



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

**to be held on Wednesday 16 May 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Misha Coleman  
Councillor Daniel Nguyen  
Councillor Danae Bosler

- I. ATTENDANCE**  
Gary O'Reilly (Senior Statutory Planner)  
Vicky Grillakis (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	PLN17/0857 - 19 Howard Street, Richmond - Development of the land for a four-storey (plus rooftop terrace) office building (no permit required for use) and an associated reduction in the car parking requirements.	5	30
1.2	33 Peel Street Collingwood - PLN17/1059 - Development of the land for the construction of a ten storey building (plus a two level underground car stacker pit) for nine dwellings and a reduction of car parking requirements.	35	84
1.3	127 George Street Fitzroy - Planning Permit Application No. PLN17/0894 - Development of the land for part demolition and a ground and first floor addition to the existing dwelling.	94	123
1.4	PLN17/0313 - 32-34 Bedford St, Collingwood - Development of the land for dwellings, use of the ground floor as a Food and Drinks premises and an associated reduction in car parking and loading bay requirements. [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

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**1.1 PLN17/0857 - 19 Howard Street, Richmond - Development of the land for a four-storey (plus rooftop terrace) office building (no permit required for use) and an associated reduction in the car parking requirements.**

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**Executive Summary**

**Purpose**

1. This report provides an assessment of planning permit application PLN17/0857 for 19 Howard Street, Richmond and recommends approval subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Commercial 2 Zone (Clause 34.02);
  - (b) Built form (Clauses 15.01, 21.05, 22.10 and 34.02-7)
  - (c) Car parking (Clause 52.06) of the Yarra Planning Scheme.

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) strategic context;
  - (b) urban design;
  - (c) off-site amenity;
  - (d) on-site amenity and ESD;
  - (e) car parking and traffic;
  - (f) waste;
  - (g) Objector concerns.

**Objector Concerns**

4. 24 objections were received to the application, these can be summarised as:
  - (a) insufficient car parking, bicycle parking and associated traffic concerns
  - (b) building height
  - (c) off-site amenity (overshadowing, overlooking, loss of daylight and noise impacts)
  - (d) public sphere amenity (overshadowing of Howard Street)
  - (e) discordance with local planning policy, including Clause 22.05.
  - (f) privacy and noise impacts during construction process;
5. A planning consultation meeting was held on 30 January 2018. Approximately 20 objectors attended.

**Conclusion**

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

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

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**1.1 PLN17/0857 - 19 Howard Street, Richmond - Development of the land for a four-storey (plus rooftop terrace) office building (no permit required for use) and an associated reduction in the car parking requirements.**

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Trim Record Number: D18/77740

Responsible Officer: Senior Coordinator Statutory Planning

<b>Proposal:</b>	Development of the land for the construction of a four-storey (plus rooftop terrace) office building (no permit required for use) and an associated reduction in the car parking requirements.
<b>Existing use:</b>	Commercial
<b>Applicant:</b>	Altel Holdings No. 2 Pty Ltd
<b>Zoning / Overlays:</b>	Commercial 2 Zone / Design and Development Overlay (Schedule 5)
<b>Date of Application:</b>	11 October 2017
<b>Application Number:</b>	PLN17/0857

### **Planning History**

1. The site has no planning permit history.

### **Background**

2. The following are matters of process which are important to this application:

#### *Lodgment of sketch plans*

3. On 28 February 2018, sketch plans were provided by the Applicant to address issues raised by Council's Urban Design Unit with regard to the architectural presentation as well as issues raised by objectors regarding the number of bicycle spaces on site. The plans make the following changes to the advertised plans:
  - (a) A lighter colour palette to the stairwell and lift shaft to reduce visual prominence.
  - (b) A greater proportion of metal cladding at the front section of the eastern elevation where it connects to the front façade. This was pursued in order to achieve a more cohesive relationship with the front façade and eastern side elevation, achieving a more three dimensional design response.
  - (c) An increase in the provision of bicycle spaces from 4 spaces to 8 spaces.



**Figure 1:** 3D perspectives depicting the proposal according to the decision plans (left) and the sketch plans (right)

4. These changes will be considered and referred to where relevant. The advertised plans will still form the basis of Council's determination.

## Existing Conditions

### Subject Site

5. The subject site is located on the northern side of Howard Street, between Church and Brighton Streets in Richmond. The land is regular in shape, with a frontage to Howard Street of 9.14m and a lot depth of 24.22m, resulting in a site area of approximately 221sqm.
6. The land is developed with a single storey commercial brick/render building which features a door, window and roller door fronting Howard Street. The roller door is accessed by a crossover. The building occupies the entire site and is generally constructed flush to all title boundaries, except the eastern wall which is set back between 0.21m and 0.45m from the eastern title boundary. The eastern and western side walls both have a height of 4.6m, typical of single storey commercial buildings in the area. Along the rear boundary, the building features three windows and a single door.
7. The subject site has access to a Right-of-Way (**R.O.W**) to the rear which provides vehicular access for properties on the northern side of Howard Street and the southern side of Prince Patrick Street. The R.O.W. is U-shaped and can be accessed from either the eastern or western sections of Howard Street.
8. Site visits undertaken by the planning officer confirmed that the subject site is currently vacant.



**Figure 2:** The subject site, looking northwest.

*Title*

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

**Surrounding Land**

10. The subject site is located in southern Richmond on Howard Street with Church Street being 70 metres to the west and Brighton Street 50m to the east. The site has excellent access to commercial offerings and public transport options along Church Street.
11. West of Brighton Street, the land is primarily used for office and light industry which is legible in the built form – the majority of properties feature commercial buildings with 100% site coverage. A number of residential anomalies exist in this area.
12. East of Brighton Street, the land is typically residential with low-scale Victorian/Edwardian dwellings and intermittent examples of more robust, contemporary infill development.
13. The northern side of Howard Street is zoned Commercial 2 and characterised by a mix of commercial buildings and Victorian-era dwellings ranging in height from 1-5 storeys. The southern side of Howard Street is zoned Commercial 1 and includes:
  - (a) a ten-storey apartment building (to the southwest);
  - (b) a three-storey apartment development (directly south), and;
  - (c) a three-storey townhouse development (to the southeast).





**Figure 3:** Aerial imagery depicting the subject site and surrounding area

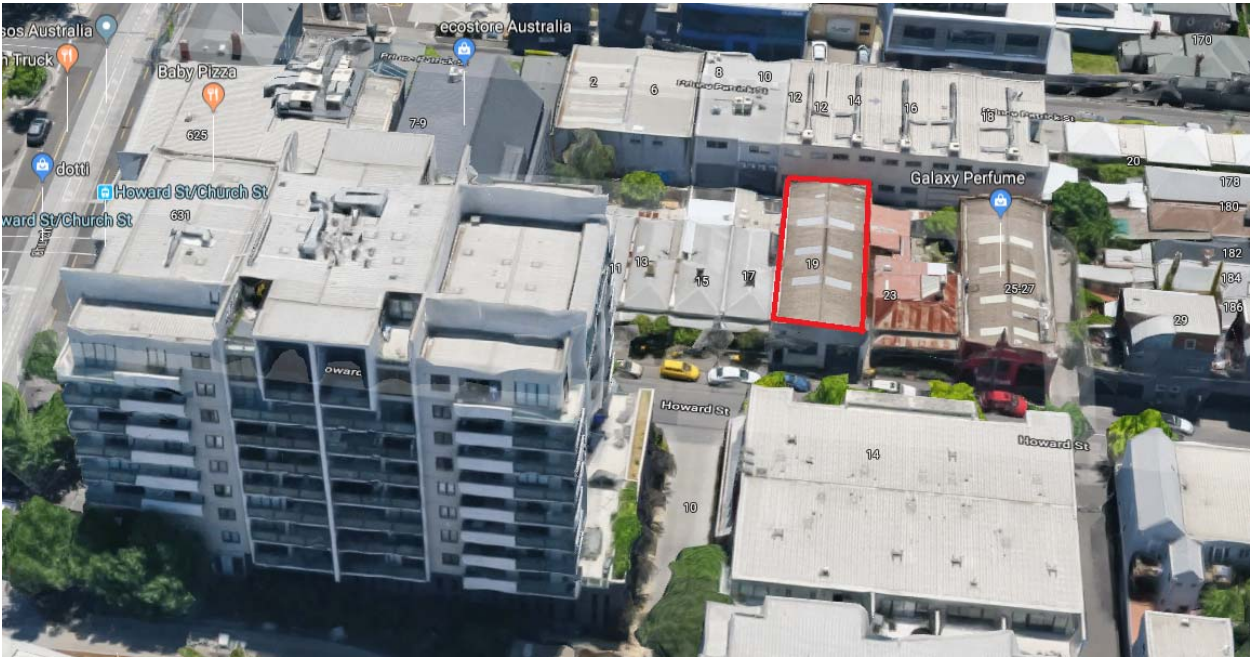
14. Immediately surrounding the subject site are the following:

- (a) To the north is a 3.3m-wide laneway, beyond which is a double storey commercial building fronting Prince Patrick Street. This building is one of a number of similar commercial buildings fronting Prince Patrick Street. These buildings are generally constructed flush to all boundaries and are used as office buildings.
- (b) To the east is a double-fronted, Victorian-era, single-storey dwelling situated on a lot with similar dimensions to that of the subject site. The property has a high site coverage, with buildings covering the majority of the western and southern sections of the lot. The dwelling has modest side setbacks to the common boundary with the subject site towards the front of the site where the dwelling has two habitable room windows facing the subject site. However, towards the rear, the dwelling is constructed flush to the common boundary with the subject site. The dwelling's area of secluded private open space is generously-sized and located away from the subject site in the northeast corner of the lot. This property is located within the Commercial 2 Zone.
- (c) To the west is a single-fronted, Victorian-era, single storey dwelling situated on a lot with the same length but half the width of that of the subject site. The property is largely constructed to the common boundary with the subject site save for a centrally-located light court and modest area of secluded private open space in the northeast corner of the lot. The property is located within the Commercial 2 Zone.
- (d) To the south is Howard Street, which allows for two-way traffic and includes on-street parking on both sides of the street. On the southern side of Howard Street is a three-storey apartment development located opposite the subject site. As previously mentioned, the southern side of Howard Street is zoned Commercial 1.

15. Other notable developments in the immediate surrounding area include:

- (a) A ten storey apartment building located on the south-eastern corner of Howard and Church Streets. The development is on a large site which extends east into approximately one third of Howard Street.
- (b) A five-storey office building at 7-9 Howard Street, approved under Planning Permit PL09/0074 which is generally constructed flush to all boundaries, including a three-storey wall constructed flush against an adjoining dwelling.

- (c) Recent IDAC approval for a 9-storey mixed-used building at 506-510 Church Street, Cremorne under Planning Permit PLN17/0456.
- (d) Recent IDAC approval for a 7-storey office building at 594-612 Church Street, Cremorne under Planning Permit PLN17/0456, whereby a condition was imposed for the removal of one storey from eight to seven. The condition was subsequently deleted by the Tribunal, allowing for the 8-storey office building as originally proposed.



**Figure 4:** The subject site (red) and the ten-storey apartment building on the southern side of Howard Street

## The Proposal

16. The application is for development of the land for a four-storey (plus rooftop terrace) office building (no permit required for use) and an associated reduction in the car parking requirements. Further details of the proposal are as follows:

### Development

- (a) A ground floor level allowing for:
  - (i) A foyer, board room/office, stairwell and services towards the front of the building.
  - (ii) Car parking area (stacker system allowing for 5 car spaces) towards the rear of the site and accessed via the R.O.W. This area will feature a vertical garage door set back 1.25m from the northern title boundary and will accommodate a waste storage area, water tanks and 4 bicycle spaces.
- (b) first, second and third floors all with identical floor plans, each allowing for 199sqm net floor area of office space and associated amenities (total 594sqm net floor area). All three levels are to be constructed flush to all title boundaries.
- (c) A rooftop terrace with a net floor area of 97sqm and associated lift overrun, stairwell and storage area. The rooftop terrace will have the following setbacks:
  - (i) 2.75m from the front boundary (excluding the stairwell which would be constructed to the boundary).
  - (ii) 1.45m from the western side boundary.
  - (iii) 1m from the eastern boundary.
  - (iv) 6m from the rear boundary.

### Materials and Finishes

- (d) At the front and rear facades, the proposal would generally include a mix of timber-formed concrete (shown as a grey colour) and rendered surfaces (painted in Dulux 'Black Caviar'). The stairwell feature (and associated rooftop terrace component) at the front façade would be composed of metal cladding in a light grey colour.
- (e) The proposed eastern and western side boundary walls would be constructed from split face blockwork to be painted generally in light, muted tones, including white, light grey and charcoal.

### ESD Features

- (f) Preliminary energy modelling indicating a maximum of 27.04% reduction in energy used for heating and cooling compared with minimum section J requirements.
- (g) Renewable energy (Photovoltaic solar array) installed of an expected minimum capacity of 4.8kW supplementing electricity requirements for the development.
- (h) Glazing which balances energy efficiency and daylight ingress will be selected. Double glazing with a light to moderate tint at the northern façade is proposed.
- (i) The HVAC system would exceed minimum energy performance standards, selected to have an efficiency within 15% of the best available unit.
- (j) Water Sensitive Urban Design measures to exceed CSIRO Best Practice with an associated STORM score of 152.
- (k) Stormwater Management treatment quality requirements, including rainwater collection and re-use within toilets.
- (l) Potable (drinking) water saving measures including low flow toilets, showers and taps.
- (m) Daylight modelling assessment has been undertaken and the development is deemed to achieve best practice daylight ingress. This has internal amenity benefits improving the indoor environment quality and also minimises the reliance on artificial lighting.
- (n) Inclusion of bicycle parking in excess of minimum requirements
- (o) Facilities for charging of electric vehicles

## **Planning Scheme Provisions**

### Zoning

17. The subject site is zoned Commercial 2. The following provisions apply:
- (a) pursuant to Clause 34.02-1, a planning permit is not required to use the land as an office; and
  - (b) pursuant to Clause 34.02-4, a planning permit is required to construct a building or construct or carry out works.

### Overlays

18. The subject site is affected by the Design and Development Overlay (Schedule 5). The following provisions apply:
- (a) pursuant to Clause 43.02-2 and Section 2.0 of the Schedule 5 to the Overlay, a planning permit is not required to construct or carry out works.
  - (b) Pursuant to Section 4.0 of Schedule 5 to the Overlay, for an application to construct a building, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the relevant authorities outlined at the schedule to Clause 66.06.

### Particular Provisions

*Clause 52.06 – Car parking*

19. 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, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Rate	Statutory Requirement	On-site Provision	Reduction requested
Office (704sqm total net floor area)	3.5 spaces per 100sqm net floor area	24	5	19

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. Table 1 to Clause 52.34-3 outlines that for Office uses, bicycle parking requirements only apply when the net floor area associated with the use is greater than 1000sq.. As such, a planning permit is not required under this provision.

General Provisions

*Clause 65 – Decision guidelines*

22. 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)

23. Relevant clauses are as follow:

*Clause 10.04 – Integrated decision making*

24. This clause states that:  
*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 13.04-1 – Noise abatement*

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

*Clause 15.01-1 – Urban design*

26. 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*

27. 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.*

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

*Clause 15.01-4 – Design for safety*

29. 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*

30. 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*

31. 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 17.01-1 – Business*

32. The objective of this clause is: *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.*

*Clause 18.02-1 - Sustainable personal transport*

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

*Clause 18.02-2 - Cycling*

34. 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*

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

#### Local Planning Policy Framework (LPPF)

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

36. Relevant clauses are as follow:

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

37. The objective of this clause is: *To increase the number and diversity of local employment opportunities.*

*Clause 21.05-2 – Urban design*

38. The relevant objectives and strategies 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 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    - (i) *Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
  - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
    - (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
  - (d) *Objective 19 To create an inner city environment with landscaped beauty.*
    - (i) *Strategy 19.1 Require well resolved landscape plans for all new development.*
    - (ii) *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
  - (e) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
    - (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.*
  - (f) *Objective 22 To encourage the provision of universal access in new development.*
    - (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

*Clause 21.05-3 – Built form character*

39. The relevant objective for non-residential areas is: *To improve the interface of development with the street in non-residential areas.*

*Clause 21.06-1 – Walking and cycling*

40. 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*

41. 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*

42. The relevant objective and strategies of this clause are:
- (a) *Objective 32 To reduce the reliance on the private motor car.*
  - (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*

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

*Clause 21.08-2 – Burnley, Cremorne, South Richmond*

44. The following elements are most relevant at this Clause:
- (a) This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport.
  - (b) Along Church Street is an activity centre based on furniture and homewares, professional and business services and hospitality. There is an opportunity to enhance this activity centre with consistent active frontages.

Local Policies

45. Relevant clauses are as follow:

*Clause 22.05 – Interface uses policy*

46. This policy applies to applications within Business Zones (now Commercial Zones, among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
47. The relevant objective is:
- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
48. It is policy that:
- (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*
49. A number of decision guidelines for non-residential use and development within the business zones are outlined, including the extent to which the proposal may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.

*Clause 22.07 – Development Abutting Laneways*

50. A laneway is located at the northern end of the site. The relevant objectives of this clause are:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
  - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
  - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
  - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

51. It is policy that:
- (a) *Where vehicular movement in the laneway is expected to cause a material traffic impact, a traffic impact assessment report be provided to demonstrate that the laneway can safely accommodate the increased traffic.*
  - (b) *Where alternative street frontage is available, pedestrian access from the street be provided.*
  - (c) *Pedestrian entries be separate from vehicle entries.*
  - (d) *Vehicle access be provided to ensure ingress and egress does not require multiple vehicular movements.*
  - (e) *Development respect the scale of the surrounding built form*
  - (f) *Development not obstruct existing access to other properties in the laneway.*
  - (g) *Doors to car storage areas (garages) not protrude into the laneway.*
  - (h) *All laneway upgradings which provide improved access to the development be funded by the developer.*

*Clause 22.10 – Built form and design policy*

52. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:
- (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.*
53. The Clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:
- (a) urban form and character;
  - (b) setbacks and building height;
  - (c) street and public space quality;
  - (d) environmental sustainability;
  - (e) site coverage;
  - (f) on-site amenity;
  - (g) off-site amenity;
  - (h) landscaping and fencing;
  - (i) parking, traffic and access; and
  - (j) service infrastructure.

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

54. This policy applies to applications for new buildings, amongst others. The policy aims to achieve best practice water quality performance.

*Clause 22.17 – Environmentally Sustainable Development*

55. This policy applies to developments for non-residential buildings with a gross floor area greater than 100m<sup>2</sup>. In this instance, the policy calls for the submission of a Sustainable Design Assessment [SDA]. This has been provided.



56. The relevant objective of this policy is: *...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

### Other Policies

#### *Swan Street Structure Plan*

57. The subject site is located within the draft Swan Street Structure Plan [**Structure Plan**] study area. The first round of public consultation on the draft Structure Plan took place during May and June 2011. In mid-2012, Council revised the draft Plan, and conducted further community consultation. The final Plan was adopted by Council at its meeting on 17 December 2013.
58. The site is within Precinct 9 – Church Street Precinct. The following is an excerpt from the Structure Plan which describes the existing context (p56):

*‘Church Street forms the central north-south axis of the study area. It serves a strong retail and office function while providing a complementary hospitality presence to Swan Street. The precinct has a varied built form character with a mixture of large recently constructed showrooms, former industrial buildings and fine grain shop fronts.’*

59. The site is in an area where 5-6 storey heights (19m) are encouraged.
60. While the Structure Plan has been adopted by Council, it does not yet form part of the Yarra Planning Scheme and is therefore given limited weight.

#### *Cremorne and Church Street Precinct Urban Design Framework*

61. The *Cremorne and Church Street Precinct Urban Design Framework* [**UDF**] was adopted by Council at its meeting in September 2007. The intent of the UDF was to support redevelopment that contributes to Cremorne as a mixed-use area, while supporting strategic aims to develop employment opportunities in the area.
62. The subject site and surrounding area is identified as suitable for ‘incremental change’, defined as:
- (a) *Mixed use areas dominated by light industry, with slightly larger properties. Recent redevelopment trends are likely to continue on a property-by-property basis. The industrial building pattern with total site coverage makes it relatively easy for new development to occur with minimal impact on nearby sites with the same building pattern and similar scale.*
63. The subject site and surrounding area are further defined as being within the Church Street Sub-Precinct. The following recommendation is relevant:
- (a) *Build to the street frontage with no front or side setbacks unless creating an open space that invites and supports public access and activity, that offers genuine environmental amenity for its users, and that contributes to the quality of the surrounding public domain.*
64. The UDF has no strategic weight other than as an adopted Council document, and has not been translated into planning policies or controls. It is noted that since Amendment C97 was abandoned, a number of the strategies of the UDF have been incorporated into the Swan Street Structure Plan.

65. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 24 objections, the grounds of which are summarised as follows:
- (a) insufficient car parking, bicycle parking and associated traffic concerns
  - (b) building height
  - (c) off-site amenity (overshadowing, overlooking, loss of daylight and noise impacts)
  - (d) public sphere amenity (overshadowing of Howard Street)
  - (e) discordance with local planning policy, including Clause 22.05.
  - (f) privacy and noise impacts during construction process;
66. A planning consultation meeting was held on 30 January 2018. Approximately 20 objectors attended. The applicant stated that the number of bicycle spaces could be increased in response to the issues raised during the consultation meeting. This has been shown on the sketch plans, with an increase in the number of bicycle spaces from 4 to 8.

### Referrals

67. Pursuant to Section 4.0 of Schedule 5 to the Design and Development Overlay and to the Schedule of Clause 66.06, the application was required to be referred to the following authorities:
- (a) Environment Protection Authority – no objection received
  - (b) VicRoads – no objection received
  - (c) Transurban City Link Limited – no response received.
68. The application was referred to the following and their recommendations are included as attachments to this report:
- (a) Council's ESD Advisor;
  - (b) Council's Urban Design Unit;
  - (c) Council's Engineering Services Unit;

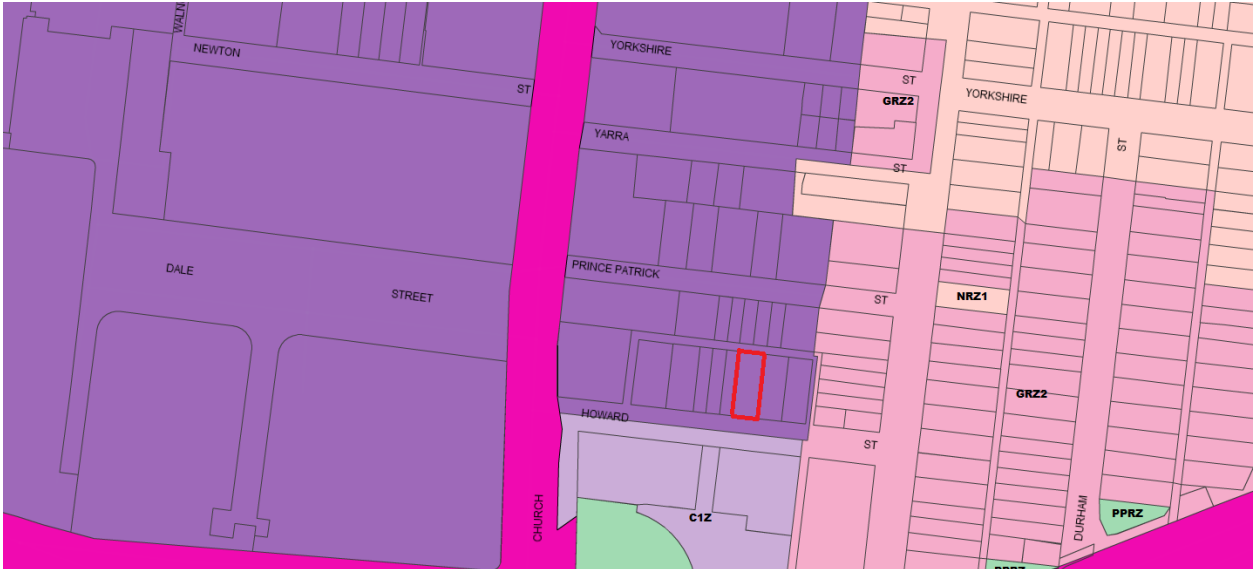
### OFFICER ASSESSMENT

69. The considerations for this application are as follows:
- (a) strategic context;
  - (b) urban design
  - (c) off-site amenity;
  - (d) on site amenity and ESD;
  - (e) car parking and traffic;
  - (f) bicycle parking;
  - (g) waste;
  - (h) objector concerns.

#### Strategic context

70. In relation to the State and Local Planning Policy Framework, it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies, subject to conditions.
71. The subject site and the majority of the surrounding area are located within a Commercial 2 Zone which has the purpose of encouraging the integrated development of offices and manufacturing industries and associated commercial and industrial uses. The proposal complies with this strategic direction by continuing the industrial/commercial use of the site in a more intensive form to facilitate greater employment opportunities in the area.

72. The site is well connected to the public transport systems and road network supporting both cars, walking and cycling. State policy encourages the intensification of employment generating uses in areas with these locational characteristics close to where people live (clause 11.04).
73. Similarly, local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contributes to the adaptation, redevelopment and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals.
74. In terms of the zoning context, the subject site is located within the Commercial 2 Zone (shown in dark purple at figure 5) and does not abut any land in a residential zone (shown in either light or dark pink at figure 5). The closest residentially-zoned properties are the dwellings between 178-188 Brighton Street, all of which are located 18-21m from the subject site. The southern side of Howard Street is zoned Commercial 1.
75. Whilst the northern side of Howard Street includes a number of Victorian-era dwellings, these properties are located within the Commercial 2 Zone and do not enjoy the same amenity expectations afforded to dwellings within a residential zone. It is noted that ResCode does not apply to residential dwellings within the C2Z. The use of land as a dwelling in the Commercial 2 Zone is prohibited. Conversely, a planning permit is not required to use the land as an office, which provides a clear prioritisation of commercial over residential uses within this zone.
76. The zoning context was critically outlined by VCAT Decision P2067/2009 where the Tribunal affirmed the decision made by Council to issue a Notice of Decision to Grant a Permit for the construction of a five storey office building at 7-9 Howard Street (PL09/0074). The original decision by Council had been appealed by the owners of 11 Howard Street, a non-conforming residential property in the Business 3 Zone (previous equivalent of the C2Z). The following extracts have been taken from the decision:
  - (a) *The key matters in relation to this issue are the facts that dwellings are a prohibited use in the B3Z and that zone's primary purpose is to support "the integrated development of offices and manufacturing industries and associated commercial and industrial uses". It is also relevant to consider the reasonable expectations of residents who have been living for about 10 years adjoining a commercial building and in a business zone and in which their dwelling is and has always been a prohibited use.*
  - (b) *Mr Pitt and Ms. Morrissey cited a number of Tribunal decisions relating to the effects of commercial or industrial development on adjoining dwellings in Business 3 zones. The gist of these cases, insofar as relevant to my decision here, is that while decisions on the scale of development should seek to ensure a reasonable degree of amenity for existing dwellings, this should not be at the expense of thwarting the primary purposes of the zone, or as the Tribunal said in one case ... this should avoid a situation that might be described as "the tail wagging the dog."*

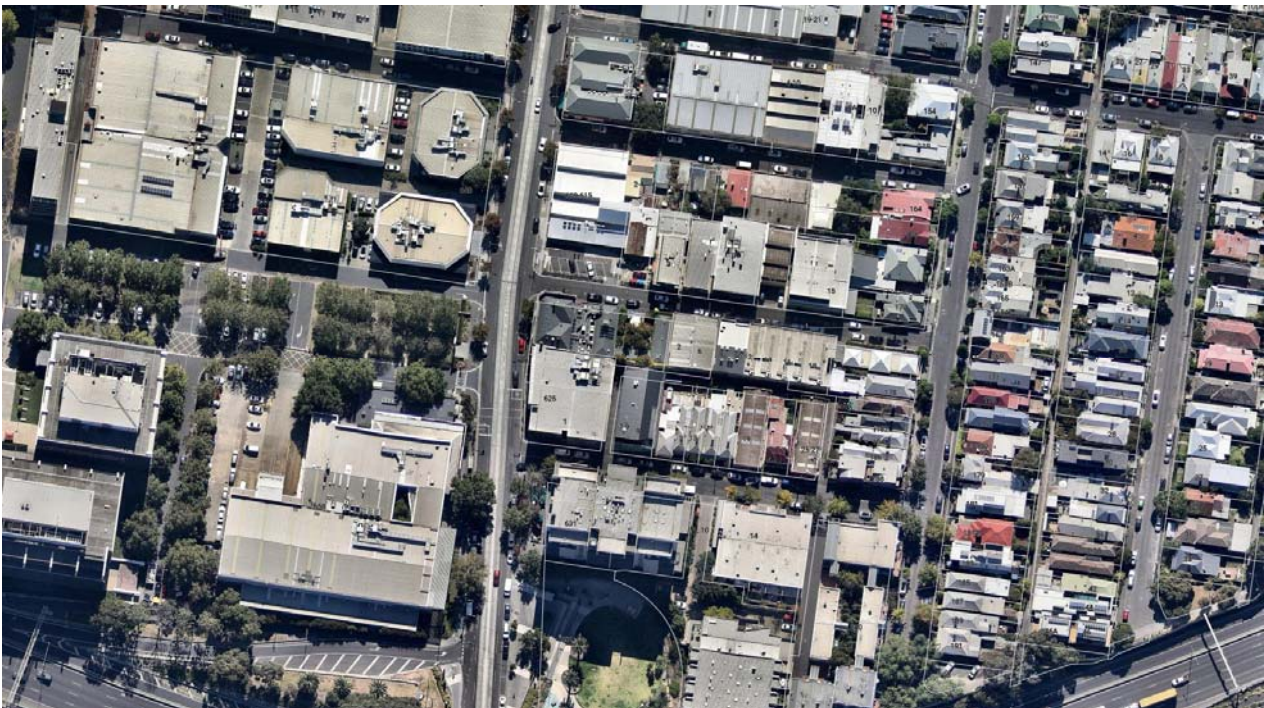


**Figure 5:** The zoning of the subject site (red outline) and surrounding area. Note that dark purple represents the Commercial 2 Zone, light purple represents Commercial 1 Zone and pink tones represent residential zones.

