



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

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

Rostered Councillor membership

Councillor Amanda Stone
Councillor Jackie Fristacky
Councillor James Searle (substitute for Cr Chen Yi Mei)

- I. ATTENDANCE**
Chris Stathis (Senior Statutory Planner)
Danielle Connell (Senior 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

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	11 Brunswick Street, Fitzroy - PLN17/0694 - Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.	5	40
1.2	18 Clark Street, Richmond - Planning Application No. PLN17/0542 - Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.	46	67
1.3	21 Mollison Street Abbotsford - Planning Permit Application PLN16/0046 - Development of the land for alterations to the existing dwelling, including a first and second floor addition.	73	94
1.4	Confidential Item - Supplementary Report - 12-18 Albert Street, Richmond - Planning Application No. PLN17/0284 - Development of the land for the construction of a seven-storey building and a reduction in the car parking requirement associated with offices and a food and drink premises (cafe) (no permit required uses).		

1.1 11 Brunswick Street, Fitzroy - PLN17/0694 - Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN17/0694 which affects the land at 11 Brunswick Street, Fitzroy and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment;
 - (b) Clause 21.05-2 – Urban Design;
 - (c) Clause 22.05 – 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) Strategic context,
 - (b) Built form and design;
 - (c) Internal amenity;
 - (d) Off-site amenity;
 - (e) Car parking, bicycle parking, traffic; and
 - (f) Objector concerns

Objector Concerns

4. Nine objections were received to the application, these can be summarised as:
 - (a) Height;
 - (b) Neighbourhood character; and
 - (c) Heritage concerns.

Conclusion

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

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

1.1 11 Brunswick Street, Fitzroy - PLN17/0694 - Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.

Trim Record Number: D18/29973

Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.
Existing use:	Ground Floor – Commercial; First/Second Floors – Residential
Applicant:	Beverly Waldegrave-Knight
Zoning / Overlays:	Mixed Use Zone/Heritage Overlay (HO151)
Date of Application:	25/08/2017
Application Number:	PLN17/0694

Planning History

1. Council records indicate that there is no planning history associated with this site.

Background

2. The application was lodged on 25 August 2017, with additional information submitted on 12 October 2017. The application was subsequently advertised, with 9 objections received.
3. A Consultation Meeting was held on 13 February 2017, where the key issues raised in the objections were discussed with the Permit Applicant, one Objector and Planning Officers. There were no changes made to the proposal following this meeting.

Existing Conditions

Subject Site

4. The subject site is located on the western side of Brunswick Street, approximately 85m to the north of Victoria Parade, in Fitzroy. It has access to a rear laneway, connecting to Fitzroy Street to the west.
5. The site is rectangular, with the title outlining a frontage to Brunswick Street of 9.14m and a depth of 40.23m, yielding an overall site area of approximately 372sqm. The plans indicate respective front and rear boundary lengths of 9.2m and 9.21m. To ensure consistency with the title dimensions, amended plans can be required by a condition if a planning permit is to issue.
6. The site contains a triple-storey Victorian terrace of heritage significance, known as 'Arbirlot'. An original double-storey wing is located to its rear, along the northern boundary. A modern double-storey building forms a rear extension, which includes a garage accessed from the rear laneway.
7. The building has a modest front setback and is located behind an ornate iron picket and bluestone front fence. A commercial art gallery 'Alcaston Gallery' operates from the building at ground level, with a dwelling occupying the two upper floors.



Figure 1 – Subject building

Surrounding Land

8. The site is located at the southern end of the Brunswick Street Major Activity Centre (MAC), and 150m to the south of the Gertrude Street Neighbourhood Activity Centre (NAC). Victoria Parade and the Melbourne CBD are approximately 100m to the south. Planning controls surrounding the site are mixed, as can be seen in Figure 2, with commercially zoned land to the east (Commercial 1 Zone), residentially zoned land (Neighbourhood Residential Zone) to the west and the Mixed Use Zone (MUZ) to the north, south and north-east.

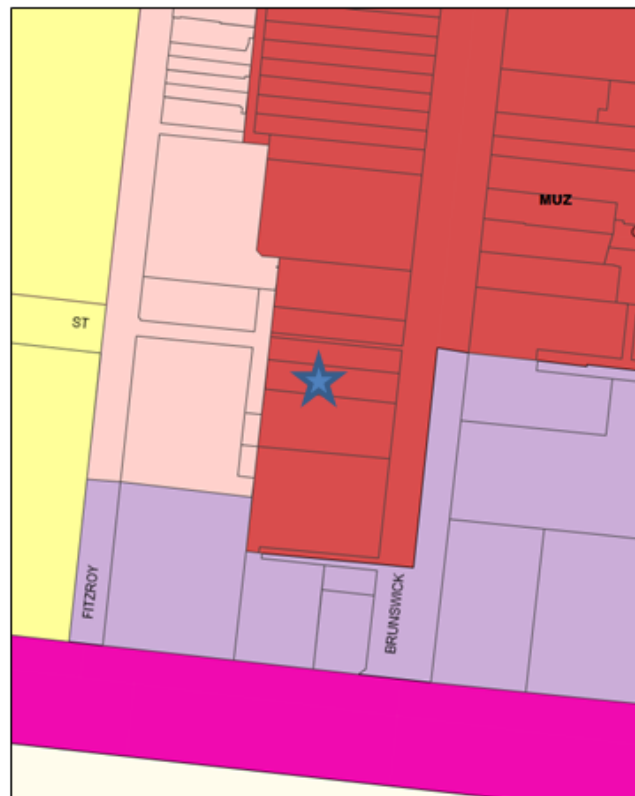


Figure 2 – Zoning map

9. The land is within close proximity to the St Vincent's Hospital and Australian Catholic University (ACU) environs, with part of the hospital located within the Public Use Zone further to the west (shown in Figure 2). It is noted that the majority of land uses within the NRZ immediately to the west of the site (addressing Fitzroy Street) are also associated with the hospital use, including a seven-storey car park.



Figure 3 – Surrounding land

10. A description of the immediate interfaces is:

North

11. Immediately to the north of the site, at No. 13 Brunswick Street, is a double-storey Victorian building used as an office. This building directly abuts the Brunswick Street interface at both levels and is constructed along both side boundaries. An at-grade car park is located at the rear of the building, accessed from the laneway. Further to the north are a dentist and a restaurant.

East

12. Brunswick Street extends along the eastern boundary and is the commercial spine of the Brunswick Street MAC. On the eastern side of Brunswick Street is a large forecourt (St Mary of the Cross Square) which is located in front of a 9-storey building associated with the ACU. The ACU campus contains numerous buildings including:
- (a) A double-storey building at the corner of Brunswick Street and Victoria Parade;
 - (b) A 6-storey building addressing Victoria Street, to the south-east;
 - (c) A multi-level car park.
13. The ACU is currently in the process of seeking planning approval to amend the approved Development Plan for the campus, with the following development proposed;
- (a) A 12 storey building on the corner of Victoria Parade and Napier Street, including 7 basement levels;
 - (b) A triple-storey building on Young Street (further to the east).

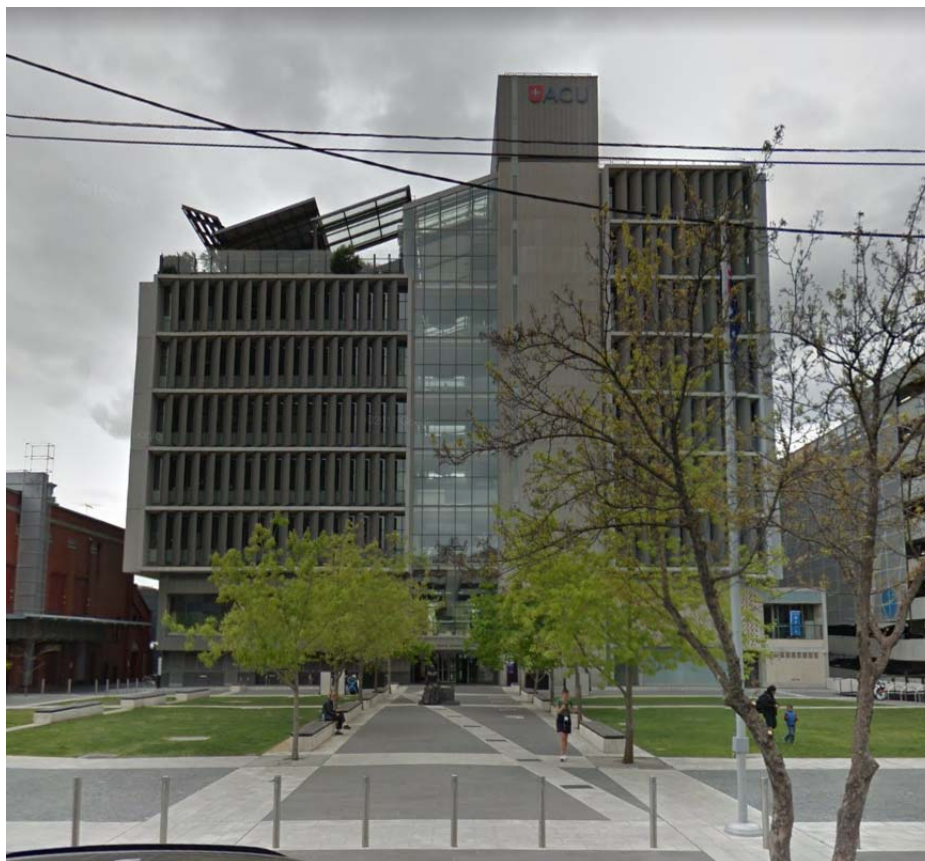


Figure 4 – Main ACU building addressing the subject site.

South

14. Immediately to the south of the site is No. 9 Brunswick Street, 'Depaul House'. This contemporary, double-storey building contains a drug and alcohol rehabilitation service operated by St Vincent's Hospital. Short-term accommodation is provided as part of this service.
15. Further to the south are multi-level buildings associated with St. Vincent's Hospital, with Victoria Parade on the southern side of these buildings. Victoria Parade is a major east-west boulevard containing 8-9 lanes of traffic and a central grassed median with large canopy trees. On the southern side of Victoria Parade is the 10-storey Eye and Ear Hospital. Beyond this building is St Patrick's Cathedral.

West

16. A laneway extends along the rear boundary of the site, accessed from Princes Street and Fitzroy Street, further west. A 7-storey car park associated with St Vincent's Hospital is located on the opposite side of the laneway. To the south-west is a 12-storey hospital building, addressing Fitzroy Street and Victoria Parade.
17. Planning Permit PLN16/0925 was issued by Council on 11 August 2017 in association with a number of the hospital sites for *development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site*. The approved building would be a maximum height of 15-storeys.
18. The wider area contains and is characterised by the following:
 - (a) The Brunswick Street MAC and Gertrude Street NAC to the north and north-east, which contain a wide range of retail, food and drink, dining, pubs and bars and services;

- (b) Tram Route 11 operating along Brunswick Street, directly in front of the site;
- (c) Tram Routes 12 & 109 and many bus routes operating along Victoria Parade, approximately 85m to the south;
- (d) Tram Route 86 operating along Gertrude Street, approximately 150m to the north;
- (e) Parliament Train Station, approximately 520m to the south-west;
- (f) The Royal Victorian Eye & Ear Hospital, approximately 150m to the south;
- (g) St Patrick's Cathedral, approximately 280m to the south;
- (h) Carlton Gardens, approximately 280m to the west;
- (i) Fitzroy Gardens, approximately 330m to the south-east;
- (j) Sacred Heart Primary School, approximately 580m to the north;
- (k) The Melbourne CBD which commences on the southern side of Victoria Parade (100m to the south).

The Proposal

19. The application seeks development of the land for the construction of an 8-storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling. In summary, the following works are proposed;

Demolition

- (a) All built form to the rear of the site will be demolished, including some rear walls associated with the original building and internal walls;
- (b) Two sections of roof at the rear of the site will be demolished.

Building and works

Ground level

- (c) The principal residential entrance will remain on the northern side of the original façade, with a separate internal entrance provided to the existing dwelling, which will be maintained at first and second floors of the existing building. This dwelling will contain living areas at first-floor, with two bedrooms at second floor. Open space will be provided in the form of the existing first-floor façade balcony and a new first-floor terrace at the rear, covering 55sqm;
- (d) A second entrance, including a small lounge area and a 30sqm office, will be located within the remainder of the ground floor of the existing building. The lounge will provide access to the residential lobby associated with the new building at the rear;
- (e) The central and rear ground floor space will contain bicycle storage (10 bikes), waste storage, individual storage for each new apartment, a lift and staircase and eight car spaces in a mechanical stacker system. This level will be constructed to the side and rear boundaries of the site;
- (f) The garage will be accessed via the rear laneway, with a secondary pedestrian entrance also provided within this interface;

Levels 1-5

- (g) Units 1 to 5 will contain the same floor plan, with one apartment located at each level (Levels 1-5). These dwellings will each contain 3 bedrooms, dining room, kitchen and living space, constructed to both side boundaries and part of the rear (western) boundary. The only difference will be the scale and setbacks of balconies, with each dwelling provided with two terraces, oriented to the east and west;

Levels 6-7

- (h) Unit 6 is set over two levels, with one bedroom and living space at the lower level, and three bedrooms at the upper level. This dwelling has access to three balconies, with the largest being adjacent to the upper level bedrooms. This dwelling will be constructed to both side boundaries and part of the rear (western) boundary;
- (i) A plant room and lift overrun is located on the eastern side of this dwelling at Level 7.

General

- (j) The development proposes a total of 7 dwellings, with one of these existing in the original building. The break-down of bedrooms will be as follows;
 - (i) Existing dwelling - 2 bedrooms;
 - (ii) Five dwellings – 3 bedrooms (or 2 bedrooms/study);
 - (iii) One dwelling – 4 bedrooms.
- (k) The proposed 8-storey building would have an overall height of 27.88m; with the roof angled from south to north (highest point to the north);
- (l) Various reconstruction and repair works to the original façade of the building.

External finishes and materials

- (m) Northern and southern walls – horizontal and vertical textured concrete (containing arched designs), render (in various shades of grey);
- (n) East and west walls – cladding of various finishes and colours, vertical timber look batten screens, metal framing and glazed balustrades.
- (o) Garage door – solid ‘timber look’.

ESD Measures

- (p) Natural ventilation has been provided throughout, with all habitable rooms having access to natural daylight;
- (q) An average apartment energy rating of 6 stars will be achieved, with high efficiency gas hot water systems and water efficient fixtures and fittings used;
- (r) A total of 10 secure bicycle spaces (for residential use) will be provided at ground level;
- (s) A commitment to providing two new bicycle hoops on the Brunswick Street footpath for visitor use;
- (t) Light sensors will be provided in external areas;
- (u) Landscaping will be incorporated into the building design through the use of planter boxes, roof gardens and vertical gardens, with the SMP stipulating that 11% of the site will be covered in vegetation.
- (v) A 3,000L rainwater tank will be connected to toilets within the development, achieving a STORM rating of 102%. It is noted that the SMP and STORM Assessment outcomes are based on a 3,000L rainwater tank; however the proposed ground floor plan specifies that a 200L and 2,000L tank will be suspended above the bicycle storage racks. It is not clear on the plans where the remaining tanks will be located (or whether this is a mistake). The STORM Assessment also refers to reliance on a raingarden to achieve the 102% rating; however the location of the raingarden is not specified on the plans. If a planning permit is issued, these details can require clarification via permit conditions.
- (w) The development achieves a BESS Score of 55%, with 50+ being best practice.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone

- 20. The subject site is located within the Mixed Use Zone (MUZ). Pursuant to Clause 32.04-2 of the Yarra Planning Scheme (the Scheme) the use of the land for dwellings and an office (with a floor area less than 250sqm) does not require a planning permit.

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

Overlays

Clause 43.01 – Heritage Overlay

24. The subject site is included on the Victorian Heritage Register (No. H149).
25. Clause 43.01-2 states that a planning permit is not required *to develop a heritage place which is included on the Victorian Heritage Register*.
26. On this basis, matters of heritage are not relevant and cannot be considered as part of this application. All heritage aspects of the development are assessed by Heritage Victoria under a separate application process. At the time this report was written, Heritage Victoria had not issued a planning permit for this development.

Particular Provisions

Clause 52.06 - Car Parking

27. Clause 52.06-2 requires that before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided. Clause 52.06-3 states that a permit is required to reduce the number of car spaces required under Clause 52.06-5.
28. The Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown below:

Use	Bedrooms/ Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	1 x 2 bedroom apartment	1 space per 2 bedroom dwelling	1	1	0
	6 x three- bedrooms or more apartment	2 spaces per 3 bedroom or more dwelling	12	7	5
		1 space for visitors to every 5 dwellings for developments	1	0	1
Office	30sqm	3.5 spaces per 100sqm of net floor area	1	0	1
Totals			15	8	7

29. In this instance a planning permit is required to reduce the statutory requirement by 7 spaces.

Clause 52.34 Bicycle Facilities

30. Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Use	Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	7 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings.	1 resident	10 spaces	0
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	1 visitor	0	1
Office	30sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm	0	0	0
		1 visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	0	0	0
Total			2	10	1

31. Whilst the table indicates that a reduction of 1 visitor bicycle space is required, the development exceeds the statutory requirement for residential spaces by 9.

Clause 58 – Apartment Developments

32. The purpose of this clause is:

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

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

General Provisions

Clause 65 General Provisions

34. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider, amongst other things, the relevant State Planning Policy Frameworks and Local Planning Policy Framework, 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

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

Clause 11.02-3 – Planning for growth areas

- (a) The objective is: *to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.*

Clause 11.03 – Activity centre network

36. The objective is: *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

37. The objective is: *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 15.01 – Built Environment and Heritage

Clause 15.01-1 – Urban design

38. The objective 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

39. 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.

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

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

Clause 15.01-4 – Design for safety

41. 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

42. 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

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

Clause 16.01-2 – Location of residential development

44. 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

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

Clause 16.01-4 – Housing diversity

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

Clause 17 – Economic development

Clause 17.01-1 – Business

47. 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 – Transport

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

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

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

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

- (c) *Objective 3 - To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

51. The subject site is located within the Brunswick Street Major Activity Centre (MAC).
52. Relevant objectives and strategies include:
- (a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
 - (b) *Objective 5 - To maintain the long term viability of activity centres.*

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.05-2 – Urban design

54. 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:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
 - (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
 - (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
 - (e) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.06-1 – Walking and cycling

55. 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:*
 - (c) *Objective 33 - To reduce the impact of traffic:*

Clause 21.07-1 – Environmentally sustainable development

56. 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*

Clause 21.08-7 Neighbourhoods (Fitzroy)

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

- (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*
- (b) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

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

Clause 22.07 – Development Abutting Laneways

59. The objectives at Clause 22.07-2 include;

- (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.*

Clause 22.12 – Public Open Space Contribution

60. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3065B). However considering the size of the site, it is not practical to provide the preferred area of land (300sqm) and therefore cash will be provided.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

61. This policy applies to new buildings and contains the following (relevant) objectives;

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

Clause 22.17 – Environmentally Sustainable Design

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

Advertising

63. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 319 letters sent to the surrounding property owners/occupiers and by two signs, one facing Brunswick Street and the second addressing the rear laneway (and Princes Street).
64. A total of 9 objections were received to the application which can be summarised as follows:
- (a) Height;
 - (b) Neighbourhood character; and
 - (c) Heritage concerns.
65. The grounds of objections will be considered and addressed where relevant throughout the following assessment.

