Napier Street (which is 14.2m) above the natural ground level, the proposal will integrate better within the streetscape by providing a clear and delineated pedestrian entry point, including fenestration and balconies. This adds to the human scale in the street and promotes passive surveillance. The Standard is met.

*Standard D6 – Energy efficiency*

136. The orientation of the subject site somewhat dictates that proposed dwellings would be orientated to face east or west and whilst there is a norther interface, the development has been design so that it does not compromise the equitable development opportunities within the site to the north or south.
137. The layout of each dwelling is considered to provide adequate opportunities for access to daylight to the main living quarters of each dwelling, including natural ventilation to reduce reliance on artificial heating/cooling. Appendix B within the BESS report provided with the application indicates that the average cooling load for the development would be under 30MJ/M2 per annum with this meeting the requirement (less than 30) outlined in Table 1 – Cooling load of this Standard.

*Standard D7 – Communal open space*

138. This Standard only applies to developments which propose forty (40) or more dwellings.

*Standard D8 – Solar access to communal open space*

139. No communal open space is proposed as part of this development.

*Standard D9 – Safety*

140. The proposed residential lobby / common entry would be clearly visible from Napier Street. The entrance will not be obscured or isolated from the street.
141. Whilst the rear pedestrian entrance is only available from the carriageway easement, this is a secondary entrance and likely to be utilised less than the primary pedestrian entry fronting Napier Street. That said, to increase the safety of this entrance, a condition will be placed on any permit issued specifying that external lighting capable of illuminating access to the car park and rear entrance must be provided within the property boundary.
142. It is considered that the proposed development would achieve a satisfactory outcome against the objective of this Standard.

*Standard D10 – Landscaping*



143. Landscaping does not play a significant role in the character of the surrounding area and as such is not critical to the development, nonetheless planter boxes have been provided at the ground floor frontage.

*Standard D11 – Access*

144. It is proposed to provide vehicle access into the car stacker from the driveway to the west. This will result in the majority of the ground floor area to the west comprising of garage door. However, as this is to the rear and takes advantage of the carriageway easement to which the site is a beneficiary, this is an appropriate design response. This design responds to the existing character to the west which includes the residential apartments and open air car parks.
145. Access for service, emergency and delivery vehicles is available. The Standard is met.

*Standard D12 – Parking location*

146. The location of parking is considered to achieve an acceptable design response. This was also assessed by Council's Engineering Services Unit who was satisfied with the dimensions and vehicle access but requested the installation of a convex mirror on the north and south side of the access-way to achieve appropriate viewing lines between drivers entering and exiting that will be addressed with conditions.
147. An objective of this Standard is to protect residents from vehicular noise within developments. Apartments A1.03 and A1.04 will be located directly above the proposed stacking system and it is unclear whether these rooms will be unreasonably impacted by noise generated from mechanical equipment. To ensure that such amenity impacts are managed effectively, a condition of any permit issued will require the submission of an acoustic report. This report will be required to demonstrate that the operation of the proposed car stacker and garage door will not result in unreasonable amenity impacts to the residents within the development and offer solutions if they are found to do so.

*Standard D13 – Integrated water and stormwater management*

148. The application proposes the installation of a 14,000L rainwater collection tank which would be connected to all toilets within the development. The STORM report provided with the application achieves a score of 112%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. The Standard is met.

*Standard D14 – Building setbacks*

149. As outlined earlier in this report, the height and setbacks of the building are considered to achieve an acceptable design response subject to a condition deleting one level and reducing the building to six storeys. The direct abuttal of the building to both side boundaries provides opportunities for future development on both adjacent northern and southern sites.
150. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views. Many apartments are orientated to the east and as such do not require screening. Those that are orientated to the west would be screened with textured glass to a height of 1.7m. However, as the building height would be reduced with a condition, a further condition will be included ensuring that the western elevation is appropriately screened to reduce any overlooking impacts into the balconies and habitable room windows of the building opposite, addressed to St David Street, and located 6.8m from the subject site.
151. The unimpeded daylight afforded across the 6.8m wide carriageway easement combined with a reduction in the building height to six storeys will ensure that daylight will not be unreasonably impacted to the dwellings located in the existing building to the west.

*Standard D15 – Internal views*

152. The plans are unclear on whether there is any overlooking between the balconies of apartments. This will be addressed with a condition requiring minimum partitions of at least 1.7m in height above the floor level in between the balcony areas of each apartment to prevent internal overlooking. Further screening may also be required to the bedroom windows that face into the void areas / stairwells. This will also be addressed with a condition.

*Standard D16 – Noise impacts*

153. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this Standard because of its distance from the Industrial 1, 2 and 3 zones (i.e. not within 300m of this zone) and / or located within 300m of a Freeway, tollway and other road carrying 40,000 Annual Average Daily Traffic Volume.
154. The provision of an acoustic report has already been required via a condition of any permit issued. To ensure compliance with this Standard, the report must also include any potential off-site noise impacts that may affect the new dwellings, along with any design treatments that may be required to mitigate these impacts. This will ensure compliance with *Clause 22.05 Interface Uses Policy*, which seeks to enable the development of new residential uses in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

*Standard D17 – Accessibility objective*

155. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide:
- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
  - (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
  - (c) *A main bedroom with access to an adaptable bathroom;*
  - (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*
156. The plans indicate that all apartments will include the above items. The four apartments with three or more bedrooms would be provided with bedrooms that would be connected to a bathroom.

*Standard D18 – Building entry and circulation*

157. The proposed residential lobby / entry would be readily visible from Napier Street and would therefore provide an adequate sense of address and identity for the building.
158. The internal layout of the building will provide for the safe, functional and efficient movement of residents with full and restricted mobility given that the entrance is flat with a minimum width of 1.86m. The built form above would also provide a transitional area with weather protection prior to entry, given that the entry is recessive from the street.

*Standard D19 – Private open space*

159. Of relevance to this development, a dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that a 1 bedroom dwelling should have access to a balcony with a minimum area of 8sq.m. and minimum dimension of 1.8m; a 2 bedroom dwelling should have access to a balcony with a minimum area of 8sq.m and minimum dimension of 2m; and a 3 (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4sqm, all with convenient access from a living room.
160. All 1 bedroom apartments meet the standard, but the 2 and 3 bedroom plus apartments fall short of the standard in terms of their depth / widths by between 200mm-400mm. However, the balcony areas exceed the minimum requirements and are far greater than the minimum requirements of the Standard (i.e. range between 11.3sq.m. and 35.8sq.m.) and AC units will be located on the roof, not taking up balcony space. Therefore, a variation to the Standard is considered acceptable.

*Standard D20 – Storage*

161. The proposed dwellings will have access to storage areas in excess of the requirements of this Standard (i.e. between 10-20 cubic metres for the 1 bedroom apartments, between 10.2-14.7 cubic metres for the 2 bedroom apartments and between 34-54 cubic metres for the 3 bedroom plus apartments). Eight storage cages of 5 cubic metres each are also provided in a sub ground that will further add to that already provided internally to the apartments. The Standard will be met.

*Standard D21 – Common property*

162. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future by a Body Corporate. The lobby and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

*Standard D22 – Site services*

163. Site services would be located within the building, within the bicycle store at the ground floor. This location is acceptable and not visible to the street which is a design response that is supported.

*Standard D23 – Waste and recycling*

164. A Waste Management Plan (WMP) was prepared by Leigh Design (dated 24 August 2017) and referred to Council's Services and Contracts Unit, who considered this document and associated management procedures to be unsatisfactory because of discrepancies between the plans and WMP in relations to the nominated bins. Furthermore, the WMP and plans are required to be updated to ensure that the bin storage area will provide rotational space for the bins. This will be addressed with a condition requiring an amended WMP to Council's satisfaction. It is also highlighted that collection from Napier Street was not raised as a concern.

*Standard D24 – Functional layout*

*Bedrooms*

165. This Standard notes that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions. The Standard is met for all dwellings.

*Living areas*

166. Living area dimensions also comply with the relevant requirements outlined at Table D8 of this Standard with all dwellings having minimum living areas of 10sq.m.

*Standard D25 – Room depth*

167. The room depths of the open plan living areas of the apartments would not exceed a dimension of 9m with their respective kitchens located furthest from the windows. Similarly the bedrooms don't exceed the dimension of 9m.

*Standard D26 – Windows*

168. The habitable rooms above the apartments at the ground floor contain a window within an external wall to the building, with no reliance on 'borrowed light' for any habitable rooms. The bedroom windows of apartments at the ground floor will face into an enclosed area of private space that is open into the central void that will assist in filtering some daylight into these windows. Whilst not the most ideal proposition, it is acceptable in this instance given that these are to 1 bedroom apartments, are located at the ground floor (therefore to also unavoidable) where in any apartment there is some consequential loss of internal amenity, and are compensated within the generous display of fenestration across the street. This is considered to meet the objective of the standard which is "to allow adequate daylight into new habitable room windows."

*Standard D27 – Natural ventilation*

169. Council ESD Advisor confirmed that all apartments would have access to cross ventilation. Ceiling fans will also be installed to further assist and enhance cross-ventilation through each apartment. A condition will also require the plans to be updated to show the operability of the windows, particularly those facing into the void areas of the light-wells. The Standard is met.

Off-site amenity

*Visual bulk*

170. Similarly to the development approved at No. 223 Napier Street, the proposed development has a fairly unique opportunity in terms of avoiding visual bulk due to the western and eastern boundaries being located adjacent to a driveway and carriageway easement and a street, respectively. The northern and southern sides are non-sensitive interfaces due to their commercial nature and high site coverage.
171. In relation to the western side, the driveway and carriageway easement provides a physical buffer to the residential apartments on the opposite side of 7.5m. For the site context, this is considered to be a generous separation distance and together with the articulation provided to the western elevation would not result in any unreasonable visual bulk to the apartment building opposite. The northern and southern interfaces would have breaks in their built form where the voids / stairwells are provided that combined with the deletion of one level, would reduce their massing and visual prominence.
172. The respective width of Napier Street to the east is considered to provide an adequate setback from the front yards of the dwellings on the opposite side of Napier Street (noting the location of their secluded private open spaces) would be at their rear.

*Overshadowing and daylight (specifically to the apartment building opposite the carriageway)*

173. In relation to overshadowing, reasonable impacts are taken at the September Equinox. The only affected properties are to the west. The shadow diagrams supplied as part of the application show that the most significant shadow cast is within the early hours of the morning and would completely subside by 11am at the time of equinox.

174. The level of overshadowing cast to these east-facing balconies (and the habitable room windows) is considered to be reasonable given that the shadows are limited to the early hours of the morning.
175. Whilst the shadows would increase as a result of the proposal, the development would not cast any additional shadows into the northern light-well of the development (currently under construction) south of the immediate adjoining property at property No. 223 Napier Street.