- 77. This assessment will be primarily framed using clauses 15.01-2 and 22.10 of the Scheme.

*Urban form, character, setbacks and building height*

- 78. The urban form and character of the surrounding area is predominantly commercial, with robust built form of 1-4 storeys dominating the C2Z land between Church and Brighton Streets (refer figure 6). A number of higher built form exists including the ten-storey apartment building on the southern side of Howard Street and the five-storey office building at 7-9 Howard Street. Commercial buildings are typically constructed flush to all boundaries with little regard for adjoining sites. In this area, non-conforming residential uses are clearly anomalous. The five-storey office building located at 7-9 Howard Street provides an example of a relatively recent planning approval in the immediate context.



**Figure 6:** Aerial imagery showing that to the west of Brighton Street, land is highly built up with robust commercial built form. To the east of Brighton Street, the character is residential and low scale.

79. The streetscape along Howard Street is highly diverse and includes single storey commercial and residential buildings, a three-storey townhouse development, a five-storey office building and a ten-storey residential apartment building.
80. In light of the above, the proposal for a four-storey (plus rooftop terrace) office building is not considered to be discordant with the existing built form character. This was verified by Council's Urban Design Unit who commented that '*a four storey form in this context is an acceptable outcome.*' It is also noted that the proposed four storey form is less than anticipated by the Swan Street Structure Plan which recommends building heights of 5-6 storeys.
81. Council's Urban Design Unit, did however, recommend that the visual appearance of the protruding section of the stairwell (servicing the rooftop terrace) be reduced as much as possible. The Unit also made the following critique/recommendation:
  - (a) *The proposed design currently does not present a high quality three-dimensional form, particularly the way the building wraps around the corners...It is recommended to use lighter colours and architectural treatments that will have visual impact and consideration needs to be given to three-dimensional look of the building.*
82. In light of these comments, the applicant submitted sketch plans received by Council on 28 February 2018, which show the following urban design-based changes:
  - (a) A lighter colour palette to the stairwell and lift shaft to reduce visual prominence.
  - (b) A greater proportion of metal cladding at the front section of the eastern elevation where it connects to the front façade.
83. Council's Urban Design Unit reviewed the changes, and commented that the sketch plans, overall, provide an improved design response that is supported from an urban design perspective. It was, however recommended that the applicant should investigate using timber-formed concrete cladding for the stairwell instead of metal cladding. The rationale for this recommendation was that it would help the stairwell integrate with the proposed front façade. This recommendation will not be pursued given that metal cladding is considered to be a contemporary choice of material that appropriately references materials in the surrounding area and used elsewhere on the proposed building (i.e. the metal cladding does not introduce a new material type). Further, the changes in the sketch plans are considered adequate in achieving a more cohesive relationship between the front façade and the eastern side elevation, thus providing a three-dimensional design response.
84. With regard to setbacks, the proposal seeks a four-storey streetwall without any recessive upper levels. Clause 22.10-3.3 encourages new development that is higher than adjacent buildings to adopt a secondary setback for the higher building component. Adhering to this guideline is not necessary in this context given:

- (a) The lack of recessive upper levels on Howard Street, including the ten-storey street apartment building on the southern side of Howard Street which presents a ten-storey street wall with no recessive upper levels. The five-storey office building at 7-9 Howard Street also presents a 3-4 storey street wall. In fact, the street wall of the proposed development is only 0.5m higher than that of No. 7-9 Howard Street.
- (b) The proposed four-storey street wall will not impede on the human scale of Howard Street. The front façade features a high degree of glazing and landscaping, ensuring an active frontage that will engage with pedestrians along Howard Street.
- (c) The proposed roof terrace has been well set back from the front boundary, ensuring it will be largely unseen from the street.
- (d) Council's Urban Design Unit raised no issue with the proposed setbacks of the building itself. Concerns raised about the stairwell component have been successfully addressed through the submission of sketch plans which are recommended as conditions; should a permit be granted.

*Street and public space quality*

85. Clause 21.08 calls for developments in non-residential areas to improve the interface with the street. Clause 22.10-3.4 encourages new development to provide *visually interesting elevations on all faces visible from the public domain*. The proposal has clearly satisfied these objectives by providing the following design components:
- (a) a glazed stairwell feature presenting to the street which is expected to be highly frequented during office hours, thus providing passive surveillance opportunities.
  - (b) A slightly-recessed ground floor front façade with landscaping fronting the street.
  - (c) A high degree of glazing at the ground floor façade to enable an active frontage to Howard Street.
  - (d) Visually-interesting side elevations to be painted in a geometric pattern in a mix of mostly light colours – white, light grey and charcoal.
86. It is noted that the ground floor pedestrian entrance is highly recessed. This design response has been opted so as to allow appropriate access to the services cupboard fronting the street; as well as providing shelter to pedestrians as they enter the building. This recess is considered acceptable on the following conditions:
- (a) that automatic sensor lighting is installed to provide a sense of safety during night hours;
  - (b) that the return wall of the recessed entry (i.e. the western wall of the front foyer) be provided with full length glazing to improve passive surveillance opportunities of the street and the recessed entrance.
87. The above recommendations can be included as conditions, should a permit issue.
88. Clause 22.10-3.4 also calls for pedestrian-scaled design at street level. The proposal successfully responds to this objective by providing vehicular access from the rear laneway. As a result, the existing crossover will be removed, providing a more inviting public sphere for pedestrians. This is considered to be a significant improvement from the existing conditions at the site where a roller door and crossover take up almost half of the front façade.

89. The Howard Street public sphere will not be unreasonably impacted by the proposal in terms of overshadowing. The submitted shadow diagrams show that only modest sections of the southern Howard Street footpath will be affected by equinox shadowing between 9am and 3pm. This is considered acceptable given:
- (a) The proposed footpath shadowing is similar to that of the office building at No. 7-9 Howard Street, given their similar street wall heights.
  - (b) The affected section of footpath is largely used for crossovers servicing developments on the southern side of Howard Street.
  - (c) The front courtyards of the three-storey townhouse developments will not experience new overshadowing given their high front fencing.
  - (d) the proposal will not overshadow any public open space in accordance with Clause 22.10-3.8.

*Site coverage*

90. Clause 22.10-3.6 states that:  
*New development should not exceed a maximum site coverage of 80% of the site area unless:*
- *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*
  - *there is a need to cap the site to deal with contamination.*

91. In this instance, commercial buildings in this part of Richmond typically feature 100% site coverage. Under existing conditions, the subject site features near-100% site coverage. The proposed 100% site coverage is therefore appropriate in this context and in keeping with the character of the area.

*Landscaping and fencing*

92. There is no mature landscaping on-site to be retained. The proposal incorporates landscaping within the recessed ground floor front façade and within planters along the perimeter of the rooftop terrace. This is considered appropriate for the commercial context and zoning of the site. A landscape plan can be required through conditions, should a permit issue.

*Service infrastructure*

93. The proposal includes services at the rooftop towards the rear of the lot. These will generally not be visible from the public realm and are thus supported from an urban design perspective. The plans do not indicate if these rooftop services will be screened. A permit condition is recommended for rooftop service screening to the satisfaction of the Responsible Authority.
94. The proposal includes a street-accessible services cupboard which is considered to appropriately screen services and blend in with the overall development. However, the specific details of the services cupboard have not been provided. Mail box, pit and metre locations will be required by way of a permit condition, should a permit issue.
95. It is also noted that the lift overrun has been designed so as to integrate well with the overall building – particularly as it connects with the raked stairwell element fronting the street.

*Urban design summary*

96. Subject to the conditions contained in this report (including the changes shown in the submitted sketch plans), the proposal would result in an appropriate urban design outcome for the site and surrounding area.

Off-site amenity

97. As is identified in clause 21.08 *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use...*
98. The site is located within the C2Z, where the purposes include:
- (a) *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services;*
  - (b) *to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
99. As outlined at paragraphs 75, residential dwellings are a prohibited use within the C2Z. Any non-conforming, existing residential uses within the C2Z do not enjoy the same amenity expectations of dwellings in a residential zone. ResCode provisions do not apply to existing dwellings in the C2Z. The core purpose of the C2Z is to promote commercial use and development.

*Overlooking*

100. Referring to the ResCode overlooking standard (although ResCode does not apply in this instance), the proposal would comply with the Overlooking Standard given:
- (a) the proposed rooftop terrace has been provided with screening along its entire perimeter to 1.7m above rooftop floor level.
  - (b) there are no residential properties within 9m to the north of the proposed northern building façade;
  - (c) the residential properties on the southern side of Howard Street are located more than 9m from the southern boundary of the subject site;

*Overshadowing*

101. Reviewing the Applicant's shadow diagrams, the proposal would not overshadow any areas of secluded private open space of dwellings in a residential zone during the equinox hours of 9am to 3pm.
102. With regard to adjoining residential properties within the C2Z:
- (a) the dwelling at No. 23 Howard Street will be unaffected by new shadowing during the equinox hours of 9am, 10am, 11am, 12pm and 1pm. Some new shadowing will result at 2pm and 3pm. The new shadowing proposed at these hours is considered acceptable for residential properties within the C2Z.
  - (b) the dwelling at No. 17 Howard Street will be unaffected by new shadowing during the equinox hours between 9am-3pm. This is due to the high degree of shadowing imposed by the existing building on the subject site. If ResCode were applicable in this instance, the proposal would comply with the Overshadowing objective.



103. With regard to the dwellings to the south (the dwellings within the three-storey apartment building opposite the subject site, located within the Commercial 1 Zone [C1Z]):
- (a) The ground floor apartment at No. 16 Howard Street and all first and second floor apartments will be unaffected by new equinox shadowing into their respective areas of secluded private open space between the hours of 9am-3pm;
  - (b) The ground floor apartment at No. 14 will be unaffected by new shadowing during the equinox hours of 9am, 10am, 1pm, 2pm and 3pm. Minor new shadowing will occur for this dwelling during the hours of 11am and 12pm for its ground floor area of secluded private open space;
  - (c) In summary, the only dwelling in this development to be affected by new shadowing is the ground floor dwelling at No. 14 Howard Street. All other dwellings in this development will not experience new shadowing. This is considered reasonable and appropriate for dwellings located in the C1Z.

*Visual bulk*

104. The closest dwellings within a residential zone are located 18-21m to the east of the subject site. As such, visual bulk generated by the proposal is not considered unreasonable.
105. With regard to the adjoining residential properties within the C2Z:
- (a) Visual bulk impacts for No. 23 Howard Street will be minimal given that this dwelling has constructed a rear extension flush with the boundary of the subject site. As a result, the dwelling has an area of secluded private open space that is located away from the subject site in the north-eastern corner of its lot and will retain a reasonable degree of outlook towards the east and north.
  - (b) The dwelling at No. 17 Howard will experience some increased visual bulk impacts from its area of secluded private open space. However, this will not be dissimilar to the visual bulk impacts currently experienced by No.11 Howard Street associated with the office development at No.7-9 Howard Street. It is also noted that No. 17 will continue to enjoy northward views to the sky given the location of the rear laneway. The visual bulk impacts proposed are considered to be appropriate for a dwelling located in the C2Z.
106. It should also be noted that the design response has mitigated visual bulk impacts by pursuing a design that is one-storey lower than the recommended height within the Structure Plan. The design has also provided visually-interesting side elevations which will provide articulation and visual relief to side adjoining properties.

*Daylight to Windows*

107. The dwellings at No. 17 and 23 Howard Street both feature light courts or habitable room windows facing the subject site. While the proposal would somewhat affect these windows, it should be noted that under existing conditions, these windows do not enjoy a high level of amenity. This is due to the 4.6m-high boundary walls of the existing commercial building at the subject site.
108. The design response of the proposal will ensure that an adequate level of daylight is provided through the use of a mostly-light colour palette. This will reflect daylight into the respective light courts and windows. To further ensure that daylight to the affected windows is maximised, a condition is recommended for revised side elevations to show only white-coloured treatments where they abut windows to the satisfaction of the Responsible Authority. This will ensure that a maximum degree of daylight is reflected back into the affected windows.

*Noise*

109. In terms of off-site amenity, the considerations are limited to the buildings and works (plant and equipment) of the proposed building. The use (Office) component of the application is as-of-right under the C2Z and therefore the application cannot assess potential noise generated by the proposed office. Regardless, it should be noted that office uses do not typically generate noise outside of standard business hours.
110. With the closest dwellings within a residential zone being 18m to the east and the location of services to be at rooftop level, the proposed plant and equipment is unlikely to generate unreasonable noise impacts for residentially-zoned dwellings. With respect to the commercially-zoned properties, should a permit issue, a standard condition should ensure that the development meets SEPP N-1.

*Off-site amenity summary*

111. The proposal would not unreasonably impact the amenity of nearby properties. Whilst amenity impacts to adjoining properties will arise, these have been mitigated by the response and considered acceptable for dwellings located within the C2Z.

On-site amenity and ESD

112. This section of the assessment will be guided by clause 22.17 of the Scheme.

113. In terms of on-site amenity and ESD features, the application proposes the following:
- (a) Preliminary energy modelling indicating a maximum of 27.04% reduction in energy used for heating and cooling compared with minimum section J requirements.
  - (b) Renewable energy (Photovoltaic solar array) installed of an expected minimum capacity of 4.8kW supplementing electricity requirements for the development.
  - (c) Glazing which balances energy efficiency and daylight ingress will be selected. Double glazing with a light to moderate tint at the northern façade is proposed.
  - (d) The HVAC system would exceed minimum energy performance standards, selected to have an efficiency within 15% of the best available unit.
  - (e) Water Sensitive Urban Design measures to exceed CSIRO Best Practice with an associated STORM score of 152.
  - (f) Stormwater Management treatment quality requirements, including rainwater collection and re-use within toilets.
  - (g) Potable (drinking) water saving measures including low flow toilets, showers and taps.
  - (h) Daylight modelling assessment has been undertaken and the development is deemed to achieve best practice daylight ingress. This has internal amenity benefits improving the indoor environment quality and also minimises the reliance on artificial lighting.
  - (i) Inclusion of bicycle parking in excess of minimum requirements.
  - (j) Facilities for charging of electric vehicles.
114. The proposal achieves a BESS score of 57% (with 50% regarded as best industry practice).
115. The application was referred to Council's ESD Advisor, who raised the following outstanding information which must be included/addressed on the plans:
- (a) Separate proposed north elevation to show the proposed adjustable external blind system in operation, including materials and dimensions, to the satisfaction of the Responsible Authority.
  - (b) Revised roof terrace plan to show the location, quantity and capacity of proposed photovoltaic solar panels.
116. Council's ESD Officer also recommended that the considered SDA be revised to provide the following:
- (a) BESS assessment revised to remove the following components from the Innovation component:
    - (ii) Low VOC & formaldehyde products
    - (iii) Sustainable timbers.
117. Should a permit issue, the above should be imposed by way of permit conditions. These plan requirements will ensure that the ESD measures within the SDA are articulated on the plans with appropriate detail. The required revision to the SDA is required because the specified items are not considered to be ESD innovations.

#### Car parking & traffic

118. This section of the report will be guided by clause 52.06, noting that clauses 18 and 21.06 support sustainable transport modes, such as walking, cycling and public transport.
119. This application has a statutory requirement for 24 car parking spaces. With 5 spaces being provided, a reduction of 19 car parking spaces is sought.
120. Considering the reduction sought with regard to clause 52.06:
- (a) Council's Engineers noted that car parking for office staff is typically long stay and given the site's accessibility to walking, cycling and public transport options, that car parking demand rates are typically less than the 3.5 spaces per 100m<sup>2</sup> of office area at clause 52.06;

- (b) Council's Engineers found that the proposal provides 0.71 spaces per 100sqm of office space. This was compared to recent office building approvals in nearby Cremorne, which ranged from 0.41 spaces to 0.85 spaces per 100sqm of office floor space. The provision is within this range and is considered acceptable given the excellent access to both public transport and cycling infrastructure. These include Church Street tram services (within 80m), the Main Yarra Trail (within 130m) and East Richmond Railway Station (within 730m).
  - (c) the Applicant's traffic report (prepared by Traffix Group) undertook a car parking survey on Thursday 31 August 2017 at hourly intervals between 9am and 5pm. The survey was limited to an area within walking distance of the subject site – including Newton, Dale, Yorkshire, Yarra, Prince Patrick and Howards Streets. The survey also included relevant sections of Church, Brighton, Durham and Mary Streets. The survey found that across this survey area, at 10am, there was a minimum of 23 available car spaces, representing a maximum occupancy rate of 89%. In their analysis of this report, Council's Engineering Unit stated *the data suggests that any overflow with the short-stay parking for the development could be accommodated on-street;*
121. Council's Engineers concluded: *from a traffic engineering perspective, the waiver of 19 parking spaces associated with the office use is considered appropriate in the context of the development and the surrounding area. The parking overflow generated by the site can be accommodated on-street. Engineering Services has no objection to the reduction in the car parking requirement for this site.*
122. Council's Engineering Services Unit estimated that the proposal would generate a total of 2.5 trips each for the AM and PM peak and commented that the *traffic volumes generated are not unduly high and can be easily accommodated in the surrounding road network.*
123. Council's Engineers also raised no issue with regard to queuing associated with the proposed car stacker system. They further commented that *given the low peak hour traffic volumes, we envisage the potential for vehicle conflict within the Right of Way to be very remote.*
124. A number of other issues were raised by Council's Engineers, which could be addressed by way of permit conditions or notes:
- (a) Installation of convex mirrors on both sides of the accessway.
  - (b) Dimension of recessed section of the ceiling above the car stacker.
  - (c) Demonstration via a swept path diagram that B85 design vehicles can enter and exit the stacker platforms off the R.O.W.
  - (d) Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Napier Street (sic – this should state Howard Street) road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
  - (e) The redundant vehicle crossing must be demolished and reinstated with footpath and kerb and channel in accordance with Council's *Infrastructure Road Materials Policy*, Council's Standards Drawings and engineering requirements.
  - (f) 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 permit holder's expense.
  - (g) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

- (h) Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority; and
- (i) 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.
- (j) The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.
- (k) 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 devices.

125. In conclusion, subject to the conditions above, the proposal would not unreasonably impact parking or traffic conditions in the area.

#### Bicycle parking

126. As the proposed building features less than 1000sqm of office space, bicycle space requirements do not apply. The decision plans showed a voluntary provision of 4 bicycle spaces. In response to objector concerns, the applicant submitted sketch plans to show a total of 8 bicycle spaces. This is considered to be an acceptable response.

#### Waste

127. The proposal indicates that a waste storage area would be located within the rear, ground floor setback. A Waste Management Plan [WMP] is recommended as a condition, should a permit be issued. This will ensure that waste storage and collection is managed appropriately in accordance with Council requirements.

#### Loading bay space

128. It is noted that a loading bay has not been provided on-site, however the proposed as-of-right use for office is not anticipated to have unreasonable loading requirements.

#### Objector Concerns

129. The following objector concerns have been considered throughout this report:

- (a) *insufficient car parking, bicycle parking and associated traffic concerns* – see paragraphs 118-126;
- (b) *building height* – see paragraphs 78-83;
- (c) *off-site amenity (overshadowing, overlooking, loss of daylight and noise impacts)* – see paragraphs 97-111;
- (d) *public sphere amenity (overshadowing of Howard Street)* – see paragraphs 85-89;
- (e) *discordance with local planning policy, including Clause 22.05* – amenity impacts have to nearby properties have been found to be appropriate – see paragraphs 97-111.

130. The following will now be addressed:

- (a) *privacy and noise impacts during construction process;*

should a permit issue, a condition should require the submission of a construction management plan to mitigate construction impacts.

#### **Conclusion**

131. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be 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 PLN17/0857 be issued for development of the land for the construction of a four-storey (plus rooftop terrace) office building (no permit required for use) and an associated reduction in the car parking requirement 19 Howard Street, Richmond VIC 3121 generally in accordance with the decision plans and 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 prepared by Rachoff Vella Architecture, received by Council on 01 December 2017 but modified to show:
  - (a) the changes shown in the sketch plans prepared by Rachoff Vella Architecture, received by Council on 28 February 2018, which generally show:
    - (i) revised material treatments to the southern and eastern facades;
    - (ii) provision of 8 on-site bicycle spaces;but further modified to show:
    - (b) revised side elevations to show only white-coloured wall treatments where the wall abuts an existing habitable window or light court;
    - (c) installation of convex mirrors on the internal walls of the accessway where they connect to the R.O.W. ;
    - (d) recessed section of the ceiling above the car stacker dimensioned;
    - (e) swept path diagram to demonstrate that B85 design vehicles can enter and exit the stacker platforms off the R.O.W.;
    - (f) separate proposed north elevation to demonstrate the adjustable blind system proposed for the north-facing glazed elements, including dimensions and materials;
    - (g) roof terrace plan to show the location, quantity and capacity of the photovoltaic solar panels outlined within the Sustainability Design Assessment produced by Low Impact Development Consulting dated 15 September 2017;
    - (h) provision of automatic sensor lighting to front entrance;
    - (i) glazing provided to the ground level return associated with the Howard Street entrance; and
    - (j) the location of mailboxes, pits and metres.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Sustainable Design Assessment

3. Before the development commences, an amended Sustainability Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Design Assessment will be endorsed and will form part of this permit. The amended Sustainability Design Assessment must be generally in accordance with the Sustainability Design Assessment prepared by Low Impact Development Consulting, dated 15 September 2017, but modified to delete the following components from the Innovation section of the BESS assessment:

- (a) use of low VOC and formaldehyde products; and
  - (b) use of sustainable timbers.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape

5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

#### Waste Management Plan

7. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### General

9. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
11. 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.
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 laneway and 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.
13. 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.
  14. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
  15. 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.
  16. 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.
  17. 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.
  18. 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.

### 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.
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. 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.

#### Civil Works

22. 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.
23. 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.
24. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Howard Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

#### Expiry

25. 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

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.

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.

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

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

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

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.

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

#### **Attachments**

- 1 PLN17/0857 - 19 Howard Street Richmond - Advertising S52 - Plans\_Part1
- 2 PLN17/0857 - 19 Howard Street Richmond - Advertising S52 - Plans\_Part2
- 3 PLN17/0857 - 19 Howard Street Richmond - Advertising S52 - Plans\_Part3
- 4 PLN17/0857 - 19 Howard Street Richmond - Advertising S52 - Plans\_Part4
- 5 PLN17/0857 - 19 Howard Street Richmond - Sketch Plans Received 28 February 2018
- 6 PLN17/0857 - 19 Howard Street Richmond - Engineering comments
- 7 PLN17/0857 - 19 Howard Street Richmond - Urban Design Comments

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**1.2 33 Peel Street Collingwood - PLN17/1059 - Development of the land for the construction of a ten storey building (plus a two level underground car stacker pit) for nine dwellings and a reduction of car parking requirements.**

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### **Executive Summary**

#### **Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN17/1059 which affects the land at 33 Peel Street, Collingwood 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 22.05 – Interface uses policy;
  - (d) Clause 32.04 – Mixed Use Zone;
  - (e) Clause 52.06 – Car Parking;
  - (f) Clause 58 – Apartment Developments.

#### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy and physical context;
  - (b) Built form and design;
  - (c) On-site amenity - Clause 58;
  - (d) Off-site amenity;
  - (e) Car parking/traffic/ bicycle parking; and
  - (f) Objector concerns.

#### **Objector Concerns**

4. A total of 14 objections were received to the application, these can be summarised as:
  - (a) Neighbourhood character/Heritage
  - (b) Height/Massing/Scale
  - (c) Overdevelopment
  - (d) Lack of street activation
  - (e) Inappropriate materials
  - (f) Overshadowing of the park and impact on its amenity
  - (g) Car parking/traffic/parking implications/operability to stacker system, waiting times of stacker system
  - (h) Noise from waste collection
  - (i) Overlooking
  - (j) Property devaluation
  - (k) Construction issues (disruption, early starts, tree protection, traffic and noise).

#### **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:** Vicky Grillakis  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 92055124

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**1.2 33 Peel Street Collingwood - PLN17/1059 - Development of the land for the construction of a ten storey building (plus a two level underground car stacker pit) for nine dwellings and a reduction of car parking requirements.**

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Trim Record Number: D18/71167

Responsible Officer: Manager Statutory Planning

<b>Proposal:</b>	Development of the land for the construction of a ten storey building (plus a two level underground car stacker pit) for nine dwellings and a reduction of car parking requirements.
<b>Existing use:</b>	Food and Drinks Premises
<b>Applicant:</b>	S & Giggles Pty Ltd c/o SJB Planning
<b>Zoning / Overlays:</b>	Mixed Use Zone/Environmental Audit Overlay
<b>Date of Application:</b>	11 December 2017
<b>Application Number:</b>	PLN17/1059

### Planning History

1. Planning Permit Application PLN10/0761 was submitted on 13 September 2010 for use of the land for a café/restaurant. The application lapsed on 2 December 2010.
2. Planning Permit Application PLN11/0089 was submitted on 15 February 2011, seeking permission to use and develop the land for the purpose of a restaurant and coffee roasting premises, including an internal refurbishment (no permit required) and the installation of 3 panel lift doors; and the sale and consumption of liquor (restaurant and café license). The application lapsed on 14 May 2011.
3. Planning permit PLN12/0131 was issued on 17 May 2012 for use of land as a shop and food and drink premises (café) and a waiver of car parking requirements, and buildings and works associated with construction of a light. This has been acted upon.