Referrals

External Referrals

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

Internal Referrals

67. The application has been referred to the following units within council:
- (a) Urban Design (External);
 - (b) Urban Design (Internal);
 - (c) ESD advisor;
 - (d) Traffic Engineering Unit;
 - (e) Strategic Transport Unit; and
 - (f) Services and Contracts Unit.
68. The comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

Strategic policy support

70. State and local planning policies are consistent in outlining that the subject land is located in an area where an increased intensity of development is encouraged. The context of the site; within the MUZ, within a MAC and within close proximity to the CBD, creates an excellent opportunity for increased residential densities and higher built form.

The MUZ specifically identifies the purpose of the land as an area where higher residential density developments are anticipated and expected, with growth also specifically directed to occur within the MAC. Further, Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities.

71. The dwellings would provide increased housing opportunities consistent with Clause 11.01 and Clause 16.01-2, which seeks to encourage new housing with good access to services and transport. This outcome is also encouraged by Clause 18.02 of the Scheme. The site has direct access to trams along Brunswick Street and is within proximity to trams along Gertrude Street, Nicholson Street and Victoria Parade. Parliament Train Station is within easy walking distance to the site. The site has excellent access to shops, restaurants, community facilities and supermarkets. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS.
72. The provision of a small office tenancy at ground level, addressing Brunswick Street, with the existing single dwelling maintained in the levels above, retains the existing presentation of the building to Brunswick Street. The design response of creating a clear separation between the original and new development allows the building to retain its existing heritage integration with the Brunswick Street interface. This outcome reflects an existing characteristic in the vicinity, whereby contemporary development is located behind original heritage built form.
73. The site is located in a precinct where taller buildings have, and will continue to; emerge (due to the proximity of St Vincent Hospital and the ACU). The location of the proposed development at the western end of the site integrates the higher built form with these taller interfaces and sits within the strategic context of the existing and proposed multi-level development surrounding it.
74. The application includes an increased density of dwellings while avoiding unreasonable amenity impacts, as will be assessed in detail later in this report. To guide the process of redevelopment and urban renewal of the subject site and surrounding land, a range of built form controls apply to the land. The eleven design principles outlined within *Clause 15.01 Urban Environment* and the *Urban Design Guidelines for Victoria* (2017) will be used to assess the appropriateness of the built form along with *clause 58* (to assess on and off-site amenity impacts).

Built form and design

75. The relevant permit trigger for the development is the MUZ, and the primary considerations for the proposed development are the decision guidelines at clause 32.04-13 of the Scheme. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at *Clause 15.01-2 Urban design principles* and *Clause 21.05 Urban design*.
76. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the context, height and massing, relationship to adjoining buildings, energy efficiency and architectural quality. These matters, and others, will be assessed in turn below.

Context

77. As discussed, the existing character of the surrounding area is varied, with higher built form clearly visible along Brunswick Street and Victoria Parade. The site is surrounded by a 9-storey building to the east, a 7-storey building to the west and an 11-storey building to the south-west. Given the proximity of the site to the CBD, clear views to higher built form further to the south are also evident within this section of Brunswick Street. Images of these view-lines are available within Figures 5, 6 & 7 on the following pages.

78. These taller contemporary buildings are interspersed with low-scale heritage built form, with the majority of the heritage buildings addressing the Brunswick Street interface. As outlined in urban design advice prepared by David Lock Associates on behalf of Council; *'the dynamic between each extreme (transformative change and character retention) is already evident within Brunswick Street, which - where proximate to the subject site – generally comprises taller commercial and institutional built formset back behind 2-3 storey high street walls (including intact heritage fabric);*
79. The proposed development of the site reflects this characteristic, with the existing heritage fabric addressing Brunswick Street retained in the form of the triple-storey building, and the proposed contemporary development clearly separated from this fabric at the rear of the land. The differentiation between the old and new will allow the existing building to maintain its prominence within the streetscape, whilst the modern addition will sit comfortably with the emerging heights to the west. This outcome is demonstrated in Figures 8 & 9 on the following pages.
80. Based on the existing and emerging context of development immediately surrounding the site, the addition of this higher built form is considered to be an acceptable outcome.



Figure 5 – view southward along Brunswick Street

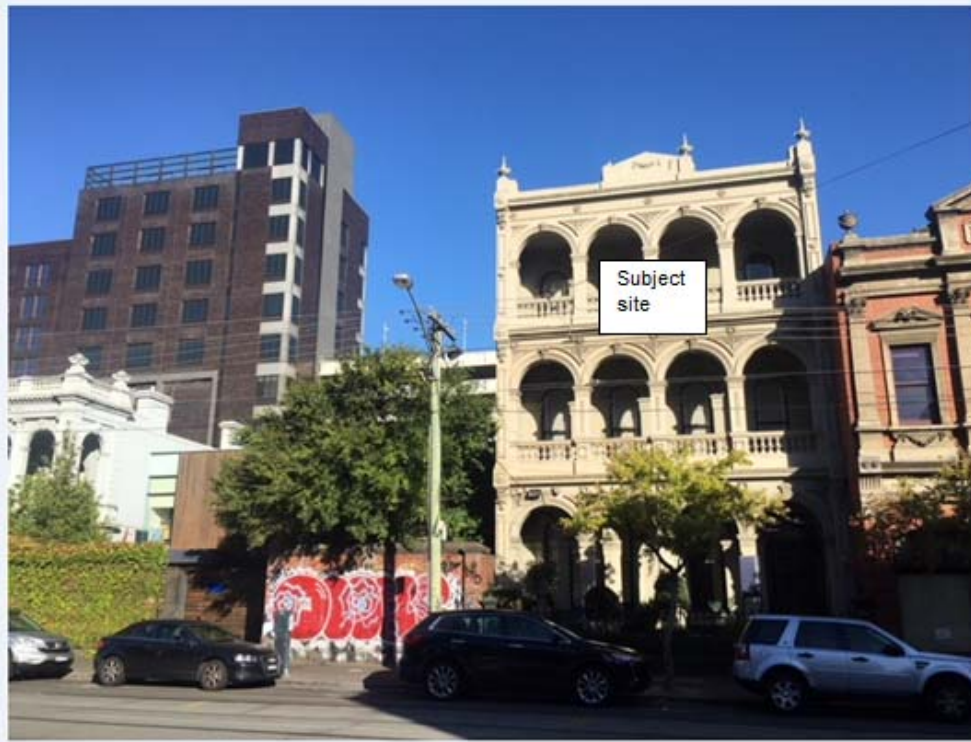


Figure 6 – view to the west



Figure 7 – view to the west, including 7 storey car-park at the rear of the site

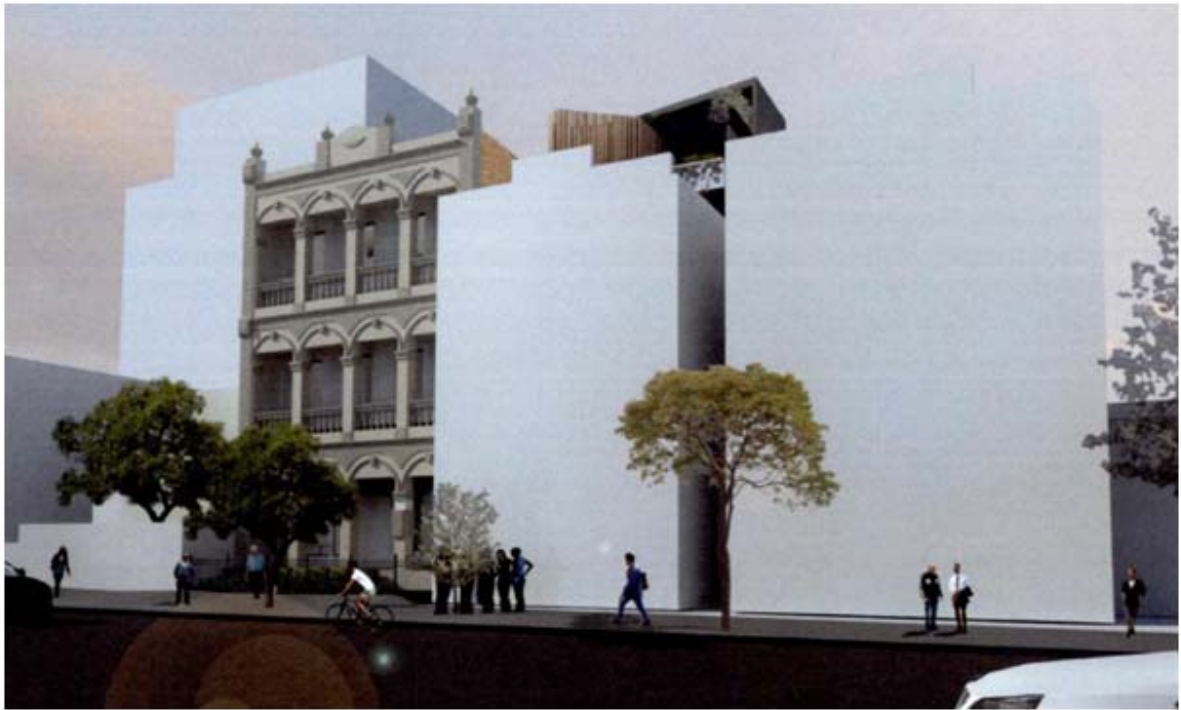


Figure 8 – view from Brunswick Street (looking south-west)



Figure 9 – view from Brunswick Street (looking north-west)

Height, Scale and Massing

81. With no specific built form guidance or height limits associated with the land, it is important for the assessment of building height to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development. A number of these aspects have been discussed previously within this report.

82. With regard to policy direction under the Scheme, *Clause 21.05 Urban Design* contains *Objective 17: to retain Yarra's identity as a low-rise urban form with pockets of higher development*. Strategy 17.2 of this objective relates specifically to development within Activity Centres and reads as follows:
- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - (i) *Significant upper level setbacks*
 - (ii) *Architectural design excellence*
 - (iii) *Best practice environmental sustainability objectives in design and construction*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings*
 - (v) *Positive contribution to the enhancement of the public domain*
 - (vi) *Provision of affordable housing*
83. Based on the policy above, the proposed development must be able to demonstrate these benefits to gain policy support for a height more than six (6) storeys. These will be discussed in turn below.
84. The proposed building is comparable to other developments in proximity to the subject site with regards to height. The overall height is appropriately recessed through setbacks of over 23m to Brunswick Street; given this; it is not considered necessary for the building to incorporate further setbacks. The sight-line diagram at figure 10 clearly demonstrates the separation provided between the existing triple-storey building and the proposed addition, with the siting of the proposed development allowing the existing building to maintain its dominance within the street.
85. Additional setbacks at the upper levels are not considered to achieve any beneficial outcome with regards to the overall design of the building. The design of the existing higher built form surrounding the site adopts a similar approach, with these buildings predominantly provided with sheer walls and no distinct podium/tower elements, based on substantial setbacks from the respective streets.

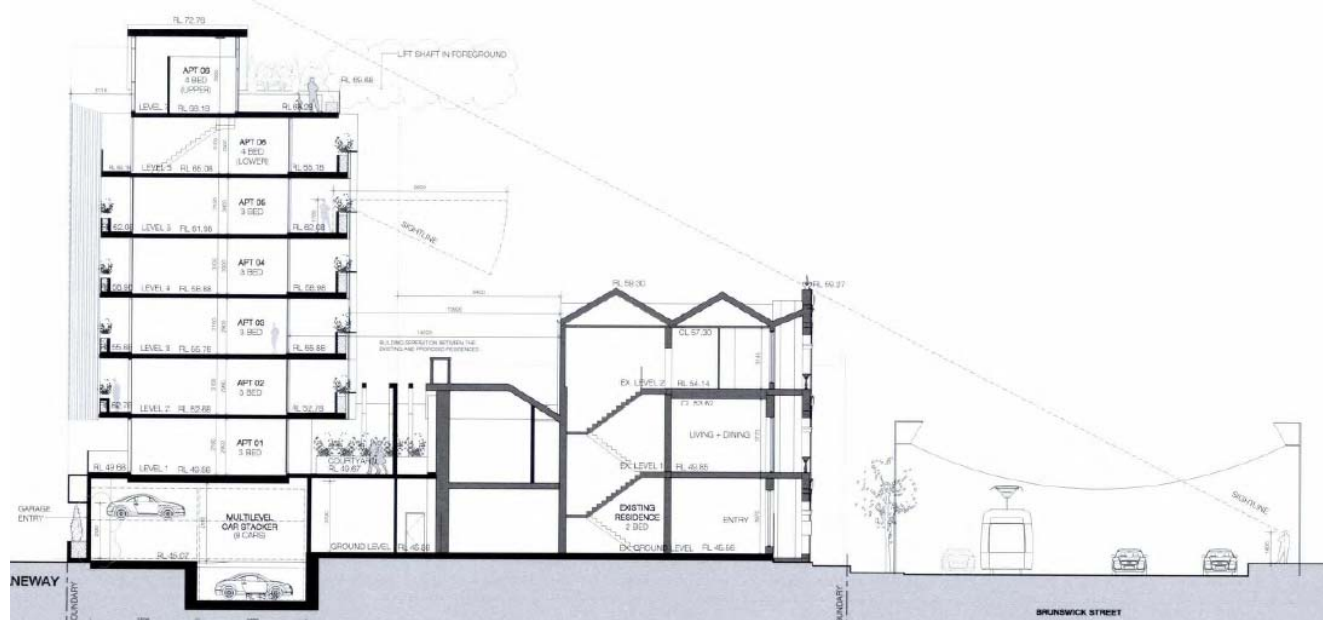


Figure 10 – sightline diagram from the eastern side of Brunswick Street

86. The proposed addition provides a contemporary and high quality architectural outcome, with external Urban Design advice stating *'the pursuit of predominantly 'timber look' vertical batten screening....will introduce a 'tactile' form of materiality into the local area that is currently lacking, and the sloping roof form atop this will provide skyline interest/variation where visible in longer range views'*.

Whilst minor recommendations to the finishes of the north and south walls were recommended (to be discussed in the 'Architectural Quality' section of this report) this advice noted that the proposal *'constitutes an exceptionally high standard outcome that will fit comfortably into the existing and emerging Brunswick Street streetscape'*.

87. Whilst Council's ESD advisor recommended further sustainability measures be incorporated into the design, this can readily be done via conditions of the permit, if one is to issue. A number of ESD commitments, along with the degree of natural daylight and ventilation provided to each apartment, establish a solid base on which to achieve Council's best practise standards for ESD outcomes.
88. The heritage aspect of this proposal will be assessed via a separate planning application process; however it is acknowledged that the development will incorporate restoration works to the heritage façade of the existing building. The reconstruction of original fabric will enhance the character and appearance of the heritage building. This will result in a positive contribution to the enhancement of the public domain and the heritage streetscape.
89. There is no 'affordable' housing specifically proposed as part of this application; however it does provide a mix of two, three and four-bedroom dwellings which would contribute to the provision of mixed housing stock within the Fitzroy area.
90. In light of the policy guidance under Strategy 17.2, the height of the proposed addition is supported, with the criteria outlined above satisfactorily fulfilled. The building is sufficiently set back from the principal streetscape, thereby providing a recessive response that allows the original fabric to maintain its place within the heritage precinct. The proposed height sits comfortably within the existing higher built form to the west and will generally be viewed in the context of the multi-storey car park directly to its rear, with only one level difference between these buildings. The development is considered to provide an acceptable presentation within the surrounding area at the scale proposed.

The Public Realm & Pedestrian spaces

91. The interface of the building to Brunswick Street will not be altered as part of the development; however the provision of an office at ground floor will contribute to surveillance and activation of the street. The existing dwelling also addresses the street, with a first-floor balcony providing a degree of interaction with the public realm.

Landmarks, Views and Vistas

92. It is policy at clause 15.01-2 of the Scheme that important landmarks, views and vistas be protected. The proposed development does not compete with any identified landmarks within the vicinity, with the Fitzroy Town Hall and the Spire of St Marks Church approximately 700m to the north-east of the site. To the south, St Patricks Cathedral is over 300m from the site, with the Royal Exhibition Building approximately 500m to the west.
93. The context of the new built form, being at the rear of the site and directly adjacent to the existing 7-storey car park, ensures that view lines to the north and south along Brunswick Street will not be impacted. This includes views to the CBD. This is an acceptable response to the policy direction under clause 22.03-4 of the Scheme.

Light and Shade

94. Due to the setback of the proposed building from Brunswick Street, the development will result in negligible overshadowing impacts to the public realm throughout the day.
95. The shadow diagrams provided with the application demonstrate that a small section of additional overshadowing will affect the footpath on the western side of Brunswick Street at 3pm.

It is clear however that the existing built form, in the form of the heritage buildings constructed directly to their front boundaries, provide greater shadow impacts to this footpath. This is demonstrated in Figure 11, with the additional shadows limited to the darker hatched area on this footpath.

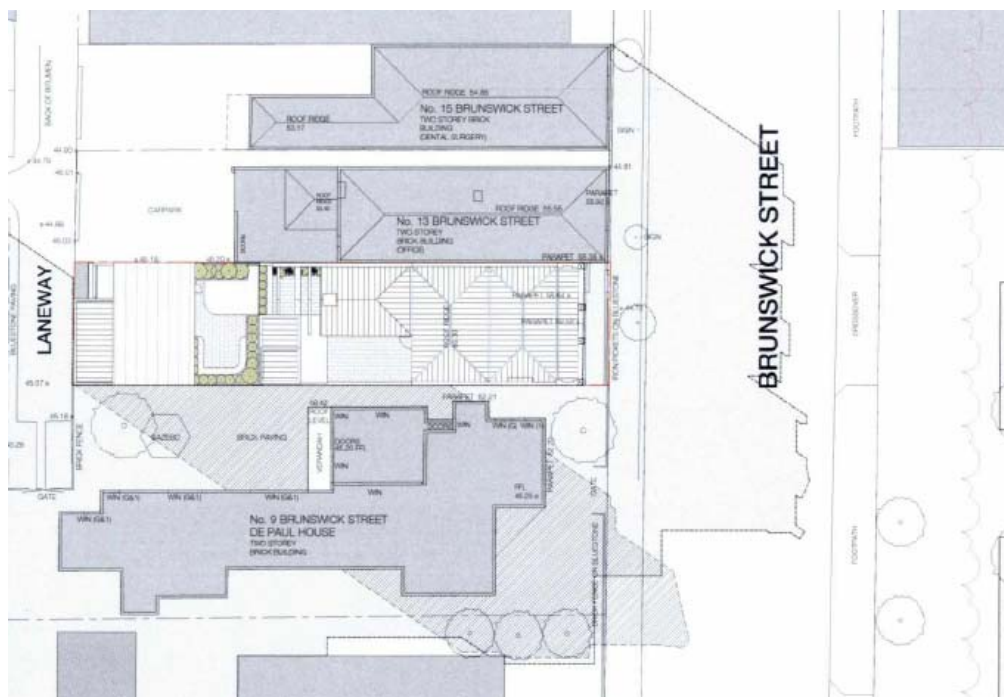


Figure 11 – Proposed 3pm shadows

96. Figure 11 also demonstrates that the development will result in no shadowing of the eastern footpath of Brunswick Street at any time.
97. It is also noted that the proposed shadow diagrams do not differentiate between the existing shadows already cast on the western footpath by the high solid fence along the front boundary of the site to the south (No. 9 Brunswick Street). Additional shadows cast by the development would largely fall within these existing shadows, with a small amount on the road reserve. This outcome is acceptable and unlikely to result in any increased detriment to nearby public space.

Energy and Resource Efficiency

98. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances and through the provision of a rainwater tank to reticulate stormwater in the toilet facilities. As outlined earlier, updated details on the capacity of the rainwater tank, along with the location of the proposed raingarden, will be required via permit conditions, if a planning permit is to issue.
99. The design of the building accommodates window/door openings that will allow for cross-ventilation and good access to natural daylight for the majority of habitable rooms. The majority of apartments are dual-aspect, which results in these favourable outcomes. The only exception to this, as highlighted by the ESD advice, is a potential lack of daylight provided to bedroom 3/study of Units 1-5.