#### *Overlooking*

176. In the case of the proposal, overlooking opportunities are only possible to the west where the proposed building is within 9m of the east-facing balcony areas and habitable room windows of the apartments on the opposite side of the carriageway. The west-facing balconies of the proposed building are provided with 1.7m high, textured glass screens. However, a condition will require that all screens are fixed and the plans are updated to clearly demonstrate that there are no further overlooking opportunities evident as a consequence of the balconies without screening.
177. No unreasonable overlooking opportunities exist to the east with the abutting street providing a physical buffer in excess of 9m from proposed windows/balconies.

#### *Noise*

178. As discussed earlier in this report, the 'use' of dwellings does not trigger a planning permit within the Mixed Use Zone. It is considered that the residential component of the development is unlikely to generate a noise level above that which is acceptable in a residential area with any noise levels as a result of the use of the dwellings being typical of a residence. A condition would be added regarding noise emissions from ancillary services to comply with SEPP requirements.
179. The proposal includes a total of 14 car spaces in the form of a car stacker. Vehicle access to the car stacker would be from the carriageway to the west, and given the close proximity of the entry to the apartment building opposite, the acoustic report will also need to consider the noise emissions of the vehicle entry and car stackers to this building.

#### Car parking and traffic

180. Under clause 52.06 of the Scheme, the Applicant is seeking a reduction of 11 car parking spaces (i.e. 8 residential spaces and 3 visitor spaces).
181. Submitted with the application was a traffic report prepared by the TraffixGroup. The report makes the following conclusions (amongst others) with regard to the reduction in the car parking requirement:
- (a) *the car parking demand assessment indicates that adequate car parking is provided for residents with an overflow demand related to 1-3 short-term visitor spaces;*
  - (b) *the car parking reduction under Clause 52.06-7 is supported on the following grounds:*
    - (i) *the Car Parking Demand Assessment;*
    - (ii) *the site is located on the periphery of an Activity Centre and is well served by public transport and alternative transport modes;*
    - (iii) *there is a high demand for smaller dwellings without resident parking in this locality;*
    - (iv) *residents without car parking will not be able to maintain a vehicle on-street given the local parking restrictions and inability to access resident parking permits;*
    - (v) *visitor parking demands will have a negligible impact on the availability of car parking in the nearby area, given the existing parking conditions;*

- (vi) *post development, a total of 3 car spaces will remain to be available along the site's frontage to Napier Street;*
- (vii) *the proposed level of parking is the highest that can be reasonably provided on the site without compromising the ground floor uses and layout;*
- (viii) *the practicality of providing visitor car parking on the site, and*
- (ix) *the existing car parking deficiency of the site.*

- (c) *the bicycle parking provision exceeds the requirements set out at Clause 52.34 of the Planning Scheme;*
- (d) *the proposed parking layout and vehicle access arrangements accord with the requirements of the Planning Scheme, AS2890.1:2004 (where relevant) and current practice;*
- (e) *waste collection can be appropriately managed via a Waste Management Plan prepared as a condition of permit,*
- (f) *the level of traffic generated as a result of this proposal will be low, generally residential in nature, spread throughout the day and will not have a detrimental impact on the operation or safety of St David Street, Napier Street or the surrounding road network, and*
- (g) *there are no traffic engineering reasons why a planning permit for the proposed residential development at 231 Napier Street, Fitzroy should be refused, subject to appropriate conditions.*

182. Council's Traffic Engineering Services Unit agrees with the report findings and raise no objection to the on-site parking provision and a reduction to the statutory car parking requirements. Their support is based on the proximity of the site to public transport facilities (the site has excellent access to public transport) and range of services. It is noted that the surrounding area is blanketed with time based on-street car parking restrictions.

183. In addition to the above, the car parking reduction sought in this instance is considered appropriate for the same reasons that it was acceptable with regard to the development approvals at property no's 219 and 223 Napier Street. Those reasons being:

- (a) *State and local policy encourage the balance between the provision for sufficient on-site car parking and an increased use of more sustainable modes of transport, to reduce the dependency on cars and reduce traffic congestion. The proposal balances these strategic provisions by providing some on-site car parking for the new dwellings while not providing the total recommended number of car spaces required by the Scheme;*
- (b) *To offset the shortfall in on-site car parking, the provision of secure bicycle spaces in excess of the required rate has the potential to attract prospective tenants/residents;*
- (c) *When purchasing or intending to move into the dwellings, residents/occupants would know up-front that some of the dwellings may not have on-site parking. The site has good access to public transport being tram routes along Brunswick and Smith Streets;*
- (d) *Providing the total car parking provision on site required by the Scheme would increase traffic congestion to the surrounding local road network, including congestion of the carriageway to the west (which was also a concern raised by the objectors). This is not considered to be a good outcome and is not consistent with sound town planning practice when there are other more sustainable modes of transportation within close proximity to the site; and*
- (e) *All residents and prospective property owners of the new dwellings would be ineligible to apply for on-street resident and visitor parking permits (helping to discourage prospective residents of high car ownership due to the existing lack of availability of on-street car parking).*

184. In response to the decision guidelines provided at Clause 52.06-9 of the Scheme, the proposed car parking (in relation to location and access) complies with the relevant decision guidelines in the following ways:

- (a) The role and function of nearby roads will not be unreasonably affected;
- (b) Vehicle safety, access to the site from the carriageway and manoeuvring within the car park is supported as an option by Council's traffic engineers (subject to the submission of a swept path diagram);
- (c) The location of the car parking area allows for clear visibility for users and a good level of perceived safety;
- (d) The residential use of the site is appropriate within the zoning noting that the surrounding area is a mix of dwellings and commercial buildings, and any residential noise will be controlled under the EPA guidelines;
- (e) Car-parking will be provided on-site; and
- (f) The deletion of one level will also reduce the required car parking rate by four car spaces (resulting in a reduction of 7 car spaces).

### Objector concerns

#### *Objector concerns*

185. Most of the objector concerns have been addressed throughout this assessment. However, each point will be addressed for clarity.
- (a) *Neighbourhood character - the development is not in keeping with the residential character of the street;*
  - (b) *The height, bulk and scale of the building is excessive and the design lacks setbacks;*
186. Neighbourhood character, building height and setbacks have been discussed at paragraphs 87 to 113 and 170 to 172.
- (c) *The development will diminish the visual prominence of the Fitzroy Town Hall and block views to the clock-tower;*
187. The issue relating to the impediment of views for the Fitzroy Town Hall and St Mark's Church spire have been addressed earlier in this report at paragraphs 121 to 128.
- (d) *The reduction in the car parking requirement will result in a significant impact on the on-street parking available and the surrounding street network;*
188. Car parking and traffic have been addressed at paragraphs 180 to 184.
- (e) *Off-site amenity impacts including overshadowing and outlook;*
189. Off-site amenity impacts (including overshadowing) have been addressed at paragraphs 170 to 179. The blocking of an outlook or view of the skyline is not a planning consideration.
- (f) *Property devaluation in the area;*
190. Property devaluation is not a planning consideration.
- (g) *On-site amenity including compromised light to lower level north-facing apartments; and*
191. *On-site amenity has been addressed at paragraph 130 to 169.*
- (h) *East side of Napier Street not shown on the submitted elevations – the inappropriate scale is therefore not shown.*
192. The dwellings to the eastern side of Napier Street have been considered and given their separation as a result of Napier Street from the site, any off-site amenity impacts are considered reasonable.

## Conclusion

193. It is considered that the development has struck the appropriate balance between the various competing interests which have been identified throughout this report. It is therefore considered that the development should be approved, subject to conditions.

## RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0868 for the demolition of the existing building to allow for the development of the land with a multi-storey, residential building including a reduction in the car parking requirement of the Yarra Planning Scheme at 231 Napier Street, Fitzroy, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 23 November 2017 but modified to show the following:
  - (a) The deletion of one level (either Level 2, Level 3 or Level 4) resulting in a building height of six storeys;
  - (b) The provision of fixed, 1.7m high screens with no more than 25% transparency between all west and east facing balconies located above ground floor to limit internal overlooking opportunities;
  - (c) A plan notation confirming that the screen located between the habitable room windows with an outlook into the void / stairwell area and that it will be "fixed";
  - (d) The west-facing balconies screened to a height of 1.7m with no more than 25% transparency and fixed screens to limit overlooking into the balconies and habitable room windows of the apartment building opposite within a 9m radius;
  - (e) Details of all screening methods referenced at conditions 1(b), 1(c) and 1(d) with further details of the operability of all windows facing into the voids (allowing for cross-ventilation where practicable);
  - (f) Installation of a convex mirror on the north and south side of the vehicle access-way and within the site's title boundaries;
  - (g) The bin storage area designed to provide efficient rotational space for the bins;
  - (h) All works recommended (where relevant to be shown on plans) in the acoustic report referred to in condition 8 of this permit;
  - (i) All works recommended (where relevant to be shown on plans) in the Sustainable Management Plan referred to in condition 10 of this permit;
  - (j) All roof plant screened from public view with external screening and full details and method shown; and
  - (k) An updated schedule of all external materials and finishes (including materials samples, colours and coloured elevations/perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls (including those within the void and private space and trafficable areas within the development), roof, fascias, window frames, glazing types, cladding, doors and fences and must confirm that no reflective paint or products are proposed for the facades.

### *Endorsed Plans*

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.



3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
6. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. As part of the ongoing consultant team, Edition Office Pty. Ltd. or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

*Acoustic Report*

8. Before the plans are endorsed an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The report must include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and any other relevant Australian Standards will be met and must prescribe the form of acoustic treatment to the following:
  - (a) plant and equipment;
  - (b) noise from the adjoining commercial buildings to the north and south; and
  - (c) noise from the vehicle entry door and car stacker on the amenity of abutting and surrounding apartments (both existing, under construction and intended to be constructed).
9. The provision, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

*Environmentally Sustainable Design Principles (SMP)*

10. Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must include the details in the Sustainable Management Plan prepared by GIW Environmental Solutions Pty. Ltd. dated 25 August 2017 and must include:
  - (a) Shading devices to the windows across the western and eastern elevations; and
  - (b) Reference to a six-storey building.
11. The provisions, recommendation and requirements of the plans and endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### *Lighting*

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entries and ground level car parking area must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

### *General Parking Areas*

13. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
  - (a) be designed, provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
  - (c) be made available for such use at all times and not used for any other purpose;
  - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - (e) be drained and sealed with an all-weather seal coat.

all to the satisfaction of the Responsible Authority.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

### *Council Infrastructure*

15. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

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

### *Waste Management*

17. Before the development commences, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 24 August 2017 and must be modified to include:
  - (a) Reference to a six storey building; and
  - (b) A bin capacity associated with a subsequent reduced number of dwellings that is also consistent with that shown on the endorsed plans.