### Background

#### Application Process

4. The application was lodged on 11 December 2017 with the application then advertised following that, with 14 objections being received. A Consultation Meeting was held on 1 May 2018 where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.
5. Whilst this process was occurring, Council had sought and received advice from an Urban Design Consultant, as well as Council internal units including Urban Design, Waste Management, Engineering, Open Space Unit, Streetscapes and Natural Values, Strategic Transport and Environmental Sustainable Development (ESD).
6. Referral advice is an attachment to this report.
7. Council's Engineering Services Unit raised concerns with the construction of the proposed building over the existing corner splay on the north-west corner of the site. Council's Engineering Services Unit stated that the following:

- (a) *The corner splay at ground level must remain intact. Regardless of whether the splay is in private ownership, it is deemed to be part of a Public Highway by virtue of its previous and existing use by the public (i.e. – pedestrians). The splay must remain in asphalt (consistent with the surrounding footpaths) and must not be reduced in size. The applicant must depict the splay on the proposed Ground Floor Plan. The splay can be occupied above ground level (i.e. first floor and upwards).*
8. The applicant provided sketch plans on 1 May 2018 which showed the corner splay as per existing conditions. This can be required by way of condition. A window is retained along the splay.
9. Also during the referral process, Council's Open Space Unit raised issue with the proposed location of the gas and water meters along the southern façade facing the Cambridge Street Reserve. Council's Open Space Unit do not support the location of services requiring access from the Council reserve. As part of the aforementioned sketch plans, the applicant relocated these services to face Cambridge Street. The water meters are shown under the window sill which allows for a window to be retained along the Cambridge Street side. Whilst the gas meters are adding solid areas to the Cambridge Street facade, on balance, as the eastern ground floor elevation is largely glazed, this is acceptable. A condition can require these services to be located as per the sketch plans also.

Planning Scheme Amendments

*Amendment VC136*

10. This amendment was gazetted into the Scheme on 13 April 2017, otherwise known as Clause 58 - Apartment Developments, and introduced state-wide design guidelines for apartment buildings. The provisions of this clause apply to the application as it was lodged following this date.

*Amendment VC139*

11. On the 29 August 2017, the amendment was gazetted to include the following policy references replacing the *Guidelines for Higher Density Residential Development*:

*Apartment Design Guidelines for Victoria*

- (a) This reference document applies to all apartment buildings that are subject to the provisions of Clause 58 of the Scheme and provides three primary sections covering siting and building arrangement, building performance and dwelling amenity.

*Urban Design Guidelines for Victoria*

- (b) This is a complementary reference document to the *Apartment Design Guidelines for Victoria* which provide best practice knowledge and advice to inform the design of buildings in relation to the function and amenity of the public realm.
- (c) The above policy reference documents have been introduced into the Scheme to complement Clause 58 – Apartment Developments that was gazetted into the Scheme on 13 April 2017. The provisions of this clause apply to the application as it was lodged following this date.

*Amendment VC142*

12. On 16 January 2018, Planning Scheme Amendment VC142 was gazetted by the Minister for Planning. Among other changes, this amendment removed the permit requirements within clause 52.07 of the Yarra Planning Scheme for a loading bay.

## Existing Conditions

### Subject Site

13. The subject site is located on the south side of Peel Street, on the corner of Cambridge Street, in Collingwood. The site is slightly irregular in shape, with a frontage to Peel Street of 16.7m and a frontage to Cambridge Street of 13.8m, yielding an overall site area of approximately 230sqm.
14. The subject site is shown below:



15. The site is developed with a single storey brick warehouse building currently occupied by the food and drinks premises 'Mina No Ie'. The building is constructed to all side boundaries, with a splayed corner entrance fronting Peel and Cambridge Streets. The building has a maximum height of 5.69m above ground level. A mezzanine level is located to the south of the building. A roller door and crossover on the Peel Street frontage provides vehicular access to the building. Two large windows face the northern Peel Street elevation, while large highlight windows are located on the southern elevation, facing a Cambridge Street Reserve.
16. The subject site includes two easements. The subject site is shown as Lot A on Plan of Subdivision 721497T. Easement E-1 is a carriageway easement for the purpose of ingress and egress of the vehicle stacking system of No. 41 Peel Street. Easement E-2 is an easement for the support of building roof, walls and floor by existing footings and walls. This is a historical anomaly of the existing building where it extends over the western title boundary. The proposed development does not impact either of these easements and is wholly contained within the title lot of the subject site.

### Surrounding Land

17. The surrounding area comprises a mix of built form and land uses includes residences as well as light industrial, offices and warehouses. The site is located approximately 200m east of Smith Street which is a designated Major Activity Centre (MAC) with a tram route to the CBD and Bundoora. The MAC has a local and regional role, including retail, entertainment and service functions. The MAC and its broader context is undergoing substantial change with new higher density residential developments being constructed.
18. The surrounding area is shown below:



19. The built form types in the area are generally industrial in nature, reflective of the areas historic uses. However, within that generally industrial typology, the area is genuinely mixed with some older style, industrial buildings, remnant workers cottages, modern residential developments and warehouse residential conversions. This area has experienced substantial growth and a shift toward a more residential focus, encouraged by the Mixed Use Zone of the land. One and two storey buildings are being replaced with 6 to 13 storey buildings.
  
20. A significant constructed development within the vicinity of the site is the Yorkshire Brewery at 1-21 Robert Street east of Wellington Street comprising four main buildings, with the tallest rising to a maximum 17 storeys high. This site is also within a pocket of Mixed Use Zone land and is included on the state heritage register. There are also other recent developments within the immediate surrounds such as:
  - (a) No. 109 Wellington Street (9 storeys) – completed;
  - (b) No. 7 & 9-15 Little Oxford Street (9 storeys) – under construction;
  - (c) No. 195 Wellington Street (10 storeys) - nearing completion;
  - (d) No. 72 - 94 Cambridge Street (10 storeys) – approved;
  - (e) No. 73 - 77 Wellington Street (10 storeys) – construction begun;
  - (f) No. 15 – 21 Derby Street and No. 27 – 29 Oxford Street (8 storeys) – approved and about to commence construction;
  - (g) No. 61 – 71 Wellington Street and No. 37 – 39 Langridge Street (13 storeys) – construction begun;
  - (h) No. 2 – 16 Northumberland Street (13 storeys – office levels) – construction begun;
  - (i) No. 51 Langridge Street (10 storeys – office levels) - approved
  
21. While the area has been subject to significant redevelopment, it continues to present a hard edge character to the street with rectilinear forms and robust materials.
  
22. Peel, Oxford and Cambridge Streets are quieter streets in terms of traffic flow, with Wellington Street to the east and Langridge Street to the south identified as major municipal roads and carrying the majority of the commuter traffic. Wellington Street has also been fitted with ‘Copenhagen’ bicycle lanes, which carry high volumes of cyclists.
  
23. The site is proximate to a variety of public transport connections including tram routes along Smith and Victoria Streets, bus routes along Hoddle and Johnston Streets and Collingwood train station located approximately 540m east of the site. Hoddle Street is located approximately 540m to the east.



24. Aside from the services and amenities within Smith Street, the site is 260m north-east of the Gertrude Street Neighbourhood Activity Centre (NAC), 765m south of the Johnston Street NAC, 160m north-east of the Oxford Street park and 100m south-east of Peel Street Park.
25. Along Victoria Parade to the south, land is zoned Commercial 1 and includes a mixture of uses including offices, residences and food and drinks premises.
26. Looking specifically at each direct interface with the subject site, the following apply:

*East*

27. Directly to the east is a six storey apartment building located at No. 41 Peel Street which was granted a permit on 19 August 2013. It has a blank wall facing the subject site, with a commercial tenancy facing Peel Street and car park access at the rear. Balconies associated with the dwellings are either facing Peel Street or to the south. Directly to its east is a service lane accessed from Peel Street. The image below shows No. 41 Peel Street as it presents to the Cambridge Street Reserve:



28. Further to the east is the development located at No. 43 Peel Street (formally known as No. 109 Wellington Street) which is a nine storey (plus mezzanine) apartment building built along both its the street frontages to Wellington and Peel Streets with a double storey food and drinks premises located at this intersection. Car park access is along its western side, directly accessed from the service lane. It includes a 31.3m sheer wall to Wellington Street and then scales down towards its west to approximately 19m in height along the service lane.
29. To the south of No. 43 Peel Street, further along Wellington Street (and directly to the east of Cambridge Reserve) is a seven-storey social housing residential building, with a six-storey street wall and enclosed balconies facing the Cambridge Street Reserve and Wellington Street. At ground floor, this building generally presents as a blank interface with a small lobby to Wellington Street, vehicle entrance and blank walls. Whilst residential in nature, this building has an industrial-style design with the use of copper and grey colours. Facing the Cambridge Street Reserve it includes numerous enclosed balconies with screening.

The building includes six and seven storey sheer walls facing the Cambridge Street Reserve. The image below shows these buildings as they face the Cambridge Street Reserve:



30. Further to the east beyond Wellington Street is the Gipps Street Precinct. The east side of Wellington Street has not yet experienced this extent of high density development (with the exception of the constructed Yorkshire Brewery development and the 13 storey office development currently under construction at No. 2 – 16 Northumberland Street, Collingwood) due to its Commercial 2 Zoning which encourages offices, manufacturing and industries. However this will change in the future as other similar developments are approved and constructed. The existing built form character within this Commercial 2 Zone land is between one and four storeys, generally built to all boundaries with large car parking areas.

*South*

31. Immediately south of the subject site is Cambridge Reserve. This contains a number of mature trees and a children’s playground.
32. Further to the south is No. 72 – 94 Cambridge Street which has an approval for a ten storey residential development with commercial tenancies at ground floor and car park access from Cambridge Street. This site is currently surrounding by hoarding.



*Figure 1 – view of the approved development at No. 72 – 94 Cambridge Street from Cambridge Street*

33. Beyond this, at the intersection of Cambridge and Langridge Streets is a nine storey residential development at No. 73 - 77 Wellington Street currently under construction.



Figure 2 – view of the approved development at No. 73 – 77 Wellington Street as seen from Langridge Street.

- 34. Both of these developments have a four storey podium to Cambridge Street (approximately 14m in height).
- 35. Beyond these two developments and to the south of Langridge Street is an approved 13 storey building currently under construction and located at No. 61 – 71 Wellington and 37 – 39 Langridge Streets. The image below shows the development from its north-west:



West

36. To the west of the site, opposite Cambridge Street at the intersection of Cambridge and Peel Street is a café within a double storey terrace building at No. 29 – 30 Peel Street which is built to both street frontages. To the south of this are a mixture of single and double storey, finer grain heritage dwellings, built to their side boundaries and with small front yards. These aforementioned buildings are within the Collingwood Slope heritage precinct. To the south of these are a row of single and double storey warehouses, generally with car parking at the front accessed either via a garage, under-croft or setback area.
37. To the north-west of the site, are a row double storey townhouses facing Peel Street with the six-storey residential development at No. 22 Peel Street to their west.

#### North

38. To the north-east of the subject site, at the north-western intersection of Peel and Wellington Streets, is the 'Peel Hotel'. This licensed premise currently operates under a general 'Late Night License' which permits the Hotel to operate 24 hours. There are also a number of other late night venues further to the north.
39. There is also a three-storey residential building along the northern side of Peel Street, directly to the north of the subject site. There is a ground floor food and drinks premises fronting onto Peel Street.
40. The recently constructed six-storey residential development at No. 107 Cambridge Street and the Foy & Gibson buildings are located beyond that. Construction is generally hard edged.

#### The Proposal

41. The application is for the development of the land for the construction of a ten storey building (plus a two level underground car stacker pit) for nine dwellings and a reduction of car parking requirements.
42. The development is constructed to its full title boundaries, with a ten storey sheer wall at its intersection with Peel and Cambridge Streets with it chamfering down one floor to its east and three floors to its south.
43. Below are images of the proposal – the chamfering to the south is clearly visible:





### Demolition

- (a) All structures on site and a portion of the existing crossover (no planning permit required).

### Use

- (b) One food and drinks premises (82sqm in net floor area).
- (c) Nine dwellings (2 x 2 bed and 7 x 3 bed) accessed via a lobby from Peel Street

### Construction

- (d) Two levels of underground car stacker pits, housing 12 car parking spaces accessed via Peel Street using a car lift.
- (e) At ground floor, the proposal includes a food and drinks premises along the western side, fronting Cambridge and Peel Streets as well as Cambridge Reserve. The entry to the car stacker is via Peel Street from a 3.2m wide door with the pedestrian entrance to its east. Services and the lift core are along the eastern side of the site with the waste room and bike/storage area (for Units 1.01 and 1.02 as well as visitor bike spaces).
- (f) The proposal is constructed to all title boundaries between the first and fifth floors with large windows and recessed balconies located along title boundaries. They are as follows:
  - (i) First floor - two, 2-bed dwellings (Units 1.01 and 1.02);
  - (ii) Second floor - one, 3-bed dwelling (Unit 2.01) – south-facing balcony;
  - (iii) Third and fourth floors – two, split level, 3-bed dwellings (living rooms on the lower floor and bedrooms on the upper floor) (Units 3.01 and 3.02). Unit 3.02 is setback 2.4m from its western boundary at fourth floor, with an additional void area above the living room. It should be noted that Unit 3.01 has its own lift between the lower and upper floors;
  - (iv) Fifth floor - one, 3-bed dwelling (Unit 5.01) – south-facing balcony;

- (g) The sixth floor is also built to full title boundaries, however at the seventh floor, the proposal begins to chamfer away from the southern and south-western title boundaries of the site. The seventh floor is setback 2.4m from Cambridge Street and the wall is raked with a setback of between 0.8m and 0.9m from the southern boundary. The sixth and seventh floors include two, split level, 3-bed dwellings (living rooms on the lower floor and bedrooms on the upper floor) (Units 6.01 and 6.02). Unit 6.01 has a north-facing void above the living room and Unit 6.02 is setback 2.4m from its western boundary at the seventh floor, with an additional void area above the living room;
- (h) At the eight floor, the proposal continues to be constructed along the northern and western boundary, however is setback between 2.5m and 5.5m from the southern boundary (with a balcony encroaching upon this). The eighth and ninth floor include one, split level, three bedroom dwelling. The ninth floor is setback between 5.5m and 5.7m from the southern boundary with a large void over the living room.
- (i) The plant enclosure is also located on the ninth floor.
- (j) The roof plan shows the chamfer roof as well as the voids over the plant room.

*General*

- (k) The proposal will be constructed using black metal cladding for the external walls, with black metal bar balustrades and black metal roofing.
- (l) The building is generally constructed hard edge to the street, with large windows (some being double height with the built form within being setback to create a void area) and enclosed balconies.
- (m) It has a maximum building height of approximately 32.4m, a southern on-boundary wall height 22.19m and a northern wall height of between 30m and 32.4.

## **Planning Scheme Provisions**

### Zoning

#### *Mixed Use Zone (MUZ)*

44. The purpose of the MUZ 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; and*
- (d) *to encourage development that responds to the existing or preferred neighbourhood character of the area.*

[Emphasis Added]

45. As per clause 32.04-2, a planning permit is not required for dwellings.

46. A food and drinks premises is listed under Section 1 uses (planning permit not required) on the condition that the leasable floor area must not exceed 150sqm, which this does not (82sqm). Therefore, no planning permit is required for the food and drinks premises use.

In addition to this, as a result of the sketch plans submitted on 1 May 2018, the premises will be further reduced in size due to the inclusion of the corner splay.

- 47. Under clause 32.04-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot.
- 48. Clause 32.04-6 states an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

Overlays

*Environmental Audit Overlay (EAO)*

- 49. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (which includes a residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
  - (a) *a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
  - (b) *an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
- 50. The proposal will result in buildings and works associated with a sensitive use, being a mainly residential building, and therefore either an audit or a statement must be undertaken. A note highlighting these requirements will be included on any planning permit issued.

Particular Provisions

*Clause 52.06 – Car Parking*

- 51. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided for a development having regard to the activities on the land and the nature of the locality.
- 52. Under clause 52.06-2 and relevant to this application, prior to a new use commencing and a new building being occupied, the required car parking should be provided as per clause 52.06-5. However, clause 52.06-3 states that a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
- 53. Under clause 52.06-5, the following parking rates are required:

<b>Use</b>	<b>Bedrooms/ Area</b>	<b>Rate</b>	<b>No. required</b>	<b>No. proposed</b>	<b>Reduction sought</b>
Dwelling	2 x 2 bedroom	1 space per 1 and 2 bedroom dwelling	2	2	0
	7 x 3 bedroom	2 spaces per 3 bedroom dwelling	14	10	4
		1 space for visitors to	1	0	1

		every 5 dwellings for developments			
Food and drinks premises (café)	82sqm	4 spaces per 100sqm of leasable floor area	3	0	3
<b>Totals</b>			<b>20</b>	<b>12</b>	<b>8</b>

54. Applying the above rates, a total of 20 car parking spaces are required to be provided on-site. With 12 spaces provided, a planning permit is required to reduce this rate by eight spaces.

*Clause 52.34 – Bicycle Facilities*

55. 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.
56. The following table provides a summary of the bicycle requirement for each use under Clause 52.34-3:

Land use	Unit	Employee/resident requirement	Visitor/shopper/student requirement	No. required
Dwellings	9	1 resident bicycle parking space for every 5 dwellings	1 visitor space for every 10 dwellings.	2 resident spaces 1 visitor spaces
Food and drinks premises	82sqm	1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0
<b>Total required</b>				2 resident spaces 1 visitor spaces
<b>Provision</b>				<b>13 spaces</b>

57. In the case of the proposed development, a total of three bicycle parking spaces are required and a total of 13 spaces are proposed (12 for dwellings and one for visitors). On this basis, the on-site provision exceeds the statutory requirement and, therefore, a permit is not required for a reduction from the statutory bicycle parking provision requirements of clause 52.34.
58. As no employee bicycle spaces are required, shower facilities as outlined at clause 52.34-3 are not required.

*Clause 52.43 Live Music and Entertainment Noise*

59. This clause has the following relevant purposes:
- (a) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*



- (b) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- (c) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

60. This applies to the subject site due to the presence of venues in the surrounding area, most notably The Peel Hotel to the north-east.
61. Clause 52.43-3 contains a series of requirements which are to be met by any new development. Generally this requires compliance with SEPPN-2 measured within a habitable room. It should be noted there are existing dwellings directly to the west and south-west of The Peel Hotel.

### General Provisions

62. 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 11.02 – Urban Growth*

#### *Clause 11.02 -1 – Supply of Urban Land*

63. The objective is:

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

#### *Clause 11.03-1 (Activity centre network)*

64. The objective is:

- (a) *To build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres.*

#### *Clause 11.03-2 (Activity centre planning)*

65. The objective is:

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

#### *Clause 11.06 (Metropolitan Melbourne)*

#### *Clause 11.06-1 (Jobs and investment)*

66. The relevant objective of this clause is *'to create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.'*

67. Relevant strategies include:

- (a) *Improve access to jobs across Melbourne and closer to where people live.*

- (b) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*
- (c) *Plan for new development and investment opportunities on the existing and planned transport network*

*Clause 11.06-2 – (Housing Choice)*

68. The objective of this clause is:

- (a) *To provide housing choice close to jobs and services.*

*Clause 11.06-4 (Place and identify)*

69. The relevant objective of this clause is *'to create a distinctive and liveable city with quality design and amenity.'*

70. Relevant strategies include:

- (a) *Improve the design quality of public spaces and the interfaces between private development and the public domain.*
- (b) *Support the creation of memorable, well-designed places that are distinctive and liveable.*
- (c) *Promote urban design excellence in the built environment and create places that:*
  - (i) *are accessible, safe and diverse*
  - (ii) *are enjoyable, engaging and comfortable to be in and move around*
  - (iii) *accommodate people of all abilities, ages and cultures*
  - (iv) *celebrate of the city's social, cultural and natural heritage.*

*Clause 11.06-5 (Neighbourhoods)*

71. The relevant objective of this clause is *'to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.'*

72. Relevant strategies include:

- (a) *Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.*
- (b) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing, create opportunities for local businesses and jobs and deliver better access to services and facilities.*
- (c) *Create neighbourhoods that enable and promote walking and cycling as a part of daily life.*

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

73. The objective is to ensure that potentially contaminated land is suitable for its intended future use and that contaminated land is used safely.

74. A note highlighting that an audit or a statement must be undertaken would have been included on any planning permit issued.

*Clause 13.04-1 – Noise abatement*

75. The objective of this clause is *'to assist the control of noise effects on sensitive land uses'.*

76. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

*Clause 15 – Built Environment and Heritage*

*Clause 15.01-1 – Urban design*

77. 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*

78. 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'*. 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.

79. 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).*

*Clause 15.01-4 (Design for safety)*

80. The policy objective is:

- (a) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

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

81. 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*

82. 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*

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

84. One of the strategies for this policy is: *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

*Clause 16.01-2 – Location of residential development*

85. 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)*

86. 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'*.

87. The strategy for this policy to *'identify housing development opportunities that are'*:

- (a) In and around the Central City.*
- (b) Urban-renewal precincts.*
- (c) Areas for residential growth.*
- (d) Neighbourhood activity centres - especially those with good public transport connections.*
- (e) Areas near existing and proposed railway stations that can support transit-oriented development.*

*Clause 16.01-4 – (Housing diversity)*

88. The objective of this clause is *'to provide for a range of housing types to meet increasingly diverse needs'*.

89. One of the strategies for this policy is *'Encourage the development of well-designed medium-density housing which:'*

- (a) Respects the neighbourhood character.*
- (b) Improves housing choice.*
- (c) Makes better use of existing infrastructure.*
- (d) Improves energy efficiency of housing*

90. One of the strategies of this policy is to *'support opportunities for a wide range of income groups to choose housing in well serviced locations'*.

91. *Clause 16.01-5 – (Housing affordability)*

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

*Clause 17 – Economic development*

*Clause 17.01-1 – Business*

93. The objective of this clause is *'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'*.

*Clause 18.01-1 – (Land use and transport planning)*

94. The objective of this clause is:

- (a) To create a safe and sustainable transport system by integrating land-use and transport.*

95. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by:*
  - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
  - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of the urban area.*
  - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
  - (iv) *Connecting activity centres, job rich areas and outer suburban areas through the Principal Public Transport Network.*
  - (v) *Providing for bus routes and stops and public transport interchanges in new development areas.*
  - (vi) *Providing safe, convenient and direct pedestrian and cycling access to job rich areas, public transport interchanges and urban renewal precincts.*
  - (vii) *Promote walking and cycling when planning for new suburbs, urban renewal precincts, greyfield redevelopment areas and transit-oriented development areas (such as railway stations).*
- (c) *Integrate public transport services and infrastructure into new development.*

*Clause 18.02-1 – Sustainable personal transport*

96. The objective of this clause is:

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

*Clause 18.02-2 – Cycling*

97. 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 18.02-5 – Car Parking*

98. 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)*

99. The MSS provides a broad demographic summary of the municipality and is structured into 4 main themes; land use, built form, transport and sustainability. The MSS acknowledges that whilst Yarra has a growing population, the size of households is decreasing and there are relatively fewer children and elderly people when compared with the rest of Melbourne.
100. In relation to housing, Yarra has a higher percentage of flats and units than the rest of Melbourne and the MSS acknowledges that demand for inner-city living is high. An increased proportion of new housing development is to be encouraged on strategic redevelopment sites and in areas that are well located, close to public transport and activity centres.

101. The MSS acknowledges that Yarra's activity centres, including Smith Street are powerful economic engines that play a significant regional role and draw on tourists and destination shoppers from overseas, interstate and country Victoria as well as Greater Melbourne.
102. The MSS also acknowledges that Yarra is generally a low rise urban area with areas of higher density.

*Clause 21.04 – Land use*

*Clause 21.04-1 – Accommodation and Housing*

103. The relevant Objectives and Strategies 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 1.3 Support residual population increases in established neighbourhoods;*
- (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*

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

*Clause 21.05 Built Form*

*Clause 21.05-2 – Urban design*

105. The relevant Objectives 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:*
1. *Significant upper level setbacks*
  2. *Architectural design excellence*
  3. *Best practice environmental sustainability objectives in design and construction*
  4. *High quality restoration and adaptive re-use of heritage buildings*
  5. *Positive contribution to the enhancement of the public domain*
  6. *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;*

*Clause 21.05-3 – Built form character*

106. The general objective of this Clause is:

- (a) *To maintain and strengthen the identified character of each type of identified built form within Yarra.*

107. The subject site is located within a non-residential area, where the built form objective is to “improve the interface of development with the street in non-residential areas”.

108. The strategies to achieve the objective are to:

- (a) *Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
- (b) *Require new development to integrate with the public street system.*

*Clause 21.05-4 Public environment*

109. 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 – Transport*

*Clause 21.06-1 – Walking and cycling*

110. 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 Environmental Sustainability*

*Clause 21.07-1 – Ecologically sustainable development*

111. The relevant Objective of this Clause is:

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

- (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and*
- (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

*Clause 21.08-5 Collingwood*

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

- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings. South of Johnston Street is a large area of public housing generally comprising large blocks of apartments set in grounds.*
- (b) *To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. The Gipps Street industrial precinct is characterized by traditional 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.*
- (c) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys. The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.*
- (d) *The Activity centre has developed a strong factory outlet focus including a sports retail focus, at the north of the centre between Johnston Street and Alexandra Parade. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes. The southern precinct, south of Gertrude Street is home to an array of galleries and clothing stores.*
- (e) *The Gipps Street industrial precinct is characterized by traditional 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.*



113. Within Figure 14 of Clause 21.08-5, the subject site is identified as being within a non-residential built form character area where the objective is to improve the interface of development with the street.
114. The implementation of built form strategies in clause 21.05 includes in the precinct bounded by Johnston Street, Wellington Street, Victoria Parade and Smith Street (including both sides of Smith Street depicted as the 'Smith Street Major Activity Centre' in the Built Form Character Map).
- (i) *Maintaining the varied profile of the skyline and the built form character of Smith Street.*
  - (ii) *Ensuring that no new development presents as a dominating built form along Smith Street.*
  - (iii) *Retaining the prominence of the key 'icon' (landmark) buildings in the Smith Street streetscape such as Pattersons, Safeway, Post Office.*
  - (iv) *Maintaining the Foy and Gibson complex of buildings as a large dominating visually cohesive group of buildings.*
  - (v) *Retaining the uniformity of the streetscapes associated with the Foy and Gibson buildings.*
  - (vi) *Ensuring new development respects the scale of adjoining existing clusters of low rise residential development.*
115. The implementation of transport strategies in clause 21.06 includes:
- (a) *Improving pedestrian permeability and creating pedestrian through block links between Wellington Street and Smith Street.*

#### Local Policies

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

116. This policy applies to applications for use or development within Mixed Use Zones (amongst others).
117. 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'*.
118. This policy outlines recommendations for dwelling design to incorporate measures to protect future residents from noise, fumes, vibration, light spillage and other likely disturbances. Further it 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.
119. Whilst inner city living creates vibrant and active communities, the mix of land uses can sometimes create conflict. Highlighted issues include noise, visual impact and appearance, overlooking, odour and air emissions, light spill, loading and unloading, rubbish removal and storage and construction noise.

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

120. 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*

121. 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.*

122. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3066B).

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

123. This policy applies to (as relevant) new buildings.

*Clause 22.17 – Environmentally Sustainable Design*

124. This policy was introduced into the Scheme on 19 November 2015 and 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.

Other Relevant Documents

125. Clause 15.01-2 states that planning must consider as relevant:

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

**Advertising**

126. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 1048 letters sent to the surrounding property owners/occupiers and by three signs, with one on each of the Cambridge and Peel Street frontages of the site and to the park to the south.