The size of windows to these rooms is unclear. It was recommended that floor to ceiling glazing is provided for these windows, to ensure adequate natural daylight can permeate these habitable spaces. A condition can be placed on a permit to require this design outcome, should a permit be issued.

100. While acknowledging that the above features will contribute to meeting Council's best practise ESD standard, Council's ESD advisor recommended the inclusion of additional features to ensure the building is designed appropriately with regard to energy efficiency. These are outlined below;
- (a) *Consider a solar PV array to contribute to common area electricity consumption;*
 - (b) *Consider electric vehicle charging infrastructure;*
 - (c) *Consider that all timber to be certified by FSC as sustainable;*
 - (d) *Consider recycled concrete component and low embodied energy steel;*
 - (e) *Consider recycled materials in building components such as insulation;*
 - (f) *Recommend providing a composting system for dwellings.*
101. A number of these recommendations are supported and can be facilitated via permit conditions, if one is to issue.
102. It is acknowledged that the degree of roof space associated with the new building may be somewhat limited, which could make it difficult to provide sufficient solar panels as recommended. As an alternative, Council's ESD Advisor suggested that a solar hot water unit could be installed. This option was explored by the Applicant, however given the southern slope of the proposed roof form, the infrastructure associated with constructing a north-facing solar panel was considered to be problematic and highly visible.
103. The only alternative was to construct solar panels on the roof of the existing building. Given the heritage significance of this building, and the fact that the location of panels on this building would limit the capacity to provide energy to the new development, this outcome was not considered practical.
104. The provision of electric vehicle charging infrastructure is not feasible, given the full reliance on stacker units for the car parking spaces. To compensate, electric charging for bicycles could be accommodated in the bicycle storage area. This can be facilitated via a permit condition, should one issue.
105. Beyond these additional ESD features, Council's ESD Advisor acknowledged some mistakes and inconsistencies to the documentation submitted in support of the application. These are outlined below;
- (a) *Low VOC content materials are claimed in the SMP and BESS report as 'Innovative', but in fact they are standard practice form most development in Yarra and across Victoria, and are not considered 'Innovative'. Innovation points in BESS are not valid; please re-issue the BESS report without attempting to claim these points.*
 - (b) *No communal spaces can be identified on the plans. Please update BESS report to be accurate and do not attempt to claim points for Communal Spaces in BESS that do not exist.*
 - (c) *Minimum 6.0 Star average NatHERS Star rating for dwellings. Strongly recommend exceeding the minimum NCC energy efficiency requirements. Consider an average NatHERS Star rating of at least 6.5 Stars;*
 - (d) *Update BESS report with a 'Published', not 'Draft' report.*
106. A permit condition will require an amended BESS report to include these changes, if a planning permit is to issue.
107. Overall, it is considered that subject to the conditions discussed, the proposed development would achieve best practice in environmentally sustainable development in accordance with the overarching objectives under *Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)* and *Clause 22.17 – Environmentally Sustainable Development* of the Scheme.

Site Coverage

108. The proposal will occupy almost 100% of the site area, resulting in a higher level of site coverage from that of the existing conditions. The front setback will be maintained. High site coverage is considered to be appropriate and consistent with the mixed character of the area, which accommodates predominantly hard-edged built form with little or no areas of open space or landscaping. The subject site is one of few sites within this section of Brunswick Street to provide vegetation within its front setback. This will be maintained as part of this proposal.

Architectural Quality

109. It is considered that the proposed development would achieve a high level of architectural quality, with the materials and design response supported by external Urban Design advice received from David Lock Associates. In particular, this advice considers that *'the proposal adopts a clearly contemporary and high quality architectural expression for the contemporary rear insertion that will generally juxtapose with the retained heritage fabric'*.
110. The only alteration recommended by this advice was the replacement of the proposed 'arched textured concrete finish' provided to the north and south elevations of the new development. It is assumed that these designs intend to create a contemporary re-interpretation of the arched façade within the heritage building. As this may *'dilute the distinction between the contemporary insertion and heritage host'*, it was recommended that the arched motifs be replaced with a more horizontal design, still providing articulation to these walls whilst referencing patterns in the surrounding contemporary built form. This alteration can be facilitated via a condition of the planning permit, if one is to issue.
111. Given this change, the proposal would significantly contribute to the surrounding area based on its architectural quality and well perceived design. In addition, a condition can be added to any permit issued requiring the ongoing engagement of Clarke Hopkins Clarke Architects (or an architectural firm to Council's satisfaction) to ensure that the level of architectural quality is maintained.

Clause 58

Standard D1 – Urban context

112. The purpose of this standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area. These aspects have been discussed in detail earlier within this report, with the proposed building considered to be an acceptable response within the existing and emerging character of the neighbourhood.
113. The additional built form responds to the features of the site and the surrounding area, with the development located to the rear of an existing heritage building, with direct interfaces to higher built form. The Standard is met.

Standard D2 – Residential Policies

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

Standard D3 – Dwelling diversity

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

Standard D4 - Infrastructure

116. 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.
117. To confirm this, a preliminary Electrical Site Infrastructure Review was undertaken by Erbas on behalf of the Applicant, with this review concluding (based on the scale of the proposal and maximum service requirement of future dwellings) that it is unlikely an HV substation would be required on-site. The purpose of the Standard is considered to have been met.

Standard D5 – Integration with the street

118. The site would maintain its existing integration with the street, with the original building and front fence maintained and new development located to the rear of the site. The Standard is met.

Standard D6 – Energy efficiency

119. The orientation of the subject site somewhat dictates that proposed dwellings would be orientated to face east or west, with north-facing windows compromising equitable development opportunities within the site to the north. Where possible however, SPOS and principal habitable room windows have been located on the northern side of the site, to maximise sunlight to this space.
120. The layout of each dwelling is considered to provide adequate opportunities for access to daylight and natural ventilation to reduce reliance on artificial heating/cooling, generally in accordance with the requirements of this Standard. Appendix B within the BESS report provided with the application indicates that the average cooling load for the development would be 12.0MJ/M2 per annum, with this meeting the requirement (less than 30) outlined in Table 1 – Cooling load of this Standard.

Standard D7 – Communal open space

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

Standard D8 – Solar access to communal open space

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

Standard D9 – Safety

123. The proposed residential lobby would be clearly visible from Brunswick Street, with the existing entrance maintained as the principal residential entrance. The entrance will not be obscured or isolated from the street.
124. Whilst the rear pedestrian entrance is only available from the ROW, this is a secondary entrance and unlikely to be highly utilised. To increase the safety of this entrance, a condition can be placed on any permit issued specifying that external lighting capable of illuminating access to the car park and rear entrance must be provided within the property boundary.
125. It is considered that the proposed development would achieve a satisfactory outcome against the objective of this Standard.

Standard D10 – Landscaping

126. Landscaping does not play a significant role in the character of the surrounding area. The development will maintain the existing front setback addressing Brunswick Street, with vegetation provided within this space.

127. The new addition will provide planter boxes at each level, thereby softening the built form response. The provision of deep root planting is not required, given the limited size of the site (less than 750sqm). However to ensure that the proposed vegetation and irrigation provided for the planter boxes is acceptable, a landscape plan can be required via a condition of a permit, should one be issued. The Standard is achieved.

Standard D11 – Access

128. The proposed development would be accessed via the rear ROW. There will be no alteration to the Brunswick Street frontage, with the two on-street car parking spaces to remain.
129. Access for service, emergency and delivery vehicles is available. The Standard is met.

Standard D12 – Parking location

130. 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 at the rear of the site. 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.
131. An objective of this Standard is to protect residents from vehicular noise within developments. Two bedrooms associated with Unit 1 will be located directly above the proposed stacking 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.

Standard D13 – Integrated water and stormwater management

132. The application proposes the installation of a 3,000L rainwater collection tank which would be connected to all toilets within the development. The STORM report provided with the application achieves a score of 102%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. Conditions have been incorporated into any permit issued to ensure that all details of the rainwater tank are shown correctly on the plans. On this basis, the Standard will be met.

Standard D14 – Building setbacks

133. As outlined earlier in this report, the height and setbacks of the building are considered to achieve an acceptable design response to the character of the surrounding area. The direct abuttal of the addition to both side boundaries provides opportunities for future development on both adjacent sites, with the setback of the new building from the original building on the site ensuring that reasonable outlooks from the new dwellings will be provided and maintained.
134. 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
135. The laneway separation ensures that views and daylight will not be unreasonably impacted if buildings to the west are to develop further. The Standard will be met.

Standard D15 – Internal views

136. There is limited screening required to new windows or balconies, given the separation between dwellings and the lack of sensitive interfaces on adjoining sites. The existing dwelling at the front of the site is more than 9m from any habitable areas within the new development. The only area of concern is at Level 1; where the terrace of Unit 1 directly abuts the terrace of the existing dwelling. It is not entirely clear how these spaces will be divided, although Section AA at Drawing TP17 indicates that a high wall will separate each terrace. If a planning permit is to issue, clarification of this can be required via a permit condition.
137. Balcony ledges will prevent downward views within the new development. The Standard will be met.

Standard D16 – Noise impacts

138. 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 Victoria Parade. According to VicRoads, Victoria Parade 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.
139. An existing multi-level car park is located directly to the west of the site, with a number of habitable rooms and balconies proposed to address this neighbouring building. The top section of each level of car park is open to the sky; a design which may result in unreasonable noise impacts to the proposed dwellings.
140. 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

141. 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.
142. The plans indicate that Units 1, 2 & 6 will have floor templates which comply with the requirements of *Table D4 – Bathroom Design* under this Standard. Based on the plans, Units 1 & 2 appear to comply with Design Option B of this Table, with Unit 6 based on Design Option A. However, the locations of the toilets within each bathroom do not meet the requirements outlined in these designs. The alterations required to meet the Standard are relatively minor and can be amended via permit conditions, if a planning permit is to issue.
143. Based on changes to the position of the toilets within each accessible bathroom, 50% of new dwellings will meet this Standard.

Standard D18 – Building entry and circulation

144. The proposed residential lobby would be readily visible within views along Brunswick Street and would therefore provide an adequate sense of address and identity for the building.
145. Whilst the internal layout of the building will provide for the safe, functional and efficient movement of residents with full mobility, the existing step at the front of the building does not provide an accessible entrance for residents or visitors with restricted mobility. A secondary entrance has been provided from the rear laneway for this purpose, with an internal ramp providing direct access to the lift. This entrance will be set back 1m from the site's rear boundary.
146. To improve the interface of this entrance with the laneway, external Urban Design advice recommended that either the recess be removed, and the entrance relocated to sit on the boundary, or the roof above the entrance be removed to open it 'clear to the sky'. Given the lack of visibility of this secondary entrance from any adjacent site or street, and the reliance on this entrance to provide potential wheelchair access, the appearance of this entrance is considered secondary to its functionality. Council's Urban Design Unit recommended that this entrance should be further refined to fully comply with the Australian Standards, with an entrance door of 1.8m and minimum passing space of 2m. In this instance it would be more beneficial for the setback and roof cover to be maintained, with the roof cover providing a transitional area with weather protection.
147. Alterations to the rear pedestrian entrance can be required via a condition, should a permit be issued.

Standard D19 – Private open space

148. 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 3 (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4sqm, with convenient access from a living room.
149. Units 1 & 6 will meet this Standard, as will the existing residence, which will have access to a 55sqm terrace directly adjacent to the main habitable rooms at level 1.
150. Unit 1 is provided with a 30sqm balcony, with a dimension of 5.4m, as well as a secondary terrace measuring 6sqm (and depth of 2m).
151. Unit 6 will have access to three balconies, with two of these directly accessible from the living areas at Level 6. These terraces will be 10sqm and 4sqm, with respective depths of 2.4m and 1.45m. A third terrace at Level 7 will also be provided. This terrace will be 48sqm, with a depth of 5.2m, and will be accessed from a stair landing leading up from the living room and adjacent to a bedroom. This will ensure that the Standard is met.
152. Four of the dwellings (Units 2, 3, 4 & 5) require a variation, with primary balconies of 10sqm, being 2sqm less than prescribed under the Standard for three bedroom dwellings. These balconies will have depths of 2.4m and will be directly accessible from living rooms. The four dwellings will have access to secondary balconies of 4sqm with access from dining rooms. Given the minor degree of non-compliance and the provision of a second balcony for each dwelling, a variation to the Standard is considered acceptable.

Standard D20 – Storage

153. Each of the proposed dwellings will have access to a minimum 12 cubic metres of internal storage, and 6 cubic metres of external storage. All of the storage for the 4 bedroom dwelling will be located internally, with a total of 25 cubic metres provided. The Standard will be met.

Standard D21 – Common property

154. 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

155. Site services would be located within the building, adjacent to the bin storage room. This location is acceptable.

Standard D23 – Waste and recycling

156. A Waste Management Plan (WMP) was prepared by Leigh Design (dated 14 July 2017) and referred to Council's Services and Contracts Unit, who considered this document and associated management procedures to be satisfactory.
157. The WMP specifies private collections will be undertaken for both the residential and commercial components, with all waste to be stored internally in a communal waste area and collected from the rear laneway. The WMP confirms that Council is unable to undertake waste collection from this laneway.
158. As noted, Council's ESD Officer recommended the provision of a composting system for dwellings; this has been added as a permit condition. The WMP will require amending to include this provision.
159. 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

Bedrooms

160. This Standard notes that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions. The Standard is met for all dwellings, as follows;
- (a) Units 1 & 2;
 - (i) Master bedrooms – 3m x 3.7m;
 - (ii) Other bedrooms – 3m x 3m;
 - (b) Units 3-5;
 - (i) Master bedrooms – 3m x 3.4m;
 - (ii) Other bedrooms – 3m x 3m;
 - (c) Unit 6;
 - (i) Master bedroom – 3.1m x 4m;
 - (ii) Bedroom 1 – 3.1m x 3.4m;
 - (iii) Bedrooms 2 & 3 – 3m x 3m.

Living areas

161. Living area dimensions also comply with the relevant requirements outlined at Table D8 of this Standard (for a 2 or more-bedroom dwelling), with all dwellings having minimum widths of 3.6m and overall floor areas of 12sqm.

Standard D25 – Room depth

162. The only new single-aspect habitable rooms proposed within each dwelling are the bedrooms. Given these rooms have average depths of 3m; they do not exceed a depth of 2.5m x the ceiling height, ensuring the Standard is met. All main living areas within the new dwellings are dual-aspect; the Standard does not apply to dual-aspect rooms.

163. The existing dwelling will maintain its current living rooms, with a number of these being single aspect, however as no changes are being made to the internal layout of these rooms, this outcome is acceptable. Irrespective of this, these rooms would meet the Standard, with each room having relatively limited depths and good access to natural daylight.

Standard D26 – Windows

164. 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.
165. Whilst a number of principal habitable room windows are located beneath a balcony overhang associated with dwellings above, Council's ESD Advisor confirmed that this outcome was acceptable, given the dual-aspect of these living spaces. Each main living room will have access to both east and west-facing windows. This outcome was considered to be a good response.
166. One recommendation was to provide large windows (floor to ceiling glazing) to each bedroom 3/study of Units 1-5. This has been required via a permit condition. On this basis, the Standard will be met.

Standard D27 – Natural ventilation

167. Appendix 6 to the ESD report indicates that all new dwellings will have breeze paths less than 15m in length, allowing for good natural ventilation. Council ESD Advisor confirmed that given the dual-aspect provided to the new dwellings, cross-ventilation will be excellent. The Standard is met.

Off-site amenity

168. The context of the site, being surrounded by commercial, institutional and other non-residential uses, will ensure that the proposed built form will not result in direct impacts on dwellings. This provides a good opportunity for higher density built form and limits the following discussion surrounding off-site amenity impacts to adjacent sites.
169. It is noted that the site to the south, 'DePaul House', is utilised for short-term accommodation and provides drug and alcohol rehabilitation in conjunction with St Vincent's Hospital. Whilst patients do reside within the building and therefore may be impacted by potential off-site amenity impacts, these impacts would be temporary given the short-term nature of each stay (as opposed to being a permanent resident). It is highlighted that St Vincent's Hospital did not object to this application.

Visual bulk

170. The proposed development would be visible from various points along Brunswick Street; however the additional built form is setback more than 23m from the Brunswick Street footpath. Whilst the development would be clearly visible above the existing building from oblique angles, the setback provided is considered to reduce any 'visual bulk' perceived from Brunswick Street.
171. The transition in height provided by the multi-level car park to the west and the higher built form associated with St Vincent's Hospital provides a reasonable design response with regards to minimising visual bulk.
172. The context of the site ensures that it has no sensitive interfaces with adjoining dwellings, thereby further limiting visual impacts on adjacent sites. An area of open space associated with DePaul House is located directly to the south of the additional built form. Visual impacts to this space will occur.

However, as outlined above, the short-term nature of patients who reside on this site will ensure that no on-going visual impacts will occur. Further, this open space is located directly to the west of the existing 7 storey car park building. Given the existing built form context surrounding this site, and the specialised use of the land, this outcome is considered acceptable.

Daylight to windows

173. The proposed development is not located in proximity to any habitable room windows associated with neighbouring dwellings, although a number of north-facing windows within DePaul House directly address the site. Of these windows, the closest (set back approximately 1m from the shared boundary) are already located directly opposite a triple-storey wall associated with the subject building. This section of wall will not increase substantially as a result of the development, ensuring that any associated impacts are acceptable.
174. Additional ground and first-floor windows are oriented towards the development at the rear of the neighbouring building. These windows are set back approximately 8m from the shared boundary. Given the reasons outlined within paragraph 171, this outcome is acceptable.
175. The only direct residential interface is with the existing dwelling maintained at the front of the site. The 10m to 14m separation provided between the west-facing windows of the existing dwelling and the new addition will ensure that adequate daylight to this dwelling will be maintained.

Overlooking

176. As with above, the lack of residential uses and sensitive interfaces surrounding the site ensures that the development would not result in unreasonable overlooking opportunities to adjacent sites. There are no south-facing windows proposed, therefore overlooking to DePaul House would be reasonably restricted.

Overshadowing

177. Given the context of the surrounding land, there would be limited areas of secluded private open space affected by shadows as a result of the development. Shadows within the area of outdoor space provided to DePaul House would increase, however this space is already largely overshadowed due to the scale of surrounding built form. Again, given the short-term occupancy associated with this use of this site, this outcome is acceptable.

Noise

178. It is considered that the residential facet to the proposal is unlikely to result in unacceptable noise emissions to the nearby commercial properties given the nature of residential use generally not creating significant noise levels. Furthermore, as the dwelling use does not require a planning permit, there is no further control that can be applied in regards to the use of dwellings.
179. The location of services/plant equipment is shown on the roof plant, at Level 7. A condition would require that the noise and emissions from plant equipment must comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).
180. Noise associated with the operation of the office is not anticipated to create unreasonable impacts, given the minor scale of this office and its location within a MUZ.

Car parking, access, traffic and bicycle parking

181. Under the provisions of Clause 52.06-5 of the Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling	1	1 space to each dwelling	1	1
Three or more bedroom dwellings	6	2 spaces to each dwelling	12	7
Residential visitors	7	1 space per 5 dwellings	1	0
Office	30 m ²	3.5 spaces to each 100 m ² of net floor area	1	0
Total			15	8

182. All of the 8 on-site spaces would be designated for residential use, with 2 spaces designated to the 4 bedroom dwelling. The site would therefore have a parking shortfall of five resident spaces, one residential visitor space, and one car space for the office.