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

*Construction*

19. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - (i) using lower noise work practice and equipment;
    - (ii) the suitability of the land for the use of an electric crane;
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting pneumatic tools with an effective silencer;
    - (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (s) vehicle borne material must not accumulate on the roads abutting the land;
  - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
20. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
21. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
22. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
23. This permit will expire if:
- (c) the development is not commenced within two years of the date of this permit; or
  - (d) the development is not completed within four years of the date of this permit.

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

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

Any public lighting works that are required will require the developer to consult all nearby properties with respect to the location of any lights or poles. The placement of poles must not affect manoeuvrability into garages or off-street parking spaces. Light must not spill into the windows of the subject site or into the windows of any adjoining residences.

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

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

**CONTACT OFFICER: John Theodosakis**  
**TITLE: Senior Statutory Planner**  
**TEL: 9205 5307**

**Attachments**

- 1 Site location - 231 Napier Street, Fitzroy
- 2 Complete set of plans
- 3 Heritage advice
- 4 Urban Design Advice
- 5 Engineering comments
- 6 ESD advice

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**1.5 93 Wellington St, Collingwood - Planning Permit Application PLN17/0512 - Construction of a 12 storey building plus basement, with reduction in the car parking requirement associated with dwellings**

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**Executive Summary**

**Purpose**

1. This report provides an assessment of planning permit application for PLN17/0512 and recommends approval, subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) clause 32.04 – Mixed Use Zone;
  - (b) clause 43.02 – Design and Development Overlay, Schedule 2;
  - (c) clause 52.06- Car parking;
  - (d) clause 52.34 - Bicycle facilities
  - (e) clause 58 – Apartment developments
  - (f) clause 22.05 – Interface uses policy;
  - (g) clause 22.12 – Public open space contribution;
  - (h) clause 22.16 – Stormwater management (water sensitive urban design); and
  - (i) clause 22.17 – Environmentally sustainable development.

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) policy and strategic support;
  - (b) urban design;
  - (c) clause 58 – Apartment Developments;
  - (d) environmental sustainability;
  - (e) car parking / traffic;
  - (f) bicycle facilities; and
  - (g) objector concerns.

**Objector Concerns**

4. A total of 6 objections were received to the application, these can be summarised as:
  - (a) visual bulk and impact on outlook;
  - (b) insufficient car parking;
  - (c) height;
  - (d) overshadowing;
  - (e) the approval at 72-94 Cambridge Street is 10 storeys, not 11; and
  - (f) equitable development (including the western setbacks should at least match those as approved for 72-94 Cambridge Street).

**Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER: Sarah Thomas**  
**TITLE: Principal Planner and Advocate**  
**TEL: 9205 5046**

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**1.5 93 Wellington St, Collingwood - Planning Permit Application PLN17/0512 - Construction of a 12 storey building plus basement, with reduction in the car parking requirement associated with dwellings**

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Trim Record Number: D18/90021

Responsible Officer: Senior Coordinator Statutory Planning

<b>Proposal:</b>	Development of the land for the construction of a 12 storey building plus basement, with reduction in the car parking requirement associated with dwellings
<b>Existing use:</b>	Single storey warehouse style building
<b>Applicant:</b>	DP Toscano Architects Pty Ltd
<b>Zoning / Overlays:</b>	Mixed Use Zone, Design and Development Overlay (Schedule 2), Environmental Audit Overlay
<b>Date of Application:</b>	29 June 2017
<b>Application Number:</b>	PLN17/0512

### Planning History

1. On 21 February 1997, Planning Permit No. 97/157 was issued for a change of use to an office.

### Background

2. On 16 May 2018 the Applicant lodged amended plans under Section 57A of the *Planning and Environment Act 1987 [the Act]*. The amendment makes the following changes to the advertised plans:
  - (a) modified lift core, bin store and bicycle store at the ground level;
  - (b) notation confirming the bin store would be ventilated;
  - (c) addition of a convex mirror for vehicles exiting the site;
  - (d) modified lift and stair cores throughout each floor;
  - (e) level 8-10 eastern balconies setback 2.9m from the street and treated with clear glazing to the balustrades (previously positioned on the Wellington Street boundary at level 8 and setback 1.5m at levels 9 and 10);
  - (f) deletion of the roof garden;
  - (g) Wellington Street ground level elevation modified from a full height metal screen to glazing with low metal slats; and
  - (h) deletion of metal slat treatment to front entry door (glazed door).

### Existing Conditions

#### Subject Site

3. The subject site is located on the west side of Wellington Street, north of Langridge and south of Peel Streets, Collingwood. The site has a frontage of 9.88m and a depth of 28.4m, yielding an overall area of 286m<sup>2</sup>.
4. The site is developed with a single storey warehouse style building, partially constructed to the east and south title boundaries, with vehicular access provided from the northern end of the Wellington Street frontage. A rear setback contains two sheds and a grassed area.

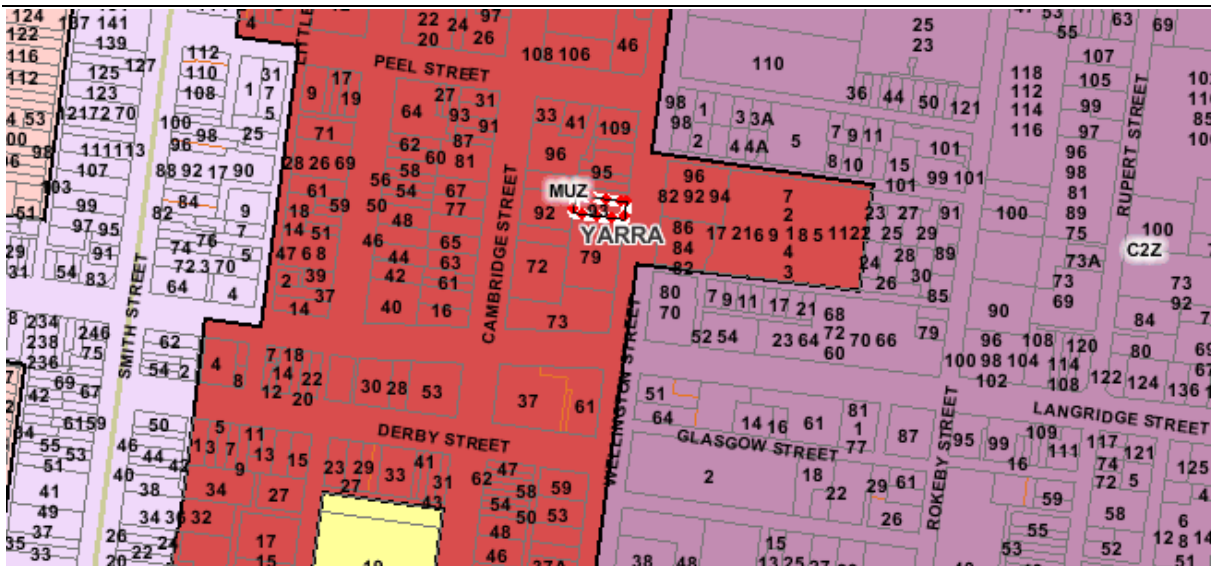


*Title*

5. The title submitted with the application does not show any covenants or easements.

Surrounding Land

6. The site is located at the eastern edge of a Mixed Use Zone pocket of Collingwood, generally positioned east of the Commercial 1 Zone strip of Smith Street to the west and the Commercial 2 Zone pocket of the Gipps Street warehouse precinct to the east.



7. Wellington Street and the MUZ pocket to the west has undergone considerable change over the last 5-10 years. Whilst the area was historically dominated by 1-3 storey Victorian era commercial tenancies and later inter-war style warehouses, this area has been subject to a number of taller residential developments/approvals in recent years, including:
  - (a) 132 Smith Street (Banco Development) (9 storeys);
  - (b) 9-17 Smith Street (7storeys);
  - (c) 22 Peel Street (5 storeys);
  - (d) 41 Peel Street (6 storeys);
  - (e) 4-12 Langridge Street (5 storeys);
  - (f) 23 Little Oxford Street (4 storeys);
  - (g) 195 Wellington Street (9 storeys);



- (h) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys);
  - (i) 24-28 Stanley Street (7 storeys);
  - (j) 1-21 Robert Street (up to 17 storeys);
  - (k) 73-77 Wellington Street (10 storeys);
  - (l) 86 Smith Street (5 storeys); and
  - (m) 72-90 Cambridge Street (9 storeys).
8. To the north of the subject site is a 7 storey building used as dwellings. The building is constructed to the shared boundary. Further north is a 10 storey residential building on the corner of Wellington and Peel Street.
9. To the east of the subject site is a row of primarily 2 storey buildings used as offices, retail premises and dwellings. The finishes include a mixture of face red brick, concrete panel and glazed facades. Behind these buildings, further east, is the Yorkshire Brewery development (1-21 Robert Street) which was approved at VCAT at 17 storeys.
10. To the south of the subject site is a 1-2 storey warehouse building, presenting 2 storeys to Wellington Street and 1 storey to the subject site, with a front setback provided in front of the single storey portion for car parking.
11. Further south is the No. 73-77 Wellington Street development, recently approved as a 10 storey residential building. The site was most recently developed with a 3 storey, red brick office building, which has since been demolished. The site was subject to a recent planning permit application for a 12 storey mixed use development (plus 4 basement levels), including 2 shops and 87 dwellings. The appeal was a section 79 application (failure) and Council formed a position of refusal based on built form (height, setbacks and massing), car park layout, equitable development, vehicular access via Wellington Street and poor on-site amenity. Council's position was upheld by VCAT, however the Tribunal's primary concern was vehicular access from Wellington Street (across the Copenhagen style bicycle lanes) and safety. A subsequent application was lodged for this site, with a permit issuing on 4 October 2016 for:
- (a) Construction of a building containing two or more dwellings (10 storeys).
  - (b) Use of the land for shops.
  - (c) Reduction in the car parking requirements associated with dwelling visitors and shops.
  - (d) Waiver of the loading bay requirement for the shops.
12. Further south again is an island site bound by Wellington, Derby, Langridge and Cambridge Streets. Planning Permit PLN15/0641 was issued at the direction of VCAT on 29 August 2017 for:
- (a) Development of the land for the construction of a 14 storey building (plus
  - (b) 3 basement levels) in a Mixed Use Zone,
  - (c) construction and use of land for offices in Mixed Use Zone,
  - (d) reduction of car parking required for dwellings, food and drink premises
  - (e) and offices pursuant to the requirements of clause 52.06,
  - (f) removal of Restrictive Covenant Y008576A from Certificate of Title
  - (g) Volume 8055 Folio 952 and
  - (h) removal of Easement A-1 from Lot 1 on TP84168U pursuant to clause 52.02.

The development has commenced.