127. A total of 14 objections were received. The grounds of objection included:

- (a) Neighbourhood character/Heritage
- (b) Height/Massing/Scale
- (c) Overdevelopment
- (d) Lack of street activation
- (e) Inappropriate materials
- (f) Overshadowing of the park and impact on its amenity
- (g) Car parking/traffic/parking implications/operability to stacker system, waiting times of stacker system
- (h) Noise from waste collection
- (i) Overlooking
- (j) Property devaluation

- (k) Construction issues (disruption, early starts, tree protection, traffic and noise).
128. The grounds of objections raised will be considered and addressed where possible throughout the following assessment.
129. A Consultation Meeting was held on 1 May 2018, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

## Referrals

130. Internal departments

- (a) Engineering Services Unit;
- (b) ESD Advisor;
- (c) Open Space;
- (d) Streetscapes and Natural Values;
- (e) Strategic Transport;
- (f) Urban Design;
- (g) Waste Services;

131. External consultants

- (a) Urban Design (Craig Czarny - Hansen);

132. Referral comments are attachments to this report.

## OFFICER ASSESSMENT

133. The following key issues and policies will be used to frame the assessment of this planning permit application:
- (a) Policy and physical context;
  - (b) Built form and design;
  - (c) On-site amenity - Clause 58;
  - (d) Off-site amenity;
  - (e) Car parking/traffic/ bicycle parking; and
  - (f) Objector concerns.

### Policy and physical context

134. The proposal satisfies the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment. As will be further outlined within this report, Council supports the proposal subject to a number of conditions (including a reduction in the overall height of two middle levels, increased active frontages and public realm improvements).
135. The Mixed Use Zone which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. This is already evidenced in the former factory and warehouse buildings which have been converted into residential units in the surrounding area. The purpose of the Mixed Use Zone was updated in 2014 to include an objective to provide for higher density residential development. The State Government has given a clear directive for Mixed Use Zones to include high density developments such as the one proposed within the application. Additionally, Clauses 11.06-2 and 16.01-4 of the Scheme encourages a diversity of housing types and commercial uses in and around activity centres.

136. State and Local Policies (such as clause 16.01-2) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport such as the subject site. It is quite clear that this part of Collingwood is undergoing change and there is strong state policy support for increased density in this area as shown through Clause 16.01-3 (amongst others).
137. Policy encourages the concentration of residential developments in established areas and supports proposals which achieve the urban growth objectives at clause 11.02-1 through the provision of a mixed-use development on land close to existing transport corridors and services. In this instance the site is located close to several public transport options with trams operating along Smith Street and Victoria Parade as well as bus routes along the latter. Yarra's Copenhagen style bicycle lanes are located along Wellington Street to the east and provide a better connected journey for cyclists.
138. In summary, the subject site is considered to be appropriate for a higher density development of the nature proposed as there is strong policy support (as has been demonstrated) for the redevelopment of this site given its strategic context.

#### Built form and design

139. The following is a detailed assessment of the proposal against the design objectives of Clause 22.10 – Built Form and Design Policy, Clause 15.01-2 and Clause 21.05 as well as *Standard D1 – Urban context*. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings.

#### *Context*

140. The built form of this part of Cambridge and Peel Streets has been historically guided by the traditionally commercial/industrial aspect with single, double and triple storey commercial/industrial buildings. Peel Street has a slightly more residential appearance further to the west beyond Cambridge Street in comparison to the eastern end as there are some remnant historic dwellings located within this area. New construction has generally been at least five storeys in height (with the majority being nine and above) and constructed boundary to boundary. The majority of buildings are constructed in a rectilinear form with windows and balconies facing the street and mainly flat roofs although there is a mixture of construction eras and styles. The proposal is located within an area where a new character is emerging and the proposal must respond to this.
141. The proposed works are an improvement on the existing streetscape along both streets. This is achieved through the demolition of the out-dated building which offers no passive surveillance to Cambridge Street or the Cambridge Street Reserve to the south for the construction of a modern and visually interesting building which is generally in-line with the future character envisaged for this precinct. Whilst the current building does have windows facing the park, these are highlight windows and hence offer limited passive surveillance opportunities. This complies with the design objectives of Clause 22.10-3.2.
142. The subject site is currently underutilised as the surrounding area is undergoing substantial change. The subject site is in proximity to a MAC and NAC, various forms of public transport and has no heritage restrictions. The only direct abuttal with sensitive residential uses is that to the east and also the Cambridge Street Reserve to the south. Two of its boundaries have at least the width of a street to provide a buffer from amenity impacts. It would be a reasonable expectation that this site (as those surrounding it are currently doing) would experience intensification in use and development.

In the absence of precinct specific overlay controls, it is within this future neighbourhood context that the proposal must be considered.

143. The rectilinear form and choice of materials is similar to other existing buildings with the proposal further building upon that thus satisfying design objectives of clause 22.10-3.3. The proposal chamfers down towards the Cambridge Street Reserve to the south as well as slightly to the east. The various window openings, voids and vertical nature of colorbond will provide for façade articulation which reflects the surrounding finer grained construction further to the west of the site.
144. This new building will form part of this section of Collingwood where there is a varied neighbourhood character without a strictly consistent form but where there are similar elements threading their way through the streetscape. The proposal includes a number of these elements.

*Height, Scale and Massing*

145. The proposed development is 10 storeys (maximum of 32.4m) in height with a steeply angled wall to its south reducing its height down to 22.19m directly abutting the Cambridge Street Reserve. There is no dispute that strategically, the subject site is appropriately located for a higher-density residential development, being located within proximity to a MAC, within a mixed use zone with excellent access to public transport, services and facilities and with limited sensitive, residential interfaces. Two boundaries have the width of a street to provide a buffer from amenity impacts. Additionally, the subject site is a corner site which typically allows for taller built form. It would be a reasonable expectation that this site (as those surrounding it are currently doing) would experience intensification in use and development. Whilst all of these are factors which would encourage substantial development of the site, Council submits that the proposal should be reduced in height by two of the middle floors. This is supported by Council's external urban designer.
146. The subject site is located in the hinterland area between Wellington and Smith Streets. Developments along Wellington Street are directed to be the tallest elements in this precinct with buildings becoming lower as one travels west. It's important to also note that as one travels west, the slope in the land increases resulting in the subject site being topographically higher than land to its east. The recently constructed development at No. 109 Wellington Street is nine storeys in height to Wellington Street as directed by policy with its robust built form holding the prominent corner. This development also includes a chamfered western wall which slopes down towards the lower built form of No. 41 Peel Street.
147. Each site has different constrains, and in this case, an important consideration in the design of this proposal is the location of the Cambridge Street Reserve to the south. Therefore, in comparison to No. 109 Wellington Street, the building proposed on the subject site includes chamfering along its southern side, and minimal graduation down to the site to its east. The image below depicts this the height variation along the northern boundary:



148. Both Council planning officers and external urban designer agree this proposal should be lower in height than the building at No. 109 Wellington Street and that the nearly four storey transition to No. 41 Peel Street is too great and should be reduced. The image above clearly depicts the lack of transition.
149. Therefore, to address these concerns, a condition can require that two of the middle floors (any two floors between first to sixth floors) are to be deleted, thus reducing the overall height by two floors whilst maintaining the upper level chamfers. Council’s external urban designer stated that this reduction in height will provide a *“more convincing contextual response to the 9-storey building on the main road Wellington Street [and] neighbouring 6 storey building”*. This will result in the proposal being lower in height than No. 109 Wellington Street and also only being two levels taller than No. 41 Peel Street. This is a more acceptable outcome.
150. Whilst the proposal does not include a chamfer to No. 41 Peel Street like No. 109 Wellington Street, this is an acceptable transition and not every building has to have the same design response to particular issues. Council planning officers and external urban designer submit that the reduction in height will resolve these issues and is supportable, based on these conditions. The image below shows the proposal within its northern elevation, with two floors deleted:



151. The image below depicts the proposal in its current form from the east and clearly shows that if the proposal were reduced by two levels, its transition to No. 41 Peel Street would be appropriate without having to chamfer down:



152. This reduction in height will also improve shadowing to the Cambridge Street Reserve through a reduction in the on-boundary wall height as well as the overall height and will be discussed later within this report.
153. This reduction in height will also assist in the proposal fitting in with the lower scale streetscape further to its north and west. The width of Peel and Cambridge Streets (at least 19m) will provide a buffer to protect against visual dominance in these streetscapes. It should be noted that there are already examples of taller buildings opposite lower scale buildings separated by these streets, such as further to the west where there are double storey buildings opposite a sixth storey building at the corner of Peel and Oxford Streets. There are also double storey dwellings abutting four storey buildings along the northern side of Peel Street.
154. Further on the point of height, Strategy 17.2 at clause 21.05-2 of the Scheme states that development should generally be no more than 5-6 levels 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 and provision of affordable housing.
155. Subject to conditions, the proposal makes a positive contribution to the enhancement of the public domain through the construction of a new building and additional passive surveillance opportunities to both streets, as well as best practice environmental sustainability objectives in design, high architectural design excellence and significant upper level setbacks through the chamfering.
156. As such, the proposal has demonstrated sufficient justifications to go beyond the general 5-6 levels.
157. In terms of massing, the proposal has not adopted a typical podium/tower typology which would be difficult due to its particular site constraints of a small sized lot and a park directly to its south. As already outlined, the proposal has used the chamfered edges, void areas, window openings and the vertical seam of the external material as a way to provide articulation to the form and reduce its scale. Council's external urban designer was positive with regards to the massing of the development and made the following comments:

*Whilst not containing a street wall and upper level setbacks, the proposal successfully mitigates its mass particularly via its numerous floor to ceiling windows, indented balconies and double-height ceilings. In particular, the double-height ceilings provide the building with a lighter-touching mass while the frame of the building holds the corner. Paired with floor to ceiling windows and sloped roof, the final form seemingly references themes of construction warehouses and scaffolding, an acknowledgement of the post-industrial character of Collingwood and Fitzroy. The result is a light-weight structure, progressively eroding in mass toward the corner of Peel and Cambridge streets.*



*Figure 5: Proposed building successfully reduces mass through its voids*

158. In terms of the massing of the proposal as it is viewed from the south, the proposal has followed a similar pattern of voids, the vertical colorbond seam and window openings. This articulation and opening assists in reducing the massing as seen from the park. The proposal currently includes a seven storey on-boundary wall facing the Cambridge Street Reserve with this fitting in with the existing heights already visible surrounding the Cambridge Street Reserve. Subject to the condition regarding two levels to be deleted, the proposal will result in a five storey southern boundary wall which will further reduce any potential visual bulk issues when views from further south along Cambridge Street.
159. Through the combined inclusion of the chamfer and the numerous voids, as well as the reduction in height, Council planning officers and extern urban design support the proposal.
160. By acknowledging its existing context and the agreed aspirations for the future development of the area, the proposal has complied with policies within clauses 15.01-1, 15.01-2 and 22.10-3.3. Overall, the development is in an area where it is appropriate and practicable to provide a building of this height in order to achieve planning objectives, with the scale of the building aligning with all relevant policies and objectives.

#### *Architectural Quality*

161. The development is considered of high architectural quality and in that regard responds to the design objectives clauses 15.01-2 and 22.10-3.4. The contemporary design is appropriate and responds well to this part of Collingwood.





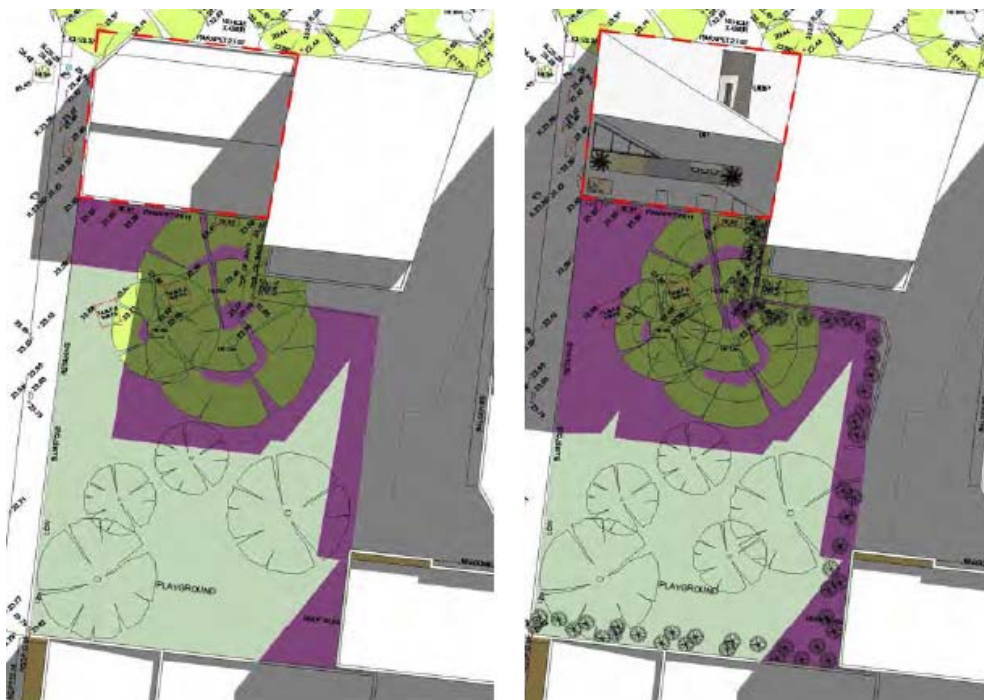
162. The proposal will be constructed using black metal cladding for the external walls, with black metal bar balustrades and black metal roofing. The proposed materials are similar to the proposed materials of other recently approved developments. Whilst the proposal is constructed entirely out of a black metal, due to the numerous openings, particularly at the corners, the viewer will always be able to either see through the development to the sky or will be able to see activity in the dwellings or at night, will be lit up from within the development.
163. As highlighted previously, the use of the various voids is a positive design response which creates variation and interest and demonstrates the development has been considered 'in the round'. It is clear the proposal has considered how it presents from all angles, with it also providing an activated and engaging presentation to the south facing the Cambridge Street Reserve. This also complies with the design objectives of Clause 22.10-3.4 by ensuring the building presents visually interesting elevations on all faces visible from the public domain.

*Public realm, light and shade and pedestrian spaces*

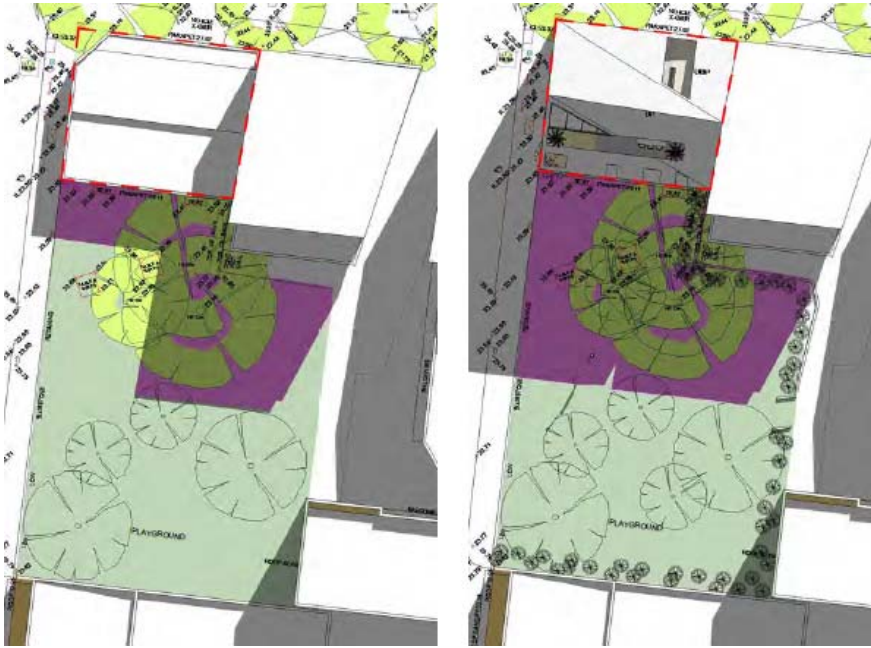
164. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety.
165. The construction of a modern building with a café and residential lobby at ground floor with significant glazing above is an improvement on the streetscape of both streets as well as to the Cambridge Street Reserve. Through the activation of the ground floor, the building will provide an increase in the interaction at street level. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2, 21.04-2 and 22.10-3.4. The existing front façades of the building are industrial in nature and do not encourage passive surveillance to Cambridge Street or the Cambridge Street Reserve.
166. Council's external urban designer supported the food and drink premises wrapping around two corners and providing activation to three frontages as well as that the café will look directly into the Cambridge Street Reserve. Council's external urban designer acknowledged that the upper level residences will provide an additional layer of surveillance to the streets and particularly over the Cambridge Street Reserve.

167. Council's external urban designer had areas of concern. One was with regards to the lack of information regarding the kitchen layout for the café which could potentially result in *"a poor outcome if a kitchen was delivered at the southern boundary forcing a blank interface to the park"*. The applicant provided a sketch plan on 1 May 2018 which showed a proposed layout for the café which would have the kitchen and food preparation centrally located along the eastern wall of the tenancy with seating surrounding it to its north, west and south. This satisfies these concerns and would result in a positive outcome and an improvement for the Cambridge Street Reserve. Council's external urban designer had also recommended a shelter area for the café entrance, however this is not seen as necessary. The cafe currently operates without one. It should be noted that due to the likely overhang of the first floor above the splay, a shelter area is likely to be created close to the café entrance.
168. An area of concern for both Council's planning officer and external urban designer is the prominence of the garage door along the northern elevation in comparison to the pedestrian lobby. There is a significant amount of the Peel Street façade which is largely inactive and this is not consistent with the existing and emerging character along the south side of Peel Street. Council's external urban designer has recommended a more prominent entry lobby or glazing through to the stairwell will assist in providing a more active edge to Peel Street. A condition can require this.
169. The proposal includes numerous openings along the façade of the proposal, however the massing is more solid along the eastern side of the northern elevation. Council's external urban designer acknowledges that the *"more solid panel enclosing the stairwell provides a grounding element before the mass gradually falls away via the building voids and windows."* However, they have recommended an increase in glazing to the stairwell (particularly to the ground floor) *"to provide a more continuity of activation along Peel Street and provide some articulation to the façade encasing the stairwell."* A condition can require this to be provided.
170. Council's external urban designer recommended the following two conditions to address these concerns:
- (a) *Glazing through to the stairwell is provided at least on the ground level to provide more continuity of activation along Peel Street.*
  - (b) *The stairwell on the ground level is unwallled to the 'entry lobby' to provide an actual lobby effect rather than just a hallway.*
171. The inclusion of these conditions can ensure the proposal complies with policy objectives of clause 22.10-3.4 with regards to street and public space quality.
172. Now turning to shadows and pedestrian spaces and in particular shadow impacts at the September Equinox to the western side of the Cambridge Street footpath and Cambridge Street Reserve.
173. In terms of the footpath, the proposal will shade the western side of the Cambridge Street footpath outside of Nos. 89 and 91 Cambridge Street at 9am and by 10am, only the footpath outside of No. 89 Cambridge Street. This is not considered an unreasonable amount of time and is therefore found to be acceptable by Council planning officers. However, Council's external urban designer did raise this as a concern. Nevertheless, the proposed reduction in height will reduce any shadowing to the footpath and would most likely result in no additional shadows to the western side of the Cambridge Street footpath. In terms of the eastern side of the footpath, this would be in shadow from 9am until 12noon, however this is to be expected and would also currently occur (albeit for a reduced extent). Council's external urban designer did not raise this as a concern.

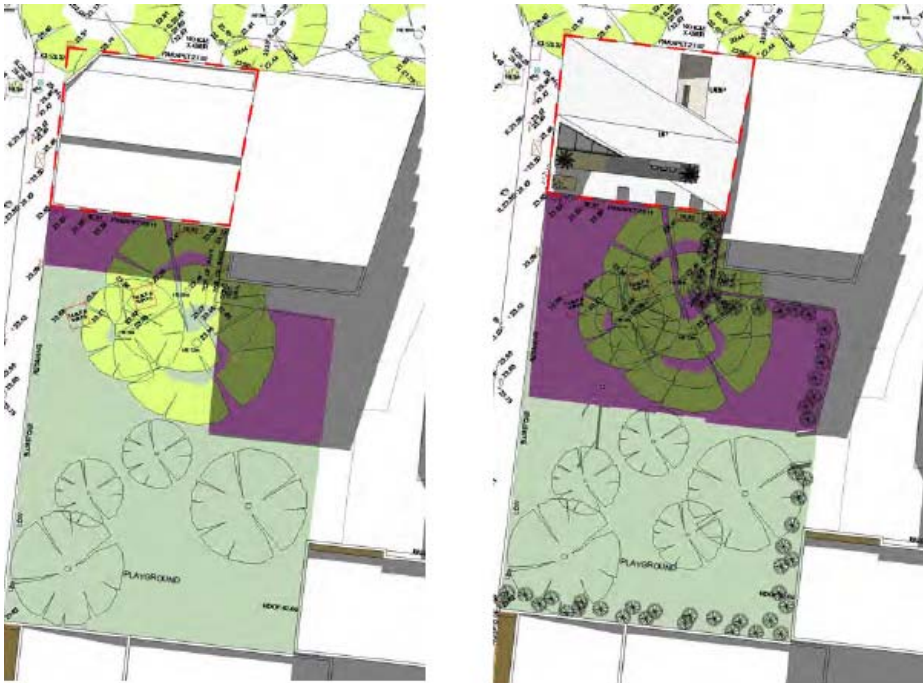
174. Due to the location of the subject site directly to the north of the park, it is unavoidable to cause shadow impacts to it. The existing shadows clearly show that the existing single storey building shade the area of Cambridge Street Reserve immediately to its south at all times of the day.
175. The submitted shadow diagrams show that there is already significant shading to the Cambridge Street Reserve to the south mainly between 9am and 10.30am. Due to the shadowing at these times, approximately 50 percent of the Cambridge Street Reserve is free of shadows. The existing shadows are mainly due to the development at No. 41 Peel Street and also the developments to the east (particularly No. 95 Wellington Street). The development at No. 109 Wellington Street only contributes marginally to this increase. It should also be noted that the existing single storey building results in shading directly to its south.
176. Council's planning officers calculated the total area of the Cambridge Street Reserve to be approximately 900sqm in area. As already noted, a key issue for this proposed has been the shadowing to the Cambridge Street Reserve and this has clearly dictated how the proposal was designed. Despite being much taller overall, through the use of the chamfer to the south, the proposal has limited its shadow impacts to be in-line with the existing shadow as a result of the building at No. 41 Peel Street.
177. The additional shadowing is as follows:
- (a) at 9am, the proposal would not have any impact on the Cambridge Street Reserve, with the existing developments already shadowing the majority of the park;
  - (b) at 10am, the proposal would result in an additional sliver (a long and narrow section of additional shadowing abutting the footpath) of shadowing along the Cambridge Street frontage with the existing developments already shadowing approximately 75 percent of the park;
  - (c) at 10.30am, the proposal will result in an additional 70sqm in shadowing in the western section of the park. Approximately 50 percent of the southern portion of the park will remain free of shadow. The image below depicts the difference (image on the left is existing, image on the right is proposed):



- (d) At 11am, the proposal will result in an additional 130sqm in shadowing in the western section of the park. Approximately 50 percent of the park will remain free of shadow. The image below depicts the difference (image on the left is existing, image on the right is proposed):



- (e) At 12noon, the proposal will result in an additional 156sqm in shadowing in the western section of the park. Approximately 50 percent of the park will remain free of shadow. The image below depicts the difference (image on the left is existing, image on the right is proposed):



- (f) From 1pm onwards the additional shadow impacts lessen, with at least 60 percent of the park being free of shadows. This increases to 75 percent at 2pm, and over 80 percent at 3pm.

178. As part of the application the applicant is proposing to provide a number of improvements to the park. Following the receipt of referral advice, a sketch plan was provided on 23 March 2018 which received overall support from Council's Open Space Unit (albeit with one change to the location of the bbq to be central between the two picnic settings). The proposed improvements to the Cambridge Street Reserve are shown on plan TP4.03 (Cambridge Reserve Park Concept Plan) and include new paving areas, relocations of tables/bins/seats, new paths, widening garden beds, plantings, fencing, replacing existing stools and increasing the height of retaining walls. These are substantial changes that will significantly improve the amenity of the park. A condition can require all of these works to be carried out to the satisfaction of Council and at the permit holder's expense.
179. Council's planning officers have raised concerns with the applicant with regards to this additional overshadowing. The applicant has attempted to mitigate the shadowing impacts through the chamfering of the southern side and through the proposed park improvements. Council's planning officers submit that the proposed reduction in height by two middle floors will result in a reduction of the proposed shadows to an acceptable level as well as improving the amenity of the park through the public realm improvements. The reduction in height will result in the southern boundary wall of the proposal being decreased from approximately seven storeys in height to just over five storeys which will significantly reduce the overshadowing and the visual bulk impacts to this inner city park.
180. It is important to keep in mind that this is not a pristine park with no existing overshadowing, this is a park within an inner city location with tall built form surrounding it. It would be unfair to prejudice this application when previous applications have resulted in additional shading and from 10.30am onwards there is at least 50 percent of the park is always free of shadow at the September Equinox. On balance, with the reduction in height and the park improvements, this is an acceptable outcome.
181. In addition to the above Cambridge Street Reserve improvements, Council's Streetscapes and Natural Values Units requested a number of additional conditions to protect existing street trees from impacts due to the development.
182. Council's Streetscapes and Natural Values Units have confirmed that Cambridge Street has been identified for additional infill street tree planting and tree removals which are scheduled for winter 2019. It has been requested that the applicant contribute to the planned street tree works opposite to 33 Peel St and adjacent Cambridge Reserve. Works include:
- (a) Removal of two existing footpath trees opposite the development site No. 33 Peel Street (Japanese Photinia and Willow Bottlebrush).
  - (b) Replacement and infill planting of 5 x Water Gum (*Tristaniaopsis laurina* 'Luscious') footpath trees in Cambridge St. Two opposite the development site and three adjacent to Cambridge Reserve.
  - (c) Planting of 1x Autumn Blaze Maple (*Acer x freemanii*) in the roadside reserve on Cambridge Street opposite the development site.
183. Council's Streetscapes and Natural Values Units have confirmed the estimated costs are \$861 for removal of two trees, \$3778 for planting and two years establishment maintenance. Council contractors will undertake the works at the completion of the development. This can be required by way of condition. The applicant has agreed to these conditions.
184. In addition to this, due to the works occurring in proximity to two established street trees along Peel Street and a third within the park. Council's Arborist recommended that an Asset Protection Permit Bond should be applied to the three trees to offset the cost of repairing any damage incurred during construction and/or for non-compliance with the tree protection management plan. The bond values are \$26,955 (east tree Peel St frontage), \$28,772 (west tree Peel St frontage) and \$10,905 closest adjacent Lemon-Scented Gum (*Corymbia citriodora*) in Cambridge Reserve. This can be required by way of condition.

185. A Tree Management Plan will also be required by way of condition with a tree impact statement that provides measures for tree protection for all trees within 10m of the development site. Council's Streetscapes and Natural Values Units have also requested that any amended plans show the recently planted footpath trees on the east side of Cambridge St (adjacent to the site and in front of Cambridge Reserve). This can also be required by way of condition.
186. As will be discussed later in this report, the applicant will also be contributing to additional on-street bike spaces.
187. Overall, the proposal is making significant contributions to the surrounding public realm which improves the pedestrian experience. This complies with the design objectives of Clause 22.10-3.4.

#### *Site Coverage*

188. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6. However as the existing level of site coverage in the surrounding and immediate area is similar, it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood.