Parking Availability

183. A Traffic Engineering Assessment was undertaken by Traffix Group, with this report providing information on parking availability in the area. It noted that on-street parking along Brunswick Street is typically restricted ticketed parking (2P and 4P), with on-street parking along Fitzroy Street to the west generally short-term in duration (1/4P or 2P). Short-term parking is also available along Gertrude Street, to the north.
184. A car parking survey was carried out on Tuesday 6 December, 2016, with the morning (8am) and evening (6.45pm) parking availability assessed. The survey area extended to the north and south along Brunswick Street, and included sections of Gertrude Street to the east and west. A maximum of 150 available on-street car parking spaces were located within this survey area.
185. The survey results concluded that demand for on-street parking in the area is very high, with occupancy ranging between 76%-90%. Whilst the time-based restrictions would ensure a relatively regular turnover of vehicles within these spaces, Council's Traffic Engineers noted that the high parking demand in the area would be a disincentive to visitors or employees to drive to the area. The restricted parking would also discourage residents from owning more than one car, with little, if any, options for long-term parking.
186. To determine whether the on-site provision for the development is acceptable, a detailed car parking demand assessment will be undertaken.

Parking Demand

Residential

187. The existing two-bedroom dwelling will retain one on-site car parking space. This will ensure that the statutory rate for this dwelling is achieved. The remaining 6 dwellings will all have access to at least one on-site space and of these 6 dwellings, the four-bedroom dwelling will have access to two on-site spaces, ensuring that the statutory rate is also achieved for this dwelling.

188. The Traffic Assessment identified the average car ownership rates for apartments in the Fitzroy area from the 2011 Census conducted by the Australian Bureau of Statistics. For three-bedroom dwellings in Fitzroy, it was found that 76% of these dwellings own one car or less. The data therefore suggests that there is a demand to own one car or less for this size of dwelling. The provision of seven spaces for the six three-bedroom dwellings would therefore be consistent with the statistical trend for this size of dwelling to own less than two cars.

Visitors

189. It is noted that peak parking for residential visitors generally occurs on weekday evenings and at weekends. Given the small scale of the development, the parking demand for the residential visitors would be one space as per the statutory requirement.
190. In this instance, it is not considered practical for on-site visitor parking to be provided. The location of the car park and the mechanical nature of the car stacking system reduce the feasibility and likelihood that visitors would use these spaces, particularly as any visitors would be unfamiliar with the operation of the car stacking system.
191. In the context of the surrounding area, the peak demand of one visitor parking space off-site should not be detrimental to existing on-street parking conditions in the area. Visitors would also be aware of the car parking constraints in the area; this would discourage driving for alternative modes of transport.

Office

192. There is no on-site car parking proposed for the office. The office is 30sqm and limited in scale, with this floor area generating a statutory requirement of 1 space. As with the visitor parking, the car parking constraints in the area would discourage driving for alternative modes of transport, with a distinct lack of long-term parking options in the immediate area. It is noted that the existing Art Gallery on the site does not have provision for on-site car parking.

Adequacy of Car Parking

193. From a traffic engineering perspective, the reduction in the car parking requirement for the proposed dwellings and office is considered appropriate in the context of the development and the surrounding area. Council's Engineering Services Unit has no objection to the reduction in the car parking reduction being sought by the proposal, based on the following:
- (a) The site has excellent access to the public transport network. The site is within walking distance of Parliament railway station. Tram services operate along Victoria Parade, Brunswick Street, Gertrude Street, Smith Street, and Nicholson Street, and bus services are also within walking distance from Victoria Parade.
 - (b) The proposal includes secure bicycle parking spaces exceeding rates specified within the Scheme;
 - (c) The site is located within proximity to a number of car share pods, with two within a 200m walk of the site. A further 13 are located within a 500m radius of the site;
 - (d) The site has previously accommodated an art gallery, with no on-site car parking provided for the existing use. The statutory car parking rate attributed to an art gallery is connected to patron numbers (with an art gallery considered to be a Place of Assembly when assessing car parking rates). The statutory car parking rate is 0.3 spaces per patron. Whilst there is no maximum patron numbers attributed to the existing gallery, it would only require 4 patrons to generate the requirement for 1 car parking space.

It is likely that more than 4 patrons would visit the gallery, thereby exceeding the statutory rate of 1 space required by the proposed office space;

- (e) Any short-stay parking deficiencies that were generated by the previous uses could potentially be transferrable to the new development.
- (f) Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which 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;
- (g) The site has excellent pedestrian accessibility to shops, businesses, supermarkets, essential facilities and potential places of education and employment, with pedestrian access easily available to the CBD and additional resources. This accessibility will reduce the dependence on private vehicle ownership by future residents and visitors;
- (h) The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Access and layout

- 194. Council's Traffic Engineering Unit has reviewed the proposed car parking and vehicle access design and is supportive of the arrangements. Vehicle access is provided to the site via a 6.1m wide ROW, which extends along the western boundary of the site. The ROW is connected to Fitzroy Street in the west, via Princes Street.
- 195. Engineering comments considered the incidence of pedestrians using the ROW would be low, with minimal connectivity to pedestrian entrances to surrounding sites available from this interface. This ensures that sight triangles, as required in *Design standard 1 – Accessways* for road frontages, are not required off this ROW. It is acknowledged however that the rear entrance is the only entrance to provide DDA compliant access, and should therefore be safely accessible for people using this entrance.
- 196. The ROW contains an existing pedestrian infrastructure which provides a smooth pavement for pedestrians along the west side of the laneway, then continues along the north side of Princes Street to Fitzroy Street.
- 197. To further improve the link between the rear entrance and the existing asphalt walkway along the western side of the ROW, it is considered reasonable for the Applicant to construct a 1.2m to 1.8m wide smooth bluestone pavement as shown on Figure 12. This can be required via a condition of the permit, if one is to issue.

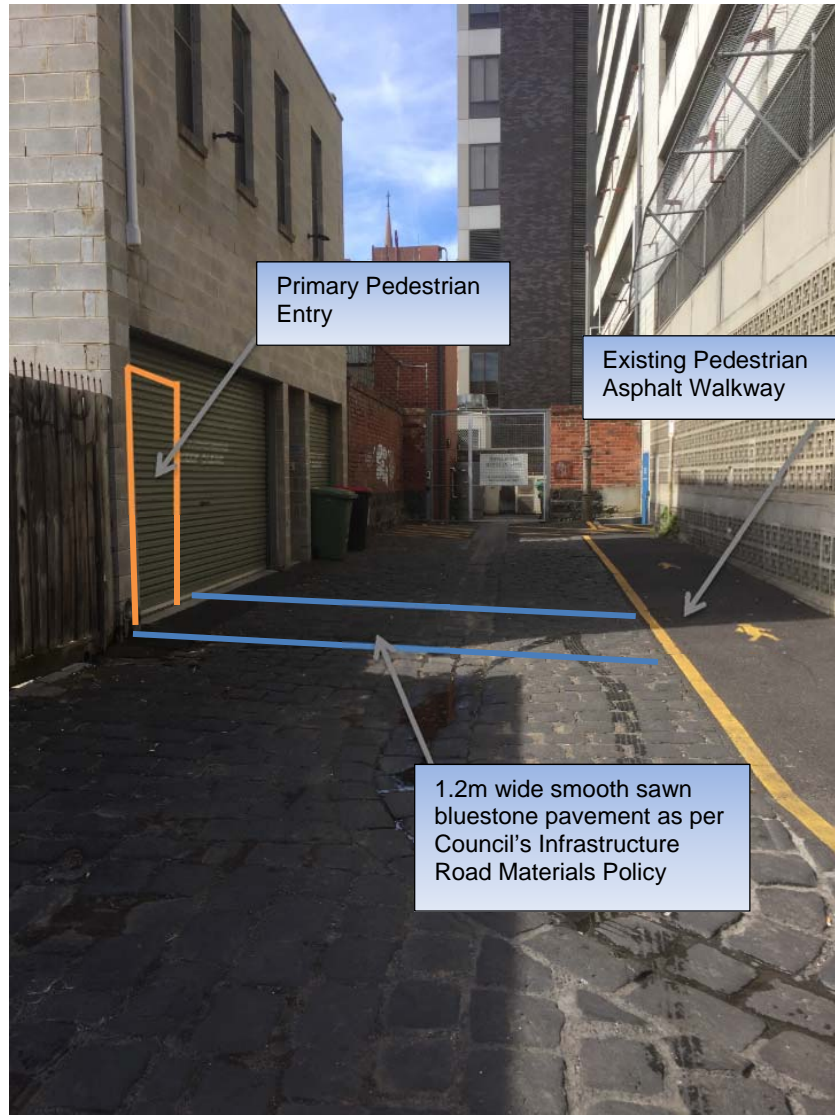


Figure 12 – Proposed footpath on ROW

198. With regards to the mechanical stacking systems, two shuffle car-stacker systems have been proposed in a tandem arrangement; the Hercules Expanderpark and the Klaus Trendavario 4300. Both models require a floor to ceiling height of 3.8m, with a floor to ceiling height of 4.1m provided within the internal garage. This ensures that both stacker models would satisfy the vehicle clearance height requirements in *Design standard 4: Mechanical parking*.
199. Access to the car stacker from the ROW has been assessed as satisfactory, based on swept path diagrams for the B85 design vehicle entering and exiting the stacker platforms. The only condition recommended by Council Engineers regarding the internal garage is that the finished floor levels along the edge of the internal concrete slab must be set 40mm above the edge of the Right of Way. This can be required via a permit condition, if a planning permit is to issue.
200. Council's Traffic Engineers have also recommended the inclusion of a number of conditions which are related to matters such as the re-sheeting of road surfaces in the rear ROW and Princes Street. These conditions are considered to be unreasonable and beyond the scope of this development.

Traffic

201. Traffic counts were undertaken by Traffix Group on Tuesday 6 December, during the morning peak (8-9am) and the evening peak (5-6pm). The results of this survey identified 3 vehicles entering Princes Street (which accesses the site's ROW) during the morning peak, with 1 vehicle entering and 3 vehicles exiting this street during the evening peak. It was assumed that if 10% of the daily traffic along Princes Street occurs during these peak times, approximately 30-40 vehicles access this street throughout the day.
202. To determine the traffic generated by the proposed development, Council's Engineers adopted the following rates:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Dwellings (Allocated with 1 space)	3.0 trips per dwelling per day (six dwellings) Peak hour volume is 10% of daily volume	18	2	2
Residential Dwellings (Allocated with 2 spaces)	4.0 trips per dwelling per day (one dwelling) Peak hour volume is 10% of daily volume	4	1	1
Total		22	3	3

203. Given the low peak hour traffic volumes, the potential for vehicle conflict within the ROW is considered to be remote, with it also considered unlikely that vehicle queuing outside the property boundary would occur.
204. The traffic volumes generated are not unduly high and can be easily accommodated in the surrounding road network. A further benefit of not providing all required 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.

Bicycle parking and facilities

205. As outlined earlier, the development is required to provide a total of 2 bicycle spaces under Clause 52.34 of the Scheme. The development provides ten internal bicycle racks at ground level, within a secure space and with easy access to the entrances at the front and rear of the site. Best-practice requires a rate of 1 resident space to each dwelling and 0.25 visitor spaces to each dwelling, resulting in a recommended minimum of 10 spaces. This best-practice goal has been achieved.
206. Referral comments from Council's Strategic Transport Unit noted that the internal spaces are to be hanging designs (Ned Kelly wall mounted). Pursuant to *Australian Standard AS2890.3*, 20% of bicycle storage spaces should be provided as horizontal spaces. However, it was acknowledged that as the site is somewhat limited with regards to size and development opportunities (based on the original heritage building) and as most of the proposed dwellings appear to be large enough to comfortably fit a bicycle in (accessible via the lift-shaft), this outcome is acceptable.
207. Through the provision of these spaces, the applicant has responded to the objectives under State and Local transport policies geared towards encouraging low energy forms of transport such as clause 15.02-3, 18.02-1, 18.02-2 and 21.06.

Objector concerns

208. The majority of the issues which have been raised by the objectors have been addressed within this report, the following section provides a recap of the issues raised by objectors:

(a) Excessive building height;

- (i) This aspect has been discussed within paragraphs 81 to 90 of this report.
- (b) *Neighbourhood Character;*
 - (i) This aspect has been discussed within paragraphs 77 to 80 of this report.
- (c) *Heritage;*
 - (i) The subject site is included on the Victorian Heritage Register (No. H149). Clause 43.01-2 states that a planning permit is not required *to develop a heritage place which is included on the Victorian Heritage Register*. On this basis, matters of heritage are not relevant and cannot be considered as part of this application. All heritage aspects of the development are assessed by Heritage Victoria under a separate application process. At the time this report was written, Heritage Victoria had not issued a planning permit for this development.

Conclusion

- 209. 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 and council's preference to direct higher density residential development in Activity Centres.
- 210. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant council policies.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0694) for development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling at 11 Brunswick 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 (dated 09/10/17) but amended to include:
 - (a) all boundary dimensions to be consistent with the Title Plan, with no works to occur outside the title boundaries;
 - (b) the location and capacity of the 3,000L rainwater tank and rain-garden (as outlined in the SMP and STORM report) with a notation confirming that the rainwater tank will be connected to toilets within the development;
 - (c) the north-facing windows of bedrooms 3/study of Apartments 1-5 as full height, illustrated via sectional elevations;
 - (d) the 'arched textured patterns' on the north and south elevations of the new building to be replaced with textured horizontal pattern;
 - (e) clarification of how the internal garage will receive adequate ventilation;
 - (f) any alterations to the development required by the updated Sustainable Management Plan at Condition 4;

- (g) any alterations to the development required by the Acoustic Report requested under condition 6;
 - (h) clarification of how internal overlooking will be addressed between the rear terrace of the existing dwelling and Unit 1;
 - (i) the rear pedestrian entrance door increased in width to 1.8m, with an internal minimum passing space of 2m within the rear corridor;
 - (j) floor plans to demonstrate no less than 50% of dwellings to meet the bathroom design requirements under Standard D17 – *Accessibility* under clause 58 of the Yarra Planning Scheme (specifically the location of toilets within each bathroom);
 - (k) the internal garage finished floor levels along the edge of the internal concrete slab to be set 40mm above the edge of the Right of Way.
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. As part of the ongoing consultant team, Clarke Hopkins Clarke Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 4. 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 F2 Design and dated 1 August 2017, but modified to include or show:
 - (a) electric charging system for bicycles;
 - (b) the provision of a composting system;
 - (c) all timber to be certified by FSC as sustainable;
 - (d) the use of recycled concrete component and low embodied energy steel;
 - (e) the use of recycled materials in building components such as insulation;
 - (f) an updated BESS report to include:
 - (i) the removal of the 'Innovation' points in association with the Low VOC content materials;
 - (ii) the removal of the 'Communal Spaces' points;
 - (iii) an average NatHERS Star rating of at least 6.5 Stars;
 - (iv) report as 'Published'.
 5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 6. 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) the car stacker and vehicle entrance door operation on the internal amenity of Unit 1;
 - (b) noise from the multi-level car park to the west and any external mechanical equipment on adjacent sites on the internal amenity of Units 1-6.

7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. 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) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
9. 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.
10. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 14 July 2017, but modified to include:
 - (a) the provision of a composting system.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost, to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity, to the satisfaction of the Responsible Authority.

15. 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.
16. 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.
17. 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.
18. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a 1.2m to 1.8m wide smooth bluestone pavement must be provided from the pedestrian entrance within the western wall to the existing asphalt walkway along the west side of the Right of Way.
20. 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.

21. During the construction:

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

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

23. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

24. 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 application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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

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

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

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

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

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

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

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

Attachments

- 1** PLN17/0694 - 11 Brunswick Street, Fitzroy - UD advice DLA external
- 2** PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments
- 3** PLN17/0694 - 11 Brunswick Street Fitzroy - Strategic Transport Comments
- 4** PLN17/0694 - 11 Brunswick Street, Fitzroy - WMP Referral comments
- 5** PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1
- 6** PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 2
- 7** PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

1.2 18 Clark Street, Richmond - Planning Application No. PLN17/0542 - Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application no. PLN17/0542 at 18 Clark Street, Richmond and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 21.05 – Built Form;
 - (b) Clause 22.05 – Interface Uses Policy;
 - (c) Clause 22.10 – Built Form and Design Policy;
 - (d) Clause 33.01 – Industrial 1 Zone; and
 - (e) Clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification;
 - (b) Built form;
 - (c) On-site amenity;
 - (d) Off-site amenity;
 - (e) Traffic, access, bicycle parking and car parking reductions;
 - (f) Waste management; and
 - (g) Objector concerns.

Objector Concerns

4. Eight (8) objections were received to the application that are summarised as:
 - (a) Out of keeping with neighbourhood character as a result of building height, bulk and lack of setbacks;
 - (b) Overshadowing and overlooking;
 - (c) Inadequate on-site parking and loading areas and traffic impacts on the broader area;
 - (d) Potential conversion of offices into dwellings;
 - (e) Damage to surrounding properties during the construction phase; and
 - (f) Office buildings inappropriate in Industrial 1 zones.

Conclusion

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

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1.2 18 Clark Street, Richmond - Planning Application No. PLN17/0542 - Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.

Trim Record Number: D18/65383

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.
Existing use:	Former warehouse
Applicant:	Alistair Nancarrow – Claire Cousins Architects
Zoning / Overlays:	Industrial 1 Zone / No overlays
Date of Application:	10 July 2017
Application Number:	PLN17/0542

Background

1. The application before Council was lodged on the 10 July 2017. Following the submission of further information, the application was advertised and objections were received.
2. A consultation meeting was held on the 24th October 2017 and was attended by the applicant, objectors and planning officers. At the meeting, the Permit Applicant agreed to consider some screening to the windows. The Permit Applicant has since advised they would like to proceed based on the advertised plans.

Existing Conditions

Subject Site

3. The subject site is located on the western side of Clark Street, between Appleton Street to the north and North Street to the south. The site is rectangular in shape having a frontage to Clark Street of 18.73, a depth of approximately 24.5m with an overall site area of 458.8sqm.



View looking north-west towards subject site from Clark Street (Subject site outlined in black).

4. The site is occupied by a single-storey, industrial building, built to all boundaries. The building is constructed of masonry with a saw-tooth roof form with a large open area used as a warehouse. Vehicle and pedestrian access are provided from Clark Street. This site is zoned Industrial 1 and is not covered by any overlays.



Subject Site outlined in black.

Surrounding Land

5. The area contains a range of businesses including light industry, manufacturing, warehousing and other commercial uses. The area comprises a mix of allotment sizes and building types ranging from industrial to warehouses, office and commercial reflecting the historic industrial nature of the area, including dwellings. The closest dwelling is located approximately 12.4m to the north-west; fronts onto Appleton Street to the north and is zoned Industrial 1 (i.e. no. 60 Appleton Street). Further dwellings are located to the west of this dwelling zoned Industrial 1 and the north-east approximately 25m from the subject site zoned General Residential (Schedule 3).



Subject site identified with a yellow outline

6. To the north of the subject site and extending across the full length of the northern boundary is a double-storey warehouse building of masonry construction. The building is built hard to the street and provides both vehicle and pedestrian access via a crossover to Clark Street.
7. To the west, the subject site has an abuttal with a double-storey building that extends across the full length of the boundary and is addressed to North Street to the south. The building is built hard to North Street and provides under-croft car parking for staff with separate vehicle access into the warehouse through a roller door.
8. To the south are three, double-storey commercial buildings, addressed to North Street that extend to the intersection of Clark and North Street to the east. The buildings are built hard to the street (with the side wall presenting to Clark Street) and are constructed of masonry at the ground floor and galvanised steel at the first floor. Vehicle and pedestrian access is generally provided to North Street, with the exception of a crossover at the north-east corner that provides vehicle access from Clark Street.
9. To the east is Clark Street and opposite that are single and double-storey, commercial buildings. Most of these buildings are built hard to the street with the exception of one building immediately opposite that has an open air, at grade car park accessed from Clark Street in its front setback. The buildings are generally used as offices with some light industrial and warehouse uses.
10. Beyond Clark Street are dwellings located along River Street and the Yarra River approximately 100m to the east. The Victoria Street and Bridge Road Major Activity Centres (MACs) are located 540m and 400m to the north and south, respectively and include a number of commercial uses as well as tram routes. The Victoria Gardens Shopping Centre, forming part of the Victoria Street MAC is located 380m north-west of the subject site.