13. Further south-west, at No. 72-90 Cambridge Street, Planning Permit PLN15/1083 was issued on 25 October 2015 for the construction of a multi-storey (9 storey), mixed use building, use as an art gallery, and a reduction in the car parking requirements in accordance with the endorsed plans.
14. The site is well serviced by public transport, with the following options:

- (a) train – North Richmond Station approximately 724m to the south-east of the site and Collingwood Station approximately 663m to the north-east of the site;
  - (b) tram – 2 services along Victoria Parade (approximately 350m to the south) and 1 service along Smith Street (approximately 278m to the west); and
  - (c) bus – 5 services along Victoria Parade and 8 services along Hoddle Street (approximately 480m to the east).
15. The area is also ideal for cyclists. In July 2015, Council opened 'Copenhagen style' bicycle lanes in Wellington Street. The arrangement provides a physical separation between cyclists and motorists to improve safety and was listed as a high priority project in the Yarra Bicycle Strategy 2010-2015.

### **The Proposal**

16. The application is for the construction of a 12 storey building plus basement, with an associated reduction in the car parking requirement associated with dwellings. Further details of the proposal are as follows:

#### Built form

- (a) full demolition of existing buildings/structures (no permit required);
- (b) construction of a 12 storey building, plus basement. The development would be a maximum overall height of 38.5m;
- (c) in terms of massing, the proposal would present as 7 storeys to Wellington Street with the top 5 levels setback 2.9m to 4.5m;
- (d) ground to level 1 would be constructed to all title boundaries, excluding a 4.5m wide by maximum 4m deep light court along the southern boundary. This light court then extends up throughout all floors;
- (e) level 2 would include a 4.5m rear setback (with a 3.3m deep balcony);
- (f) levels 3 to 6 would include an angled setback, ranging from approximately 3.1m to 4.5m;
- (g) level 7 would introduce a regular rear setback at 4.5m (no longer angled as per the levels below);
- (h) levels 8 to 10 would continue the regular rear setback of 4.5m, however the front balcony would be setback 2.9m from the front title boundary, projecting 1.6m forward of the façade which would be 4.5m behind the front title boundary;

#### Layout

- (i) the basement would contain a car stacker pit (10 vehicles), lift and stair access, a 3,000L rainwater tank, a bin room, a bike store for 5 bicycles, and a residential lobby;
- (j) the base of the light court would have permeable paving;
- (k) the ground floor would include a vehicular entry door, a bicycle/pedestrian entrance and fire services cupboard presentation to Wellington Street;
- (l) levels 1 to 10 would each contain a 3 bedroom dwelling. A 4.5m wide by maximum 4m deep light court would be located along the southern boundary, with the bedrooms generally positioned to the west (all but the dwellings on levels 1 and 2) and 1.1m to 3.3m deep balconies along the eastern boundary (all except for the dwelling on level 2 which would also contain a western balcony). Each dwelling would contain 2 bathrooms;
- (m) level 11 (roof level) would contain services only, however it is a level as the stairs and lift extends to this floor;

#### Colours and materials

- (n) the development would be constructed of a mixture of flat and ribbed concrete, with metal screens and a mixture of grey tonal finishes.

## Planning Scheme Provisions

### Zoning

17. The subject site is zoned Mixed Use. The following provisions apply:
- (a) Pursuant to clause 32.04-2 of the Yarra Planning Scheme [**the Scheme**], a planning permit is not required to use the land as dwellings.
  - (b) Pursuant to clause 32.04-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. An apartment development of five or more storeys, excluding a basement, must meet the requirements of clause 58.

### Overlays

18. The subject site is affected by the Design and Development Overlay, Schedule 2 (Main Roads and Boulevards) and the Environmental Audit Overlay. The following provisions apply:
- (a) Pursuant to clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The relevant design objectives of schedule 2 are:
    - (i) *To recognise the importance of main roads to the image of the City.*
    - (ii) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
    - (iii) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
    - (iv) *To encourage high quality contemporary architecture.*
    - (v) *To encourage urban design that provides for a high level of community safety and comfort.*
    - (vi) *To limit visual clutter.*
    - (vii) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*
  - (b) Pursuant to clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
    - (i) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    - (ii) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

This Scheme requirement should be noted on any permit issued.

## Relevant Particular Provisions

### *Clause 52.06- Car parking*

19. Pursuant to clause 52.06-2 of the Scheme, before a new use commences or the floor area of an existing use is increased or the measure specified in column C of table 1 to clause 52.06-5 for that use is increased, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement:

<b>Use</b>	<b>Statutory Requirement</b>	<b>On-site Provision</b>	<b>Reduction requested</b>
Dwelling residents	1 space to each 1 or 2 bedroom dwelling plus 2 spaces to each 3+ bedroom dwelling = 20 spaces	10	10
Dwelling visitors	1 visitor space to each 5 dwellings for developments of 5 or more dwellings = 2 spaces	0	2
<b>Total</b>	<b>22</b>	<b>10</b>	<b>12</b>

20. Pursuant to clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car spaces required under clause 52.06-5.

*Clause 52.34 - Bicycle facilities*

21. Pursuant to clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the car parking requirement under clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

<b>Use</b>	<b>Statutory Requirement</b>	<b>On-site Provision</b>	<b>Reduction requested</b>
Dwelling residents	In developments of four or more storeys, 1 to each 5 dwellings = 2 spaces	10	0
Dwelling visitors	In developments of four or more storeys, 1 to each 10 dwellings = 1 space		0
<b>Total</b>	<b>3</b>	<b>10</b>	<b>0</b>

22. Clause 52.34-2 states that a permit may be granted to reduce or waive this requirement. Clause 52.34-5 contains bicycle signage requirements.

*Clause 58 – Apartment developments*

23. This clause applies as the proposal is for an apartment development over 5 storeys in a MUZ. A development should meet all the standards and must meet all the objectives.

**General Provisions**

*Clause 65 – Decision Guidelines*

24. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

**State Planning Policy Framework (SPPF)**

25. Relevant clauses are as follow:

*Clause 10.01 – Integrated decision making*

26. This clause states (as relevant): *Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

*Clause 11.06-2 – Housing choice*

27. The objective of this clause is: *To provide housing choice close to jobs and services.*

*Clause 11.06-4 – Place and identity*

28. The objective of this clause is: *To create a distinctive and liveable city with quality design and amenity.*

*Clause 11.06-6 – Sustainability and resilience*

29. The objective of this clause is: *To create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way.*

*Clause 13.03-1 – Use of contaminated and potentially contaminated land*

30. The objective of this clause is: *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

*Clause 13.04-1 – Noise abatement*

31. The objective of this clause is: *To assist the control of noise effects on sensitive land uses.*

*Clause 13.04-2 – Air quality*

32. The objective of this clause is: *To assist the protection and improvement of air quality.*

*Clause 15.01-1 – Urban design*

33. The objective of this clause is: *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

*Clause 15.01-2 – Urban design principles*

34. The objective of this clause is: *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

35. A list of 11 design principles is listed for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.

*Clause 15.01-4 – Design for safety*

36. The objective of this clause is: *To improve community safety and encourage neighbourhood design that makes people feel safe.*

*Clause 15.01-5 – Cultural identity and neighbourhood character*

37. The objective of this clause is: *To recognise and protect cultural identity, neighbourhood character and sense of place.*

*Clause 15.02-1 – Energy and resource efficiency*

38. The objective of this clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

*Clause 16.01-1 – Integrated housing*

39. The objective of this clause is: *To promote a housing market that meets community needs.*

*Clause 16.01-2 – Location of residential development*

40. The objective of this clause is to: *To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.*

*Clause 16.01-3 – Housing opportunity areas*

41. The objective of this clause is: *To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

*Clause 16.01-4 – Housing diversity*

42. The objective of this clause is: *To provide for a range of housing types to meet increasingly diverse needs.*

*Clause 16.01-5 – Housing affordability*

43. The objective of this clause is: *To deliver more affordable housing closer to jobs, transport and services.*

*Clause 18.02-1 - Sustainable personal transport*

44. The objective of this clause is: *To promote the use of sustainable personal transport.*

*Clause 18.02-2 – Cycling*

45. It is an objective: *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

*Clause 18.02-5 – Car parking*

46. It is an objective: *To ensure an adequate supply of car parking that is appropriately designed and located.*

47. The clause includes the following (relevant) strategies to achieve this objective:
- (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
  - (b) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

*Municipal Strategic Statement (MSS)*

Relevant clauses are as follow:

*Clause 21.04-1 – Accommodation and housing*

48. The relevant objectives of this clause are:
- (a) *Objective 1 To accommodate forecast increases in population.*

- (b) *Objective 2 To retain a diverse population and household structure.*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

*Clause 21.05-2 – Urban design*

49. The relevant objectives and strategies of this clause are:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
  - (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
      - *Significant upper level setbacks*
      - *Architectural design excellence*
      - *Best practice environmental sustainability objectives in design and construction*
      - *High quality restoration and adaptive re-use of heritage buildings*
      - *Positive contribution to the enhancement of the public domain*
      - *Provision of affordable housing.*
  - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
  - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
  - (e) *Objective 22 To encourage the provision of universal access in new development.*

*Clause 21.05-3 – Built Form character*

50. The site is within a 'non-residential' built form character type area as defined by clause 21.08 of the Scheme.

*Clause 21.05-4 – Public environment*

51. The relevant objective and strategies of this clause are:
- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
    - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
    - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
    - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
    - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
    - (v) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

*Clause 21.06-1 – Walking and cycling*

52. The relevant objective and strategies of this clause are:
- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
    - (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*
    - (ii) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
    - (iii) *Strategy 30.3 Use rear laneway access to reduce vehicle crossovers.*

*Clause 21.06-2 – Public transport*

53. The relevant objective and strategies of this clause are:
- (a) *Objective 31 To facilitate public transport usage.*
    - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

*Clause 21.06-3 – The road system and parking*

54. The relevant objective and strategies of this clause are:
- (a) *Objective 32 To reduce the reliance on the private motor car.*
    - (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
    - (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
  - (b) *Objective 33 To reduce the impact of traffic.*
    - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

*Clause 21.07-1 – Ecologically sustainable development*

55. The relevant objective of this clause is: *Objective 34 To promote ecologically sustainable development.*

*Clause 21.08-5 – Collingwood*

56. The following relevant commentary is offered at Clause 21.08-5:
- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
  - (b) *The Gipps Street industrial precinct is characterized by traditional and manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses. To allow flexibility for large sites which may have difficulty in finding new industrial tenants, rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.*
57. This clause identifies that the site is within a non-residential area (even though the zoning is residential) and that the objective is 'to improve the interface of development with the street'.