#### *Landscape architecture*

189. The proposal does not include significant amounts of landscaping, and this is acceptable as this is not a significant feature of the Collingwood character. Council's Open Space Unit requested that for planting within the development, the following is required (with this being included as permit conditions):

- (a) *Details raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer)*
- (b) *Details on proposed method for irrigation and drainage.*
- (c) *Notes in relation to maintenance (duration, regime) and irrigation will be required.*

#### *Environmentally Sustainable Design*

190. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce employees and visitors from relying on private vehicles. Policy at clauses 15.02-1, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
191. Council's ESD Advisor had a number of concerns with the proposal as outlined in the *Referral* comments. The applicant has confirmed they are willing to accept these recommendations as conditions on any permit. This would address Council's ESD Advisor concerns. It is considered that subject to these conditions, the proposal will achieve a high level of environmentally sustainable design and greater internal amenity for future occupants. This satisfies a number of clauses including 15.02-1, 18.02-1, 21.06 and 21.07.
192. The following deficiencies/outstanding information and improvement opportunities can be resolved by way of condition:

- (a) *The BESS report states that only 212m<sup>2</sup> of roof will be connected to the rainwater tank and the STORM report states 223m<sup>2</sup>. Please amend to be consistent with the STORM report.*
- (b) *Please re-do the BESS report as the Transport section claims that residential bike spaces are all on ground floor which is not accurate. Residential bike spaces do meet the BESS standards however and should be included.*
- (c) *Average 6 Star (minimum) NatHERS ratings for dwellings is proposed. This is the minimum standard possible in Victoria. Recommend a clear commitment to a 7 Star average NatHERS standard.*
- (d) *Recommend comprehensive commissioning and tuning of all major appliances and building services.*
- (e) *Consider a Construction Waste Management Plan with a recycling/reuse target of 80% for construction and demolition waste.*
- (f) *Consider specifying FSC certified sustainable timber, or re-used timber across the project.*
- (g) *Consider specifying concrete and steel with a recycled content.*

193. Council's ESD Advisor initially raised the following two matters as areas of concern:

- (h) *There are large areas of east, west and north facing glazing exposed to summer sun angles and very high levels of summer solar heat gain. All but one sample type in the set have cooling loads exceeding the BADA 30MJ/m<sup>2</sup> threshold. Recommend additional external shading systems on all exposed east, west and north facing facades to reduce cooling loads and improve thermal comfort. Please provide sample NatHERS ratings for dwellings and demonstrate that cooling loads do not exceed the 30MJ/m<sup>2</sup> threshold.*
- (i) *A 0.7kW solar PV array is proposed to contribute to onsite electricity consumption. A 700W solar PV system is undersized for a project of this scale. Recommend a large solar PV array to match common area electricity usage.*

194. Following discussions between the applicant and Council's ESD Advisor, the latter was satisfied that following can form conditions on the permit:

- (a) a glazing solution/façade treatment will be suitable for managing summer heat loads, as long as a sample NatHERS ratings is provided for all dwellings that demonstrates all cooling loads do not exceed the 30MJ/m<sup>2</sup> threshold.
- (b) a PV solar array sized to cover the common area electricity demands.

195. The following matters were raised, however will not be required to be conditioned with an explanation of each:

- (a) *Consider providing electric vehicle charging infrastructure.*

The internal layout of the car parking area would make it difficult to provide this. The site is physically quite constrained. Council's Strategic Transport Unit found it acceptable that there were no charging points within the development. If there is the demand, this can be retrofitted at a later date.

- (b) *Consider providing hard waste area and a composting system for organic residential waste*

The site is quite constrained in terms of size and this would be difficult to provide.

- (c) *Consider providing residents' multipurpose spaces and communal open spaces.*

The site is quite constrained in terms of size and this would be difficult to provide.

196. These matters are all considered reasonable and conditions can require these to be included in an amended SMP and annotated on the plans (where relevant).

Clause 58

197. This particular provision comprises 27 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

*Standard D1 – Urban context*

198. Already discussed within the *Built Form and Design* section of this report. The standard and objective is met.

*Standard D2 – Residential Policies*

199. Already discussed within the *Policy and Physical Context* section of this report. The standard and objective is met.

*Standard D3 – Dwelling diversity*

200. This Standard is not applicable for developments with fewer than 10 dwellings.

*Standard D4 - Infrastructure*

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

*Standard D5 – Integration with the street*

202. The proposed development will adequately integrate with the street via the frontages to Peel and Cambridge Streets. The proposal will use an existing crossover along Peel Street (albeit modified). As already discussed, conditions can be added to improve the pedestrian lobby and increase the active frontage along Peel Street. The design of the development incorporates high levels of glazing/openings to both streets which enhance its interface with the public realm. The proposal does not include any high fencing. Additionally, the proposal includes additional glazing and an active frontage to the park which complies with the standard. Overall, the proposal complies with both the standard and the objective.

*Standard D6 – Energy efficiency*

203. As already outlined, a condition can be included on the permit for an updated Sustainability Management Plan which will include a number of improvements as outlined by Council's ESD Advisor. This will improve the energy efficiency of the development.

204. The development is orientated to make use of solar energy through its numerous windows and location of habitable rooms along its northern boundary and also along the perimeter of the subject site. The proposal will not impact the energy efficiency of existing dwellings as none of the abutting developments are orientated towards the subject site. In terms of the cooling load, Council's ESD Advisor confirmed that all but one sample type in the set have cooling loads exceeding the 30MJ/m<sup>2</sup> threshold. A condition has already been suggested to improve this. This therefore complies with the objective and the standard, subject to conditions.

*Standard D7 – Communal open space*



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

*Standard D8 – Solar access to communal open space*

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

*Standard D9 – Safety*

207. As already outlined with Standard D5, conditions can be added to improve the pedestrian lobby and increase the active frontage along Peel Street through increased glazing to the stairwell. This will improve the safety and security of residents and the property. These conditions in conjunction with the existing glazing facing both streets and the park, as well as the café use at ground floor will add to the level of perceived safety of both the occupants of the dwellings and pedestrians along the street.

208. There are no recessed entries, with the pedestrian lobby having only a small shelter area. Above ground floor, there are numerous windows and balconies which add to passive surveillance of the streets and the park. This therefore complies with the objective and the standard.

*Standard D10 – Landscaping*

209. Landscaping does not play a significant role in the character of other developments in the area with this proposal continuing this existing character. Some of the balconies will have plantings on them, however no significant landscaping is provided. Due to the small area of the subject site, there is no requirement in this standard to provide deep soil planting or any canopy trees.

210. The proposal is providing new plantings to the park to the south as well as contributing to Council's planting schedule for the area of winter 2019 which are both significant public contributions in addition to the public open space contribution required under clause 22.12.

211. This complies with the objective and the standard.

*Standard D11 – Access*

212. The proposal is utilising an existing crossover to Peel Street and will be 3.2m in width. With an overall frontage of 16.7m, this equates to less than 40 percent of the street frontage which complies with the standard. Through the utilisation of an existing crossover, impacts to on-street parking will be minimised.

213. Access for service, emergency and delivery vehicles is available. The Standard and Objective is met.

*Standard D12 – Parking location*

214. The location of parking at the rear of the land is considered to achieve an acceptable design response. The ground floor garage is easily accessible from the central lobby area, with direct access to the pedestrian entrance. It is not clear whether a mechanical ventilation system will be provided for the garage; clarification of how ventilation is achieved will be required via a condition of any permit issued.

215. An objective of this Standard is to protect residents from vehicular noise within developments. Two apartments will be located at first floor above the car lift system. It is unclear whether these rooms will be unreasonably impacted by noise generated from this 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. This complies with the objective and the standard.

*Standard D13 – Integrated water and stormwater management*

216. The application proposes the installation of a 1,500L rainwater collection tank which would be connected to all toilets within the development. The STORM report provided with the application achieves a score of 108%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. This complies with the objective and the standard.

*Standard D14 – Building setbacks*

217. As outlined earlier in this report, subject to conditions, the height and massing of the building are considered to achieve an acceptable design response to the character of the surrounding area. The direct abuttal of the development to all boundaries is appropriate as it faces two street frontages, a park and a blank wall to its east. This will ensure the proposal provides a reasonable outlook from new dwellings as well as adequate daylight into habitable rooms. It also protects new dwellings from any future developments and provides appropriate internal amenity.
218. 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.

The separation provided between the new development and existing building is over 10m, thereby limiting overlooking to a reasonable extent. This complies with the objective and the standard.

*Standard D15 – Internal views*

219. None of the apartments have any ability for internal overlooking as they do not have any windows or balconies facing or abutting each other and each of the balconies and windows is enclosed. Where balconies are abutting each other, there are solid walls separating them.
220. Whilst the chamfered balconies and windows are setback from the southern boundary, a person would have to lean over quite significantly to have views into the lower level private open spaces of habitable rooms. Nevertheless, they would not be more than 50 percent of these areas.

*Standard D16 – Noise impacts*

221. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this Standard, with the busiest road near the site being Wellington Street. According to VicRoads, Wellington Street is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume, thus does not meet the threshold for a noise influence area in Table D3 of this Standard.
222. In each instance, non-habitable rooms have been located abutting mechanical plant and equipment and the lift.
223. 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 within activity centres and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

*Standard D17 – Accessibility objective*

224. 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.*
225. The proposal includes Apartment Types A-F with D-F having lower and upper sections. Out of the nine apartments, there is:
- (a) 1 x Type A
  - (b) 1 x Type B
  - (c) 2 x Type C
  - (d) 2 x Type D
  - (e) 2 x Type E
  - (f) 1 x Type F
226. The BADS assessment plans show that Types B, C and D comply with the standard. This equates to five apartments out of the nine, which is 55 percent and is therefore compliant with the standard.
227. In terms of meeting the final requirement with regards to the adaptable bathroom, the applicant confirmed that Type B meets Design Option A, Type C meets Design option A and Type D meets both type A & B. This will be required to be annotated on the plans via a permit condition. In each instance, the adaptable bathroom is the ensuite of the main bedroom.

*Standard D18 – Building entry and circulation*

228. The proposed residential lobby would be readily visible within views along Peel Street and would therefore provide an adequate sense of address and identity for the building. As already noted an additional condition has been suggested to require a more pronounced pedestrian lobby along Peel Street. The pedestrian entry is slightly recessed which provides for a transitional space. Within the development, apartments will have their own entry at each level which will be directly accessible from the lift or stairs via a short corridor.
229. Whilst the short corridors are not obstructed by any building services and clear sightlines are maintained, they do not currently have natural light or ventilation. A further condition has already been suggested to include additional glazing to the stairwell. Considering how small these stairwells and corridors are, this is considered sufficient to comply with the objectives of this standard.
230. Council's external urban designer raised the issue of the eighth floor laundry being external to the dwelling, however this floor, and the floor above it are solely for the one dwelling. It would be likely that no other occupants would be permitted to reach the eighth floor. Therefore no plan changes will be required.

*Standard D19 – Private open space*

231. 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) *A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room*
  - (b) *A three (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.*

232. All apartment types comply with this standard:

- (a) Type A – (2-bed) - 8sqm – 2.35m in width - convenient access from a living room.
- (b) Type B – (2-bed) -12sqm – 2.74m in width - convenient access from a living room.
- (c) Type C– (3-bed) - 20sqm – 2.75m in width - convenient access from a living room.
- (d) Type D – (3-bed) - 18sqm – 2.4m in width - convenient access from a living room.
- (e) Type E – (3-bed) - 15sqm – 2.4m in width - convenient access from a living room.
- (f) Type F – (3-bed) - 32sqm – 3.256m in width - convenient access from a living room.

*Standard D20 – Storage*

233. Of relevance to this development, the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:

- (a) *A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of nine cubic meters.*
- (b) *A three (or more) bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.*

234. All apartment types comply with this standard:

- (a) Types A & B – (2-bed) – 9 cubic meters internal/5.1 cubic meters external and total of 14.1 cubic meters.
- (b) Type C-F– (3-bed) – greater than 18 cubic meters internal – none provided externally

*Standard D21 – Common property*

235. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. 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*

236. Site services would be located within the building with service located within the stairwell, at ground floor towards the rear and with mailboxes provided at the end of the entry lobby. This location is acceptable.

*Standard D23 – Waste and recycling*

237. The applicant's Waste Management Plan (WMP) prepared by Leigh Design dated 23 October 2017 has been found to be satisfactory by Council's Waste Management Unit. The WMP confirms that:

- (a) Waste shall be stored within the development (hidden from external view).
- (b) Users shall sort their waste, and dispose garbage and recyclables into collection bins.

- (c) Waste shall be collected on Peel Street. The operator will transfer Council bins between the building and kerbside (private bins shall be transferred by the collection contractor).
- (d) Residential waste will be collected by Council whilst a private contractor will collect commercial waste.

238. This satisfies the objective of this standard.

239. A condition would require the waste collection to be undertaken in accordance with the WMP which would be endorsed to form part of the planning permit, if a permit is to issue.  
*Standard D24 – Functional layout*

240. Through this process it was discovered that the Better Apartment Design Standard Assessment Tables did not match the dimensions shown on the Apartment Type Plans. A condition will therefore require the tables to be updated correctly. This assessment is based on the dimensions of the Apartment Type Plans.

#### *Bedrooms*

241. 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 (any wardrobes should be additional to this).

242. The dimensions of bedrooms are as follows;

- (a) Type A - Main – 3m x 3.4m - Other – 3m x 3m
- (b) Type B - Main – 3m x 3.955m - Other – 2.755m x 3m
- (c) Type C- Main – 4.245m x 4.336m - Other – 3m x 3.1m & 3m x 3.2m
- (d) Type D- Main – 3.48m x 4.1m - Other – 3m x 3.75m & 3m x 3.1m
- (e) Type E- Main – 3.12m x 4.281m - Other – 3.395m x 3m & 3.395m x 3m
- (f) Type F- Main – 3.4m x 3.733m - Other – 4.109m x 3.3m & 3.3m x 3.4m

243. Out of the total 25 bedrooms, only one bedroom (the second bedroom of Type B) does not comply with the standard. The standard requires dimensions of 3m x 3m and 2.755m x 3m is provided. This is acceptable in this instance as the dimensions are only marginally non-complaint and the room has high usability and functionality due to its rectangular style with the wardrobe being provided in addition to this area.

#### *Living areas*

244. Overall the living rooms were quite generously dimensioned. In each instance, the dimensions shown were quite conservative, with additional areas adjacent to the living room which could have been included in the calculation (not including dining and kitchen areas). In many instances, dining rooms and kitchens were also quite large.

245. Living area dimensions (excluding dining and kitchen areas) should have a minimum width of 3.6m and minimum area of 12sqm. The dimensions of the living rooms are as follows:

- (a) Type A - minimum width of 3m x 2.91m and minimum area of 11sqm
- (b) Type B - minimum width of 3.705m x 4m and minimum area of 15sqm
- (c) Type C- minimum width of 3.95m x 4.514m and minimum area of 17sqm
- (d) Type D- minimum width of 4.68m x 3.065m and minimum area of 14sqm
- (e) Type E- minimum width of 2.8m x 4.705m and minimum area of 13sqm
- (f) Type F- minimum width of 3.5m x 5.796m and minimum area of 20sqm

246. All living rooms comply with the standard with the exception of Type A which is just short of the minimum width and area. This is acceptable in this instance, as in addition to this, there are similarly sized additional areas for the dining room and the kitchen.

When combined, this is quite a substantial area for living, kitchen and dining which would be highly usable and have high functionality. This is acceptable and satisfies the objective.

*Standard D25 – Room depth*

247. Through this process it was discovered that the Better Apartment Design Standard Assessment Tables were incorrect as the architects misinterpreted the standard and thought it applied only to living areas. A condition will therefore require the tables to be updated correctly. The only single-aspect habitable rooms proposed within each dwelling are the bedrooms (except for one of the bedrooms in Type F upper which is dual aspect). All living rooms are double aspect.
248. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.
249. The sketch plans show that the ceiling height is 2.9m, therefore, the maximum room length would be 7.25m. None of the single aspect rooms exceed this. This has been met.

*Standard D26 – Windows*

250. All habitable rooms within the proposed development contain a window within an external wall to the building, with no reliance on 'borrowed light' for any habitable rooms. In addition to this, none of the habitable rooms rely on a smaller secondary area for their daylight.
251. Whilst some habitable room windows are located beneath a balcony overhang associated with dwellings above, in each instance each main living room will have direct access to daylight via at least one window along the building face. Additionally, many of the windows are quite large.

*Standard D27 – Natural ventilation*

252. All habitable rooms within the proposed development contain a window within an external wall to the building. At least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m. All dwellings meet the maximum breeze pathway, whilst Type A and B do not meet the minimum breeze pathway. Whilst two apartment types do not meet this, they are still considered to have good access to cross ventilation as all apartments are dual aspect. The standard is met.

Off-site amenity

253. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy).
254. Design objectives at *clause 22.10-3.8* aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a residential zone where they interface with commercial zones. Therefore this application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial/industrial uses.
255. In terms of sensitive interfaces, there is a residential development directly to its east at No. 41 Peel Street, to its south-east at No. 95 Wellington Street as well as across Peel and Cambridge Streets (18m and 20m in distance).
256. In terms of No. 41 Peel Street, none of the dwellings at its direct abuttal face the subject site with reduced amenity impacts. One issue however is that the south-facing balconies include openings along their side which could allow views into these balconies.

However, considering that these are currently open to the park and views would already be existing, this is acceptable.

257. These distances and lack of direct abuttal mitigate off-site amenity impacts and would minimise the potential for visual bulk impacts, overlooking and would allow daylight to habitable windows. Any views towards nearby balconies or windows would be outside of the 9m distance.
258. Due to the orientation of the land, the proposal will cause shadows to the west in the morning, to the south in the afternoon and to the east in the afternoon. These distances and the siting of the development ensures that there are minimal overshadowing impacts to the balconies of the developments at Nos. 41 Peel Street, No. 43 Peel Street and No. 95 Wellington Street. Whilst Council's external Urban Design raised potential overshadowing to No. 95 Wellington Street as a concern, the private open spaces to the east and south-east are all largely enclosed with roof over them as well as built form surrounding them (walls and balcony balustrades). This results in the proposal not causing additional shadows as they are already in shade. The applicant provided 3D shadow diagrams for No. 95 Wellington Street which show that the existing and proposed shadows along the façade of No. 95 Wellington Street (and hence to their balconies) would be largely similar to existing conditions.
259. No overshadowing reaches the site to the south of the park on the September Equinox.
260. The appropriateness of amenity impacts including setbacks, walls on boundaries, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Mixed Use Zone where higher density developments are expected to occur. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the subject site and those surrounding it.

#### *Noise*

261. The proposed development is unlikely to generate a noise level above that which is acceptable in a residential area. It is also noted that there are other commercial premises in the area, which are likely to emit higher noise levels than the proposed commercial uses. Any noise levels as a result of the use of the dwellings would be typical of a residence. As already noted, the applicant did not provide an acoustic report with the proposal and had Council been of a mind to support this proposal, a condition would have required this to be provided.
262. Regarding the food and drinks premises use and noise from the any plant and equipment, compliance the SEPP N-1 and SEPP N-2 is required.

#### *Equitable Development*

263. The proposal does not result in any equitable development impacts as the site to the east and south (beyond the park) are already developed or are about to begin construction. Peel and Cambridge Streets have sufficient distances (18m and 20m respectively) to avoid any restrictions on future developments.

#### Car parking/traffic/ bicycle parking

264. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of eight spaces as outlined within the table included in the *Particular Provisions* section earlier in the report.
265. A recent Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*) made numerous statements with regards to car parking reductions. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this.

Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes. In this instance, the subject site is closer to public transport opportunities and the Melbourne CBD than the review site.

266. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows:
- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
  - (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
  - (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
  - (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
  - (e) *Policy tells us the future must be different.*
  - (f) *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
  - (g) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*
267. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, we need to drastically change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.

#### *Parking Availability*

268. The applicant's traffic engineers, Traffix Group conducted site inspections of the surrounding streets on Tuesday 24 October 2017 and Saturday 28 October 2017 at 12:00pm, 7:00pm, and 8:00pm. The survey area was encompassed by Peel Street and sections of Langridge Street, Oxford Street, Cambridge Street, and Wellington Street. Council's Senior Traffic Engineer confirmed that the times and extent of the survey are acceptable.
269. The parking survey found that an inventory ranging from 219 to 239 publicly available parking spaces. The surveys recorded the peak parking occupancy had occurred at 12:00pm on Tuesday 24 October 2017, with an on-street parking occupancy of 102 percent (this includes five illegally parked cars). For the remainder of the times, at least 47 spaces were available.

#### *Parking Demand*



*Residential*

270. The applicant has confirmed with planning officers that at least one car spaces will be allocated to each dwelling, with some having two spaces. The applicant's traffic report includes car ownership rates from the Australian Bureau of Statistics' 2016 Census which states that 79 percent of three-bedroom dwellings have less than two cars and that a sizeable proportion of flat type dwellings in Collingwood that do not own a vehicle. On-street parking in the surrounding area is time restricted and cannot support long-stay resident parking.
271. Council's Senior Traffic Engineer confirmed they consider the proposed resident parking allocation to be acceptable.

*Residential Visitors*

272. One resident visitor space is required by the planning scheme with the proposal not providing any visitor car spaces. Council's Senior Traffic Engineer confirmed that visitor parking cannot be accommodated on the subject site due to the proposed stacker parking arrangement to be used. The impracticality of providing visitor spaces within car stackers has been well established at VCAT. The visitor parking for the site would be accommodated on-street.

*Food and drinks (café)*

273. Council's Senior Traffic Engineer confirmed that customers would be drawn from residents in the development, employees of nearby workplaces and local residents. Council's Senior Traffic Engineer confirmed that it is unlikely that the proposed food and drink premises would be a specific destination in its own right. Employees would be fully aware with the scarcity of long-stay parking in the Collingwood area and choose to commute to the site by alternative transportation modes.
274. The reduction being sought by the proposal is supported by the following:
- (a) The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Smith Street MAC and Gertrude and Johnston Street NACs, which in turn will reduce the dependence on private vehicle by future employees;
  - (b) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future residents, employees and visitors would be able to take advantage of the Copenhagen bike lanes along Wellington Street;
  - (c) Occupant or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, this is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;
  - (d) Dwellings with only one car space would be attractive to people who are willing to use their bicycle or public transport rather than face the inconvenience of having to move their vehicle on a regular basis due to time restrictions or risk parking fines. Prospective property owners and occupiers will be made aware of the on-site car parking provision for each dwelling;
  - (e) A further benefit of not providing the full requirement of on-site car spaces is that pressure on traffic and congestion is not exacerbated through the provision of more car spaces for the new dwellings;

- (f) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
- (g) The café tenancy would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents; and
- (h) The location of the proposal encourages multi-purpose trips to the area.

275. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services has no objection to the proposed reduction in the car parking requirement.

*Traffic*

276. The traffic report submitted with the application adopts a rate of 3 trips per dwelling, per day allocated one car space, and 5 trips per dwelling allocated two car spaces, per day. The peak hour would typically generate 10 per cent of the daily residential traffic volume. The traffic generation equates to 31 vehicle trips per day and 3.1 trips in each peak hour.

277. The traffic generation is considered acceptable by Council's traffic engineers and would not adversely impact on the operation of the local road network.

278. Whilst the applicant did not provide an assessment of the cumulative impact of the developments to its east, this is considered acceptable in this instance as the provision of twelve car spaces is not a significant increase. Additionally cars can easily access the site from multiple streets and intersections rather than relying on the same access points as the developments to the east.

*Layout*

279. The proposal includes car parking access to its two level car stacker pit via a car lift and turntable accessed via a modified existing crossover from Peel Street. The turntable allows vehicles to enter and exit the site in a forward motion.

280. In terms of the car lift and its associated queuing analysis, the applicant's traffic report states that proposed parking system is capable of servicing 24.32 vehicles per hour, based on a total service time of 148 seconds. With an estimated inbound peak our traffic volume of 3 vehicles per PM peak hour wishing to access the car park, the utilisation ratio for the device's car lift (usage/capacity) would be 0.123 (3 vehicle trips per hour/24.32 vehicles per hour).

281. To determine the storage queue of the car lift, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. Council's Senior Traffic Engineer confirmed that the mechanical device such as this car lift should have sufficient vehicle storage to accommodate the 98<sup>th</sup> percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car stacker (in this case, 0.123 as noted in the paragraph above), the 98<sup>th</sup> percentile queue length can be calculated. The 98<sup>th</sup> percentile queue length for the car lift during the PM peak hour is one car length. This means there will be no car queued in Peel Street. Based on this calculation, Council's Senior Traffic Engineer confirmed that they are satisfied the proposed parking system can adequately operate without adversely impacting the operation of Peel Street.

282. Council's Senior Traffic Engineer was satisfied with the layout design and mechanical device used. It was noted however that the utility service cabinets facing the public park along the southern boundary of the site are to be relocated to different frontage. This has already been previously discussed. A condition can require that any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.

*Bicycle parking and facilities*

283. The subject site is located close to a premier bike track location both Wellington and Langridge Streets being identified as important bicycle routes with the Copenhagen bike lanes to its west and Langridge Street being identified as an east-west link. The subject site would be an ideal location to take advantage of this unique situation.
284. As outlined earlier in the report the development is required to provide a total of two spaces for residents and one for visitors under clause 52.34 of the Scheme. The development has exceeded these requirements and provides 14 bicycle spaces, 13 of which are for residents, and one for visitors.
285. Whilst it is acknowledged that the application meets the bicycle facilities requirements (with the exception for the staff requirement) within Clause 52.35 of the Yarra Planning Scheme, Council's Best Practice is to provide a rate of 0.25 visitor spaces to each dwelling<sup>1</sup>, requiring 2 spaces for the 9 dwellings. Council's strategic transport unit also notes a shortfall of visitor bicycle parking within the immediate vicinity of the development.
286. Council's Strategic Transport Unit has recommended that the applicant provide a number of bicycle hoops at the Cambridge Street frontage. There appears to be space to provide at least 4 bicycle hoops (8 bicycle spaces) within the roadway between the existing street tree and car parking bays. Council's Strategic Transport Unit confirmed this has been discussed with Council's Engineering Unit who has offered general support for the concept. This can be required by way of condition.
287. Council's Strategic Transport Unit has recommended that if hoops are installed in this location the following should be required:
- (a) *The existing hoop within the footpath should be removed to create footpath space, and provide easier access to the spaces within the roadway;*
  - (b) *The existing parking restriction sign must be relocated to align with the marked parking bays;*
  - (c) *The hoops must be offset from the curb by 600mm to allow for effective gutter maintenance and cleaning;*
  - (d) *The hoops must be spaced 500mm from the tree cut-out, 1m apart and at least 1m from the nearest parking bay.*
288. This will be required by way of condition.
289. Council's Strategic Transport Unit confirmed that the resident spaces are adequately located and designed.

*Other*

290. It should be noted that Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions relating to civil works to, road protection, impacts on assets, vehicle crossings and drainage. Many of these have either been included as notes on the permit or can be required by way of condition.

Objector concerns

291. The majority of the issues which have been raised by the objectors have been addressed within this report.
- (a) Neighbourhood character/Heritage (*paragraphs 139 – 144*)

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<sup>1</sup> *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following best-practice guidance for residential visitor bicycle parking rates: "Residential developments should provide 0.25 visitor spaces per dwelling."*

- (b) Height/Massing/Scale (*paragraphs 145-160*)
- (c) Overdevelopment (*paragraphs 139-160*)
- (d) Lack of street activation (*paragraphs 165-170*)
- (e) Inappropriate materials (*paragraphs 162*)
- (f) Overshadowing of the park and impact on its amenity (*paragraphs 174-180*)
- (g) Car parking/traffic/parking implications/operability to stacker system, waiting times of stacker system; (*paragraphs 264-282*)
- (h) Overlooking (*paragraphs 253-260*)

292. Outstanding concerns will be discussed below, and relate to:

- (a) *Noise from waste collection*

Noise from external vehicles is part of living in an inner city environment. The proposal will be required to have its waste collected as per the endorsed Waste Management Plan.