The Proposal

11. The application proposes to develop the site through the construction of a six-storey office building and a reduction in the car parking requirement. The key elements of the development can be summarised as follows:

Use

12. Overall, the building would provide up to 1,143sq.m. of office floor area across five floors (i.e. first through to the fifth floor). The office would operate from 7.30am to 7.00pm - Monday to Friday with 16 office tenancies.
13. The building would contain the following:

Layout

- (a) The retention of the southern and western on-boundary wall;
- (b) Vehicular access from Clark Street to 21 car spaces, located in a car stacker system at the ground floor, including 16 bicycle spaces also located at the ground floor;
- (c) A lobby, lift and stairwell in the north-east would provide pedestrian and staff access to the offices at the first through to the fifth floors;
- (d) Four office tenancies at the first and second floors, with service amenities and a communal outdoor deck at the first floor to the west of 26sq.m.;
- (e) Three office tenancies at the third and fourth floors with service amenities and outdoor areas to all sides at the third floor equating to a total of 115.3sq.m. of outdoor space;
- (f) Two office tenancies at the fifth floor with service amenities and a communal outdoor area at the north-west corner of 45.6sq.m.;

Building Massing

- (g) A maximum building height of 23m high above the natural ground level to the highest point of the saw-tooth roof form with the building maintaining the on-boundary walls of the existing building to both western and southern boundaries;
- (h) The building would extend to all four boundaries at the first and second floors (with the exception of the setback of 4.58m for a length of 5.92m to the west at the second floor and an outdoor deck at the first floor);
- (i) From the third through to the fifth floors the building would be setback between 1.2m and 5.2m from the northern boundary; setback between 3.5m and 3.7m from the western (rear) boundary; setback 1.4m from the southern boundary; and setback between 3m and 3.49m from the eastern (front) boundary with the exception of decks / communal areas / balconies extending into these setbacks at the third and fifth floors;

Materials and Finishes

- (j) The walls of the ground through to the second floors of the building would be constructed of a combination of concrete panels, with the façade constructed of red masonry emphasised by horizontal framing elements across the first and second floors;
- (k) The third through to the fifth floors of the building would be constructed of red colourbond cladding and would support a saw-tooth roof form;
- (l) The building is articulated by fenestration across the façade, including at the upper levels of the building across the northern, western and eastern sides;

ESD Features

14. The development would incorporate the following ESD commitments:
 - (a) Exceed the minimum NCC energy efficiency standards;
 - (b) A STORM score of 100% that is reliant on 377sq.m. of roof draining to a 3,500 litre tank for toilet flushing and irrigation;
 - (c) Access to natural ventilation and daylight to most office spaces, through the deck areas and balconies / setbacks;
 - (d) A minimum 6 kWp solar PV array to contribute to electricity consumption;
 - (e) 16 bicycle spaces located at the ground floor; and
 - (f) Water efficient fixtures and taps.

Planning Scheme Provisions

Zoning

Clause 33.01 – Industrial 1 Zone

15. Pursuant to Clause 33.01-1 of the Scheme:
 - (a) a planning permit is required for the use of the land for offices subject to the floor area not exceeding that specified in the schedule. In this instance there is none specified, therefore a planning permit is required.
16. Pursuant to Clause 33.01-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.
17. Clause 33.01-4 of the Yarra Planning Scheme exempts an application for buildings and works from the notice requirements of Section 52 of the Planning and Environment Act, 1987 (the Act) if the works are not *within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre*. In this instance the buildings and works component was not exempt as the closest dwelling on land zoned residential (i.e. General Residential – Schedule 3) is approximately 25m to the north-east.

Overlays

18. The site is not covered by any overlays.

Particular Provisions

Clause 52.06 – Car parking

19. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. A permit is required to reduce the number of car parking spaces required under this clause.
20. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.
21. The table below outlines the car parking requirements for the office use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	1,143sq.m. net floor area	3.5 car parking spaces per 100sq.m. of net floor area	40	21	19
Total			40	21	19

22. A total of 21 car spaces are proposed on site, therefore the application seeks a reduction of 19 car spaces.

Clause 52.34 – Bicycle facilities

23. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
24. The table below outlines the bicycle parking requirements for the proposed uses:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	1,143sq.m. net floor area	1 to each 300sq.m. net floor area (if the net floor area exceeds 1000sq.m.)	4	16	Surplus of 11
		1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000sq.m.)	1		

25. As indicated in the table above, the proposal would provide a surplus of 11 bicycle parking spaces above the requirements of this clause.

General Provisions

Clause 65 – Decision Guidelines

26. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 13.04-1 – Noise abatement

27. The objective under this clause is *‘to assist the control of noise effects on sensitive land uses’*.

Clause 15.01-1 – Urban Design

28. 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

29. Policy objective 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’*.

Clause 15.01-4 – Design for safety

30. The objective is *‘to improve community safety and encourage neighbourhood design that makes people feel safe’*. The clause includes several strategies to achieve this objective.

Clause 15.01-5 – Cultural identity and neighbourhood character

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

Clause 15.02-1 – Sustainable development: Energy and resource efficiency

32. The objective is *‘to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’*.

33. The clause has the following strategies:

- (i) *Ensure that buildings and subdivision design improves efficiency in energy use.*
- (ii) *Promote consolidation of urban development and integration of land use and transport.*
- (iii) *Improve efficiency in energy use through greater use of renewable energy.*
- (iv) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03-2 - Aboriginal cultural heritage

34. The objective of this clause is *‘to ensure the protection and conservation of places of Aboriginal cultural heritage significance’*.

35. This clause has the following strategies:

- (a) *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme;*
- (b) *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
- (c) *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

36. Planning must consider as relevant:

- (a) *The Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage;*
- (b) *The findings and recommendations of the Aboriginal Heritage Council;*
- (c) *The findings and recommendations of the Victorian Heritage Council for post - contact Aboriginal heritage places where relevant.*

37. The subject site is located within 200m of the Yarra River as defined in Division 3 of the *Aboriginal Heritage Regulations 2007*. The permit applicant has indicated that the development of this site does not trigger the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Clause 17.01-1 – Business

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

Clause 18.02-2 – Cycling

39. It is an objective *'to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'*.

40. The clause includes several strategies to achieve this objective including requiring the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

Clause 18.02-5 – Car parking

41. The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located.

42. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

43. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

Relevant clauses are as follows:

Clause 21.04-3 – Industry, office and commercial

44. Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base. The objective of this clause is to increase the number and diversity of local employment opportunities.

Clause 21.05-2 – Urban design

45. 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:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-3 – Built form character

46. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
- (a) The general objective of this clause is to maintain and strengthen the identified character of each type of identified built form within Yarra.
 - (i) *Strategy 23.1 - Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*

Non Residential Areas

- (b) *Objective 27 - To improve the interface of development with the street in non-residential areas.*

- (i) *Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes); and*
- (ii) *Strategy 27.2 Require new development to integrate with the public street system.*

Clause 21.05-4 Public environment

47. 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 28.2 Ensure that buildings have a human scale at street level.*
 - (ii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iii) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (iv) *Strategy 28.8 Encourage public art in new development.*

Clause 21.06-3 – The road system and parking

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

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

Clause 21.07 – Environmental sustainability

49. This clause seeks to promote ecologically sustainable development with the following strategies:

- (a) *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 – Neighbourhoods (North Richmond – area north of Bridge Road)

50. Figure 22 – Built Form Character Map under clause 21.08 of the Scheme identifies the subject site as being located in a non-residential area which includes the objective to:

- (a) *Improve the interface of development with the street.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

51. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others). A relevant objective is *'to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity'*.

Clause 22.10 – Built Form and Design Policy

52. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

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

53. The policy has the following objectives:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Encourage environmentally sustainable development.*

Clause 22.16 – Stormwater Management

54. The objectives under this clause are:

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use*
- (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

Clause 22.17 – Environmentally Sustainable Development

55. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this policy.

56. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Advertising

57. The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* (the 'Act') by way of 295 letters sent to surrounding owners and occupiers and one notice displayed on site, at the Clark Street frontage.

58. A total of eight (8) objections were received and the grounds are summarised as follows:
- (a) Out of keeping with neighbourhood character as a result of building height, bulk and lack of setbacks;
 - (b) Overshadowing and overlooking;
 - (c) Inadequate on-site parking and loading areas and traffic impacts on the broader area;
 - (d) Potential conversion of offices into dwellings;
 - (e) Damage to surrounding properties during the construction phase; and
 - (f) Office buildings inappropriate in Industrial 1 zones.
59. A planning consultation meeting was held on the 24th October 2017 and was attended by the applicant, objectors and planning officers. There was no agreement reached at the meeting.

Referrals

External Referrals

60. The application was not required to be referred to any external authorities under the provisions of the Scheme.

Internal Referrals

61. The application was referred to Council's Traffic Engineering Unit, Waste Management and ESD advisor. The comments are generally supportive but with several recommendations for changes. These comments have been included as attachments to this report.
62. The application was also referred to Council's Urban Design Unit who provided comments generally supportive of the development. These comments have been included as an attachment to this report.

OFFICER ASSESSMENT

63. The primary considerations for this application are:

- (a) Strategic justification;
- (b) Land Use;
- (c) Built form;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Traffic, access, bicycle parking and car parking reductions;
- (g) Waste management; and
- (h) Objector concerns.

Strategic justification

64. The subject site is located within an Industrial 1 Zone (IN1Z). The IN1Z has the objective *to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities*.
65. Under the zone, a planning permit is required for buildings and works, office use and reduction in the car parking requirement. In this instance there is strong strategic support for a development of the scale proposed over this site.
66. State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport to ensure efficient use of existing infrastructure.

67. The application proposes the construction of a six storey, office building on land which is currently underutilized in an area that can carry greater built form. The proposal is consistent with the purpose of the industrial zone and strategic intent for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities. In fact, the zone anticipates a much more intense use than an office, but given the site's location within close range to land zoned residential, it is considered that the office use is better suited given that it is of less risk to the amenity of the area.
68. Furthermore whilst not a strategic redevelopment site, the subject site has the characteristics of one whereby strategy 17.2 of Clause 21.05-2 (Urban Design) encourages development to be no more than 5-6 storeys unless as outlined earlier in the LPPF section. The building would be six storeys and hence, compliant with this policy.
69. The site is well connected to public transport infrastructure being in proximity to tram services along Victoria Street and Bridge Road, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*.
70. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clauses 22.05 – *Interface uses* and 22.10 - *Built Form and Design Policy* of the Scheme also outline that consideration must be given to the design of the building and its interface with the surrounding area.

Land Use

71. In accordance with the purpose of the Industrial 1 zone including its decision guidelines at Clause 33.01-2 of the Scheme and the relevant State and Local Planning Policy Provisions, as outlined earlier, the proposed 'office' can be supported given that it:
 - (a) It will help support and broaden the mixed use function and economic viability of this precinct;
 - (b) It will provide employment opportunities as required by Objective 8 at Clause 21.04-3 of the Scheme;
 - (c) It will be surrounded by non-sensitive interfaces and uses that provide an appropriate buffer to other more sensitive land uses i.e. dwellings to the north-west but zoned Industrial 1, and dwellings to the north-east and zoned General Residential further complying with the decision guidelines at Clause 33.01-2;
 - (d) There will be no adverse overlooking opportunities given the proximity of the closest secluded area of private open space to a dwelling zoned Industrial 1 located approximately 12.4m north-west (i.e. outside the 9m radius);
 - (e) It would operate between 7.30am to 7.00pm, Monday to Friday (i.e. within typical commercial hours);
 - (f) Noise generated is expected to be limited to arriving and leaving staff and clients and will otherwise be contained within the site within typical daytime commercial hours. Due to the nature of the use and Industrial 1 zoned land to the north and west of the site that prohibit dwellings, it is expected that it will generate limited noise volumes / impacts and is compliant with policy at Clause 22.05 (Interface Uses policy) of the Scheme; and
 - (g) Generally in accordance with the policy guidelines at Clause 22.05-4.3, rubbish and recycling must be managed to ensure no adverse impact on surrounding land. Therefore, it is necessary that all rubbish is stored on site and concealed from external view, does not spill out onto the street reserves. These requirements will be addressed via standard conditions;
 - (h) Can be connected to readily available services and infrastructure; and
 - (i) Can be supported with regard to the traffic generated and the on-site parking provision as explored in greater detail later in this assessment.

Built form

72. The development requires a planning permit under the provisions of the IN1Z, with the primary considerations being the decision guidelines at clause 33.01-4. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at clauses 15.01-2 - *Urban design principles*; 21.05 - *Urban design* and 22.05 - *Interface uses policy*; 22.10 - *Built form and design policy*.
73. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the height and massing, street setbacks, relationship to adjoining buildings, and existing context.
74. Consideration of the built form and design is assessed under the following headings with regard to the relevant decision guidelines of the IN1Z:

Context

75. The existing character of the surrounding area is predominantly one and two storeys in height with taller built forms interspersed (between three and four storeys i.e. along River Street and the south-west intersection of River and North Streets). Most commercial buildings are built hard to the street with limited, or no setbacks.
76. The direct interfaces to the subject site include hard-edged walls of two-storey commercial buildings to the north, south and west and single-storey commercial buildings on the opposite side of Clark Street. The subject site, together with land surrounding it, is zoned Industrial 1.
77. The subject site includes a single-storey commercial building that will be largely demolished (with the exception of the on-boundary walls to the west and south). While the proposed six-storey building would be taller than buildings immediately interfacing the site and in the broader areas, this is consistent with the strategic direction provided by policy in an area which is generally underutilised and has scope to be further developed with taller built form.
78. Clause 33.01-4 of the Scheme requires *a landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area*. However, surrounding land does not include landscaping and is generally hard edged. The proposal would provide a hard-edged building that is consistent with this character.
79. Given the site's industrial zoning combined with that immediately surrounding it, it is expected that higher built form would take place especially if development is to achieve State and Local strategic policy of increased development and employment opportunities near activity centres and public transport as outlined earlier in this report. While this may be the case, the site's context requires careful consideration with the built form objectives for its presentation, particularly to Clark Street.

Height, scale and massing of the development

80. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.
81. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra's identity as a low-rise urban form with pockets of higher development*.
82. Strategy 17.2 reads as follows:

- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
- (i) *Significant upper level setbacks*
 - (ii) *Architectural design excellence*
 - (iii) *Best practice environmental sustainability objectives in design and construction*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings*
 - (v) *Positive contribution to the enhancement of the public domain*
 - (vi) *Provision of affordable housing*

83. Based on the policy above, the proposed development must be able to demonstrate specific benefits to gain policy support for a height which is more than six (6) storeys. At six storeys, the height for the proposed building can be supported given:

- (a) The proposed building would provide significant upper level setbacks from the third floor through to the fifth floor (between 3m and 3.4m from the eastern boundary) that combined with the side setbacks from both northern and southern boundaries would assist in the building providing an appropriate transition with the adjoining double-storey built forms. The ground floor through to second floor would provide a three-storey podium and would be emphasised by a framing element which responds to the adjacent two-storey buildings;
- (b) The development is considered of high architectural quality and in that regard responds to the design objectives at clause 15.01-2. The contemporary design is appropriate and responds well to this part of Richmond which is seeing growth in employment opportunities and built form;
- (c) Council's ESD advisor has commented that the application largely meets best practise standards for ESD outcomes, and any deficiencies outlined later in this assessment can be addressed by condition; and
- (d) The design detail and overall choice of materials are supported given the varied approach to the façade with the red masonry walls and delineating framing elements and recessive design at the upper levels with walls constructed of colourbond cladding.

84. With the above in mind, the proposal creates a façade that will be six-storeys with recessive upper levels to Clark Street and whilst greater in height than most surrounding buildings, the broader area is seeing substantial change in terms of taller built forms. It is considered that the design has been well considered in relation to its context, by providing a three-storey podium to the street with a wall height to 12.5m and hence an appropriate transition with surrounding two-storey built forms.

85. The three-storey podium would also reduce the development to a human scale when viewed from Clark Street. This is considered to achieve the policy direction under clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which requires developments to provide pedestrian/human scaled designs at street level. It suffices to state that there is no reason to indicate that a three-storey podium effect is unacceptable in this particular instance, where there is policy direction for a more robust design approach and taller building. Council's Urban Designer provided comments of support in relation to the overall building height and the three-storey podium, but recommended a darker framing element to the podium. However a darker colour is unnecessary as the current colour already goes far enough to emphasise the podium.

86. Furthermore, the Tribunal (*Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:

[54] *If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.*

87. The development would be developed to the northern, western and southern boundaries and while taller than adjoining built-forms, these sites are also zoned Industrial 1, and are not sensitive interfaces. Council's Urban Designer recommended that the precast concrete walls on the side boundaries (i.e. to the north and south of the development) that extend above the building heights of surrounding commercial buildings at the second floor should be textured where these are visible to the street to provide some further visual interest. The west-facing wall would be visible from the secluded area of private open space associated with a dwelling and should also be treated. As such, a condition will also address this.
88. Council's Urban Designer also recommended that the northern portion of the roof which is flat and caps the lift and stairwell shaft be redesigned to continue the saw-tooth profile. However, this small portion of flat roof also makes appropriate reference to the surrounding area and therefore is supported in its current form.
89. Overall, and subject to the conditions discussed, it is considered that the development is massed so that it appropriately references its surrounding context. The development would also use materials that include masonry with generous openings to the street and colourbond cladding with framing that are of a good quality. It is also worth highlighting that the subject site and properties within the Industrial 1 Zone are not covered by a Heritage Overlay and therefore the policy direction at clause 21.05 of the Scheme which calls for higher built form outcomes are not as tempered as other sections where a more curtailed approach is required (i.e. properties fronting onto Appleton Street, zoned Industrial 1, but in a Heritage Overlay).

The Public Realm & Pedestrian spaces

90. The opening at the ground floor of the eastern elevation combined with the extensive glazing at the first and second floors and communal areas at the third floor would substantially improve surveillance and activation of Clark Street. This outcome is encouraged as outlined as the policy direction at Clause 22.10-3.4 of the Scheme. The building is also designed with a recessive entry and lobby area at the ground floor that would also improve the level of interaction and pedestrian experience between the subject site and the street providing some weather protection.
91. Another concern raised by Council's Urban Designer related to the number of brick columns in front of the bicycle parking spaces at the ground floor, suggesting that the columns would get in the way of access. However, Council's engineers did not raise this as an issue.

Landmarks, Views and Vistas

92. It is policy at clause 15.01-2 of the Scheme that important landmarks, views and vistas be protected or enhanced, or where appropriate, created by new additions to the built form. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to landmarks.

Light and Shade

93. Due to the west-east orientation of the site the proposed development would result in overshadowing to Clark Street to the east, with most shadows cast over the roofs of adjoining built forms to the west and south. The shadows would extend to the eastern side of Clark Street in the afternoon and within the front setback of a commercial building opposite. This level of overshadowing is acceptable given the surrounding context of hard-edged built form and industrial zoning of land. Further, Clark Street runs north-south and will continue to receive adequate levels of light and solar access. It is also considered that shadowing from the development would not affect the usability of Clark Street.
94. It is also acceptable given that there will be no overshadowing of secluded private open space associated with any dwellings that are located to the north-west, north and north-east. This is because of the sites location, south of these more sensitive areas.