*Local Policies*

58. Relevant clauses are as follow:

*Clause 22.03 – Landmarks and tall structures*

59. The objective of this policy is:
- (a) *To maintain the prominence of Yarra's valued landmarks and landmark signs*

*Clause 22.05 – Interface uses policy*

60. The objectives of this policy are:
- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
  - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

*Clause 22.10 – Built form and design policy*

61. The objectives of this policy are:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*



- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*

*Clause 22.12 – Public open space contribution*

62. The objectives of this policy are:
- (a) *To implement the Yarra Open Space Strategy.*
  - (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
  - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
63. The site is in an area where land contribution is preferred. However, as the site is only 286m<sup>2</sup> it does not meet the relevant criteria and a cash contribution will be required should the site be subdivided in the future.

*Clause 22.16 – Stormwater management (water sensitive urban design)*

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

*Clause 22.17 – Environmentally sustainable development*

65. The objectives of this policy are:
- (a) *The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*
66. Objectives are offered in relation to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

Other relevant documents  
*Smith Street Structure Plan [SSSP]*

67. Council adopted the SSSP on 18 November 2008. Following this, Council pursued a number of amendments, including C140 – seeking a DDO in line with the built form recommendations of the SSSP. However, in late May/ early June, a panel member representing the Department of Planning and Development reviewed the proposed amendment.
68. The panel found there was no strategic justification for the amendment and recommended the abandonment of the Smith Street Structure Plan. Council resolved to abandon Amendment C140 on 24 October 2013 in accordance with the recommendations made in a Panel Report that was received by Council on 29 June 2012.
69. However, the SSSP remains Council's adopted plan for the area. The following relevant guidance is offered in this document:
- (a) The site is within an identified 'mixed use area', where the objective is to:
    - (i) *maintain a mix of uses in the area;*
    - (ii) *protect residential amenity; and*
    - (iii) *opportunities for new housing.*
  - (b) The site is within precinct 11, which offers the following:
    - (i) *Generally five storeys, unless a specific urban design benefit can be demonstrated (see Table 1).*
      - *Future character statement:*
        - *Infilling of this precinct will see an increase in residential density (replacement of post-war buildings), while retaining some of the former industrial character.*
        - *Medium rise development set back behind the street wall façades.*
        - *Street frontages more active and vibrant.*
      - *Built form guidelines:*
        - *Build to the street frontage boundary of the site.*
        - *The street frontage façade of infill development must complement the predominant street frontage height of nearby and abutting properties, with upper levels setback.*
      - *Preferred maximum building height:*
        - *Generally five storeys, unless an urban design benefit can be demonstrated. Sites must be of sufficient size to accommodate upper level setbacks to meet view line and amenity setback criteria.*

## Advertising

70. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 2,692 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 6 objections, the grounds of which are summarised as follows):
- (a) visual bulk and impact on outlook;
  - (b) insufficient car parking;
  - (c) height;
  - (d) overshadowing;
  - (e) the approval at 72-94 Cambridge Street is 10 storeys, not 11; and
  - (f) equitable development (including the western setbacks should at least match those as approved for 72-94 Cambridge Street).
71. The Section 57A amended plans increase setbacks and reduce the scale of the proposal and therefore have not been re-advertised as they would not cause material detriment to any person. The plans however, have been sent to the objectors with the invitations to this IDAC meeting for their reference.

## Referrals

72. The application was not required to be referred to any external parties under the Scheme.
73. The application was referred to the following internal departments and their referrals are contained as attachments to this report (comments on original plans unless otherwise stated):
  - (a) Urban Design;
  - (b) Strategic Transport Unit;
  - (c) Engineering Services Unit;
  - (d) Services Contracts Unit; and
  - (e) ESD Consultant.

## **OFFICER ASSESSMENT**

74. The primary considerations for this application are as follows:
  - (a) policy and strategic support;
  - (b) urban design;
  - (c) public open space contribution;
  - (d) clause 58 – Apartment Developments;
  - (e) environmental sustainability;
  - (f) car parking / traffic;
  - (g) bicycle facilities; and
  - (h) objector concerns.

### Policy and strategic support

75. Being located within a MUZ in Collingwood, an area well serviced by infrastructure, public transport and other services, residential development is encouraged. One of the purposes of the Zone is '*To provide for housing at higher densities*'. The purpose of the Zone is also '*To encourage development that responds to the existing or preferred neighbourhood character of the area*'. The amended proposal generally meets these objectives, however given the site context and constraints, it is considered that the proposal is too tall in this location. As this report outlines, this can be addressed by way of a condition.
76. The proposal would offer reasonable levels of amenity for future occupants, while also not unreasonably impacting the amenity or future development potential for adjoining sites. However this will be discussed later in this report.
77. Subject to conditions contained in this report, the proposal would also achieve a reasonable urban design and environmentally sustainable outcome for the site.
78. As this assessment outlines, subject to the conditions contained in this report, the application achieves policy and strategic support and has responded to the emerging character of Wellington Street and this pocket of Collingwood.

### Urban design

#### *Site Analysis Plan and context*

79. The Applicant provided a satisfactory site analysis plan and urban context report with the application.

#### *Urban form and character*

80. Council's local policy highlights how the municipality is predominately low-rise, with some pockets of higher development (clause 21.05-2). This is evident in the area surrounding the subject site, a number of 4-14 storey forms having been approved west of Wellington Street (in addition to the 17 storey Yorkshire Brewery development east of Wellington Street).

81. Strategy 17.2 at clause 21.05-2 is:

- (a) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
- (i) *Significant upper level setbacks*
  - (ii) *Architectural design excellence*
  - (iii) *Best practice environmental sustainability objectives in design and construction*
  - (iv) *High quality restoration and adaptive re-use of heritage buildings*
  - (v) *Positive contribution to the enhancement of the public domain*
  - (vi) *Provision of affordable housing.*

82. This list is not exhaustive, however the following assessment will outline how the proposal includes significant upper level setbacks and makes a positive contribution to the public realm, therefore warranting support subject to the conditions contained in this report.

#### *Height and setbacks*

83. In the absence of structure plans or mandatory height controls, each application must be considered on its merit.

84. An objective of the DSE Guidelines is '*To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings*'. Design suggestions include:

- (a) *relate building height to street width and intended character;*
- (b) *setback upper levels of tall buildings or use a podium and tower form to help create a pedestrian scale at street level; and*
- (c) *reduce heights, increase setbacks or step the mass of the building to create sensitive interfaces with adjoining buildings.*

85. Clause 22.10-3.3 also supports podium/tower configurations for development that is higher than adjacent buildings. However, the policy continues to state that the overall height of new development should only exceed the prevailing height of the area when the proposal does not cause off-site impacts and is either:

- (a) *located on a corner site of a main road; or*
- (b) *of substantial land area.*

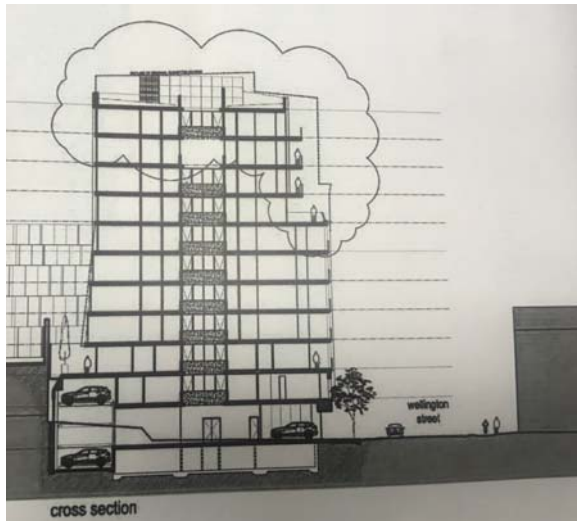
86. The site is not located on a corner of a main road and is not of substantial land area. As this report outlines however, the proposal does not result in unreasonable off-site amenity impacts.

87. The street wall will first be assessed, followed by the overall building height.

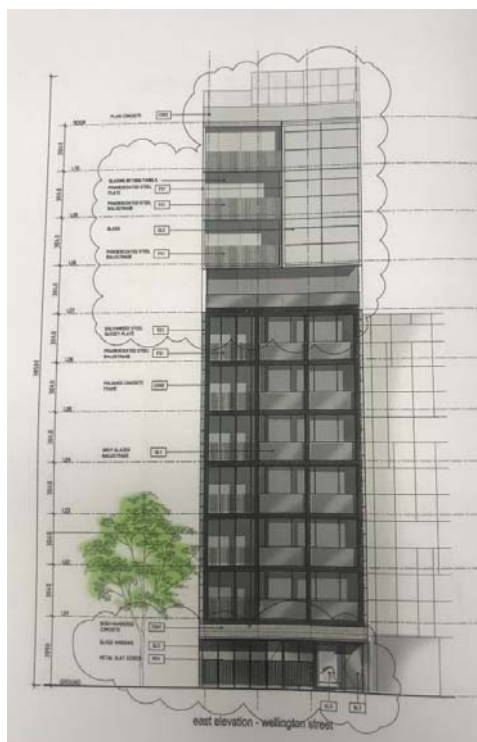
88. The new buildings in this section of Wellington Street (north of Langridge and south of Peel Street) already have a strong street wall presentation. With 5-7 storey street wall heights, this equates to an approximately 1:1 street wall street width ratio given Wellington Street is approximately 19.7m wide. The amended proposal has been modified to a 7-storey street wall, achieved by raking back the level 8 balustrade which previously angled towards the street to accentuate this floor. The current proposal would now match the street wall height of the development to the immediate north and responds to its site context.