- (b) *Property devaluation*

This is not a planning consideration.

- (c) *Construction issues (disruption, early starts, tree protection, traffic and noise).*

This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) will be required by way of condition and will manage impacts during the construction stage. This will be further considered during the building stage also.

## **Conclusion**

293. 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 Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy as well as the direction given by the Tribunal.

294. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies. Additionally, the proposal will result in a significant improvement to Peel and Cambridge Streets as well as the park.

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/1059 for development of the land for the construction of a mixed use building and reduction in car parking requirements at 33 Peel Street, Collingwood, 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 CHT Architect received by Council on 7 February 2018 but modified to show:
  - (a) the deletion of two of the middle floors (between first and sixth floors) resulting in a total reduction of two floors;
  - (b) the ground floor corner splay retained as per the sketch plan provided on 1 May 2018;
  - (c) the ground floor café kitchen layout, as per the sketch plan provided on 1 May 2018;

- (d) the gas and water meters relocated as per the sketch plan provided on 1 May 2018;
  - (e) the northern elevation to include additional glazing to the stairwell;
  - (f) the ground floor plan amended to show the stairwell as unwallled to the 'entry lobby' to provide an actual lobby effect rather than just a hallway;
  - (g) clarification of how the internal garage will receive adequate ventilation;
  - (h) notations to be included for the adaptable bathrooms on the Apartment Type Plans to specify the design option;
  - (i) the Better Apartment Design Standard Assessment Tables to be updated with the correct dimensions as per the Apartment Type Plans;
  - (j) any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened;
  - (k) any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to show on plans);
  - (l) any requirement of the endorsed Waste Management Plan (condition 5) (where relevant to show on plans); and
  - (m) any requirement of the endorsed acoustic report (condition 7) (where relevant to show on 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.

#### Sustainable Management Plan

3. 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 Intrax Engineering (prepared on 30 November 2017), but modified to include or show:
- (a) the BESS report amended to confirm that 223m<sup>2</sup> of roof will be connected to the rainwater tank (as outlined in the STORM report);
  - (b) the Transport section of the BESS report amended to correctly state the location of bike spaces;
  - (c) a clear commitment to a 7 Star average NatHERS standard;
  - (d) comprehensive commissioning and tuning of all major appliances and building services.
  - (e) Confirm a recycling/reuse target of 80% for construction and demolition waste;
  - (f) specify FSC certified sustainable timber, or re-used timber across the project;
  - (g) specify concrete and steel with a recycled content;
  - (h) a sample NatHERS ratings provided for all dwellings that demonstrates all cooling loads do not exceed the 30MJ/m<sup>2</sup> threshold; and
  - (i) a PV solar array sized to cover the common area electricity demands.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic report

7. 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) Compliance of the plant and equipment on the roof, car stacker, car lift and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1) (in relation to dwellings outside and inside the development).

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.

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

#### Landscape Plan

9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
  - (c) provide details of the *proposed method for irrigation and drainage*;
  - (d) detail the *maintenance (duration, regime) and irrigation*;
  - (e) show the materiality of the proposed spaces;
  - (f) provide a specification of works to be undertaken prior to planting;
  - (g) further detail on any sustainable treatments and water harvesting methods ;and
  - (h) detail plant/planting maintenance schedules and requirements.

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, 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.

### Street and Park Trees

11. Before the development starts, the permit holder must provide a security bond for each of the two street trees on Peel Street and tree within the park to the total sum of total of \$66,632 (\$26,955 for the eastern tree along the Peel St frontage, \$28,772 for the western tree along the Peel St frontage and \$10,905 for the closest adjacent Lemon-Scented Gum (*Corymbia citriodora*) in Cambridge Reserve) to the Responsible Authority. The security bond:
  - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) in accordance with the requirements of this permit; or
  - (d) otherwise to the satisfaction of the Responsible Authority.
12. Before the development commences, the permit holder must make a one off contribution of \$4639 to the Responsible Authority to be used for the additional infill street tree planting. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

### Tree Management Plan

13. 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 provide measures for tree protection for all trees within 10m of the development site:
  - (a) pre-construction;
  - (b) during construction; and
  - (c) post construction
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
14. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority

### Cambridge Street Reserve Improvements

15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended Cambridge Reserve Park Concept Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Cambridge Reserve Park Concept Plan will be endorsed and will form part of this permit. The amended Hutchings Streetscape Works plan must be generally in accordance with the Cambridge Reserve Park Concept Plan sketch plan prepared by CHT Architects on 23 March 2018 , but modified to include (or show, or address):
  - (a) The location of the bbq to be central between the two picnic settings.

16. Before the development commences, a Cambridge Reserve Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Cambridge Reserve Landscape Plan will be endorsed and will form part of this permit. The Cambridge Reserve Landscape Plan must:
  - (a) show paving type, stool type, footing details;
  - (b) show the type, location and quantities of planting proposed;
  - (c) a plant schedule indicating botanical and common names, quantities, pot size, mature height and spread of all proposed plants;
  - (d) provide a specification of works to be undertaken prior to planting; and
  - (e) detail plant/planting maintenance schedules and requirements.to the satisfaction of the Responsible Authority.
17. All works associated with the Cambridge Reserve Park Concept Plan and Cambridge Reserve Landscape Plan as shown on the endorsed plans and within the Cambridge Reserve Park Concept Plan and Cambridge Reserve Landscape Plan (referred to in Conditions 15 and 16) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.
18. Before the building is occupied, all works associated with the Cambridge Reserve Park as shown on the endorsed plans and within the Cambridge Reserve Park Concept Plan and Cambridge Reserve Landscape Plan (referred to in Conditions 15 and 16) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

#### Road Infrastructure

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, four bicycle hoops (eight bike spaces) must be installed on the Cambridge Street frontage, within the roadway between the existing street tree and car parking bays:
  - (a) with the existing hoop within the footpath removed to create footpath space, and provide easier access to the spaces within the roadway;
  - (b) the existing parking restriction sign relocated to align with the marked parking bays;
  - (c) the hoops offset from the curb by 600mm to allow for effective gutter maintenance and cleaning;
  - (d) the hoops spaced 500mm from the tree cut-out, 1m apart and at least 1m from the nearest parking bay;
  - (e) at the permit holder's cost; and
  - (f) in a location and manner,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, the existing vehicle crossing along the southern side of Peel Street must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) must be able to accommodate the ground clearance for a B99 design vehicle;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:



- (a) at the permit holder's cost; and
  - (b) 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, full-width footpath and kerb and channel immediately outside the property's Peel Street road frontage must be re-constructed:
- (a) at the permit holder's cost; and
  - (b) 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, full-width footpath immediately outside the property's Cambridge Street road frontage must be stripped and re-sheeted:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
24. 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.

#### Car parking

25. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy/apartment and that each space is allocated;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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;
  - (e) 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 5; and
  - (f) details regarding the management of loading and unloading of goods and materials.
26. 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.
27. 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, 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.

28. 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.
29. The car stacker devices 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 devices.

#### Lighting

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.

#### General

32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the use, 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.
34. 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).
35. 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).
36. 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.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. 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.
39. 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.

Construction Management

40. 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
  - (q) any site-specific requirements.

During the construction:

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

#### Time expiry

41. 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:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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

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.

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.

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

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.

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.

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

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

Contaminated groundwater seepage into basements 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 that extend into the groundwater table must be waterproofed/tanked.

The developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval.

Protection of Car Stacker Pit

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

The developer needs to ensure that the car stacker pit and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site. The excavation for the basement would be to a depth of in excess of 6.0 metres and it is possible that groundwater would be encountered.

In the event that any contaminated groundwater seeps through the walls of the car stacker pit, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

**CONTACT OFFICER:** Vicky Grillakis  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 92055124

#### **Attachments**

- 1 PLN17/1059-05 - 33 Peel Street Collingwood - subject land
- 2 PLN17/1059 - 33 Peel Street Collingwood - decision plans
- 3 PLN17/1059-05 - 33 Peel Street Collingwood - sketch plan showing splay
- 4 PLN17/1059-05 - 33 Peel Street Collingwood - sketch kitchen layout
- 5 PLN17/1059-05 - 33 Peel Street Collingwood - Referrals - idac attachment

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**1.3 127 George Street Fitzroy - Planning Permit Application No. PLN17/0894 - Development of the land for part demolition and a ground and first floor addition to the existing dwelling.**

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**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN17/0894 which affects the land at 127 George Street, Fitzroy.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
  - (b) Clause 43.01 - Heritage Overlay; and
  - (c) Clause 54 – Extension to one dwelling on a lot (ResCode).

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Clause 54;
  - (b) Heritage; and
  - (c) Objector concerns.

**Objector Concerns**

4. Twelve (12) objections were received to the application, these can be summarised as:
  - (a) Adverse heritage impacts;
  - (b) Inconsistent with neighbourhood character;
  - (c) Visual bulk;
  - (d) Loss of daylight and solar access to existing windows;
  - (e) Adverse energy efficiency impacts (to subject dwelling and adjoining dwellings);
  - (f) Overlooking;
  - (g) Overshadowing;
  - (h) Overdevelopment of the site (including non-compliance with Rescode Standards);
  - (i) Removal of mature vegetation;
  - (j) Increase to side boundary fence heights;
  - (k) Plans are inaccurate and lack detail (including dimensions and fire rating);
  - (l) Devaluation and equitable development constraints to the north-adjoining dwelling;
  - (m) Construction matters (disruption and impact on structural integrity of adjoining dwellings); and

- (n) Insufficient notice given pursuant to the *Planning and Environment Act 1987* (less than 14 days).

**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:** Madeleine Moloney  
**TITLE:** Statutory Planner  
**TEL:** 92055009

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**1.3 127 George Street Fitzroy - Planning Permit Application No. PLN17/0894 - Development of the land for part demolition and a ground and first floor addition to the existing dwelling.**

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Trim Record Number: D18/71479  
Responsible Officer: Coordinator Statutory Planning

**Proposal:** Development of the land for part demolition and the construction of a ground and first floor addition to the existing dwelling.

**Existing use:** Dwelling

**Applicant:** Fredman Malina Planning Pty Ltd

**Zoning / Overlays:** Neighbourhood Residential 1 Zone (Schedule 1)  
Heritage Overlay (Schedule 334)

**Date of Application:** 23 October 2017

**Application Number:** PLN17/0894

### Planning History

1. There is no planning history associated with the subject site.

### Background

2. Application No. PLN17/0894 was received on 23 October 2017 and was advertised in November 2017. Twelve objections were received. A consultation meeting was held on 27 February 2018 and was attended by seven objectors (with email apologies received from another three objectors), the applicant, and Council Planning Officers.
3. Council was notified by the Victorian Civil and Administrative Tribunal (VCAT), via email, on 1 March 2018 that an appeal had been lodged by the applicant under Section 79 of the *Planning and Environment Act 1987* (the Act) on the basis of a failure of the Responsible Authority to decide the application within the statutory timeframe (60 days). The VCAT hearing date is scheduled for 31 August 2018.
4. The advertised plans form the “decision plans” as referenced throughout the report. However, a number of sets of “sketch plans” were submitted by the applicant to provide greater clarity in regard to certain aspects of the proposal and these will be detailed below and referenced, where relevant, in the report.
5. Sketch plans were submitted by the applicant on 19 December 2017, in response to a request from an objector (passed on via Council planning officer) for some additional dimensions to clarify the proposal. The sketch plans (comprising a proposed ground floor plan (rev.P3) and a proposed north and south elevations (rev.P3), and provide the following additional information:
  - (a) The length of the subject dwelling’s existing northern boundary wall and southern boundary wall dimensioned on the proposed ground floor plan (at 11.590m and 25.445m, respectively);
  - (b) The height of the proposed first floor terrace arbour dimensioned on the proposed north elevation and south elevation (at 6.89m and 6.85m, respectively);
  - (c) The height of the proposed first floor terrace planter dimensioned on the proposed north elevation (at 4.92m); and



- (d) Details of the first floor arbour provided via notation on the proposed north and south elevations stating: “20mm circular hollow section (CHS) steel open-air arbour structure (no roof)”.
6. A further set of sketch plans were submitted by the applicant on 30 April 2018, to clarify some details and discrepancies noted on the plans during assessment by the Council Officer. The sketch plans (comprising a proposed first floor plan (rev. P3); proposed north and south elevations (rev. P4) and revised east and west elevations and material schedule (rev. P3) provide the following additional details/corrections:
- (a) The 2.085m length of the proposed “fibre-cement sheet” southern boundary wall associated with the ground floor addition shown on the proposed north elevation consistently with the proposed floor plans;
  - (b) Clear depiction of the proposed west-facing highlight window over the ground floor living/dining area (on the proposed west elevation and the proposed first floor plan);
  - (c) Correction to proposed north elevation and material schedule to refer to the material of the proposed new roof of the rear double-storey wing as “translucent sheeting” (previously the north elevation and material schedule incorrectly identified the material as perforated mesh);
  - (d) Proposed north elevation updated to clarify that the opening to the former north-facing kitchen window is proposed to be infilled with brick to match existing;
  - (e) Identification of barbeque in south-west corner of first floor terrace; and
  - (f) Confirmation via notations to the proposed north elevation and the material schedule that clear glazing will be provided to north-facing windows.

## Existing Conditions

### Subject Site

- 7. The subject site is located on the west side of George Street, between Webb Street to the north, and Gertrude Street to the south. The site extends through to Little George Street to the rear (western boundary).
- 8. The lot is generally rectangular with a frontage of approximately 4.99m to George Street and a depth of approximately 36.7m, yielding a total site area of approximately 182 sqm. The land has a modest downward slope towards the western (Little George Street) end of the site.
- 9. There are no restrictive covenants associated with the certificate of title provided with the application. A party wall easement extends along part of the southern boundary. The existing southern boundary wall of the dwelling is proposed to be retained in its entirety and thus the proposal is not contrary to the purpose of the easement.
- 10. The site is occupied by a double-storey brick dwelling. The dwelling is the northernmost of a four-dwelling terrace known as “Letham’s Buildings”, which was constructed in 1901-1902 and is recognised for its local historical significance. It has a face-brick front façade with decorative banding, a bullnose roof form to the front verandah, decorative tiling to the front path, and a front parapet wall that conceals the roof behind.
- 11. The dwelling is set back approximately 4.9m from the front (George Street) boundary, with a front verandah projecting approximately 1.9m into the setback and a front garden occupying the remainder. A tiled pathway leads to the front entry.
- 12. The dwelling has a front double-storey wing, which is constructed to both side boundaries and has a hipped sheet metal roof with masonry chimney centrally located on the ridge; behind this is a rear double-storey wing, also with a hipped sheet metal roof and chimney located centrally on the ridge, which maintains a setback from the northern boundary. At the rear is an attached single-storey skillion roofed outbuilding.

13. The dwelling is constructed to the southern boundary for its full length and to the northern boundary for a length of approximately 11.6m, with the remainder setback a minimum of approximately 0.9m and stepping further back to the outbuilding.
14. Secluded private open space (SPOS) is provided within the rear setback (which varies between approximately 8.3m and 13.3m). The rear fence to the site contains a roller door and pedestrian gate, however, the site is not serviced by a vehicular crossover.
15. At ground floor, the dwelling contains two bedrooms within the front wing; a living room and kitchen in the rear wing; and a shed and toilet (both only accessible externally) occupy the rear skillion roofed section (outbuilding). At first floor, the third and fourth bedrooms are located in the front wing and a bathroom and fifth bedroom are located within the rear wing.



*Subject site (terrace on right-hand side)*

### Surrounding Land

16. The subject site is located in a predominantly residential area with a generally fine-grained pattern of subdivision. Built form derives from a range of architectural periods, with a notable proportion of buildings deriving from the Victorian and Edwardian period.
17. George Street has single and double-storey Victorian and Edwardian period dwellings (often terraces) interspersed with a smaller component of development from a range of periods. There is a prevalence of masonry construction. Hipped and transverse gable roof forms are common and minimal to zero front setbacks predominate. Many dwelling which are set back from the street front have a verandah projecting into the setback.
18. Little George Street functions as both a primary frontage to some properties as well as a secondary (rear) frontage to properties fronting George Street (to the east) and Napier Street (to the west). Little George Street has a more varied built form character than George Street.

19. To the immediate north of the subject site is a single-storey Edwardian-era brick dwelling (No. 131 George Street) which is graded as “individually significant” within the South Fitzroy Heritage Precinct. The dwelling has a gable roof form and prominent bay window to the front façade. The dwelling is constructed to the northern boundary (the common boundary with the subject site) at the front, and is then set back a minimum of 1m for the remainder of the dwelling. The dwelling has a number of south-facing habitable room windows/glazed doors facing the subject site. The dwelling has secluded private open space at the rear and a rear abuttal to Little George Street.
20. To the immediate south of the subject site is a double-storey terrace dwelling which forms part of “Letham’s Buildings” terrace. This dwelling (No. 125 George Street) is attached to the subject dwelling along its common boundary and appears for the mostpart as a “mirror image” of the subject site. As per the subject dwelling, this dwelling appears to be largely intact with regard to the front and rear double-storey wings, however, this dwelling has retained a small chimney to the very rear of the rear double-storey wing, but lost its central chimney to the same section. This dwelling has undergone some recent minor modifications at the ground floor level under planning permit PLN12/0267.
21. To the east is George Street - a local road - and directly opposite are attached single and double-storey dwellings with minimal front setbacks. Rear access is provided to these sites via Little Gore Street.
22. To the west is Little George Street - a narrow local road (with a width of approximately 5.1m) which provides rear access to the subject site. Directly opposite is a double-storey former warehouse residential conversion and a single-storey Interwar period cottage dwelling, with a contemporary double-storey rear addition approved under planning permit PL10/0065.

## **The Proposal**

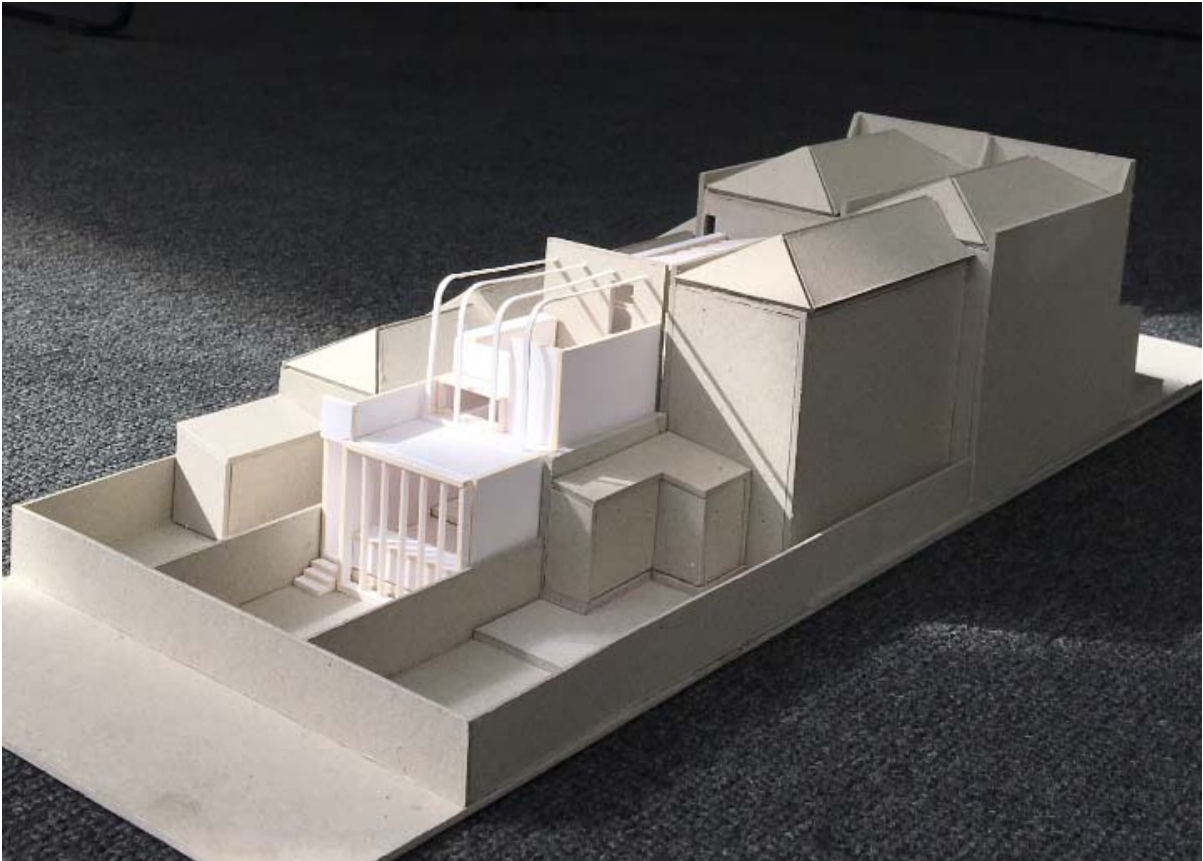
23. The proposal is for development of the land for part demolition and the construction of a ground and first floor addition to the existing dwelling. The proposal, based on the decision plans, is summarised as follows:

### Demolition

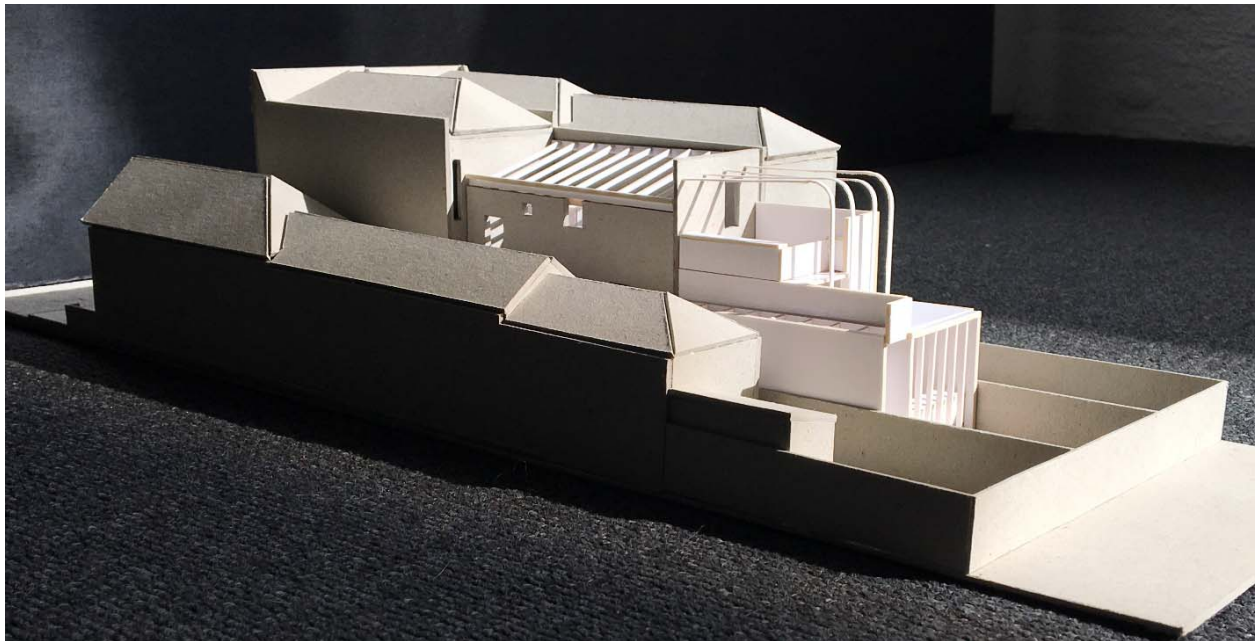
- (a) Demolition of the rear single-storey outbuilding attached to the rear of the dwelling (shed and WC), with the exception of the southern party wall.
- (b) Demolition of the roof over the double-storey rear wing of the dwelling, including the rear chimney.
- (c) Demolition of the top portion of the existing northern wall to the double-storey rear wing of the dwelling (the uppermost approximately 1.3m of the wall) and creation of a new opening at ground floor.
- (d) Removal of all north-facing windows to the rear wing (including part wall surrounding the westernmost ground floor window); the rear door to the dwelling; and the south-facing first floor window (including part wall below) to the rear wing.
- (e) Removal of all boundary fencing to the rear of the dwelling (northern, southern and western boundaries), including rear roller door and pedestrian gate.
- (f) Demolition of steps and paving to the rear courtyard (and associated excavation to the rear yard to form a level area).
- (g) Demolition of internal parts of the dwelling, including all internal walls and floors to the double-storey rear wing of the dwelling (at both ground and first floor).
- (h) Removal of four trees within the northern and rear setbacks of the dwelling.

### Development

- (i) A ground floor addition is proposed to the rear of the dwelling, providing a new open plan living and dining area, and associated accessway along the northern side. The ground floor addition includes new ground floor walls constructed along the northern boundary (10.12m long) and the southern boundary (approximately 2.5m long). The addition has large rear (west-facing) windows with a 0.4m deep steel reveal and a folding mesh screen over. It has a rectilinear form, with a flat roof, and includes skylights along the northern side (delineated by a higher parapet wall to their southern and western side) and “pop-up” west-facing highlight windows.
- (j) A first floor terrace is proposed to be constructed to the rear of the retained double-storey western wall of the dwelling, to a maximum depth of 3.8m. The terrace is constructed to the southern boundary (a solid screen is provided to the boundary to a maximum height of 5.94m above natural ground level). The terrace is set back approximately 0.9m from the northern boundary, with an in-built planter along this edge, approximately 0.7m deep. A curved (unroofed) “arbour” extends over the terrace, to a maximum height of 6.89m.
- (k) A new, translucent, monopitch roof is to be provided to the retained rear wing of the dwelling, with the existing rear wing to be re-configured internally to provide a ground floor kitchen; a first floor sitting room (with new rear access door to the first floor terrace); and an internal “courtyard”, with spiral stair to first floor.
- (l) The window openings to the existing northern wall are to be re-glazed, with the exception of the westernmost ground floor window which is to be infilled, where it extends above the addition. The uppermost window opening will be extended to form a glazed panel within the new translucent roof.
- (m) Secluded private open space is retained at the rear of the ground floor addition (within the 5.71m setback), with a curved (unroofed) “arbour” structure over.
- (n) New boundary fencing is proposed to the northern lightcourt and rear courtyard perimeter, including new folding gates to the Little George Street frontage.
- (o) The maximum overall height of the new development is approximately 7.7m (measured to the top of the new monopitch roof).
- (p) Proposed materials and finishes include:
  - (i) External walls: Fibre-cement sheet cladding (light grey); steel sheeting (charcoal); and galvanised corrugated steel.
  - (ii) Roofing: Translucent sheeting (monopitch roof); metal sheet roof (ground floor addition).
  - (iii) Boundary fences - fibre-cement sheet cladding (light grey) to the side boundaries and galvanised corrugated steel to the rear boundary.
  - (iv) Balustrades to the first floor terrace - galvanised corrugated steel.
  - (v) Screen to west-facing ground floor windows - Perforated mesh.



3D model of the proposed addition in its built form context (south-west view)



3D model of the proposed addition in its built form context (north-west view)

## Planning Scheme Provisions

### Zoning

#### *Neighborhood Residential Zone 1 [NRZ1]*

24. The subject site is in the Neighbourhood Residential Zone (Schedule 1). The following provisions apply:
  - (a) Pursuant to clause 32.09-5 of the Scheme, a permit is required to extend one dwelling on a lot of less than 500m<sup>2</sup>. A development must meet the requirements of clause 54.  
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- (b) Pursuant to clause 32.09-4 of the Scheme, for lots greater than 400 square metres, a minimum area must be set aside as garden area. The site is not subject to this requirement as the lot is less than 400sqm in area.
- (c) Pursuant to clause 32.09-9 of the Scheme, the height of a building must not exceed 9m and must not exceed two storeys at any point. However, *an extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.* In this instance the existing building exceeds 9m (approximately 9.3m) and thus would form the relevant maximum building height.

### Overlays

#### *Heritage Overlay (Schedule 334)*

- 25. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building and to construct a building or construct or carry out works, including a fence if the fence is visible from a street (other than a lane) or public park.
- 26. It is noted that no internal alteration controls or tree controls are applicable to HO334, pursuant to the Schedule to the Heritage Overlay and hence internal alterations and removal of vegetation are exempt from requiring a permit under the overlay.

### Particular Provisions

#### *Clause 54 – ResCode*

- 27. Pursuant to Clause 54 of the Scheme, the requirements of Clause 54, a development:
  - (a) *Must meet all of the objectives of this clause.*
  - (b) *Should meet all of the standards of this clause*

### General Provisions

- 28. 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 15.01-1 – Urban design*

- 29. 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*

- 30. 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 15.01-5 - Cultural identity and neighbourhood character*

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

*Clause 15.01-4 – Design for safety*

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

*Clause 15.02-1 - Energy and resource efficiency*

33. The relevant 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 15.03 – Heritage*

34. The objective of this clause is:  
(a) *To ensure the conservation of places of heritage significance*

Local Planning Policy Framework (LPPF)

*Clause 21.05-1 Heritage*

35. The objective of this clause is:  
(a) *To protect and enhance Yarra's heritage places;*

*Clause 21.05-2 - Urban Design*

36. The relevant objectives of this clause are:  
(a) Objective 16 – *To reinforce the existing urban framework of Yarra.*  
(b) Objective 20 – *To ensure that new development contributes positively to Yarra's urban fabric.*

*Clause 21.07 - Environmental Sustainability*

37. The relevant objective of this clause is:  
(a) Objective 34 - *To promote ecologically sustainable development*  
(i) *Strategy 34.1 - Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

*Clause 21.08-7 – Neighbourhoods - Fitzroy*

38. The following is offered for this suburb (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.*

Relevant Local Policies

*Clause 22.02 – Development Guidelines for sites subject to the Heritage Overlay*

39. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay.

*Clause 22.02-5.1 – Demolition*

*Removal of Part of Heritage Place or Contributory Elements*

40. *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
41. *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
  - (a) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
  - (b) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

*Clause 22.02-5.7 – New Development, Alterations and Additions*

Relevant policies are as follows:

42. *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.*
  - (g) *Consider the architectural integrity and context of the heritage place or contributory element.*
43. *Minimise the visibility of new additions by:*
  - (a) *Locating ground level additions and any higher elements towards the rear of the site.*
  - (b) *Encouraging upper level additions to heritage places to be sited within the ‘envelope’ created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).*
  - (c) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*
44. *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

*Clause 22.02-5.7.2 (Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail))*



45. This policy offers the following relevant policy guidance:

*Residential Upper Storey Additions*

- (a) *Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:*
- (i) *Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.*
- (ii) *Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.*
- (b) *Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.2)*

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

46. This policy applies to applications for extensions to buildings which are 50sqm in floor area or greater. As the extension is less than 50sqm in floor area (39.5sqm) this policy does not apply.

Incorporated Documents

47. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 (Revised May 2017) identifies this site as being "individually significant" within the South Fitzroy Heritage Precinct. It is noted that the other buildings within "Letham's Buildings" are likewise graded as "individually significant".

**Advertising**

48. The application was advertised in accordance with Section 52 of the *Planning and Environment Act (1987)* by way of letters sent to surrounding property owners and occupiers and the display of two signs on-site (one on George Street and the other on Little George Street).
49. A total of twelve (12) objections were received, and raised the following concerns:
- (a) Adverse heritage impacts;
- (b) Inconsistent with neighbourhood character;
- (c) Visual bulk;
- (d) Loss of daylight and solar access to existing windows;
- (e) Adverse energy efficiency impacts (to subject dwelling and adjoining dwellings);
- (f) Overlooking;
- (g) Overshadowing;
- (h) Overdevelopment of the site (including non-compliance with Rescode Standards);
- (i) Removal of mature vegetation;
- (j) Increase to side boundary fence heights;

- (k) Plans are inaccurate and lack detail (including dimensions and fire rating);
  - (l) Devaluation and equitable development constraints to the north-adjointing dwelling;
  - (m) Construction matters (disruption and impact on structural integrity of adjoining dwellings); and
  - (n) Insufficient notice given pursuant to the *Planning and Environment Act 1987* (less than 14 days).
50. A consultation meeting was held on 27 February 2018 and was attended by seven objectors (with email apologies received from another three objectors), the applicant, and Council Planning Officers.

## Referrals

### External

51. The application was not required to be referred to any external Referral Authorities.

### Internal

52. The following internal referrals were made:  
(a) Heritage Adviser
53. Informal comments were also sought from Council's Environmental Sustainable Design (ESD) Officer (via email).
54. The referral responses and informal comments are contained in the appendices to this report.

## OFFICER ASSESSMENT

55. The considerations for this application are:
- (a) Clause 54 (ResCode);
  - (b) Heritage;
  - (c) Objector concerns; and
  - (d) Other Matters - clarification of plans

### Clause 54 (ResCode)

56. This particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

### *Standard A1 – Neighbourhood Character*

57. The existing neighbourhood character is largely formed by the heritage overlay and the proposal will be considered further in that section. However, in principal, the scale of the proposed extension is considered to be appropriate in terms of the wider neighbourhood character. Specifically, the proposal would:
- (a) Retain a large portion of the original dwelling;
  - (b) Set the new works back from the principal street frontage so as to minimise views of the new development, thereby having little impact on the George Street streetscape;

- (c) Be of a scale that is consistent with surrounding built form (which is predominantly between one to two storeys);
- (d) Utilise a contemporary form which is a common approach for rear additions to existing building stock in the area; and
- (e) Retain the primary area of secluded private open space at ground level at the rear of the dwelling, as per immediately adjoining dwellings and many other residences in the surrounding neighbourhood.

*Standard A2 - Street integration objective*

58. This standard is met. The front of the dwelling and orientation to George Street is unchanged and no change to existing front fencing is proposed. The rear addition includes a first floor terrace which would promote the observation of Little George Street (an abutting street) as encouraged under the Standard. However, it is noted that this must be balanced with privacy considerations and this will be addressed in the overlooking assessment.

*Standard A3 – Street Setback objective*

59. This provision is not relevant to the subject application as the proposal does not seek to alter the street setback of the existing dwelling on site.

*Standard A4 - Building height objective*

60. The standard is met, as follows:
- (a) The maximum height of the addition is approximately 7.7m, which is under the existing building height of approximately 9.3m (which is the maximum building height under the NRZ1 for the subject site).
  - (b) The development provides an appropriate transition in scale between existing and proposed built form.

*Standard A5 - Site coverage objective*

61. Variation required. The proposed site coverage is approximately 74%, which exceeds the maximum 60% prescribed by the Standard.
62. The objective is considered to be achieved as the development responds to features of the site and is consistent with neighbourhood character, given that:
- (a) The overall scale and location of built form will not unreasonably impact adjoining dwellings in relation to off-site amenity (subject to conditions to specifically address daylight to windows and overlooking, detailed later in the report).
  - (b) Similar site coverage is common for dwellings in the surrounding area, given the relatively small and narrow lot sizes that typify the neighbourhood.
63. The site coverage shown on the plans is 73%. This appears to be a result of the lot size being slightly overestimated (185sqm rather than 182sqm). This could have been corrected via condition had Council been in a position to determine the application.

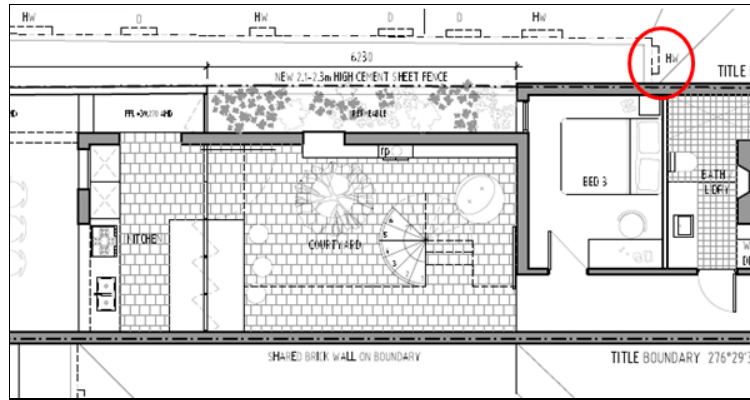
*Standard A6 - Permeability objectives*

64. The Standard is met. Based on officer measurement, the proposed site permeability is approximately 24%, exceeding the minimum 20% suggested by this Standard and thus complying.

65. However, it appears that some areas of the site that are impermeable (such as the front pathway and the reveal over the rear windows) may not have been excluded from the permeable surfaces as the figure of 27% is given on the plans. The permeability should therefore be updated to exclude any roofed area or impermeable paving and to reflect the accurate lot size.

*Standard A7 - Energy Efficiency*

66. The design of the building includes the following features to improve energy efficiency:
- (a) Excellent access to daylight to habitable rooms through provision of extensive glazing (see also daylight to new windows assessment) which would reduce reliance on fossil fuels for provision of artificial lighting;
  - (b) Provision of an “arbour” to the ground floor courtyard and first floor terrace which could be used to support vegetation to reduce solar heat gain from afternoon sunlight;
  - (c) The provision of full length semi-permeable screening to west-facing windows to the ground floor living/dining area; and
  - (d) West-facing highlight windows to the ground floor living/dining area protected from adverse solar heat gain from the higher parapet wall section which forms a “blade” to the northern side of the windows.
67. However, the large expanse of glazed or translucent roofing (to the corridor and the new monopitch translucent roof to the rear wing) is of concern. There is insufficient information regarding materials to ascertain whether the thermal properties of these materials will be sufficient to mitigate overheating during hot weather or excessive heat loss in cold weather.
68. Council’s ESD adviser, with whom the proposal was discussed informally, suggested the following stipulations:
- (a) *Central courtyard roofing to be insulated translucent panels, to demonstrate thermal energy performance exceeds National Construction Code requirements;*
  - (b) *Roof glazing to rear living area to have a Solar Heat Gain Coefficient of no more than 0.5;*
  - (c) *Operable glazing to north facing (upper) windows to encourage a breeze path for summer thermal comfort.*
69. These modifications should form the basis of conditions for any approval of the proposal.
70. In relation to energy efficiency impacts of the proposed development to surrounding dwellings, the proposed development does not affect any north-facing windows (pursuant to the north-facing windows assessment) nor does it overshadow any solar panels.
71. Objections raised concerns with loss of solar access to the west-facing ground floor habitable room window to the second bedroom to No. 131 George Street. Solar access to this window cannot be considered under the north-facing windows Standard as the window is west-facing. Furthermore, the window does not face the subject site (see image below) and as such is also not considered against the daylight to existing windows Standard. From an energy efficiency perspective, it is not anticipated that the loss of some direct solar access to this window would unreasonably impact the overall energy efficiency of the dwelling.



Location of west-facing bedroom window to north-adjointing dwelling

72. Loss of ventilation to the north-adjointing dwelling was also raised as a concern in an objection, however, the 1m setback from the northern dwelling would be adequate for ventilation and would not be anticipated to adversely impact energy efficiency. The “daylight to existing windows” assessment later in the report sets out conditions to adequately protect daylight access to the adjacent windows to the north, consequentially mitigating adverse energy efficiency impacts. Subject to these conditions, the proposal would not have an unreasonable impact on the energy efficiency of adjoining dwellings.

*Standard A8 – Significant Trees*

73. There are no significant trees affected by the proposal. The four trees to be removed are not listed on Council’s Significant Trees Register, nor are they considered significant trees under the criteria of Council’s General Local law (as the trunk diameter of all trees is under 400mm). Notwithstanding this, a general note about Council’s local law would have been included to alert the permit holder that this permission may be required.

*Standard A10 - Side and rear setbacks objective*

74. The following table assessing the proposal’s performance against this Standard:

Wall	Wall Height (above natural ground level)	Required Setback	Proposed Setback	Complies?	Variation required
Western wall (Ground Floor)	3.07m - 4.09m	1m-1.15m	5.71m	Yes	N/A
Western balustrade & screen (First floor terrace)	4.92m - 5.94m	1.40m	9.53m-9.93m	Yes	N/A
Western posts to arbour over first floor terrace.	6.85m - 6.89m	1.98m-1.99m	~9.2m	Yes	N/A
Northern planter box to first floor terrace.	~4.8m - 4.92m	1.36m - 1.40m	~0.9m - 0.93m	No	0.46m-0.47m
Northern balustrade to first floor terrace	4.92m	1.4m	3.6m	Yes	N/A
Northern parapet wall to ground floor living / dining area.	~3.9m - 4.09m	1.09m - 1.15m	0.895m	No	0.195m - 0.255m
Arbour over first floor terrace (to north boundary)	6.89m (max.)	1.99m	0.895m (min.)	No	1.095m (max.)

75. As the above table illustrates, the variations sought from Standard A10 relate to setbacks from the northern boundary to ground and first floor structures.

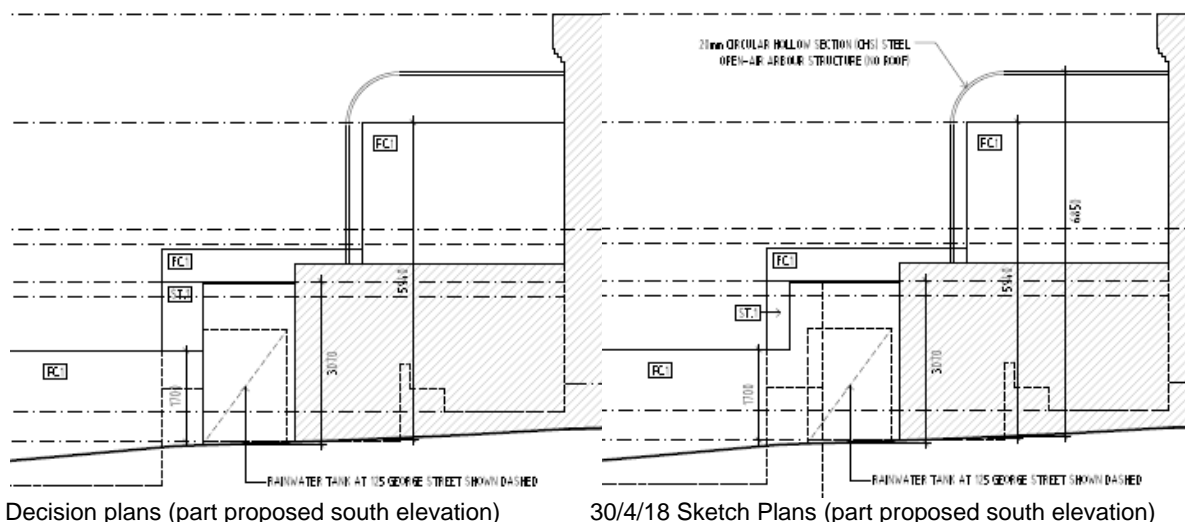
76. From a neighbourhood character perspective it is commonplace for residences in the surrounding area to be characterised by minimal side and rear setbacks, due to the small and narrow lot sizes that predominate.
77. Further in relation to amenity impacts, the proposed non-compliant north-facing structures are all located opposite an approximately 1m wide walkway to the north-adjoining dwelling and opposite two south-facing windows and a full height, fixed obscured glazed window (depicted as a “door” on the plans) - all to habitable rooms. The wall also partially abuts (for a length of approximately 1.2m) rear secluded private open space (the rear courtyard) of the north-adjoining dwelling.
78. In relation to the proposed variations sought for north facing structures, as detailed in the “daylight to existing windows” assessment, conditions will require the proposed northern planter to the first floor terrace to be set back to be compliant with the “daylight to existing windows” Standard (A12). This would also address the non-compliance with the side and rear setbacks standard and thus visual bulk would also be limited.
79. In relation to other non-compliant structures:
  - (a) The arbour structure to the first floor terrace is not strictly a "wall" but rather a relatively thin, curved beam and post that extends (at intervals) over the first floor terrace. The visual bulk impacts from this structure would be very limited, as would any other amenity impact such as daylight to south-facing windows opposite.
  - (b) The proposed northern parapet wall to the ground floor living and dining room would be partly obscured from view by the proposed on-boundary northern wall and given the minimal variation required for this structure (approximately 0.19m to 0.25m), the variation is acceptable.
80. Hence, subject to the modified northern setback and height of the proposed first floor terrace, the proposed development is considered to meet the Objective as it is consistent with neighbourhood character and would not have unreasonable amenity impacts.

*Standard A11 - Walls on boundaries objective*

81. New walls are proposed to northern and southern boundaries of the site.
82. To comply with this Standard, the total length of walls constructed along the northern and southern boundaries should not exceed 16.68m unless abutting an existing wall. The standard also prescribes 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.
83. To the northern boundary, a new wall is proposed to extend for a length of 10.12m which results in a total length of on-boundary construction of 21.71m. The new wall ranges in height from 3m to 3.41m, with the average height of the wall being 3.19m. Hence, while the height of the wall meets the standard in relation to height, it results in an exceedance of the maximum length of on-boundary wall under the Standard.
84. In determining whether a variation to the Standard is acceptable, consideration must be given to the neighbourhood character as well as the amenity impacts from the proposed wall.
85. In this instance, it is considered that the extent and height of on-boundary construction proposed to the northern boundary is acceptable from a neighbourhood character perspective, considering the built form context, where small and narrow lots tend to result in a high degree of on-boundary construction.
86. From an amenity perspective, the context of the wall must be considered. The proposed northern boundary wall abuts an approximately 1m wide walkway to the north-adjoining dwelling and is opposite two south-facing windows and a full height, fixed obscured glazed window (depicted as a “door” on the plans) - all to habitable rooms.

The wall also partially abuts (for a length of approximately 1.2m) rear secluded private open space (rear courtyard) of the north-adjointing dwelling.

87. It is noted that a site visit undertaken by Planning Officers to the dwelling at No. 131 George Street in January 2018, and information regarding the internal layout of this dwelling submitted by the landowner of that property has informed the assessment of impacts to the windows to this dwelling.
88. The impacts of the proposed wall in relation to visual bulk are considered acceptably limited, given that:
  - (a) The abutting walkway is not part of the secluded private open space (rather it is an accessway) and thus is not considered an area that is sensitive to visual bulk impacts.
  - (b) The glazed “door” has obscure glazing and thus additional bulk would not be apparent.
  - (c) While the two habitable room windows (being the kitchen and dining room) will face the proposed wall within 1m, it is considered that the existing conditions do not offer a high level of amenity in regards to outlook, given the existing 2m building separation.
  - (d) Furthermore, in the context of a narrow, inner city site, also abutted by other narrow sites, outlooks towards side boundaries will inevitably be constrained.
  - (e) In the immediate context, it is noted that a similar ground floor northern boundary wall has been constructed into the former northern setback of No. 123 George Street, opposite ground floor habitable room windows to the north-adjointing dwelling at No. 125 George Street.
  - (f) The proposed wall extends for only a short distance alongside secluded private open space with the remaining 5.8m depth of secluded private open space unaffected. The courtyard is also open on its western and northern sides which would ensure that a sense of openness is retained.
89. Due to the southerly position of the wall in relation to the northern dwelling, there would be no overshadowing impact from the wall.
90. However, as will be discussed in the daylight to existing windows assessment, given the reliance on the adjacent windows to the north for daylight, it is considered warranted to reduce the height of the proposed wall to 3m to adequately protect daylight access to these areas.
91. Subject to the proposed reduction in wall height, outlined in the “daylight to existing windows” assessment, the proposed northern boundary wall is considered to have limited amenity impacts and also respects neighbourhood character. Hence, the proposed northern boundary wall will achieve the “walls on boundaries” Objective.
92. To the southern boundary, a new ground floor boundary wall is proposed to extend for a length of approximately 2.5m at the rear (projecting beyond the existing shared party wall) to a height of 3.07m.
93. The 2.5m wall length includes both the 2.085m long section of wall dimensioned on the plans (representing the FC sheet clad wall), as well as the steel reveal to the rear ground floor window. While the steel reveal is slightly offset from the boundary, it is still within 200mm and hence will be assessed as an on-boundary “wall”. The full extent of this wall should be required to be dimensioned as an on-boundary wall as a condition of any approval of the application so that the full length of on-boundary walls is shown. Furthermore, the proposed south elevation on the decision plans shows the fibre-cement sheet portion of the wall inaccurately (approximately 0.3m shorter than the 2.085m length dimensioned on the floor plans). The sketch plans submitted to Council 30 April 2018 provide a corrected proposed south elevation which shows the accurate extent of the fibre-cement sheet portion of the wall (see images below comparing section of wall in question in relation to decision plans and sketch plans submitted on 30 April 2018).



Decision plans (part proposed south elevation)

30/4/18 Sketch Plans (part proposed south elevation)

94. In addition, the height of the existing southern boundary wall is to be extended by a screen to the southern side of the first floor terrace - with an overall height of 5.94m above natural ground level. The proposed arbour structure (also within 200mm of the boundary) to the first floor terrace also projects to a maximum height of 6.85m. While this structure is not technically a wall the potential amenity impacts are considered in this assessment.
95. The extent and height of on-boundary construction proposed to the southern boundary is considered acceptable from a neighbourhood character perspective, taking into account the existing built form context in the wider area, which exhibits high levels of on-boundary construction, including at double-storey scale.
96. The impacts of the proposed walls in relation to visual bulk are considered limited, given that:
  - (a) The proposed ground floor wall to the living/dining area extends for a relatively short length beyond existing built form on the boundary and is below the average maximum height of 3.2m prescribed by the standard. It would also be partly obscured by the existing water tank along this boundary.
  - (b) The secluded private open space to the south extends a further approximately 5.8m to the west of the boundary wall. The courtyard is also open on its west and southern sides, maintaining a sense of openness.
  - (c) The proposal is designed to respond to the site context by positioning lower built form adjacent the more sensitive area (immediately abutting secluded private open space).
  - (d) There are no windows facing the proposed southern boundary wall on the south-adjointing property.
97. As per the above assessment, the proposed southern boundary walls / structures respect neighbourhood character and are considered to have limited amenity impacts, also noting that there is limited overshadowing to the south-adjointing secluded private open space (as outlined in more detail in the overshadowing assessment). As will Hence, the proposed southern boundary wall will achieve the “walls on boundaries” Objective.

*Standard A12 – Daylight to existing windows objective*

98. The proposed development includes a reduction in the height of the existing two storey northern wall to the rear wing to accommodate the new translucent roof form over the internal courtyard. This element of the proposed development would improve daylight conditions in relation to south-facing habitable room windows opposite.
99. The new northern boundary wall to the ground floor addition will have a setback of approximately 1m to 1.1m from two south-facing habitable room windows and glazed “door”. The wall ranges in height from 3m to 3.3m (increasing towards the rear), opposite or within the 55 degree arc of the habitable room windows.



100. A wall that ranges between 3.1m and 3.3m in height is required to be set back between 1.55m to 1.65m from any habitable room window to meet the Standard and thus the northern boundary wall does not comply with the Standard (a variation of up to 0.55m is required).
101. As described previously, the south-facing windows and glazed door under consideration are the sole source of light for a dining room and kitchen to the north-adjointing dwelling. Hence, due to lack of other alternative light sources it is considered that further protection of daylight access to the glazing described is required to protect adequate daylight to these areas.
102. To protect daylight access, it is considered appropriate to reduce the height of the proposed northern on-boundary wall to be no more than 3m, where within 55 degrees of the two westernmost south-facing habitable room windows and the glazed door. This will then comply with the Standard as a wall no more than 3m high would only require a 1m setback from habitable room windows under Standard A12 (given the windows open onto a lightcourt greater than 3sqm).
103. The proposed planter to the northern side of the first floor terrace is set back approximately 2m from the two westernmost south-facing habitable room windows opposite and has a maximum height of 4.92m. To meet the standard, this structure would need to be set back 2.46m from the windows, thus the northern planter does not comply with the Standard (a variation of 0.46m is required). Given the potential impact on daylight access from the structure as well, it is considered warranted to require that it also be set back to comply with Standard A12.
104. This additional setback of the northern planter may result in overlooking into the north-adjointing dwelling's habitable room windows (as the planter box device would no longer limit downward views as effectively). Hence in addition, the re-located planter will also need to demonstrate compliance with Standard A15 (Overlooking) from the northern edge of the terrace.
105. The higher, north-facing parapet wall to the ground floor is set back approximately 2m from the westernmost habitable room window opposite and has a maximum height of no more than 4m (where within approximately 55 degrees of this window). This wall is compliant with Standard A12 as a 2m setback from the windows is required for a wall of 4m height.
106. The proposed arbour structure over the first floor terrace is set back approximately 2m from the two westernmost south-facing habitable room windows and has a maximum height of 6.89m. To meet the standard, this structure should be set back approximately 3.44m from the windows, thus the arbour structure does not comply with the Standard (a variation of 1.44m is required). Despite the greater variation required for the arbour structure, it is considered that this structure would have minimal impact on daylight to the south-facing windows, given its minimal width and lightweight, open structure. Thus there is no need to modify this component of the development to meet the objective.
107. Subject to the northern boundary wall and first floor terrace northern planter being modified (as outlined) to meet the Standard, the proposed development is considered to meet the objective associated with daylight to existing windows.

*Standard A13 – North-facing windows objective*

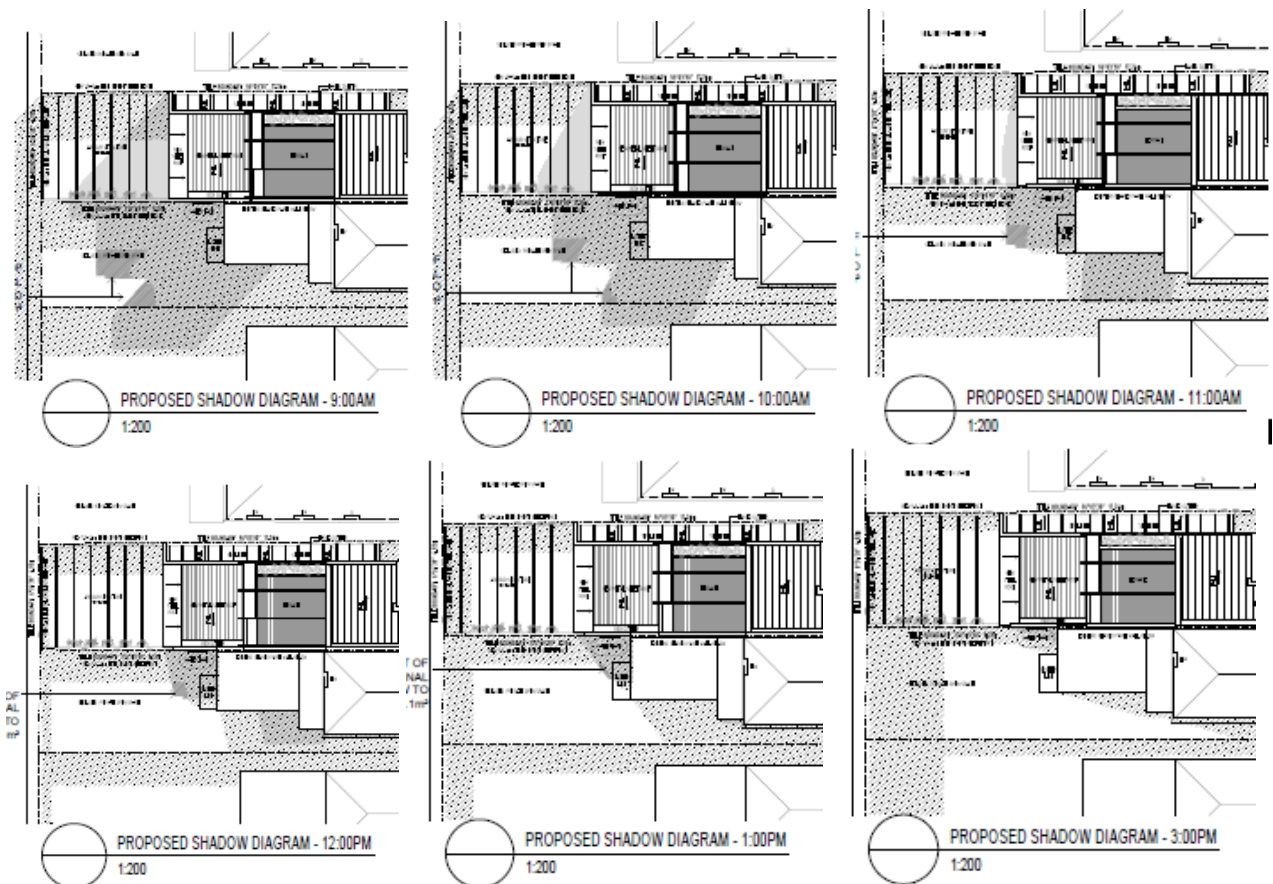
108. This Standard is not applicable to the proposal as there are no north-facing windows within 3m of the proposed development.
109. It is noted that an objection was raised in relation to the impact of the proposed development on ground floor north-facing habitable room windows to No. 123 George Street (two properties to the south of the subject site).