Energy and Resource Efficiency

95. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances; through the provision of a water tank to reticulate stormwater in the toilet facilities and irrigation; installation of solar panels to contribute to energy consumption; and on-site bicycle parking. The design of the building also provides for good access to daylight and ventilation.
96. While outlining that project's commitments, Council's ESD advisor has recommended the following improvements :
- (a) Use of the entire available rooftop space for the provision of solar panels;
 - (b) At least a 70% recycling/reuse of construction and demolition waste;
 - (c) More extensive landscaping and ecological creation through green infrastructure;
 - (d) Provision composting or similar organic waste system;
 - (e) Consider using recycled materials and post-industrial components to the concrete mixes; and
 - (f) Consider energy storage.
97. While these specific points would provide improvements it is considered onerous to require these in light of the fact that the building is already designed to exceed the minimum BCA energy rating requirements as a whole.
98. A condition requiring an amended Sustainable Management Plan (SMP) will be included requiring the Water section that describes a 5,000 litre tank to be amended to reflect that of the plans and STORM report that indicate a 3,500 litre tank or the plans to show a 5,000 litre tank. A further condition will also require the terms used in the Materials section of the SMP to provide a clear commitment to materials with the deletion of the words "wherever possible", "avoided where possible" and "should be" as these terms are ambiguous and vague and not suitable for town planning submission.

Site Coverage

99. The proposal occupies 100% of the site area, resulting in the same level of site coverage as existing conditions.
100. Full site coverage is considered to be appropriate and consistent with the industrial character of the area that accommodates predominantly hard-edged built form with little or no areas of open space or landscaping.

Architectural Quality

101. The development subject to the conditions outlined within this assessment, is considered to be of high architectural quality and in that regard responds to the design objectives of clause 15.01-2 of the Scheme. The contemporary design is appropriate and responds well to this part of Richmond with the design offering a modern built form that revitalises the street frontage by activating with generously sized openings, including upper level communal areas. The development provides articulation and activation through the inclusion of windows / glazing and generous recesses to the entry and lobby area allowing for staff to congregate in and around the building, at the north-east corner.
102. Overall it is considered that the proposed development (subject to conditions) will provide appealing aesthetics and improve the building's interface to the street through an active and transparent frontage and use of good quality materials. A condition will also require the ongoing engagement of Claire Cousins Architects (or an architectural firm to the Council's satisfaction) to ensure that the level of architectural quality is maintained.

On-site amenity

103. In accordance with the design objectives of the On-site Amenity heading outlined in Clause 22.10 of the Scheme, the office building has been designed to include appropriate services for future users. In addition, the design incorporates a generous display of glazing that will provide daylight/solar access to staff. Each floor would be provided with service amenities and accessible to staff with lifts and a stairwell.
104. The proposed design response and site coverage negates the need for any significant landscaping or fencing, which is appropriate within the industrially zoned site context of Clark Street and provides bicycle parking in excess of the requirements at Clause 52.34 of the Scheme. The development would also provide 21 on-site car spaces.

Off-site amenity

105. The policy framework for external amenity considerations is contained within Clauses 22.10-3.8 – *Off-site amenity* and 22.05 - *Interface uses policy*, including Clause 33.01-4 – *Buildings and works* of the Scheme. Clause 22.10-3.8 - *Off-Site Amenity* outlines objectives and decision guidelines for considering whether a development has adequate regard to the site's context and surrounding pattern of development. Following is an assessment of the development against the potential off-site amenity impacts.
106. As previously outlined, the subject site is zoned Industrial 1 as is surrounding land to the north, south and west, including that on the opposite side of Clark Street. The closest land zoned residential is located approximately 16m to the north-east. Dwellings to the north-west and north fronting onto Appleton Street are zoned Industrial 1.
107. The appropriateness of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the site being located on land zoned Industrial 1. With this in mind, the following assessment is provided:

Noise

108. Clause 22.05 – *Interface uses policy* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
109. The proposal is unlikely to result in unacceptable noise emissions given that the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use will be restricted to accepted business operating hours, Monday to Friday only.
110. A condition will also require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).

111. In light of the above it is considered unlikely that the use of the building would result in any unreasonable amenity impacts to the surrounding area, including on residential properties.

Visual bulk and overlooking

112. With the north, west and east interfaces with the subject site being to commercial buildings which are largely built to boundaries, the development would not be subject to unreasonable visual bulk impacts and would not result in unreasonable overlooking. In relation to overlooking, it is an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open space. The proposed development is for an office and does therefore not require any screening. Further, overlooking is tested to within a 9m radius at a 45 degree arc. In this instance, there are no secluded private open spaces within a 9m radius of the subject site with the bulk of the height of the proposed building facing onto roofed areas of adjoining commercial premises to the north, west and south.

Overshadowing

113. As discussed earlier in the report, the proposed development would increase the shadow impact into the public domain to the east only. There is no secluded area of private open space associated with any existing dwelling that would be impacted by the additional shadows cast.
114. The accepted principle in relation to shadowing is at the Equinox (September 22nd). The Permit Applicant's shadow diagrams show an additional impact on the eastern side of Clark Street at 3pm and in part, within the car park of a commercial property on the opposite side. All other shadows would fall over the roofs of adjoining commercial properties to the west and south, without impacting North Street further south. Given these non-sensitive interfaces and limited shadow impacts across Clark Street, the extent of additional shadow is acceptable.

Traffic, access, loading and car parking reductions

115. Clauses 18.02-5 - *Car parking*, 21.06 - *Transport*, and Clause 52.06 - *Car parking*, of the Scheme will be used to frame this car parking assessment for the proposed development.
116. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the requirements of Clause 52.06-6 of the Scheme. A car parking reduction is considered to be justified in this instance based on the above decision guidelines for the following reasons:

Car parking demand

117. Council's Traffic Engineering Unit has indicated that the proposed office would have a car parking provision rate of 1.23 spaces per 100sq.m. and have identified a similar development at No.9-11 Cremorne Street, Cremorne that was approved (i.e. planning permit no. PLN16/0171) with an on-site provision of 0.85sq.m. per 100sq.m. with an office floor area of 2,329sq.m.
118. Council's Traffic Engineering Unit is satisfied with the office parking rate of 1.23 spaces per 100sq.m. for the proposed development (that equates to a requirement of 14 car spaces for 1,143sq.m.) given the site's accessibility to public transport services.

The availability of car parking in the surrounding area

119. A Transport Impact Assessment was prepared by One Mild Grid traffic engineering and this accompanied the original application. On observation, One Mile Grid concluded that there is little spare car parking availability in the surrounding streets.
120. According to One Mile Grid, the proposed onsite car spaces would meet the long term parking demands of the office. Council's Traffic Engineering Unit is also satisfied with these findings and has supported a reduction in the car parking requirement.
The availability of public transport in the locality and convenient access
121. The subject site is well connected to public transport being closely located to the Victoria Street and Bridge Road MACs that include a number of commercial uses as well as tram routes.
122. These public transport services are all in walking distance of the subject site (i.e. 500m) and provide viable transport options. Reducing the rate of car parking provided for an office use based on the surrounding transport options is also generally in line with the policy direction under clause 21.03 – *Vision (Transport)* which states that in the City Of Yarra in 2020, *most people will walk, cycle or use public transport for the journey to work.*

State and Local Policy consideration

123. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not encourage sustainable transport options as outlined in clauses 18.02 and 21.06 of the Scheme.

Traffic and local amenity

124. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion.
125. The findings of the level of traffic generated by the proposed development within the traffic report were reviewed by Council's Engineer who responded favourably.
126. In conclusion, and with the above in mind, the reduction in the car parking requirement being sought is considered appropriate for the following reasons:
- (a) The subject site has good access to public transport facilities with established tram routes, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources particularly along the Victoria Street and Bridge Road MACs.
 - (b) Employee or visitor permits will not be issued for the development, which will encourage employees to use alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with local policy such as Clause 21.06;
 - (c) Pressure on traffic and congestion is not exacerbated through the provision of more car spaces; and
 - (d) The level of traffic associated with the proposed development would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area.

Car park design

127. Clause 52.06-8 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

128. These details, along with the proposed ramp designs have been reviewed by Council's Traffic Engineering Unit who is satisfied with the layout of the car parking area. Council's Engineer has requested that the plans be revised to include the following details / dimensions that will be addressed with a condition:

- (a) The headroom clearance at the entrance of the car park;
- (b) The aisle width from the stacker device to the southern wall;
- (c) The installation of a bollard in the shared area near the accessible parking space;
- (d) Details and specifications of the car stacker device; and
- (e) Grades of the car park area.

129. A further condition will require all of the car spaces to be numbered on the plans for clarity.

130. Overall, the proposed reduction in car parking numbers and design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Traffic Engineering Unit.

Bicycle parking

131. The development would provide bicycle parking that exceeds the requirements of the Scheme. Council's ESD advisor is also supportive of this.

Waste management

132. The Waste Management Plan (WMP) has been reviewed by Council's Waste Management Unit who has provided comments of support.

Objector concerns

133. Objector concerns have been addressed within the body of this report. The following section provides a summary of the assessed outcomes discussed earlier:

Out of keeping with neighbourhood character as a result of building height, bulk and lack of setbacks;

- (a) The height, bulk and setbacks of the proposed building have been assessed as an appropriate response to the context of the subject site (discussed at paragraphs 80-89).

Overshadowing and overlooking

- (b) Overshadowing has been addressed at paragraphs 113 to 114 and overlooking has been discussed at paragraph 112.

Inadequate on-site parking and loading areas and traffic impacts on the broader area

- (c) Issues relating to car parking have been assessed earlier in this report under paragraphs 115 to 130 and found to achieve an acceptable outcome. There is no requirement under the Scheme for the provision of a loading bay onsite.

Potential conversion of offices into dwellings

- (d) The zoning of the land prohibits accommodation / dwellings.

Damage to surrounding properties during the construction phase

- (e) This is considered during the building permit stage and is not a planning consideration.

Office buildings inappropriate in Industrial 1 zones.

- (f) The zoning of the land does not prohibit the office use and is considered to be responsive to the decision guidelines of the zone as discussed at paragraph 71.

Conclusion

134. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the zoning of the land and relevant Particular Provisions under the Yarra Planning Scheme as outlined in the above assessment and should therefore be approved, subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0542 for the use and development of the land for the construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme at 18 Clark Street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans received by Council on 10 July 2017 but modified to show:
 - (a) a textured finish to the exposed walls at the second floor of the northern, western and southern elevations;
 - (b) the headroom clearance, grades and aisle widths of the car park, including the provision of a bollard near the accessible car parking space;
 - (c) all 21 car parking spaces numbered;
 - (d) floor plans to show only one vehicle crossover (ie. southern-most);
 - (e) wall and overall heights to be shown from ground level;
 - (f) location and correct water tank size (as required by condition 3); and
 - (g) details and specifications of the car stacker device.
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 NJM design Consulting Engineers date 27 June 2017, but modified to include or show:
 - (a) the "Water" section that describes a 5,000 litre tank to be amended to reflect that of the plans and STORM report that indicate a 3,500 litre tank or vice versa; and
 - (b) the "Materials" section of the SMP to provide a clear commitment to materials with the deletion of the words "wherever possible", "avoided where possible" and "should be".

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.

Use

6. Except with the prior written consent of the Responsible Authority, the office authorised by this permit may only operate between the hours of Monday to Friday - 7.30am to 7.00pm.
7. The amenity of the area must not be detrimentally affected by the shop or office 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.

8. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

Road Infrastructure

9. 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.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including re-sheeting of the footpath for the entire width of the property:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car parking

13. 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.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.

Lighting

15. 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 and internal laneway must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.

General

16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
18. As part of the ongoing progress and development of the site, Claire Cousins Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
19. 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.
20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. 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.

22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. 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.
24. 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

25. Before the use and 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

26. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;
- (c) the "office" use is not commenced within five years of the date of this permit.

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

Notes:

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

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.

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

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

Attachments

- 1 Site location map - 18 Clark Street, Richmond
- 2 Site context, Materials schedule, Proposed ground, first, second and third floor plans.
- 3 Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.
- 4 Urban Design comments
- 5 Engineering comments
- 6 ESD Referral comments

1.3 21 Mollison Street Abbotsford - Planning Permit Application PLN16/0046 - Development of the land for alterations to the existing dwelling, including a first and second floor addition.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 21 Mollison Street Abbotsford, which seeks approval for the development of the site for alterations to the existing dwelling, including a first and second floor addition. The report recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01-1 – Urban design;
 - (b) Clause 21.05 – Built form;
 - (c) Clause 22.07 – Development Abutting Laneways;
 - (d) Clause 22.10 – Built form and design policy;
 - (e) Clause 22.13 – Residential Built Form Policy;
 - (f) Clause 32.08 – General Residential Zone (Schedule 2); and
 - (g) Clause 54 – Rescode.

Key Issues

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

Objector Concerns

4. Seven (7) objections were received to the application, these can be summarised as:
 - (a) Proposed design, including the materials are not appropriate with regards to the existing neighbourhood character;
 - (b) Over development of the site (height, site coverage, lack of setbacks);
 - (c) Amenity impacts (visual bulk, daylight to habitable room windows, overshadowing and overlooking);
 - (d) Inaccuracies on plans; and
 - (e) Inappropriate location of plant equipment.

Conclusion

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

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1.3 21 Mollison Street Abbotsford - Planning Permit Application PLN16/0046 - Development of the land for alterations to the existing dwelling, including a first and second floor addition.

Trim Record Number: D18/61941

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Development of the land for alterations to the existing dwelling, including a first and second floor extension.
Existing use:	Dwelling
Applicant:	Justin Malkiewicz
Zoning / Overlays:	General Residential Zone (Schedule 2)
Date of Application:	25 January 2016
Application Number:	PLN16/0046

Planning History

1. Planning Permit PL09/0116 was issued by Council on 17 April 2009 for the development of the land for the purpose of the construction of a new boundary fence, pedestrian gate and deck.

Background

2. The application was received by Council on 25 January 2016, with additional information received on 24 June 2016, 07 September 2016, 11 November 2016 and 13 December 2016. The application was advertised on 19 December 2016, with nine (9) objections received.

Section 57A Plans

3. In response to the concerns raised by Council and objectors, the Applicant submitted revised plans under the Section 57(A) of the *Planning and Environment Act* 1987 (the Act) on 30 October 2017, with further information provided on 05 December 2017. The amended plans incorporated the following changes:
 - (a) Provision of a site survey plan to eliminate inaccuracies which appeared on the previously advised plans;
 - (b) Provision of a 1,500Ltr rainwater tank within the southern setback at ground floor;
 - (c) No changes to the existing paving and landscaping within the eastern and southern setbacks or installation of plant equipment within the south-eastern corner of the site as previously proposed;
 - (d) The wall associated with the stairs at first and second floors setback 0.45m from the front (northern) boundary (previously the majority proposed to be built to the boundary);
 - (e) The eastern (side) setback of the second floor reduced from 4m to 3.6m;
 - (f) The southern (rear) setback of the first floor, amended to 1.78m - 3.88m (previously between 1.4m - 2.3m), with the proposed wall along the western boundary reduced from 8.5m to 7m in length;
 - (g) Rear setback of the second floor amended to a minimum of 3m (previously 1.4m), with the proposed wall along the western boundary reduced to match the first floor;
 - (h) Internal layout of the first floor altered to increase the area of the living room, the void near the stairs relocated further north-east, near the terrace and inclusion of planter boxes along the northern and eastern boundaries;
 - (i) Internal layout of the second floor reconfigured, and the walk-in-robe deleted;
 - (j) Window fenestrations on all façades and skylights altered in size; and
 - (k) Materials and finishes changed from Alucobond painted masonry and metal cladding (charcoal/light grey) to Metal screening (white).

4. The amended plans were advertised to the abutting dwellings and all objectors on 15 December 2017.
5. A planning consultation meeting was held on 13 February 2018, attended by the applicant, owners, objectors and Council officers.
6. Subsequent to the consultation meeting, two objections were withdrawn with the number of objections reduced from nine (9) to seven (7).
7. On this basis, the assessment of the application will be based on the amended plans lodged on 05 December 2017.

Amendment VC110

8. Amendment VC110 was gazetted on 27 March 2017, and varies the provisions of the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ), Residential Growth Zone (RGZ) and Mixed Use Zone (MUZ). More relevantly to this site which is in a GRZ, the amendment includes the following:
 - (a) A mandatory minimum garden area requirement for lots greater than 400sqm and above, ranging from between 25 to 35 percent of lot area; and
 - (b) The maximum height and the maximum number of storeys of a building used for the purpose of a dwelling must not exceed 11 metres or three-storeys, with potential to exceed this height in particular circumstances. However the Schedule to the zone states a maximum height of 9m.
9. The subject site is only 113sqm in area; therefore the minimum garden area requirement does not apply.
10. Whilst the proposal is three-storeys, meeting the mandatory number of storeys, it does not meet the maximum height. Due to the topography of the land, the proposed development will have a varied height between 10.34m to a maximum height of 10.45m above natural ground level (NGL).
11. Pursuant to *Clause 32.08-14* of the Yarra Planning Scheme (the Scheme), the maximum building height requirements of *Clause 32.08-9* of the Scheme introduced by Amendment VC110 do not apply to *a planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110*. Even though the application was lodged prior to 27 March 2017, i.e. on 25 January 2016, the amended plans under a S57A of the Act were lodged on 05 December 2017 which is after the gazetted date. Therefore, transitional provisions do not apply to this application.
12. However, *Clause 32.08-8 (Maximum building height requirement for a dwelling or residential building)* of the Scheme provides a number of scenarios where a site can exceed the applicable maximum building height. The Schedule to the GRZ (Schedule 2) provides the exemption applicable to this particular site as the schedule to the zone overrides the exemptions outlined in *Clause 32.08-8* of the Scheme. Pursuant to *3.0 of Schedule 2 to Clause 32.08 General Residential Zone* (relevantly):
 - (a) *A building used as a dwelling or residential building must not exceed the height of 9 metres. This does not apply to:*
 - (i) *An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.*

13. Given the overall height of the immediately adjacent site to the west (No. 21A Mollison Street) which faces the same street as the subject site is 11.44m above NGL, the proposed height of 10.45m is acceptable. However, to the east of the subject site, across Little Charles Street is a double-storey building with a maximum height of 7.1m above NGL, facing the same street.
14. The Applicant sought legal advice from Best Hooper regarding the definition of 'immediately adjacent' and was provided to Council on 24 June 2016. The legal advice outlines that the interpretation of these two words need to be defined separately, stating that:
 - (a) *Pursuant to the Macquarie Dictionary, sixth edition, the words "immediately adjacent" are individually defined as:*
 - (i) *'Immediately': 1. without lapse of time, or without delay; instantly; at once. 2. without intervening medium or agent; concerning or affective directly. 3. With no object or space intervening. 4. Closely: immediately in the vicinity. —conj. 5. Immediately that; the moment that; as soon as.*
 - (ii) *'Adjacent': lying near, close, or contiguous; adjoining; neighbouring; a field adjacent to the main road.*
15. The legal advice provided goes on to state the following:
 - (a) *In our opinion, the most relevant definition for "Immediately" in this context is "2. Without intervening medium or agent; concerning or affective directly. 3. With no object or space intervening". In our view, the presence of the road in between the review site and No. 23 Mollison would be characterised as both "an intervening medium or agent" and "space intervening".*
 - (b) *Whilst the definition of "Adjacent" does include the words "or contagious", the balance of the words used to define the term, favour, in our view, an outcome that is more flexible than the word "immediately".*
 - (c) *The word "Adjacent" on its own, without the use of the word "immediately", may give rise to an argument that No. 23 Mollison Street is adjacent to the review site given it enables a more flexible interpretation (i.e. "close), however, the imposition of the word "immediately" to the exemption which is purposefully included, in our view, makes it clear that the intention and effect of the words read together is that the exemption relates to consideration of buildings which face the same street and share a title boundary. To interpret the exemption any other way, would render the inclusion of the word "immediately" superfluous and without purpose.*
16. In summary, between the two different words, 'immediately' is the more flexible term which relates to, in this context, having no 'intervening medium' or 'with no object or space'. The inclusion of 'immediately' in front of 'adjacent' in the provision makes it clear that the intent is to apply this mandatory height requirement to sites that face the same street and share a title boundary. Therefore, given that the double-storey dwelling at No. 23 Mollison Street is separated from the subject site by Little Charles Street, the height of this dwelling cannot be considered when imposing the mandatory height requirement of the zone.