Advertised cross-section



Section 57A/decision plan cross-section

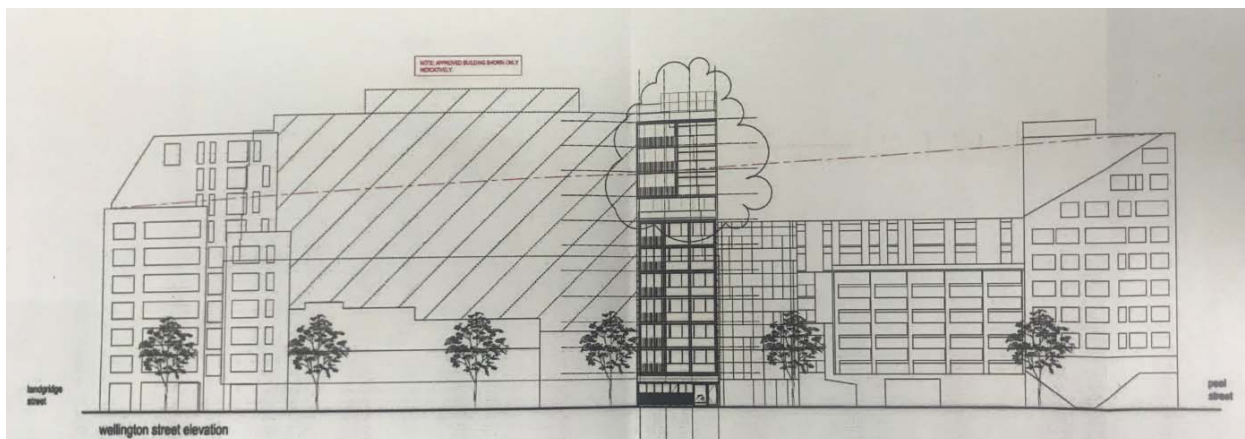


Proposed Wellington street elevation – Section 57A/Decision plans

89. It is noted that Council's Urban Design Unit did not raise any issue with the street wall height.
90. Moving now to overall height, Council's Urban Design Unit did raise issue with the proposal.
91. The site is only 284m<sup>2</sup>, which is an important consideration when assessing the proposal in the context of recent approvals in the area. The other sites referenced in the site context section of the assessment (with heights at 7 storeys and above) all have larger lot sizes (approximate):
  - (a) 132 Smith Street (Banco Development) (9 storeys) – 6,707m<sup>2</sup>;
  - (b) 9-17 Smith Street (7storeys) – 1,100m<sup>2</sup>;
  - (c) 195 Wellington Street (9 storeys) – 818m<sup>2</sup>;
  - (d) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys) – 4,051m<sup>2</sup>;
  - (e) 24-28 Stanley Street (7 storeys) – 707m<sup>2</sup>;
  - (f) 1-21 Robert Street (up to 17 storeys) – 4,563m<sup>2</sup>;
  - (g) 73-77 Wellington Street (10 storeys) – 1,138m<sup>2</sup>. This site is also a corner site positioned on a main road;
  - (h) 61-71 Wellington Street and 37-39 Langridge Street (up to 14 storeys) – 1,928m<sup>2</sup>. This site is also an island site positioned on a main road; and

- (i) 72-90 Cambridge Street (9 storeys) – 1,765m<sup>2</sup>.

92. A 12 storey building on a 284m<sup>2</sup> lot would appear out of context in the area. This is particularly evident in the streetscape elevation provided by the Applicant.



Proposed Wellington Street streetscape elevation

- 93. The proposal is also approximately 2 storeys taller than the developments approved/constructed at the northern and southern ends of this section of Wellington Street. 107-109 Wellington Street is 31.3m (plus lift overrun) and 73-77 Wellington Street is 31.3m (plus plant). This proposal is 38.5m high.
- 94. Council's Urban Design Unit has raised issue with both the overall height and the upper level or tower setbacks from the street. While Council's Urban Design unit support the '*attractively slender form*' the following comments were offered in relation to the original, advertised plans:
  - (a) *The proposal is taller than the 7-storey building to its north or the 9-storey building at the corner of Peel St. At street intersections, there is often an argument for height to step up to mark the corner of the block. That is not the case for the subject site, which is located mid-block. Here, its greater height undermines the built form hierarchy of the streetscape.*
  - (b) *The proposal results in an abrupt height transition to the south, where development on the adjoining boundary is currently limited to a single storey building at the rear of the site.*
- 95. Council's Urban Design Unit recommended at least 2 typical building levels be deleted (within levels 1-7), resulting in a 6 storey street wall and 10 storey overall height. The upper 3 levels should then be setback at least 5m from the front boundary (at least 1.5m more than originally proposed).
- 96. The Permit Applicant has since amended the proposal, deleting the roof deck and setting levels 8-10 back 4.5m from the front (eastern) boundary. Balconies at these floors project 1.6m into this front setback, however they are of a 1m high, metal blade construction to minimise the appearance of these elements.



Advertised south elevation

Section 57A/decision plan south elevation

97. Council's Urban Design Unit support these changes and have advised that they generally support the proposal, however they still do not support the overall height as proposed. While the front setback issues have been dealt with, the proposal is still considered to be 1 storey too tall in this context and given the small size of the site. Proportionally, 1 of levels 8-10 should be deleted to reduce the overall height of the proposal to more appropriately respond to its context (level 10 is suggested). A building of this height cannot be supported on this site when the developments on the corners to the north and south are lower. The deletion of 1 of the 'tower' levels would reduce this proposal to being lower than the development at the intersection of Wellington and Langridge Streets and the same height (excluding plant and requirement level) as the development at the intersection of Peel and Wellington Streets.
98. An 11 storey height on this site is also acceptable given the site to the south is a large, potential future development site.
99. Subject to the conditions contained in this report, the proposed height and setback of the development responds to the existing and emerging character of Wellington Street.

*Light and shade*

100. An objective of the DSE Guidelines is '*To protect sunlight access to public spaces*'.
101. The proposal would overshadow the eastern footpath of Wellington Street from 2pm onwards. This is considered reasonable in this context and would not unreasonably impact the public realm.

*Street, public space quality and safety*

102. Clause 22.10-3.4 includes design objectives '*To ensure ground level façade and boundary treatments interface positively with the street and public domain treatments interface positively with the street and public domain*' and '*To ensure that new development enhances public safety and the pedestrian experience*'.
103. In addition, the site is affected by the Design and Development Overlay, Schedule 2. Where objectives include '*To encourage high quality contemporary architecture*' and '*To encourage urban design that provides for a high level of community safety and comfort*'.

104. The original (advertised) proposal presented 42% vehicular roller door/side walls and 21% services, leaving 37% for an artwork/window installation and pedestrian entrances to Wellington Street.



Original/Advertised proposed east elevation

105. While the presence of services and vehicular entrances are accepted as necessary elements, the amended plans have improved the activation and appearance of the front façade by deleting the full height screens, with the glass pedestrian door being exposed and the incorporation of a low height metal screen to only obscure the lower section of the services cupboard and vehicular entrance.



Section 57A/Decision plan proposed east elevation

106. Similar to other developments constructed along Wellington Street (an arterial road), the proposal would now positively activate the street and create an improved pedestrian experience.

#### *Wind*

107. The DSE Guidelines aim 'To ensure new tall buildings do not create adverse wind effects'.
108. The Applicant did not supply a wind report with the application, however this could be addressed by way of a condition. The wind report is unlikely to create an issue (similar to other frontages of tall buildings along Wellington Street) and could be dealt with via conditions.

#### *Heritage*

109. The site is not affected by a Heritage Overlay. The closest Heritage Overlays are east of Wellington Street and further west.



HERITAGE OVERLAY (HO)



110. Given the separation of the site from these overlays, the application does not raise heritage concerns.

*Landmarks, views and vistas*

111. Policy at clause 22.03 of the Scheme aims to ‘*protect views to the silhouette and profile of Yarra’s valued landmarks to ensure they remain as the principal built form reference*’, whilst also aiming to ‘*ensure the profile and silhouette of new tall structures adds to the interest of Yarra’s urban form and skyline*’.

112. The site is not within close proximity to any of the identified landmarks or signs at clause 22.03.

*Site coverage*

113. The application proposes a site coverage of 100%. Policy at clause 22.10-3.6 suggests that: *New development should not exceed a maximum site coverage of 80% of the site area unless:*

- (a) *the pattern of site coverage in the immediate area is higher than this figure (as identified in the Site Analysis Plan and Design Response); or*
- (b) *there is a need to cap the site to deal with contamination.*

114. The site context is one of a high level of site coverage (the approved developments within this section of Wellington Street are all 100%). The proposed site coverage is therefore supported. In addition, the site is within an Environmental Audit Overlay, and it will be likely the site will need to be capped to deal with contamination (to be determined by the Applicant’s environmental auditor).

*Permeability*

115. Clause 22.16 of the Scheme addresses stormwater management and is important when considering permeability. The policy aims to improve stormwater quality and incorporate stormwater treatment measures into the design of developments. As outlined in the following ESD assessment, while the site would be impervious (100% site coverage proposed) the proposal incorporates rainwater tanks and re-use on site to minimise the impact of the proposal on the water table and stormwater system.

*Architectural quality, colours and materials*

116. As identified by Council's Urban Design Unit:

*With the above-recommended reductions in built form, the proposed design would be broadly supported, noting the use of integral finishes rather than reliance on applied paint, and the slenderness and shaping of the main form. However, without such reductions, the proposal would be very prominent – particularly as viewed from the southeast, warranting correspondingly high design standards – beyond those currently demonstrated. Further, the current proposal would protrude above its surroundings in distant views from various directions. The left hand perspective on TP14 (looking from the north) gives a sense of this. The flush, blank side walls present a challenge to achieving a building top which presents well from all directions.*

...

*Consideration has been given to how the building will present in the round. For example, bush hammered concrete wraps from the front to the side elevation'.*

117. When considering the original (advertised) plans, Council's Urban Design Unit also requested details of the metal slat screen at the ground level, again noting that '*this finish will dominate the pedestrian's experience of the building*'. However, the amended plans have reduced the height of the screen and deleted it from in front of the front entrance door. However, a condition will require details of the metal screen that still applies to the lower portion of the vehicular entrance and services cupboard to ensure it is not too solid.

118. The south elevation is considered to be adequately broken up with horizontal bandings and a bush hammered concrete pattern to add visual interest (until the site to the south is redeveloped).

*Landscaping*

119. There is no landscaping proposed, however this is supported in the context of the site, which is largely covered by robust built form.

*Service infrastructure*

120. The DSE Guidelines aim '*To treat roof spaces and forms as a considered aspect of the overall building design*'. The proposal includes a screened plant area (with sections of different materials), ensuring any services are not an afterthought and incorporated into the design.

*Urban design summary*

121. As outlined throughout this assessment and subject to the conditions contained within, the amended (decision) plans have made a number of improvements to the proposal, resulting in it now being supported from an urban design perspective (subject to the deletion of a level).

Clause 58 – Apartment developments

*Standard D1 – Urban context objectives*

122. This report has already outlined that (subject to conditions) the proposal has appropriately responded to the physical and policy context of the site in terms of height, setbacks and presentation to the street. The objective of this standard is met.

*Standard D2 – Residential policy objectives*

123. The application was provided with a planning report that responded to relevant housing policy in the Scheme. The site is well located to take advantage of public and community infrastructure and services and subject to the conditions in this report, results in a positive urban design outcome. The objective of this standard is met.

*Standard D3 – Dwelling diversity objective*

124. The proposal includes 10 dwellings, all with 3 bedrooms. However, the dwellings on levels 1, 2, 3-6, 7 and 8-10 are all different layouts, offering different options for residents. In any event, with the conditions contained in this report, the number of dwellings would be reduced to 9 and this standard would not even be applicable. The objective of this standard is met.

*Standard D4 – Infrastructure objectives*

125. The site is in an area already connected to necessary services and utilities. There is no information to suggest that the area could not accommodate an additional 10 dwellings. Further, the site is dealing with stormwater runoff via rainwater tanks and re-use for toilet flushing. The objective of this standard is met.

*Standard D5 – Integration with the street objective*

126. The development is integrated with the street in the sense that it faces Wellington Street. However the conditions contained in this report have been recommended to ensure the treatment of the ground level provides a positive pedestrian experience, as already outlined in this report.

*Standard D6 – Energy efficiency objectives*

127. ESD is addressed in detail later in this report, however considering standard D6:
- (a) the floor plates enable adequate direct sunlight from the east and west throughout the day;
  - (b) while the light court is located on the southern boundary, reasonable ambient daylight could still enter this space. Further, the 7 storey building along the northern boundary limits northern direct sunlight opportunities;
  - (c) the introduction of a south boundary light court ensures that should the site to the south be developed, that a similar light court could be incorporated;
  - (d) while the living areas are east facing, this is due to the site context (east-west axis) and 7 storey development on the northern boundary;
  - (e) the development would have an average cooling load of 18MJ/M<sup>2</sup> per annum (where standard D6 suggest a maximum of 30).
128. As outlined in the following sections of this report, the proposal would also not unreasonably impact the equitable development potential of the dwellings to the west and south, in particular with regard to daylight and energy efficiency.

*Standard D7 – Communal open space objective*

129. This standard only applies to developments of 40 or more dwellings.

*Standard D8 –Solar access to communal outdoor open space objective*

130. This standard only applies when Standard D7 is triggered.

*Standard D9 – Safety objective*

131. The dwelling entrances are not unreasonably isolated due to vegetation or from internal pathways. The objective of this standard is met.

*Standard D10 – Landscaping objectives*

132. The application includes a raingarden at the ground level and a planter at the western edge of the level 2 terrace. Given the surrounding area is not one of a high landscape value or character, the landscaping proposed is supported. The objective of this standard is met.

*Standard D11 – Access objective*

133. Given the front boundary is 9.88m wide, the vehicle crossover meets the standard at 36% of the frontage. The crossover is also supported as it is only single width and with a 'no standing zone' out the front of the site, would not remove on-street parking. Being located on a main road (albeit not a Road Zone, category 1), the site would continue to be accessible for service, emergency and delivery vehicles. The objectives of this standard are met.

*Standard D12 – Parking location objectives*

134. The car park is supported as it would not unreasonably impact the amenity of dwellings given its location and is:
- (a) convenient for residents with access to a lift;
  - (b) secured by a roller door; and
  - (c) ventilated with CO2 sensors (only used when necessary).
135. The objectives of this standard are met.

*Standard D13 – Integrated water and stormwater management objectives*

136. As outlined in the following ESD section of this report, the proposal adequately treats stormwater. The objective of this standard is met.

*Standard D14 – Building setback objectives*

137. Each interface will be considered in turn:

- (a) north – a 7 storey boundary wall is located to the north. In addition, walls on boundaries are a common character in the area. As a result, the proposed side boundary construction is supported;
- (b) east – as already identified, the upper level setbacks of 1.4m from level 9 and above are insufficient for creating an appropriately scaled street wall and for minimising the visual bulk of the tower form above;
- (c) south – the site abuts an open space area and a single storey building for the factory/office to the south. Save for the height issues raised in this report, a zero-side setback is supported along this elevation also. With a 4.5m by maximum 4m light court on this boundary, the proposal also does not unreasonably borrow daylight from the adjoining site from an equitable development perspective. Should the adjoining site be redeveloped, a similar light court could be incorporated into the plan to allow daylight penetration into any new building;
- (d) west – the site currently abuts a double storey office building to the west. However, a permit was issued on 25 October 2016 for a 9 storey mixed use development (including dwellings at the upper levels). While plans have not yet been endorsed for Planning Permit PLN15/1083, the approval would see the following adjacent to the subject site:
  - (a) ground level boundary wall construction;
  - (b) level 1-3 – 5m setbacks;
  - (c) level 4-5 – maximum 6.7m setbacks;
  - (d) levels 6-7 – 6m setbacks, albeit the tower would be setback from the north and would generally not be adjacent to the subject site at this point; and
  - (e) level 8 – the tower would be setback 12m from the northern boundary and would not be adjacent to the subject site at this point.

In response, the proposal includes:

- o ground level and level 1 boundary wall construction;
- o level 2 – zero to 1.2m setbacks;
- o levels 3-6 – varying from 4-4.5m; and
- o levels 7-11 – 4.5m.

These setbacks are considered sufficient for protecting the equitable development of both lots and the daylight permitted to enter the approved/proposed dwellings.

138. The Applicant also provided a 3D shadow study, showing that from 9am to 10am, levels 1-7 of the approved development to the west would be affected. Then at 11am only a narrow segment of levels 1-3. Then at 1pm there would be no impact by the proposed development. Having regard to the site context and orientation of the lots, this is supported.
139. It is also worth noting that except for level 2 of the proposed development, the setbacks between towers ensures that no screening is required to mitigate overlooking (over 9m). With tower setbacks in excess of 9m to level 3, 10.7m at levels 4-5, 10.5m at levels 6-7 (and by level 8 the approved development to the west would not be adjacent to the proposal), the setbacks are supported and would achieve a reasonable level of amenity and outlook.

*Standard D15 – Internal views objective*

140. The main issue with this development from an overlooking perspective is the south boundary light court. Views could be provided between dwellings across levels. However, a condition could be imposed to address this.

*Standard D16 – Noise impacts objectives*

141. The Applicant did not submit an acoustic report with the application. The block the site is located within is all residential/public park, except for the future development site at 72-90 Cambridge Street and the sites to the south of the subject site. While they are currently used as factories/offices, there are already dwellings in this area so it is unlikely that factory noise would be unreasonably high. It is also noted that the site is not within one of the noise influence areas as identified by this Standard. There are also no trams along Wellington Street, rendering it easier to only need to deal with vehicular noise from the road.
142. Acoustic attenuation could be incorporated into the development and will be addressed by way of a condition (requiring a report before plans are endorsed to ensure acoustic attenuation works are incorporated).
143. The proposal includes a plant room on the roof deck which could be acoustically treated. Again, this could be addressed by way of a condition.
144. While an acoustic report was not provided, the items outlined at Standard D16 are not considered to be fatal to this assessment and could be addressed by way of a condition.

*Standard D17 – Accessibility objective*

145. None of the apartments meet the standard D17 guidelines due to:
- (a) circulation areas overlapping with inwards opening doors;
  - (b) no clear path with a minimum width of 1.2m to bathrooms which are intended to be accessible; and
  - (c) no information being provided about a hobless shower.
146. Nevertheless, it appears that due to the generous size of the apartments this should be addressed by way of a condition and are not considered to be fatal to this assessment.

*Standard D18 – Building entry and circulation objectives*

147. Due to only 1 dwelling per floor, each dwelling would have its own sense of identity. The communal areas are then also reasonably limited to the ground floor, and are of a safe and efficient layout, with adequate access to natural daylight and ventilation (through the front door and window/artwork space). The objective of this standard is met.

*Standard D19 – Private open space objective*

148. The dwellings are each provided with at least 12m<sup>2</sup> balconies. Where segments are less than 2.4m wide, the main/larger area is greater than 12m<sup>2</sup> and meets table D5. The objective of this standard is met.

*Standard D20 – Storage objective*

149. The amended plans do not detail any storage. However, the layout is generous enough to meet this standard and could be addressed by way of a condition.

*Standard D21 – Common property objectives*

150. The car park and entrance are clearly delineated as communal spaces and would be easily maintained by the owners' corporation. The objective of this standard is met.

*Standard D22 – Site services objectives*

151. The plans include mailboxes and site services adjacent to the residential ground floor entry. The mailboxes are well located and this report has already outlined that the treatment to the services along the Wellington Street frontage have been improved in terms of the urban design outcome at the ground floor. The screens to this element are now lower and allow for glazing to be exposed above. The objective of this standard is met.

*Standard D23 –Waste and recycling objectives*

152. The waste management proposal is to store waste in the bin storage room in the building (east of the lift), with collection to occur from the kerbside by Council's contractors.
153. Council's Services Contracts Unit does not support the submitted Waste Management Plan [WMP], prepared by One Mile Grid and dated 23 June 2017, citing the following omissions:
- (a) who will be responsible for taking the bins to the collection point and who will be responsible for returning the bins to the bin room after collection;
  - (b) size of the bin storage area;
  - (c) how the bins will be cleaned, how often the bins will be cleaned and who will clean the bins;
  - (d) washing facilities in the bin room and the drain connection to sewer;
  - (e) the ventilation system for the bin room; and
  - (f) arrangements for vermin control.
154. These items should be addressed by way of a condition and are not considered to be fatal to this assessment.

*Standard D24 – Functional layout objective*

155. Each of the dwellings have a bedroom which is at least 3m x 3.4m, with the other bedrooms being at least 3m x 3m (in addition to a wardrobe). Further, the living areas are greater than 3m x 4m, meeting this standard. The objective of this standard is met.

*Standard D25 – Room depth objective*

156. Drawing TP\_09 demonstrates that the habitable room depth of each dwelling does not exceed 2.5 times the ceiling height. The objective of this standard is met.

*Standard D26 – Windows objective*

157. Windows are either to external walls or to the 4m by 4.5m light court along the southern boundary. The dimensions of the light court meet this standard, with the width being 4.5m (more than 1.2m) and 4m deep (less than 1.5 times the width). The light court would provide adequate daylight to the adjacent bedrooms and the objective of this standard is met.

*Standard D27 – Natural ventilation objectives*

158. Plans TP\_12 and TP\_13 demonstrate the maximum breeze path as per this standard is 13m, meeting this standard. The design and layout of dwellings maximises openable windows, doors or other ventilation devices in external walls of the building, and the objective of this Standard is met.

Public open space contribution

159. The application does not include a land contribution, which is supported by Council's Open Space Unit as the site is not large enough to provide the 4.5% contribution. Therefore, a notation will highlight that a monetary contribution will be required at the subdivision stage.

Environmental sustainability

160. This section of the assessment is guided by clause 22.17 of the Scheme.
161. The Applicant has made the following ESD commitments, addressing all 7 ESD objectives at clause 22.17-2 of the Scheme:
- (a) a minimum 6.5 Star average NatHERS rating for dwellings;
  - (b) a STORM score of 114% STORM (approximately 110m<sup>2</sup> of roof connected to 3,000 litres in rainwater storage for flushing of all toilets on levels 1 and 2, and an additional 62m<sup>2</sup> of roof terrace connected to 1.8m<sup>2</sup> of raingarden on the ground floor);
  - (c) good cross ventilation for dwellings;
  - (d) good access to daylight to living areas and bedrooms;

- (e) 6 star gas instantaneous hot water systems, or minimum 80% efficiency storage system to all dwellings;
  - (f) 10 secure bicycle parking spaces on ground floor near lift core;
  - (g) energy efficient lighting; and
  - (h) water efficient fixtures and taps.
162. Council's ESD Advisor confirmed that there are no outstanding ESD items, however they made the following suggestions:
- (a) ensure that all habitable rooms have at least one operable window to facilitate cross ventilation and that the operability is clearly marked in an updated set of architectural drawings;
  - (b) a solar PV array to contribute to common area electricity consumption.
  - (c) consider larger tank for more toilet connections and using rainwater for irrigation as well as for toilet flushing;
  - (d) addition of electric vehicle charging infrastructure;
  - (e) use of low VOC internal finishes, sealants and paints, carpets and flooring, wall and ceiling coverings. Low or zero formaldehyde content in engineered timber products;
  - (f) all timber to be certified by FSC as sustainable;
  - (g) recycled concrete component and low embodied energy steel;
  - (h) recycled materials in building components such as insulation; and
  - (i) a composting system for dwellings.
163. The first two points should be dealt with by way of conditions. The later points however, are only suggested to the Applicant as the proposal already achieves a reasonable ESD standard.
164. Further, a condition will require an amended ESD report which reflects the decision plans (the submitted report was in relation to the original proposal).

#### Car parking / traffic

165. The application has a statutory car parking requirement for 22 spaces (20 for the dwellings and 2 for visitors). With 10 being provided on-site, a reduction of 12 is sought.
166. The Permit Applicant provided a traffic report, prepared by One Mile Grid. The report included a car parking demand assessment to justify the car parking reduction sought. The report references the following in support of the reduction:
- (a) the 2011 ABS Census shows that 57.8% of 3 bedroom dwellings in the Collingwood area have 1 or less cars. This would equate to a parking demand of 6 spaces in this instance. There is therefore not any anticipated overflow car parking demand excepted with the residents;
  - (b) car parking on-site for visitors is not proposed and is not suitable given the spaces are in stackers. Further, the site is well serviced by public transport, walking and cycling options (noting the site is along the Principal Bicycle Network) to offer viable alternatives for visitors; and
  - (c) One Mile Grid undertook an on-site parking survey, finding at least 127 publicly available spaces during survey times (4pm to 8pm on a Thursday and 10am to 4p on a Saturday). Any on-street parking demand associated with visitors could therefore be accommodated in the area.
167. Council's Engineering Services Unit also support the reduction sought, noting that the Scheme prioritises sustainable transport modes over private motor vehicles.
168. In terms of traffic, One Mile Grid anticipate a maximum daily traffic volume of 40 trips, or 4 trips each in the AM and PM peak hours. Council's engineers agree with this analysis and confirmed that any traffic could easily be accommodated in the surrounding road network.

169. Council's Engineers also considered that there is low level probability that there would be a queuing conflict in the car park (noting the internal lane is only wide enough for one car at a time).
170. The following conditions were also recommended by Council's Engineering Services Unit and should be imposed on any permit issued:
- (a) provision of a convex mirror to assist exiting motorists in viewing pedestrians walking along Wellington Street;
  - (b) minimum headroom clearances dimensioned on the plans;
  - (c) details of the car stacker device;
  - (d) minimum vehicle clearance heights;
  - (e) the Permit Holder must remove the existing vehicle crossover and reinstate footpaths, kerbing and other road related items and make any necessary modification works to the Copenhagen bicycle facility, with the prior written consent and to the satisfaction of the Responsible Authority;
  - (f) the car stacker device must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements;
  - (g) no pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker device;
  - (h) the footpath along the property's Wellington Street frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by the Responsible Authority;
  - (i) the raised concrete barrier for the Copenhagen lane must be extended across the reinstated vehicle crossing to Council's satisfaction and at the Permit Holder's expense;
  - (j) any modifications made to the Copenhagen lane bicycle infrastructure by the developer must obtain authorisation and approval from Council. All reinstatements and pavement markings associated with the Copenhagen lane must be done to the satisfaction of the Responsible Authority and at the Permit Holder's cost;
  - (k) the applicant must provide swept path diagrams for the B99 design vehicle entering and exiting the property, demonstrating that turning vehicles would be clear of the concrete barriers of the Copenhagen lane. The existing Copenhagen lane concrete barrier and extension of the concrete barrier across the reinstated vehicle crossing must be accurately shown with the swept path diagrams;
  - (l) any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
  - (m) a Construction Management Plan must be prepared and submitted to Council;
  - (n) any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority; and
  - (o) areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

#### Bicycle facilities

171. The application has a statutory bicycle parking requirement for 2 resident spaces and 1 visitor space. The application provides 10 spaces and exceeds the clause 52.34 bicycle parking requirement.
172. Council's Strategic Transport Unit have reviewed the amended plans and while the number of spaces exceeds clause 52.34, the following conditions should be imposed to ensure they are usable and functional:
- (a) dimensions of bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;



- (b) detail of the 2 visitor bicycle parking spaces, ensuring they do not impact the efficiency of the raingarden;
- (c) all visitor bicycle parking spaces must be ground level (horizontal) spaces.

173. Council's Strategic Transport Unit also acknowledged that the Applicant may need to undertake works to the Copenhagen bicycle lane kerb and line marking. This will be addressed by way of conditions. Further, they supported all resident spaces being hanging due to the small size of the site.

174. Subject to conditions, the bicycle parking provision and arrangement is supported.

#### Objector concerns

175. The following objections have all been addressed throughout this report:

*visual bulk and impact on outlook;  
height;*

176. The built form has been assessed at paragraphs 83-99.

*insufficient car parking;*

177. Addressed at paragraphs 165-167.

*overshadowing;*

178. Addressed at paragraphs 100-101.

*the approval at 72-94 Cambridge Street is 10 storeys, not 11; and*

179. Council's records indicate this development was approved at 9 storeys.

*equitable development (including the western setbacks should at least match those as approved for 72-94 Cambridge Street).*

180. Addressed at paragraph 137.

#### **Conclusion**

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

#### **RECOMMENDATION**

That a Notice of Decision to Grant a Permit PLN17/0512 be issued for the development of the land for the construction of a building, with an associated reduction in the car parking requirement associated with dwellings at 93 Wellington Street, Collingwood VIC 3066 subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (TP-01, revision B, dated 20.04.18, TP-02 to TP-04, Revision A, dated 20.04.18 and TP-07 to TP-09, Revision B, dated 30.04.18, prepared by DP\_Toscano Architects) but modified to show:

- (a) deletion of level 10;

- (b) details of the metal screen that still applies to the lower portion of the vehicular entrance and services cupboard to provide a visual connection from Wellington Street;
  - (c) screening treatment to any habitable room windows within a 9m radius and 45 degree arc of another habitable room window within the site to address internal views;
  - (d) accessibility as per Standard D17 of clause 58.05-1 of the Yarra Planning Scheme;
  - (e) confirmation that all habitable rooms have at least one operable window;
  - (f) provision of a convex mirror to assist exiting motorists in viewing pedestrians walking along Wellington Street;
  - (g) minimum headroom clearances dimensioned on the plans;
  - (h) details of the car stacker device (including a manufacturer's brochure);
  - (i) swept path diagrams for the B99 design vehicle entering and exiting the property, demonstrating that turning vehicles would be clear of the concrete barriers of the Copenhagen lane. The existing Copenhagen lane concrete barrier and extension of the concrete barrier across the reinstated vehicle crossing must be accurately shown with the swept path diagrams;
  - (j) storage as per Standard D20 of clause 58.05-4 of the Yarra Planning Scheme;
  - (k) dimensions of bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
  - (l) 2 visitor bicycle parking spaces, demonstrating they do not impact the efficiency of the raingarden;
  - (m) all visitor bicycle parking spaces as ground level (horizontal) spaces; and
  - (n) any other changes as per the endorsed Acoustic report, Waste management plan, Wind report and Sustainable management plan.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) traffic noise;
  - (b) noise from nearby uses (including plant and equipment); and
  - (c) the impact of the proposal (including plant, equipment and the lift) and the impact on and off-site.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 23 June 2017, but modified to include:

- (a) who will be responsible for taking the bins to the collection point and who will be responsible for returning the bins to the bin room after collection;
  - (b) size of the bin storage area;
  - (c) how the bins will be cleaned, how often the bins will be cleaned and who will clean the bins;
  - (d) washing facilities in the bin room and the drain connection to sewer;
  - (e) the ventilation system for the bin room; and
  - (f) arrangements for vermin control.
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 16 June 2017, but modified to:
- (a) reflect the decision plans (TP-01, revision B, dated 20.04.18, TP-02 to TP-04, Revision A, dated 20.04.18 and TP-07 to TP-09, Revision B, dated 30.04.18, prepared by DP\_Toscano Architects);
  - (b) ensure that all habitable rooms have at least one operable window to facilitate cross-ventilation and that the operability is clearly marked in an updated set of architectural drawings;
  - (c) include a solar PV array to contribute to common area electricity consumption;
  - (d) incorporate a larger tank for more toilet connections and using rainwater for irrigation as well as for toilet flushing.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;

- (ii) materials and waste;
- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

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

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

12. During the construction:

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

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

14. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

15. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;

- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces.
- to the satisfaction of the Responsible Authority.
18. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
19. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
21. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire western Wellington Street footpath for the width of the property frontage, noting the footpath must have a cross-fall of 1 in 40 or unless otherwise specified by the Responsible Authority):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any necessary modification works to the Copenhagen Bicycle lane (due to the crossover repositioning, including an extension to the raised concrete barrier) must be completed:
  - (c) to details with the prior written consent of the Responsible Authority;
  - (d) at the permit holder's cost; and
  - (e) to the satisfaction of the Responsible Authority.
27. Any modifications made to the Copenhagen lane bicycle infrastructure by the Permit Holder must be made with the prior written consent of the Responsible Authority. All reinstatements and pavement markings associated with the Copenhagen lane must be done to the satisfaction of the Responsible Authority and at the Permit Holder's cost.
28. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to the satisfaction of the Responsible Authority and at the Permit Holder's expense.
29. The car stacker device must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.
30. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker device.
31. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
32. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

#### NOTES:

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

All future property owners and residents within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

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

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

Contaminated ground water seepage into the car stacker cavities from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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

To construct the new vehicle crossing, a new side entry pit is to be constructed with a pipe extension to one side of the new vehicle crossing to Council's satisfaction. A design for these works must be submitted to Council for assessment and approval, and should incorporate alterations/works to the existing pit in the new vehicle crossing. The cost of the new pit, pipe extension and alterations to existing drainage infrastructure is to be funded by the Permit Holder.

**CONTACT OFFICER:** Sarah Thomas  
**TITLE:** Principal Planner and Advocate  
**TEL:** 9205 5046

#### **Attachments**

- 1 PLN17/0512 - 93 Wellington Street Collingwood - Location map
- 2 Original, Advertised plans (now superseded)
- 3 Section 57A decision plans
- 4 Strategic Transport Unit comments on Section 57A Amended Plans
- 5 Internal Urban Design Advice on original plans
- 6 Internal urban design advice on April 2018 plans
- 7 Council's Engineering comments
- 8 Services Contract Unit advice on original plans
- 9 ESD Advisor response to original plans