Given these windows are approximately 6.2m from the subject site, these windows fall well outside the area of consideration 3m of the boundary).

*Standard A14 - Overshadowing of open space objective*

- 110. The proposal results in some additional shadowing onto the secluded private open space of No. 125 George Street which is approximately 48.4 sqm in area refer to image below).
- 111. Overshadowing must be assessed at the September Equinox, between the hours of 9am to 3pm. The proposed development casts additional shadows to the south-adjointing SPOS between the hours of 9am and 1pm. The table below provides a more detailed analysis of overshadowing to No. 125 George Street (as derived from shadow diagrams submitted with the application) and the images below the table represent the three hours of greatest overshadowing - between 9am and 11am. It is noted that no 2pm shadow diagram was provided, however officer analysis confirms that no additional overshadowing would occur by this time.

Time (22 September)	Existing solar access (sqm)	Proposed solar access (sqm)	Additional area of shadow (sqm)	Existing solar access (Percent of SPOS)	Proposed solar access (Percent of SPOS)
9am	12	8.6	3.4	25%	18%
10am	17.9	16.1	1.8	37%	33%
11am	23.3	22.5	0.8	48%	46%
12pm	24.2	23.8	0.4	50%	49%
1pm	24.7	24.6	0.1	51%	51%
2pm	No shadow diagram provided	No shadow diagram provided	0	No shadow diagram provided	No shadow diagram provided
3pm	25.7	25.7	0	53%	53%



Proposed Shadow Diagrams (solid grey depicts shadows cast by proposed development to SPOS)

112. As the above table and images demonstrate, under existing conditions, the SPOS to No. 125 George Street does not receive solar access in accordance with the Standard (i.e. solar access to 75% of SPOS for at least three hours between 9am - 3pm at the September Equinox). Therefore, the additional overshadowing caused by the proposed development does not meet the Standard.
113. However, the proposed development is considered to achieve the Objective as the south-adjointing SPOS is not unreasonably overshadowed given that:
- (a) The addition has been designed to keep new built form abutting secluded private open space to a modest height, with the higher built form associated with the first floor terrace having negligible overshadowing impact.
  - (b) The maximum area of additional shadow created by the addition, as per the above table, is 3.4sqm at 9am and even at this time there is still a usable area (8.6sqm) of remaining solar access at the rear of the property.
  - (c) The additional overshadowing impact progressively lessens over the course of the day, with an area of less than 1sqm affected from 11am onward, and the overall area of solar access also progressively increases over the day. The south-adjointing secluded private open space maintains a reasonable and usable level of solar access over this period and as such it is considered that there would not be a significant loss of amenity to the south-adjointing dwelling's secluded private open space.
114. It is noted that shadows cast from the first floor arbour and the replacement southern boundary fence are not shown on the shadow diagrams. However, the overall conclusions of the above assessment would not alter given that:
- (a) In relation to the first floor arbour, it is composed of thin (0.2m diameter), steel beams with wide gaps in between and any shadow impacts would be negligible.
  - (b) In relation to the replacement fencing, the existing 1.9m high fence is to be replaced with a fence that ranges in height from 1.8m to 2.4m. However, the highest portion of the fence is restricted to the very rear of the site where the land falls away more steeply, with the remainder of the fence being very similar in height to existing conditions (and in parts lower). Hence any additional area of overshadowing would be small and would be restricted to the very rear of the site and would not significantly affect the total area of overshadowing.
115. Concerns were raised in objections about the impact of overshadowing at the Winter Solstice (when shadows would be greater). However, pursuant to the Standard A14, overshadowing assessment is explicitly limited to the September Equinox and is not required to take into account either winter or summer overshadowing.

*Standard A15 – Overlooking objective*

116. At ground floor, all boundary fencing is a minimum of 1.8m above natural ground level and the ground floor finished floor level is generally no more than 0.8m above natural ground level with the exception of the ground floor kitchen (in relation to the northern boundary). The height of northern and southern boundary fencing has been dimensioned to confirm it is 1.7m above the finished floor level where located adjacent to glazing and thus would prevent views to adjoining secluded private open space and habitable room windows.
117. At first floor, the potential for overlooking from the first floor terrace must be considered to the following sensitive areas within 9m of the terrace:
- (a) north-adjointing dwelling's rear secluded private open space;
  - (b) north-adjointing dwelling's south-facing habitable room windows and glazed "door"; and
  - (c) south-adjointing dwelling's rear secluded private open space.
118. Although it is noted that concerns were also raised in an objection in regards to overlooking to dwellings on the western side of Little George Street, dwellings on this side fall well beyond the 9m separation required to meet the standard in relation to habitable rooms or secluded private open space.

119. In relation to views to the north-adjointing dwelling's south-facing glazed "door" - this is a fixed window with obscure glazing and hence overlooking does not need to be considered. In relation to the remaining two habitable room windows, the proposed planter (approximately 1m high and 0.7m deep) successfully limits downward views to these windows from the northernmost edge of the terrace, as demonstrated on the submitted Section B. However, as detailed in the "daylight to existing windows" Objective assessment, is required to be further set back from the northern boundary, thus a condition would be needed to ensure that there continues to be restricted views from the terrace into adjacent secluded private open space and habitable room windows, in accordance with Standard A15.
120. In relation to views from the first floor terrace to the north and south-adjointing secluded private open space areas, overlooking sections 1 and 2 and associated plan on drawing A4.02 attempt to demonstrate that there would be no overlooking opportunities. However, the sections where the view lines have been taken do not encompass the full range of views available from the terrace. Officer analysis indicates that views would be attainable into the secluded private open space within 9m. To resolve overlooking to both the north and south-adjointing secluded private open space, the western edge of the terrace should also be required to be screened in compliance with Standard A15 as a condition of any approval.
121. The rear (west-facing) first floor glazed door to the proposed sitting room is an existing habitable room window that is to be enlarged to form a door. With the additional screening measures proposed to the first floor terrace, views from this window would also be satisfactorily limited, achieving the overlooking objective.
122. Overall, subject to the conditions outlined above, the development would achieve the Overlooking Objective.

*Standard A16 – Daylight to new windows objective*

123. New west-facing habitable room windows are provided to the ground floor addition (including highlight windows above) and modified west-facing glazing is provided to the first floors sitting room (new door).
124. All new habitable room windows and glazing to the development comply with the Standard, being provided with an open area of at least 3sqm and minimum 1m dimension for daylight access.
125. However, it is noted that the glazing to the west-facing door to the sitting room is not clearly stipulated. A condition will therefore require that this door be confirmed to be glazed to ensure that the sitting room is provided with direct daylight access. Nonetheless, it is noted that the translucent roof over the sitting room will also provide increased light to this room.
126. The new central courtyard (atrium) with translucent roof will significantly improve the natural light to the existing dwelling, which would be presently limited consequent to its narrow lot size and deep floor plates.

*Standard A17 – Private open space objective*

127. The proposed extension will result in approximately 69sqm of private open space, including 41sqm of secluded private open space for the subject site (30sqm rear courtyard immediately accessible from living areas plus the approximately 11sqm floor area to the first floor terrace) and is thus fully in accordance with the Standard.

*Standard A18 – Solar access to open space objective*

128. This is not applicable to the subject application given that it only pertains to new dwellings.

*Standard A19 - Design detail objective*

129. Heritage considerations will be discussed in the heritage section. More generally, in relation to neighbourhood character, the contemporary design details, in particular, the monopitch roof form and use of metal cladding and FC sheet is considered to be acceptable detailing given the context that views of the addition will largely be limited to vantage points along the secondary street frontage - Little George Street - which already exhibits a range of building styles and materials.
130. Contemporary style rear additions are common throughout the immediate area given constraints posed by heritage considerations on many properties. The use of galvanised corrugated cladding for parts of the addition references a common material used for roofing and fencing in the area.
131. Overall, it is considered that the addition is respectful of existing neighbourhood character and therefore achieves the Objective.

*Standard A20 – Front fence objective*

132. This Standard is not applicable as there is no new front fence proposed.

Heritage

133. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay: Decision guidelines) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme.

*Demolition*

134. Council's heritage policy at clause 22.02-5.1 pertaining to demolition of individually significant heritage buildings discourages demolition of parts of an individually significant building unless it can be demonstrated the removal of part of the building or works does not negatively affect the significance of the place.
135. The assessment will break down the proposed demolition into several components.

*Demolition of rear attached outbuilding (shed and WC)*

136. Council's Heritage Adviser was supportive of removal of these components of the building and has stated that they appear to be later additions to the building.

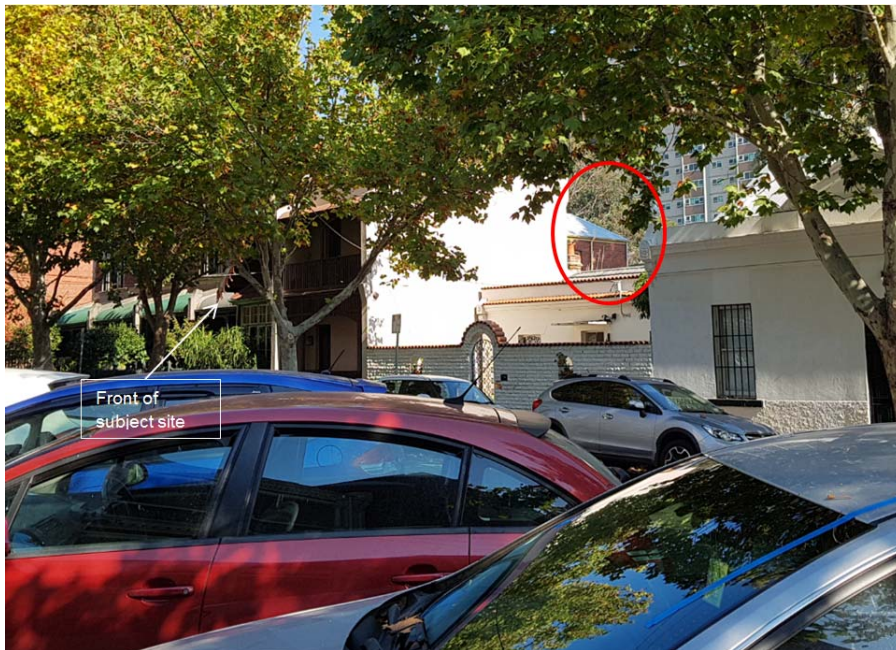
*Part demolition of rear double-storey wing*

137. Demolition to the rear double-storey wing of the dwelling comprises the roof and associated rear chimney, the existing windows and doors (including additional brickwork surrounding some openings) and the top 1.3m of the existing northern wall.
138. Council's Heritage Adviser found that while it would be preferable to retain the rear chimney given that the matching chimney to each of the other dwellings that are part of "Letham's buildings" terrace have already been removed, the chimney's removal could be tolerated.
139. However, the Heritage Adviser was not supportive of removal of the roof and north-facing windows, as these elements are partially visible from George Street and their removal is not strictly necessary to provide an internal courtyard and glazed roof structure (it was suggested that windows could be replaced like-for-like and the existing hipped roof form could be retained and translucent sheets installed to the southern side of the retained roof, for a similar effect).

140. However, despite Council's Heritage Adviser's concern with the removal of the existing roof to the rear wing and the windows, the extent of demolition proposed to the rear wing is considered to be acceptable under Council's Heritage Policy at Clause 22.02 given that:
- (a) The significance of the heritage place derives primarily from its presentation to the principal street frontage - George Street. This is supported by the building citation attached to Council's heritage database, taken from the South Fitzroy Conservation Study (1979) for Letham's Buildings which is also referenced in Council's Heritage Adviser's referral response. This building citation, whilst not a formal Statement of Significance, provides insight into the reasoning for inclusion of the terrace as an "individually significant" building within the heritage precinct. The following passages relating to the building's features are located under the section entitled "Importance":
    - (i) *The buildings are of considerable interest for their intact tripartite window surrounds, freestone string courses at sill height and impost height to the first floor, bands of coloured bricks and unpainted cement trims. The bullnose verandah and openwork timber columns are the only visible clues to the late construction dates of these buildings. This terrace is finely proportioned and well detailed, with intact elements including encaustic tiling to the verandah floors and pathways....This building is of local importance and provides an important streetscape element.*
  - (b) From the above description it can be derived that the most significant heritage features of the building are the various decorative elements to the front façade, in addition to the proportions of the building. There is no mention of the rear of the building(s) in the citation.
  - (c) All the specific features highlighted in the building citation as significant are to be retained, including the full extent of the front wing of the dwelling (including roof, front chimney and walls), the full extent of the southern party wall, and the majority of the northern and rear walls associated with the rear double-storey wing.
  - (d) Furthermore, views from the principal street frontage (George Street) to heritage fabric that is to be removed would be very limited. Views are only possible from approximately 40m away, on the opposite side of George Street. These views are limited to parts of the rear double-storey wing roof, chimney and the top of the northern wall and north-facing windows. From this vantage point, the building fabric proposed to be removed is somewhat disconnected from the front part of the building by other intervening built form and thus there would be little appreciation of the elements to be demolished as a continuation of the terrace form fronting George Street. This is illustrated by the images below.



Approx. viewing area from George St



A view of the rear wing in streetscape context

- (e) From Little George Street, the removal of the rear roof form and parts of the northern wall would be visible. However, it is considered acceptable given this is the rear of the dwelling where policy directs new alterations and additions to be located.
- (f) Furthermore, as discussed earlier within the Rescode assessment, the design seeks to upgrade a Victorian-era building to improve the internal amenity to align better with present day standards.

141. Given the above, it is considered that the extent of demolition proposed to the dwelling is acceptable and can be supported as it would not detrimentally impact the significance of the heritage place, nor reduce its contribution to the heritage precinct within which it is contained.

*Alterations and Additions*

142. In terms of the subsequent construction, clause 22.02-5.7 provides direction as to the appropriate location and design for new works. In relation to the siting and envelope of the additions, consistent with policy at clause 22.02-5.7.1 of the clause, the development seeks to minimise the visibility of new additions by locating ground level additions and any higher elements towards the rear of the site. Furthermore, the first floor addition complies with the sightline for upper level additions to individually significant heritage buildings as set out at figure 3 of clause 22.02-5.7.1 of the Scheme.
143. Policy also encourages additions to “individually significant” graded properties to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining streets. The following is noted in this regard:
- (a) In respect of the George Street frontage, similar to the level of visibility of the proposed demolition, views to the new additions will only be possible obliquely from a distance of at least four properties to the north, on the opposite side of George Street. Such incidental and distant views, despite the contemporary form and potential for light emanation at night time, would not dominate the streetscape, nor compromise the heritage value of the individually significant terrace row in its own right.
  - (b) In respect of the Little George Street rear interface, the ground floor additions will be minimally visible, due to high fencing proposed to the rear boundary and the rear setback proposed. The first floor terrace however will be clearly visible as will the new translucent monopitch roof form and modified upper level windows and openings. However, given that the entire front wing and the majority of the walls associated with the rear double-storey wing of the dwelling are to be largely retained, and will also still be visible from Little George Street, the proposed additions will still read as a “secondary element” to the retained building.
144. Also consistent with general policies relating to new development, alterations and additions set out at Clause 22.02-5.7.1 of the Scheme and specific policy for residential upper storey additions, the proposed alterations and additions:
- (a) Are distinguishable from the original historic fabric - the addition will not be confused as part of the original fabric due to the contemporary form and materials employed.
  - (b) Are articulated and massed to correspond with the prevailing building form - the addition sits below the existing building height and steps down towards the rear and is only a maximum of one storey above north-adjoining built form.
  - (c) Do not dominate the heritage place - “Letham’s Buildings” - or the wider South Fitzroy Heritage Precinct, given limited visibility from George Street, the presence of contemporary double-storey rear additions to other dwellings within the terrace row; and the variety of built form styles exhibited along Little George Street (including contemporary townhouse style developments).
  - (d) Do not obscure views to the principal facade of the building (facing George Street);
  - (e) Consider the architectural integrity of the terrace row, by retaining a substantial proportion of the existing building.
145. While heritage policy seeks to *discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies* Council's Heritage Adviser has found that the proposed first floor terrace is acceptable given that a rear first floor terrace is also present at the rear of No. 121 George Street (the southernmost terrace within the dwelling row) and that two of the four terraces have already been modified. Thus the first floor terrace would not detract from the heritage significance of the terrace row.



Furthermore, whilst the rear first floor terrace will be visible only from Little George Street (not from the principal street frontage - George Street) and thus would have minimal impact on the appreciation of the heritage place in relation to its principal features to be conserved.

146. Policy pertaining to residential upper storey additions at clause 22.02-5.7.2 of the Scheme also calls for additions to *preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place*. As detailed in the demolition section of the heritage assessment, the main features of the dwelling that contribute to the heritage value of the place are retained and including the full extent of the front wing roof form.
147. While there is no specific policy guidance regarding rear fencing, the 2.47m high corrugated galvanised steel rear boundary fence is considered to be an appropriate material and height for boundary fencing as it reflects the utilitarian character of Little George Street and the prevalence of high solid rear boundary fences and roller doors. It would not detract from any existing heritage character. Side boundary fencing within the site will not be visible behind the rear solid fence and would have no heritage impact.
148. Overall, it is considered that the proposed alterations and additions, subject to the conditions outlined will not adversely impact the heritage significance of the dwelling, nor the heritage values of the precinct and will achieve an adequate level of compliance with the objectives of the Heritage Overlay and Policy at Clause 22.02, and therefore can be supported.

#### Other Matters - clarification of plans

149. The following discrepancies, or omissions should be required by condition to be by condition to ensure the proposed development is clear and adequately detailed (where not already addressed by conditions, as outlined earlier in the assessment):
  - (a) Additional details provided and inaccuracies corrected, as depicted on the sketch plans submitted to Council on 19 December 2017 and 30 April 2018 (summarised earlier in the report).
  - (b) Existing/demolition east and west elevations correctly labelled (these elevations on drawing A0.05 are erroneously labelled as proposed elevations).
  - (c) The material and finish of the frames to new glazing (windows and doors) specified (this detail is omitted from the plans and associated material schedule).
  - (d) Confirmed that the existing front tiled path is to be retained (the front path to the dwelling is notated as a concrete path whereas a site visit has remains (which appears to be an original feature).
  - (e) Correction of some minor discrepancies in relation to the title boundary dimensions on the plans (i.e dimensions are not consistent with the title plan associated with the Certificate of Title) specifically:
    - (i) The rear (western/Little George Street) title boundary is dimensioned as 4.92m length (as opposed to approximately 4.91m length derived from the title plan).
    - (ii) The southern title boundary party wall is dimensioned as 28.43m length (as opposed to approximately 28.49m derived from the title plan).

#### Objector concerns

150. Many of the objector concerns have been addressed in the above assessment, as follows:
  - (a) Adverse heritage impacts (paragraphs 133-148);
  - (b) Inconsistent with neighbourhood character (paragraph 57);
  - (c) Visual bulk (paragraphs 74-97);
  - (d) Loss of daylight and solar access to existing windows (paragraphs 98-109);

- (e) Adverse energy efficiency impacts (to subject dwelling and adjoining dwellings) (paragraphs 66-72);
- (f) Overlooking (paragraphs 116-122);
- (g) Overshadowing (paragraphs 110-115);
- (h) Overdevelopment of the site (including non-compliance with Rescode Standards) (paragraphs 60-63 and 74-107); and
- (i) Removal of mature vegetation (paragraph 73).

151. A response to remaining concerns is provided below:

- (a) *Increase to side boundary fence heights*

The only permit trigger for fencing is the Heritage Overlay. The side boundary fences would not be visible once the rear fence is constructed and thus will have no impact on heritage precinct. Nonetheless, it is noted that the replacement fencing provides privacy screening to adjoining secluded private open space and is not significantly higher than the existing fencing it replaces, other than at the very rear of the site where there is a significant slope.

- (b) *Plans are inaccurate and lack detail (including dimensions and fire rating);*

A number of conditions have been suggested that would address discrepancies regarding title boundaries and lot size, inconsistency between plans and elevations, and to provide additional clarity in relation to height and details of the development (see paragraphs 93 and 149). None of these omissions or inaccuracies are considered fatal to the proposal. In relation to fire rating information, this would be appropriately addressed at the building permit stage and is not a relevant planning consideration.

- (c) *Devaluation and equitable development constraints to the north-adjoining dwelling;*

Property devaluation and other related matters are not within the scope of planning considerations. Furthermore, the proposed development does not appear to pose any unreasonable development constraints on the north-adjoining site. It does not borrow daylight from the north-adjoining site and the proposed northern on-boundary construction may, conversely, provide an appropriate interface for an extension of the north-adjoining dwelling to the shared boundary in the future. However, any future proposal must ultimately be considered on its own merits.

- (d) *Construction matters (disruption and impact on structural integrity of adjoining dwellings);*

As construction impacts generally fall outside the scope of planning and given that the scale of development does not warrant a construction management plan, no further consideration of construction issues is necessary. It is noted, however, that in the event of construction, there are various local laws and permits required that . A permit condition that replicates the local law restrictions on construction hours should be included on any permit issued.

Structural considerations and dilapidation of adjoining properties during construction are appropriately dealt with at the building permit stage.

- (e) *Insufficient notice given pursuant to the Planning and Environment Act 1987 (less than 14 days).*

It appears that some letters notifying owners and occupiers about the application took more than two business days to reach recipients, and therefore the date stated on the letters before which Council would not decide on the application was less than 14 days from receipt, in some cases. Australia Post delivery times are beyond Council control. However, it is noted that objections can be submitted up until a decision is made (or the application is appealed to VCAT) and thus all interested parties have had many weeks and ample time to lodge objections. The applicant has also completed a statutory declaration confirming that the two notices were displayed on-site for the prescribed period (14 days). Council's and the applicant's obligations under Section 52 of the *Planning and Environment Act (1987)* have been fulfilled.

## Conclusion

152. Based on the above report, the proposal is considered to substantially comply with the relevant Planning Scheme provisions and planning policy and therefore should be supported subject to conditions.

## RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Planning Permit PLN17/0894 for development of the land for part demolition and construction of a ground and first floor addition to the existing dwelling at 127 George Street, Fitzroy, 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 (received by Council on 23 October 2017) but modified to show:
  - (a) changes depicted on the sketch plans submitted to Council on 19 December 2017, as follows:
    - (i) the length of the subject dwelling's existing northern boundary wall and southern boundary wall dimensioned on the proposed ground floor plan;
    - (ii) the height of the proposed first floor terrace arbour dimensioned on the proposed north elevation and south elevation;
    - (iii) the height of the proposed first floor terrace planter dimensioned on the proposed north elevation;
    - (iv) details of the material of the proposed first floor arbour provided via notation on the proposed north and south elevations.
  - (b) changes depicted on the sketch plans submitted to Council on 30 April 2018, as follows:
    - (i) the 2.085m length of the proposed "fibre-cement sheet" southern boundary wall associated with the ground floor addition shown correctly on the proposed north elevation, consistent with the proposed floor plans;
    - (ii) west-facing highlight window to ground floor living/dining area to be identified clearly on first floor plan and proposed west elevation;
    - (iii) the proposed north elevation and material schedule updated to correctly refer to the material of the proposed new roof over the rear wing as "translucent sheeting";
    - (iv) the proposed north elevation updated to clarify that the opening to the former north-facing kitchen window is proposed to be infilled with brick to match existing;

- (v) identification of barbeque in south-west corner of first floor terrace;
  - (vi) confirmation via notations to the proposed north elevation and the material schedule that clear glazing will be provided to north-facing windows;
  - (c) existing/demolition east and west elevations correctly labelled.
  - (d) title boundary dimensions stipulated on the plan to be consistent with dimensions of the subject land as set out on the title plan associated with the Certificate of Title;
  - (e) lot area stipulated on plans to reflect correct title boundaries, and the site coverage and permeability percentages on the floor plans updated accordingly.
  - (f) permeability percentage on plans exclude all roofed areas and areas covered by impermeable paving.
  - (g) the material and finish of new external window/door frames specified.
  - (h) retention of the existing front tiled pathway.
  - (i) privacy screens in compliance with Standard A15 of Clause 54.04-6 of the Yarra Planning Scheme provided along the western edge of the first floor terrace.
  - (j) the proposed ground floor northern boundary wall reduced in height to comply with Standard A12 (Daylight to Existing Windows) of Clause 54.04-3 of the Yarra Planning Scheme.
  - (k) the planter associated with the first floor terrace set back from the northern boundary to comply with Standard A12 (Daylight to Existing Windows) of Clause 54.04-3 of the Yarra Planning Scheme.
  - (l) the modified planter as required pursuant to condition 1(k) to demonstrate compliance with Standard A15 (Overlooking) of Clause 54.04-6 of the Yarra Planning Scheme.
  - (m) the overall length of the proposed new ground floor southern boundary wall dimensioned to include the reveal to the rear windows to the ground floor addition.
  - (n) confirmation that the west-facing door to the first floor sitting room is glazed.
  - (o) central courtyard roofing to be insulated translucent panels and to demonstrate thermal energy performance exceeds National Construction Code requirements.
  - (p) roof glazing to rear living area to have a Solar Heat Gain Coefficient of no more than 0.5.
  - (q) operable glazing provided to north facing (upper) windows of the rear wing.
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 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.
4. 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.
5. 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.
6. 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.

7. 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:

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

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

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 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.

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

**CONTACT OFFICER:** Madeleine Moloney  
**TITLE:** Statutory Planner  
**TEL:** 92055009

#### **Attachments**

- 1 PLN17/0894 - 127 George Street Fitzroy - Subject Land
- 2 PLN17/0894 - 127 George Street Fitzroy - Decision Plans
- 3 PLN17/0894 - 127 George Street Fitzroy - Sketch Plans submitted 19 December 2017
- 4 PLN17/0894 - 127 George Street Fitzroy - Sketch Plans Submitted 30 April 2018
- 5 PLN17/0894 - 127 George Street Fitzroy - Heritage referral advice
- 6 PLN17/0894 - 127 George Street Fitzroy - Informal ESD comments (email)