Amendment VC142

17. Amendment VC142 was gazetted on 16 January 2018 and changes the Victorian Planning Provisions (VPP) and all Planning Schemes in Victoria by removing excessive provisions and permit requirements, clarification of unclear provisions, updated planning provisions and use of contemporary land use terms. This amendment does not impact this application.

Existing Conditions

Subject Site

18. The subject site is located on the southern side of Mollison Street, at the intersection with Little Charles Street, in Abbotsford. Nicholson Street is approximately 66m to the east, Hoddle Street approximately 300m to the west, and Victoria Street approximately 280m to the north of the site.
19. The site has a frontage of 10.73m to Mollison Street and a maximum depth of approximately 11m, constituting an overall area of approximately 113sqm. The eastern boundary abuts a 5m wide laneway known as Little Charles Street.



20. The site is occupied by a single-storey, red-brick building constructed along a section of the northern (front) and western boundaries, with the exception of a 1.7m to 2.59m setback from the southern (rear) boundary and a setback between 1.7m to 2.6 from the eastern boundary, including a splay in the north-eastern corner. Secluded private open space (SPOS) is located within the rear setback. The southern boundary consists of 2.9m to 3.9m high boundary fencing. The existing dwelling has a height of 4.5m above NGL.
21. The dwelling consists of two bedrooms, a bathroom and an open plan dining/kitchen area. Access to the SPOS is provided from one of the bedrooms and via the eastern setback.
22. There is no on-site car parking available.
23. The land slopes downward from west to east.
24. There are no restrictive covenants or easements listed on the title provided.

Surrounding Land

25. The surrounding neighbourhood is largely residential, with a mixture of single to triple-storey dwellings, and an increasing number of contemporary developments. Industrial and commercial uses are found further east and west of the subject site. While building types vary substantially between the northern and southern sides of Mollison Street, high site coverage and the construction of walls on boundary are common elements, with the majority of buildings being constructed on or in close proximity to at least one side boundary. A number of these dwellings on the southern side of Mollison Street are built abutting their boundaries, with smaller front setbacks. Whereas the northern side of Mollison Street consists of Victorian-era dwellings with setbacks of approximately 3m from their front title boundary to accommodate small front gardens.

Areas of secluded private open space (SPOS) are predominantly located to the rear of these dwellings at ground floor or within roof terraces.



North

26. To the north of the subject site and across Mollison Street, are a number of Victorian-era, single-storey dwellings; some with first or second-storey additions. A part two and three-storey apartment building containing 78 dwellings is located further north-east of the subject site, at the corner of Mollison and Nicholson Streets.

South

27. Abutting the subject site to the south are two, single-storey dwellings; Nos. 270 and 272 Langridge Street, Abbotsford.

No. 270 Langridge Street (South-west)

28. This is a single-storey, weatherboard dwelling, fronting Langridge Street. The dwelling is setback between 1.62m to 3.16m from the northern boundary; i.e. the common boundary shared with the subject site to accommodate a verandah and their principal SPOS.

No. 272 Langridge Street (South-east)

29. Similar to No. 270 Langridge Street, this is a single-storey, weatherboard dwelling, setback between 1.55m to 2.44m from the common boundary shared with the subject site to accommodate a verandah and their principal SPOS. Two north-facing windows associated with the bathroom and laundry face the subject site.

East

30. To the east of the subject site and across Little Charles Street is a double-storey warehouse conversion. This building is built to all title boundaries, with one of the dwellings being directly opposite the subject site. This dwelling has a west-facing, window associated with the powder-room/laundry and a double carport/covered courtyard facing the subject site at ground floor. At first floor, the dwelling consists of one west-facing bathroom window, one bedroom window and a rooftop deck facing the subject site.

West

31. Abutting the subject site to the west are No. 21A Mollison Street and No. 268 Langridge Street; a three-storey warehouse conversion with two dwellings, approved under Planning Permit PL08/0735 issued by Council on 21 November 2008. The western boundary of the subject site directly abuts No. 21A Mollison Street, with less than 0.3m of this boundary abutting No. 268 Langridge Street. No. 21A Mollison Street (the northern dwelling), has a 9.46m to 11.44m high street wall and is built to the majority of the boundaries at all floors, with the exception of a 2.56m setback from the common boundary shared with the subject site, which accommodates a ground floor courtyard for each dwelling. The first floor is setback 3.25m from the street wall to accommodate a balcony. At second floor No. 21A Mollison Street is setback 2.6m from the street wall and setback 2.79m from the eastern boundary to accommodate a balcony which wraps around the front portion of the dwelling. A number of east-facing, habitable room windows of No. 21A Mollison Street face the subject site.
32. Further west of No. 21A Mollison Street, at the corner of Mollison and Charles Street, is a triple-storey building containing 10 dwellings.

The Proposal

33. The proposed double-storey extension above the existing dwelling will have a rectangular form with a flat roof. The materials proposed are a mix of metal screening, rendered and exposed brick. The extension will have a maximum height of 10.45m above NGL. Details of the proposed extension are as follows:

Demolition (no permit required)

- (a) Demolition of the existing roof, and a number of windows at ground floor; and
- (b) Internal alterations.

Construction

- (c) Ground floor will continue to contain two bedrooms, a bathroom and an open plan dining/kitchen area. The ground floor will continue to have 36sqm of private open space (POS) located within the eastern and southern setbacks, including a 1,500L water-tank located to the rear of the site. Access for pedestrians will remain from Mollison Street;
 - (d) First floor will consist of a laundry, WC, a living room with access to a 24sqm, north-facing terrace. The terrace at first floor cantilevers 0.45m over the front portion of the ground floor and the eastern wall of the first floor cantilevers 0.4m over the ground floor; and
 - (e) Second floor will consist of a study, the master bedroom and ensuite.
34. There will be no changes to the existing setbacks and extent of walls on boundaries of the existing ground floor, aside from replacing the east-facing bedroom windows and south-facing bathroom windows with wall. The double-storey extension above the existing ground floor is constructed to the western boundary at both levels for a length of 7m and at an overall height of 10.45m above NGL. The first and second floors are setback between 1.78m to 3.38m from the rear boundary and setback between 1.36m to 3.6m from the eastern boundary. The wall associated with the stairs at first floor will be setback 0.45m from the front boundary, with the terrace being built abutting the northern boundary for a length of 6.4m. The second floor will be setback 0.45m from the front boundary, with the exception of a window shroud of the master bedroom, abutting the northern boundary.

Planning Scheme Provisions

Zoning

Clause 32.08 General Residential Zone (Schedule 2)

35. Pursuant to *Clause 32.08-5* of the Scheme, a planning permit is required to extend one dwelling on a lot less than 300sqm. As the subject site is approximately 113sqm, a planning permit is required. A development must meet the requirements of *Clause 54*.
36. As highlighted earlier in the report, the proposal complies with the mandatory requirements of the zone as the development is for a three-storey extension on a site less than 400sqm, with a maximum height of 10.45m; meeting the exemptions outlined in 3.0 of Schedule 2 of the zone.

Overlays

37. None.

Particular Provisions

Clause 54 One Dwelling on a lot

38. Pursuant to *Clause 54* of the Scheme the provisions apply for an extension of a dwelling on a lot in a General Residential Zone.

General Provisions

Clause 65 Decision guidelines

39. 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

40. 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

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

Clause 15.01-4 – Design for safety

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

Clause 15.01-5 Cultural identity and neighbourhood character

43. The objective of this clause is:

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

Clause 15.02-1 Energy and resource efficiency

44. The objective of this clause is:

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

Clause 16.01-4 – Housing diversity

45. The objective of this clause is:

- (a) *To provide for a range of housing types to meet increasingly diverse needs.*

Clause 18.02-1 – Sustainable personal transport

46. The objective of this clause is:

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

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

47. The MSS provides a broad demographic summary of the municipality and is structured into 4 main themes; land use, built form, transport and sustainability.

48. In relation to housing, Yarra has a higher percentage of flats and units 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.

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

49. 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;*

Clause 21.05 – Built form

Clause 21.05-2 Urban Design

50. 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 18.1 Encourage the re-establishment of streets and laneways through new development sites where such links were part of the historic street pattern, except where this will cause detrimental traffic impacts.*
- (d) *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.*
 - (iii) *Strategy 20.4 Apply the Built Form and Design policy at Clause 22.10.*
- (e) *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

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

- (a) *Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*
 - (i) *Strategy 23.1 Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*
- (b) *Objective 24 To maintain and reinforce preferred character.*
 - (i) *Strategy 24.1 Apply the Residential Built Form policy at Clause 22.13.*

Clause 21.07 Environmental Sustainability

52. The relevant objective and strategies 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.*

- (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

Clause 21.08-1 Abbotsford

53. The neighbourhood character statement for this area states:
- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*
54. The map at Figure 6: Built-form character Map: Abbotsford shows that the subject site is located in an 'Inner Suburban – Urban Residential Mix' area. The strategy for this area is:
- (a) *Maintain the hard urban edge of development along main roads.*
- (b) *Reflect the fine grain of the subdivision pattern in building design where this exists along main roads.*

Relevant Local Policies

Clause 22.10 - Built form and design policy

55. This policy applies to all new development not included in a heritage overlay. The relevant objectives of this policy are:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*
56. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The relevant design objectives and guidelines relate to:
- (a) *Urban form and character;*
- (b) *Setbacks and building heights;*
- (c) *Street and public space quality; and*
- (d) *Environmental sustainability.*

Clause 22.13 - Residential Built Form Policy

57. This policy includes design responses which relate to the built form character types at *Clause 21.08* of the Scheme. The subject site is within an “Inner Suburban – Urban Residential Mix”, area described as “*built form dominated residential areas with mostly no front and side setbacks*”. This policy encourages the following design responses for developments within “Urban Residential” areas:

- (a) *Maintain the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets).*
- (b) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
- (c) *Orient buildings at right angles to the street frontage.*
- (d) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

58. This policy applies to applications for extensions to existing buildings which are 50sqm in floor area of greater and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways. The relevant objectives of this Clause are as follows:

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
- (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*

Advertising

59. The original application was advertised in accordance with Section 52 of the Act by way of 38 letters sent to surrounding property owners and occupiers and the display of two signs; one on the Mollison Street frontage and the other on the Little Charles Street frontage.
60. Council received a total of nine (9) objections. The grounds of objection are summarised as follows:
- (a) Proposed design, including the materials are not appropriate with regards to the existing neighbourhood character;
 - (b) Over development of the site (height, site coverage, lack of setbacks);
 - (c) Amenity impacts (visual bulk, daylight to habitable room windows, overshadowing and overlooking);
 - (d) Inaccuracies on plans; and
 - (e) Inappropriate location of plant equipment.

61. These issues will be discussed later within this report.
62. As highlighted earlier in the report, amended plans were submitted on 05 December 2017 under S57A of the Act. The amended plans were advertised to the abutting neighbours and all objectors. Two (2) objections were withdrawn as a result of the amended proposal, leaving seven (7) objections in total.
63. This assessment is based on the amended plans, dated 05 December 2017.

Referrals

External Referrals

64. The application was not required to be referred to external parties under the Scheme.

Internal Referrals

65. The application was not required to be referred to internal departments.

OFFICER ASSESSMENT

66. The key planning considerations for Council in considering the proposal are:

- (a) Clause 54 (Rescode);
- (b) Development abutting a laneways; and
- (c) Objector concerns.

Clause 54 – Rescode

67. The following is a detailed assessment of the proposal against the relevant provisions of ResCode (*Clause 54*), incorporating an assessment against the policy guidelines for sites within an Inner Suburban Residential area at *Clause 22.13 (Residential built form policy)* and the provisions of *Clause 22.10 (Built form and design policy)*.
68. Clause 54 comprises of 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.

A1 – Neighbourhood character objective
69. The immediate streetscape character is diverse, with a variety of dwelling designs, all with varying heights and setbacks. There are a number of examples of contemporary buildings or warehouse conversion to dwellings along both sides of Mollison Street. Along the southern side of Mollison Street are Nos. 21A and 23 Mollison Street, as well as the triple-storey development containing 10 dwellings at the corner of Mollison and Charles Streets. On the northern side of Mollison Street are a number of single-storey Victorian-era dwellings with first or second-storey additions, as well as a part two and part three-storey apartment building at the corner of Mollison and Nicholson Streets.
70. The existing site coverage will not be drastically altered as a result of the proposed extension; however it continues to be generally consistent with the character of the street which is typically high given the minimal setbacks, extent of boundary walls and small lot sizes.
71. The design objective of *Clause 22.10-3.3* of the Scheme seeks to *ensure new roof forms respect any prevailing roof forms in the area and contribute to the skyline silhouette*. The proposed flat roof is consistent with other dwellings along the southern side of Mollison Street, where the majority of the roof forms of contemporary dwellings are flat. The existing single-storey dwelling on the subject site is itself a contemporary looking dwelling with a flat roof.

72. Overall, the proposal is a site and neighbourhood responsive design response, meeting the objective of the Standard.

A2 – Integration with the street objective

73. The proposed dwelling will continue to be orientated to Mollison Street. The proposed extension above the existing single-storey dwelling will positively integrate with the street and promote passive surveillance through the provisions of large habitable room windows at both first and second floors, including the north and east-facing terrace at first floor.
74. Similar to other contemporary buildings along Mollison Street, including the subject site, minimal landscaping exists within the front setback. Consistent with *Clause 22.13-3.3* of the Scheme which recommends maintaining *the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets)*, the existing zero setback of a section of the ground floor will not be altered. Whilst the terrace at first floor is to be constructed abutting the northern boundary with transparent metal screening, the proposed plan shows vegetation along the northern and eastern parts of the first floor, behind this screening which will further soften the proposed addition when viewed from Mollison Street.
75. As a guide, *Clause 22.13-3.3* of the Scheme states, *on single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties*. The proposal increases the existing number of storeys, from one to three. As such, the design of the development as a three-storey building is considered to be generally consistent with the existing pattern of surrounding development, providing a similar height as the abutting development to the west and a single-storey transition in height with the double-storey development to the east of the site, across Little Charles Street.
76. *Clause 22.10-3.4* recommends the provision of *a reasonable level of transparent treatment (e.g. windows, voids etc.) within the front street elevations*. The use of transparent, metal screening along the dwelling's façade at first and second floors, combined with habitable room windows at both floors would allow for a degree of interaction between the dwelling's facade and the streetscape. The combination of transparent metal screening along with the proposed north-facing terrace at first floor will further enhance the level of passive surveillance. In addition, as a result of using this material, the first and second floors will not appear to dominate the existing ground floor, providing an appropriate contrast between the existing brick and new metal, and will be generally consistent with the policy direction under *Clause 21.08*, *Clause 22.10* and *Clause 22.13* of the Scheme. Furthermore, the proposed material is appropriate given the context of the site, with many former warehouse conversions.

A3 – Street setback objective

77. The proposed works do not alter the existing ground floor which is built abutting the northern boundary for a length of approximately 8m, followed by a splay. The first floor will be constructed for a length of 6.5m along the front boundary, with the exception of a 0.45m setback of the wall associated with the stairs. The second floor will be setback 0.45m from the front boundary, aside from a window shroud which abuts the northern boundary.

The construction of walls along the front boundary, with minimal setbacks is consistent with the lack of front setbacks found in the existing dwelling on the subject site, as well as other developments along Mollison Street. Most notably the abutting dwelling to the west; zero setbacks at ground floor, with the first and second floors setback 3.25m and 2.6m, respectively, behind the existing high street wall. As such, the proposal complies with *Clause 22.13-3.2* of the Scheme which states *maintain the existing pattern of front setbacks*.

78. In addition, the use of transparent materials allows the upper level additions to not dominate the existing ground floor, providing an appropriate visual impact of the dwelling when viewed from the street and from adjoining properties.

A4 – Building height objective

79. The proposed maximum building height is 10.45m above NGL. Whilst this does not achieve compliance with the maximum 9m specified under the Standard, the proposed height is considered to meet the objective of the standard, which is to ensure that the height of buildings respects the existing or preferred neighbourhood character.
80. As discussed in the neighbourhood character assessment above, the height of the proposed extension is considered to be generally consistent with the surrounding neighbourhood character, which includes two to three-storey buildings. The transition by an additional single-storey compared to the double-storey dwelling to the east of the subject site, across Little Charles Street, and matching the number of storeys of the sites further west of the subject site is considered to be appropriate in terms of the surrounding properties.

A5 – Site coverage objective

81. This Standard states that the site area covered by buildings should not exceed 60%. As a result of the first floor cantilevering over the ground floor, the existing site coverage increases from approximately 66% to 70% and as such continues to exceed the requirement of the Standard (including the area allocated for the rainwater tank). However, the design response is considered reasonable in the context of the site in an inner-urban environment, and the established neighbourhood character which is characterised by high site coverage and small open space areas. In particular, similar degrees of site coverage are found within the adjacent sites to the east and west, at Nos. 21A and 23 Mollison Street.

A6 – Permeability objectives

82. A minimum of 20% site permeability is recommended by this Standard. The plans do not show the existing or proposed permeable surfaces within the subject site. However an aerial view of the site shows some landscaping along the eastern and southern setbacks. Whilst the proposed ground floor plan shows landscaping within the south-eastern corner of the site it is unclear whether there will be permeable surfaces on site. As it appears that the Applicant is no longer proposing to remove the existing paving along the eastern and southern setbacks, it is unreasonable to require compliance with the 20% required under Standard A6 (Permeability objective) of Clause 54 of the Yarra Planning Scheme. However, a condition will require all permeable surfaces to be annotated on the plans.
83. Furthermore, the proposed floor plan indicates that there will be a 1,500Ltr rainwater tank within the rear setback. The STORM report provided shows a STORM rating of 105%; which exceeds best practice and would reduce water-runoff. However, the use of the proposed rainwater tank has not been annotated on the floor plans; e.g. connected for sanitary purposes. A condition will require the use of the proposed rainwater tank to be annotated on the plans.

A7 – Energy efficiency protection objectives

84. The proposed development will have a good level of energy efficiency given:
 - (a) The proposal incorporates a north-facing terrace at first floor providing access to direct sunlight throughout the day, and is located directly off the main living room, thereby achieving good solar access and reducing the reliance on artificial lighting;
 - (b) Cross-ventilation opportunities will be provided via the operable windows on all three floors;
 - (c) Each floor cantilevers over the preceding floor below towards the front of the site and as such this would protect each habitable room from the northern and eastern sun, especially during harsh summer months;
 - (d) A 1,500 litre rainwater tank is proposed;
 - (e) The addition of skylights at the first floor will reduce the reliance on artificial lighting; and

- (f) The majority of the built form of the proposed dwelling at first and second floors will be setback from sensitive interfaces such as SPOS and habitable room windows. Therefore, not unreasonably impacting daylight or solar access to adjoining properties. This will be discussed in detail in other sections of the Rescode assessment.

85. Overall, the proposed development is considered to achieve an appropriate design response with regard to energy efficiency objectives.

A8 – Significant trees objective

86. No tree removal has been proposed under this application.

A10 – Side and rear setbacks objective

87. The proposal incorporates built form which will be setback from the eastern, western (side) and southern (rear) title boundaries. A condition will require a proposed western elevation to be provided, with heights of all works annotated above NGL.

88. The following table compares the proposed building setbacks with those required by the standard.

Wall location	Wall height	Setback required	Setback provided	Complies?
<u>Eastern wall</u>				
First floor	7.6m	2.69m	1.36m	Variation required (-1.33m)
Second floor	10.45m	5.54m	3.6m	Variation required (-1.94m)
<u>Western wall</u>				
First floor	6.65m	1.91m	2.8m	Complies
<u>Southern wall</u>				
First floor	6.65m to 7.49m	1.91m to 2.58m	1.78m to 3.88m	Variation required (-0.13m, + 1.3m)
Second floor	9.5m	4.59m	3.03m to 3.88m	Complies

89. As demonstrated above, all setbacks comply with the standard; with the exception of the setback of the proposed first and second floors from the eastern boundary and the setback of the proposed first floor from the southern boundary. The setback of the first floor from the western boundary has not been annotated, which will be required by way of condition.

Eastern setback

90. Clause 54.01-4 of the Scheme seeks to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. As shown in the table above, the proposed conditions fall short of the requirements set under the standard.

Based on the proposed eastern walls having a direct interface with Little Charles Street, which provides a 5.2m separation from the adjacent property to the east, there will be no impact on any sensitive interfaces such as the one habitable room window (bedroom) and the rooftop deck of No. 23 Mollison Street. Furthermore, the use of a number of different materials (existing brick and permeable metal screening), including the addition of windows would provide an appropriate level of articulation of the addition when viewed from the habitable spaces of the dwelling to the east. Therefore the variation to this standard is acceptable.

Southern setback

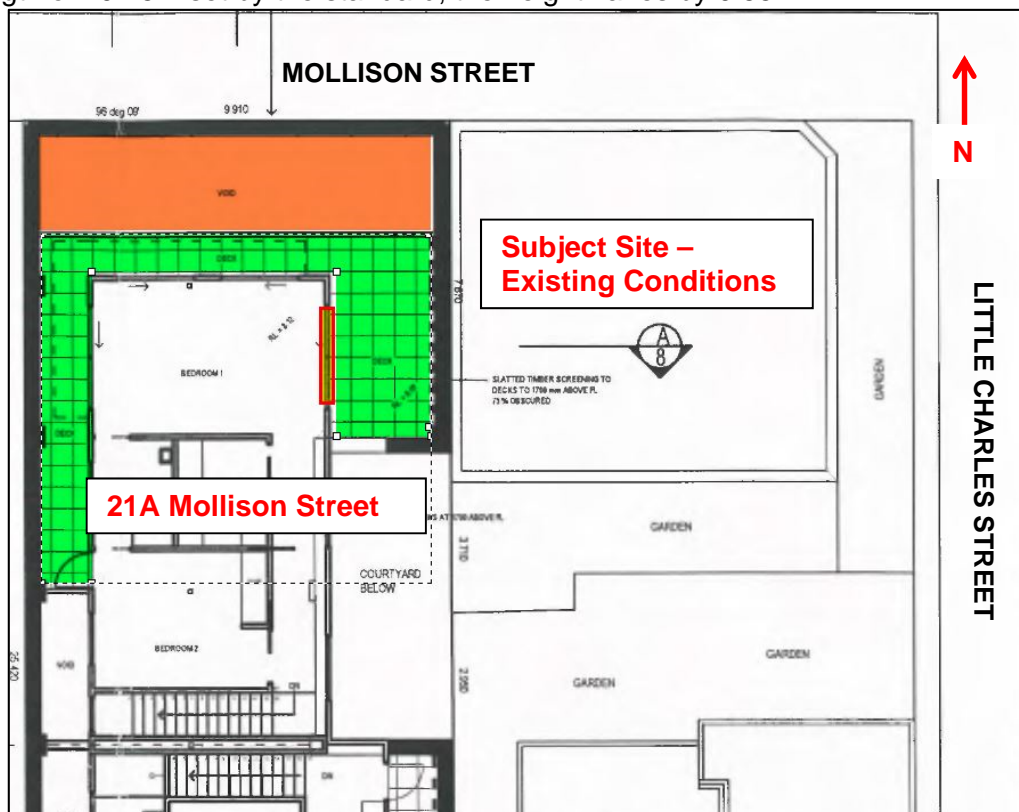
91. The proposed southern wall at first floor will be adjacent to the SPOS, including a north-facing window of No. 272 Langridge Street, and a part of the SPOS of No. 270 Langridge Street.

However, a variation of between 0.13m to 0.8m is acceptable as these SPOS and window are already impacted by an existing 2.9m to 3.9m high boundary wall/fence which straddles the shared boundary. Furthermore, the southern elevation will not be appreciated as a two dimensional plane given the varying setbacks at the upper levels. This element coupled with the permeable screening, will assist in reducing perception of any visual bulk impacts.

92. Therefore this proposal will not cause any unreasonable off-site, visual bulk impacts when viewed from the SPOS and habitable room windows of the dwellings to the east and south.

A11 – Walls on boundaries objective

93. To comply with this standard, any new wall constructed along the western boundary should not exceed 10.25m in length. The standard also notes that the average wall height should not exceed 3.2m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.
94. As stated previously, a condition will require a proposed west elevation to be provided. The existing wall along the western boundary at ground floor runs along for a length of 8.5m of this boundary and is shared with the majority of the existing 9m high eastern boundary wall of No. 21A Mollison Street, with the exception of a length of 1m x 2.4m high of this wall, which abuts the courtyard of No.21A Mollison Street. As such, the existing conditions meet the maximum allowable length and height set by the standard.
95. The 10.45m high wall associated with the proposed first and second floors will be built for a length of 7m and abut the existing 9m high (lowest point) to 9.9m high (highest point to the privacy screening) boundary wall of No. 21A Mollison Street. Therefore, whilst the length meets the length of 10.25m set by the standard, the height varies by 0.55m.



Above: Void (shown in orange), Roof deck (shown in green) and Window (shown in red) of No. 21A Mollison Street, Abbotsford

96. As shown in the above plan, the proposed wall will abut an existing void, followed by a roof deck, including an east-facing bedroom window of No. 21A Mollison Street. This window is currently setback 2.79m from its eastern boundary. The variation of 55cm is acceptable as this roof deck and bedroom continues to have uninterrupted views to the north (Mollison Street) as well as an outlook to the west. Therefore, this roof deck and bedroom will not feel closed in as a result of the proposed wall along the shared boundary.

97. Based on the above; the location, lengths, heights of these walls, the proposal will meet the objectives of the standard.

A12 – Daylight to existing windows objective

98. Standard A12 requires a light-court to be provided with a minimum area of 3sqm and a minimum dimension of 1m clear to the sky.

99. No. 21A Mollison Street has one, east-facing window at second floor which would face the second floor of the subject site. Given this window is at the same level as the proposed second floor wall, a setback of 1.42m is required under the standard. This existing window of the abutting site to the west is already setback 2.79m from its eastern boundary and as such meets the setback requirement of the standard.

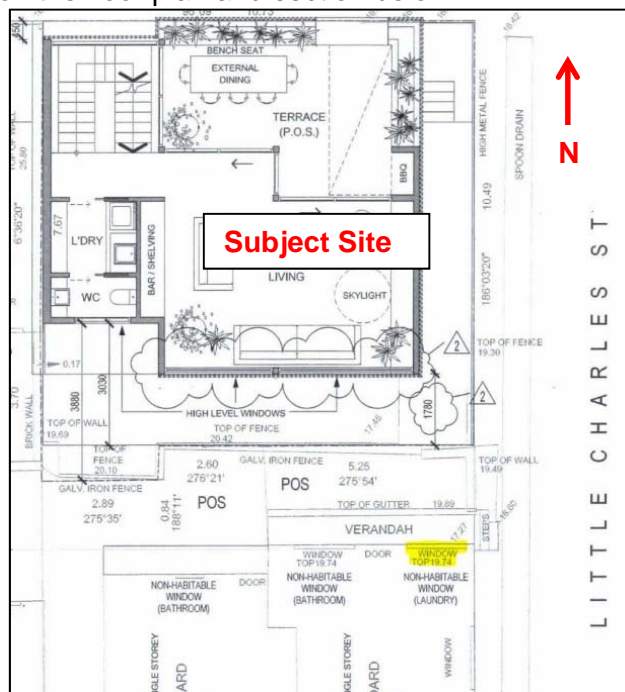
100. It is considered that the proposed development has been sited and designed to ensure that the abovementioned existing habitable room window of the dwelling to the east will continue to receive an adequate level of daylight access.

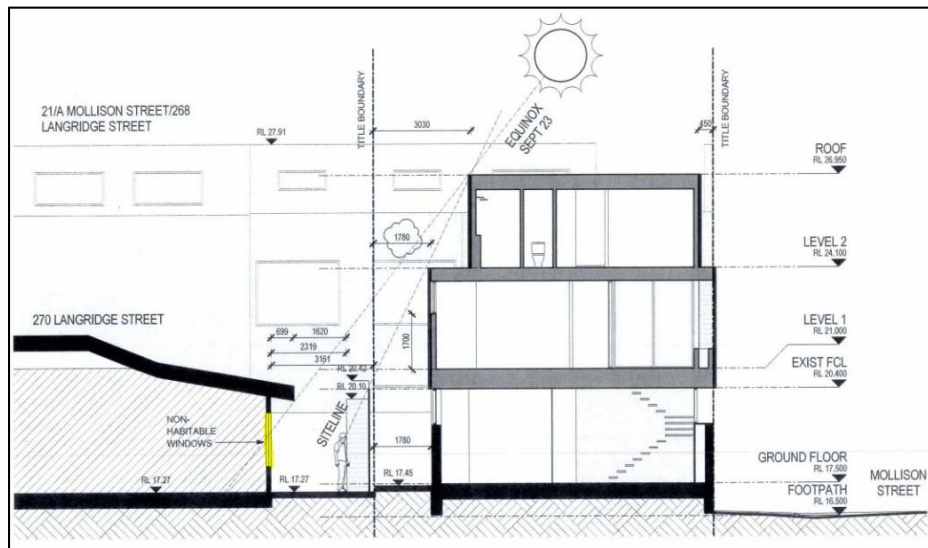
A13 – North-facing windows objective

101. Standard A13 requires a wall within 3m of a north-facing habitable room window to be setback 1m from the boundary, plus 600mm for every metre of height over 3.6m.

102. No. 272 Langridge Street has two north-facing windows; one to a bathroom and the other to a laundry. However, a section of the laundry appears to be part of an open plan kitchen/dining area, with no wall in between the laundry and the habitable room. Therefore, in this instance, whilst the plans state this window is not habitable, a more conservative approach will be taken, with this window being considered as a habitable room window.

This window is currently setback between 2.3m to 3.16m from the northern boundary. This shared boundary consists of a 2.9m to 3.9m high wall along the shared boundary at ground floor. The relevant north-facing, habitable room window of this dwelling to the south has been highlighted in yellow, on the floor plan and section below.





Above: North-facing habitable room window (highlighted in yellow) of No. 270 Langridge Street, Abbotsford

103. The following table compares the proposed building setbacks of the first floor from the southern boundary, adjacent to this north-facing window, with those required by the standard. The proposed second floor will not be adjacent to or located within 3m of this window, and therefore will not be discussed within the table.

Wall Description	Proposed height	Required setback	Proposed setback	Compliance?
First floor	6.65m to 7.49m	2.83m to 3.57m	1.78m	Variation required

104. Under the existing conditions, this north-facing window at ground floor of No. 272 Langridge Street is already impacted by the existing 2.9m to 3.9m high wall shared with the subject site. However, this window is part of an open plan dining/ kitchen area, with an alternate, east-facing window providing solar access. In addition, less than 0.4m of the length of this window will be adjacent to the proposed first floor, providing uninterrupted solar access for the remainder of this window.
105. Overall, it is considered that the proposed development has been sited and designed to ensure that this habitable room window of the dwelling to the south will continue to receive an adequate level of solar access.

A14 – Overshadowing open space objective

106. The proposed development will not result in additional overshadowing to the east-facing courtyards of No. 21A Mollison Street and No. 268 Langridge Street, as they are already overshadowed by an existing 2.4m high boundary wall shared along the common boundary. In addition, the proposed extension will not impact the existing SPOS of No. 270 Langridge Street in terms of additional shadowing as this small SPOS is already heavily shadowed by the existing 2.9m to 3.9m high wall/fence which runs along the common boundary.

No. 272 Langridge Street

107. However, the proposed development would result in additional overshadowing to the SPOS areas of No. 272 Langridge Street, at the September Equinox. This dwelling consists of approximately 11sqm of SPOS located within the northern (rear) setback, with a walkway located within the western setback.
108. Given the orientation of the subject site and the location of the SPOS of No. 272 Langridge Street, this area is already heavily shadowed. As illustrated on the shadow diagrams provided by the Applicant, this SPOS will be impacted between 9am to 12noon. The dotted line denotes the location of the existing shadows cast from existing development surrounding this SPOS, including boundary walls/fences.

109. At 9am, this SPOS is completely overshadowed, with the exception of 1sqm located further south of this SPOS. As a result of the proposed extension, the additional shadows will fall on existing shadows, including this small unshadowed area. The minimal, additional shadowing at 9am is not considered unreasonable in this particular instance with the morning shadows not significantly altering the use of the neighbouring POS area, which is already heavily affected by shadows cast under the existing conditions.
110. Similar to 9am, at 12 noon, this SPOS is completely overshadowed by existing built form. The additional shadows of 1.8sqm will cast on the walkway located within the western setback of No. 272 Langridge Street.
111. By 3pm, this SPOS is completely shadowed by the existing, three-storey development at No. 21A Mollison Street.
112. Given the narrow lot sizes, high built form in the area and the site's orientation; it is common to see some level of increased overshadowing. The impact of the additional overshadowing on the SPOS of the adjacent dwelling to the south is not unreasonable, given that the proposal will not drastically alter the existing conditions, and is generally in accordance with the objective.

A15 – Overlooking objective

113. The standard states that a habitable room window should be located and designed to avoid direct views into the SPOS of an existing dwelling (or a habitable room window) within a horizontal distance of 9 metres (measured at ground level) of the window. Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7m above floor level. If there is overlooking, windows need to be screened.

Ground floor

114. Whilst the floor levels at ground floor are approximately 1m above natural ground, overlooking opportunities at ground level from the new windows would be suitably limited by existing boundary walls and fences that are over 2.8m in height.

First floor

115. The south-facing, living room windows at first floor will have a sill height of 1.7m above floor level. As such, meeting the requirements of the standard.
116. The proposed south-facing window of the WC at first floor does not require screening as this is not a habitable room window.
117. The northern and eastern façades at first floor does not require compliance with the standard as there are no sensitive interfaces within the 9m overlooking arc.

Second floor

118. The proposed, south-facing study room window constructed from obscure glazing is operable. There are possible overlooking opportunities into the north-facing habitable room window and courtyard at ground floor of No. 268 Langridge Street and the SPOS of No. 270 Langridge Street. Therefore, a condition will require this window to demonstrate compliance with the objective of the standard.
119. The northern and eastern windows at second floor do not require compliance with the standard as there are no sensitive interfaces within the 9m overlooking arc.

A16 – Daylight to new windows objective

120. All of the proposed windows will face an area with a minimum 3sqm and minimum dimension of 1m clear to the sky, thereby complying with the standard.

A17 – Private open space objective

121. The standard states that a dwelling should have POS of an area consisting of 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm. Furthermore, at least one part of the POS should consist of SPOS with a minimum area of 25sqm and a minimum dimension of 3m at the side or rear of the dwelling with convenient access from a living room.
122. The dwelling would provide approximately 36sqm of POS at ground floor and 24sqm of POS within the terrace at first floor; bringing the total to 60sqm of POS. The SPOS of 20sqm at the rear of the ground floor, including the 24sqm located within the covered terrace at first floor provides a total of 44sqm of SPOS. This complies with the minimum area of 25sqm required by the standard for SPOS and is easily accessible from the main living area at first floor and provides satisfactory recreational space for the dwelling occupants.

A18 – Solar access to open space objective

123. This standard does not apply to extensions to existing dwellings.

A19 – Design detail objective

124. The proposal is an appropriate response to the mixed neighbourhood character along Mollison Street, and can be supported on the following grounds:
- (a) The presentation of the proposed development is considered to achieve a design response which respects the existing neighbourhood character of the area. As described earlier in this report, the lack of front setbacks, as well as the use of highly visually permeable screening at first and second floors, is considered to be acceptable in light of the established, mixed character of dwellings, with limited front setbacks along Mollison Street.
 - (b) The proposed development is modern and will be complementary to a streetscape which consists of a mix of single and triple-storey dwellings, and supports an emerging contemporary housing stock and as such will not appear out of context. The use of brick and metal screening will clearly differentiate the contemporary build from the existing brick dwelling on site, as well as the mix of built form along both sides of Mollison Street.
 - (c) Utilising a flat roof for the development would ensure the building presents in a similar fashion to the surrounding developments.
 - (d) As the materials and finishes annotated on the proposed elevations do not show the proposed colours, and is only shown on the example images, a condition will require a separate materials and finishes schedule, including colours.

A20 – Front fences objective

125. No changes proposed to the existing front fence.

Objector Concerns

126. The majority of concerns raised by the objectors have been addressed in the above assessment. A summary of the response to objector concerns is provided as follows:
127. *Proposed design, including the materials are not appropriate with regards to the existing neighbourhood character.*
The dwelling's integration with the neighbourhood character and the surrounding area has been discussed at paragraphs 69 to 80 and paragraph 125.
128. *Over development of the site (height, site coverage, lack of setbacks).*
The site coverage is discussed at paragraph 81, side and rear setbacks, including walls on boundaries at paragraphs 87 to 97, and the height of the proposal is discussed at paragraph 79 to 80.
129. *Amenity impacts (visual bulk, daylight to habitable room windows, overshadowing, and overlooking).*
Off-site amenity impacts have been discussed at paragraphs 87 to 120.

130. *Inaccuracies on plans.*

As part of the S57A plans, the Applicant provided a site survey plan and amended plans, clearly depicting adequate information to assess this application.

131. *Inappropriate location of plant equipment.*

As part of the S57A plans, the Applicant removed the plant equipment such as a gas hot water system, which was proposed to be located within the south-eastern corner of the site.

It is also important to note that pursuant to *Clause 62.02-2* of the Scheme, any requirement in this scheme relating to the construction or carrying out of works, does not apply to *domestic services normal to a dwelling*. Therefore, a planning permit is not required for the installation of plant equipment, such as a hot water system, which is considered as *services normal to a dwelling*.

Conclusion

132. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with relevant planning policy and is supported, subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0046 for development of the land for alterations to the existing dwelling, including a first and second floor addition at 21 Mollison Street Abbotsford VIC 3067 subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must be generally in accordance with the plans prepared by Taylor Pressly Architects, dated 04.12.2017 (TP09, TP10, TP11, TP08, TP12, TP13 and TP14), but modified to show:

- (a) all permeable surfaces to be annotated on the plans.
 - (b) a notation confirming the proposed rainwater tank is connected for sanitary purposes and/or irrigation.
 - (c) the setback of the first floor from the western boundary.
 - (d) a proposed western elevation, annotating heights of all works above natural ground level.
 - (e) a schedule of all materials and finishes including colours.
 - (f) the south-facing study room window at second floor to demonstrate compliance with the objective of Standard A15 (Overlooking objective) of Clause 54 of the Yarra Planning Scheme:
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, all new on-boundary walls must be cleaned and finished 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, 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.
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.

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

NOTE: 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.

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

CONTACT OFFICER: Nish Goonetilleke
TITLE: Senior Statutory Planner
TEL: 9205 5005

Attachments

- 1 PLN16/0046 - 21 Mollison Street Abbotsford - Site Location Plan
- 2 PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans