



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 24 October 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

I. ATTENDANCE

Laura Condon (Senior Statutory Planner)
Sarah Griffiths (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	PLN17/0959 - 1E Marine Parade, Abbotsford - Use and development of the land for the construction of a mixed use building (permit required for office and retail (food and drink premises) uses) and a reduction in car parking requirements.	5	34
1.2	PLN17/0718 - 141-147 Queens Parade, Clifton Hill - Development of the land for the construction of a four-storey built form (plus basement level), including part demolition and a reduction in the car parking requirement	40	70
1.3	PLN18/0070 - 43 Alfred Crescent, Fitzroy North, VIC 3068 - Part demolition, construction of ground and first floor additions to the existing dwelling	76	89
1.4	109 Dight Street, Collingwood - Planning Permit Application No. PLN14/0134.03 Amendment to the Planning Permit PLN14/0134 to modify the building, including conversion of the service deck into two rooftop terraces and changes to the ground floor pedestrian entrances.	91	102

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- 1.1 PLN17/0959 - 1E Marine Parade, Abbotsford - Use and development of the land for the construction of a mixed use building (permit required for office and retail (food and drink premises) uses) and a reduction in car parking requirements.**
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Executive Summary

Purpose

1. This report provides an assessment of planning permit application PLN17/0959 and recommends approval, subject to conditions. The application proposes the use and development of the land for the construction of a mixed use building over 7 storeys, with a permit required for office and retail (food and drink premises) uses and a reduction in car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Urban Design and Built Form (Clause 15.01, Clause 21.05, Clause 22.10);
 - (b) Land Use (Clause 17.01, Clause 21.04-3, Clause 33.03, Clause 52.27);
 - (c) Transport (Clause 18.01, Clause 21.06, Clause 52.06, Clause 52.34);
 - (d) Amenity impacts (Clause 22.05); and
 - (e) Environmental Sustainability (Clause 21.07, Clause 22.16, Clause 22.17).

Key Issues

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

Submissions Received

4. A total of 67 objections were received to the application which can be summarised as:
 - (a) Height is inappropriate to the area and may set a precedent;
 - (b) Equitable development issues;
 - (c) May create unsafe laneway (fire vehicles may have difficulty accessing the site);
 - (d) Off-site amenity impacts (overlooking, overshadowing, noise, light spill and rubbish removal/storage);
 - (e) Concerns with the environmental sustainability; and
 - (f) Car parking (including increased traffic and demand for on-street car parking, visitors can't use car stackers, insufficient on-site car parking and cyclist showering facilities; and an unsatisfactory car parking survey).

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 the following key recommendations:
 - (a) Plans amended to show the changes shown on the sketch plans submitted 13 September 2018, as follows:
 - (b) Increased setback of floor 4 and 5 from 3.8m to between 5.945m and 6.02m.

CONTACT OFFICER: Laura Condon
TITLE: Senior Statutory Planner
TEL: 92055016

1.1 PLN17/0959 - 1E Marine Parade, Abbotsford - Use and development of the land for the construction of a mixed use building (permit required for office and retail (food and drink premises) uses) and a reduction in car parking requirements.

Trim Record Number: D18/160179

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: Use and development of the land for the construction of a mixed use building (permit required for office and retail (food and drink premises) uses) and a reduction in car parking requirements.

Existing use: Fabric retailers/blind manufactures

Applicant: Newbart Investments Pty Ltd.

Zoning / Overlays: Industrial 3 Zone

Date of Application: 8 November 2018

Application Number: PLN17/0959

Planning History

1. There is no planning history for the subject site.

Background

Application processing

2. The application was lodged on 8 November 2017, with additional information received on 27 December 2017. The application was then advertised in January 2018 by way of 550 letters sent to the surrounding area and two signs on-site. A total of 62 objections were received.
3. In response to officer and objectors concerns, amended plans were submitted on the 30 May 2018 pursuant to section 57A of the *Planning and Environment Act (1987) (the Act)*. These plans showed the following changes:
 - (a) Removal of level 7 reducing the height of the building from an eight to seven storey building;
 - (b) The floor-to-ceiling height at ground floor reduced from 5m to 4m and reduced from 3.6m to 3.4m for the remaining levels; and
 - (c) Overall height reduction of 5.8m (reduced 30.2m to 24.4m).
4. The section 57A plans were advertised in June 2018 by way of 98 letters to objectors and to nearby/adjoining properties. Further submissions were received from some existing objectors with 5 new objections received, resulting in a total of 67 objections.
5. A consultation meeting was held on 10 July 2018. The permit applicant, 8 objectors and planning officers attended the meeting. In further response to officer and objector concerns raised at the consultation meeting, the applicant submitted sketch plans on the 13 September 2018 which show:
 - (a) The setback of level 4 and 5 from Marine Parade increased from 3.8m to between 5.945m and 6.02m.
6. The assessment of the application will be based on the advertised section 57A amended plans with conditions requiring that the changes shown on the sketch plans are formalised.

Planning Scheme Amendments

Amendment VC148

7. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.
8. The introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN). The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply.

The Proposal

9. The application proposes the use and development of the land for a mixed use building over 7 storeys, office and retail (food and drink premises) uses and a reduction in car parking requirements. The proposal can be summarised as follows:

General

- (a) The proposal is for 62sqm of a food and drinks premises at ground floor and for 2669sqm of office floor area (reduced to 2596 sqm by the sketch plans).
- (b) The proposed hours of operation for the offices are Monday to Friday from 7am to 9pm.
- (c) The proposed hours of operation for the food and drinks premises are Monday to Sunday from 7am to 8pm.
- (d) A maximum of 120 staff are proposed at the site.
- (e) The building will be constructed to the east and west boundaries apart from a lightwell on the west side of the building will service from ground to floor 5 and will measure 12.1m in length and 1.68m in width. Windows are proposed to all sides of the lightwell with vertical shading fins proposed to all west-facing lightwell windows on floor 2 to 5.
- (f) The lift core, stairwell, bathroom and office kitchen facilities generally mirror each other on each floor and are centrally located on the east side of the building.
- (g) Materials will include different shades of precast concrete to the east and west wall. The north wall facing Marine Parade will be a glazed façade from floor 3 to 6 with the glazing installed at an angle at floor 4 and 5. The glazed façade at ground to second floor is interspersed with precast concrete balcony balustrades and walls. The rear wall will be a stepped glazed façade, apart from ground floor which will be a solid concrete wall.
- (h) The overall proposed height 24.4m.

Basement

- (i) The basement is built to all site boundaries, with the car stacker located to the south side accessed via a ramp to Marine Parade. The car stacker can accommodate 23 cars with an accessible car space and two motorbike spaces provided at grade separately (adjacent to stir/lift core).
- (j) 40 bicycle spaces are proposed. An accessible toilet along with 4 shower rooms, a bicycle repair area and 58 staff lockers are proposed to service staff cycling to site.
- (k) A 24sqm waste room, an 18sqm services room with a 10,000lt underground water tank is proposed below the services room. A 5000lt underground fire water tank is proposed on the east side of the basement.

Ground floor

- (l) The basement is accessed from Marine Parade (north-west corner). The remainder of the Marine Parade façade is setback 2.5m from the front boundary with the office lobby and the food and drinks premises each occupying approximately 50% of the remaining façade. A window seat arrangement with external chairs is proposed to the café tenancy front setback, with a bicycle hoop provided in the setback to the office tenancy. A further four bicycle hoops are proposed to Marine Parade footpath to the front of the site. The remainder of the building is built to all site boundaries (apart from the western lightwell).
- (m) The café tenancy has a floor area of 62sqm and office tenancy and breakout area measures 295sqm. The rear office is serviced by windows in the lightwell and skylights adjacent to the rear boundary.

Floor 1 and 2

- (n) Floor 1 and 2 generally mirror each other, apart from a void at floor 1 to the office lobby area below (north-east corner). These floors are built to all site boundaries apart from the level 1 void, the western lightwell and the splayed rear wall. The rear splayed wall is setback between 0.72m and 4.44m from the rear boundary. A total of 4 office tenancies are proposed, with two on each level. The office tenancies range from 206sqm to 255sqm.

Floor 3

- (o) Two office tenancies are proposed (155.5sqm and 210sqm). The façade is setback 7m from Marine Parade with a 60sqm terrace setback 1.9m from the street. The rear splayed wall is setback between 1.1m and 4.79m from the rear boundary.

Floor 4 and 5

- (p) These floors effectively mirror each other apart from the setbacks to the rear boundary and the splayed glazed walls to Marine Parade. The façade walls are setback 3.8m to Marine Parade (sketch plans increase this to between 5.94m-6.02m). The glazing inside these walls are installed at opposing angles on each level with the glazing setback a maximum 2.19m from the façade at the deepest part of splay.
- (q) The floor 4 rear splayed wall is setback between 1.55m-5.56m from the rear boundary. The floor 5 rear splayed wall is setback between 1.93m-6.48m from the rear boundary.

Floor 6

- (r) One 227sqm office tenancy is proposed at floor 6. The façade is setback between 12.38m at 14.38m. A 51.5sqm terrace is proposed in this setback. This terrace is setback 1.5m from the north boundary with a green roof proposed in this setback.
- (s) The office is built to the east boundary, partially to the west with the remainder setback 3.81m. The rear splayed wall is setback between 2.34m-7.32m from the rear boundary.

Existing Conditions

Subject Site

10. The subject site is on the south side of Marine Parade, approximately 95m east of Nicholson Street and 150m west of the Yarra River. The site is occupied by a two storey building with basement level and is built to all site boundaries, apart from to the front boundary where the building is setback 5m. The site has east and west boundaries of 39.62m, a front boundary of 15.24m and a rear boundary of 15.19m, yielding a site area of approx. 603sqm. A lane adjoins the subject site on the south end of the eastern boundary.

Surrounds

11. The site is located in an Industrial 3 zone which occupies the southern side of Marine Parade, with an Industrial 1 Zone located further south at the rear of the site. A Neighbourhood Residential Zone (Schedule 1) is located on the northern side of Marine Parade and the western side of Nicholson Street. Hunter Street is located on the opposite side of Marine Parade and 20m west of the subject site. The land to the west and north of Hunter Street is located in a heritage overlay, with the remainder of the north and south side of Marine Parade being outside the heritage overlay.
12. The buildings to the south of Marine Parade are reflective of the Industrial zoning of the land, with large one to two storey industrial/warehouse style buildings typically with full site coverage. To the immediate west is a large site measuring approx. 2100sqm which is occupied by a two storey warehouse/industrial building to the full extent of the site. To the immediate east is another two storey warehouse/industrial building to the full extent of the site (albeit with a setback to Marine Parade). To the immediate south is a single storey industrial building with car parking to the front accessing onto Harper Street.
13. Dwellings are located on the north side of Marine Parade (with Marine Parade, measuring 19m in width, including footpaths). Immediately opposite the site is a single storey dwelling and 1970s era double storey apartment building. Dwellings further west and east along Marine Parade are generally 1-2 storeys.

Wider area

14. The Johnston Street activity centre is located 300m north of the site, with Victoria Street 750m to the south. Victoria Park Train station is located 200m north-west of the site on Johnston Street and Collingwood Station located 400m to the west. Bus services are also located on Hoddle Street 400m to the west.

Planning Scheme Provisions

Zoning

Industrial 3 Zone (IN3Z)

15. The purpose of this zone is:
 - (a) *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
 - (b) *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*
16. The use of the site for an office requires a planning permit under section 2 of clause 33.03-1.
17. Pursuant to clause 33.03-4 a permit is required to construct a building or construct or carry out works.

Overlays

18. Nil

Aboriginal Cultural Heritage Significance

19. The site is within an area of Aboriginal Cultural Heritage Sensitivity. However a Cultural Heritage Management Plan (CHMP) is not required as the applicant has confirmed the proposal is exempt from a CHMP under Division 2 of the *Aboriginal Heritage Regulations 2007*.

Particular Provisions

Clause 52.06 – Car parking

20. Based on new clause 52.06 provisions that were introduced on the 31 July 2018, the following car parking reduction applies to the site:

Based on the section 57A amended plans:

Land Use	Area proposed	Rate	No. required	No. proposed	Reduction sought
Food and drinks premises	62sqm	3.5 spaces to each 100m ² of leasable floor area	2		
Office	2669sqm	3 to each 100 sqm of net floor area	80		
Total			82	24	58 spaces

Based on the Sketch plans:

Land Use	Area proposed	Rate	No. required	No. proposed	Reduction sought
Food and drinks premises	62sqm	3.5 spaces to each 100m ² of leasable floor area	2		
Office	2596sqm	3 to each 100 sqm of net floor area	77		
Total			79	24	55 spaces

21. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-6.

Clause 52.34 – Bicycle facilities

22. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4. The required bicycle facilities as set out at Clause 52.34-3 are:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Retail (food and drinks premises)	62sqm	Employee - 1 to each 300m ² of leasable floor area if the leasable floor area exceeds 1000m ²	0		
		Shopper - 1 to each 500 m ² of leasable floor area	0		
Office	2596sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm and one visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm.	11		
Total			11	50	0 spaces

23. The proposal provides in excess of the Yarra Planning Scheme requirements.

General Provisions

Clause 65 – Decision Guidelines

24. Clause 65 is relevant to all applications and requires, amongst other things, consideration be given to:
- (a) *The matters set out in Section 60 of the Act.*
 - (b) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (c) *The purpose of the zone, overlay or other provision.*
 - (d) *Any matter required to be considered in the zone, overlay or other provision.*
 - (e) *The orderly planning of the area.*
 - (f) *The effect on the amenity of the area.*
 - (g) *The proximity of the land to any public land.*

Planning Policy Framework (PPF)

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

Clause 11 – Settlement

26. This clause contains the following relevant objectives:
- (a) *Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*
 - (b) *Planning is to recognize the need for, and as far as practicable contribute towards:*
 - (i) *Economic viability*
 - (ii) *A high standard of urban design and amenity.*
 - (iii) *Energy efficiency.*
 - (iv) *Accessibility*
 - (v) *Land use and transport integration*

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

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

27. The objective is:

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

28. Relevant strategies include:

- (a) *Planning for urban growth should consider:*
- (b) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- (c) *Neighbourhood character and landscape considerations.*

Clause 13.05-1S Noise abatement

29. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

Clause 13.07 Amenity

Clause 13.07-1S Land use compatibility

30. The objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban design

31. 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

32. 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.*

33. Relevant strategies include:

- (a) *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

- (b) *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- (c) *Ensure the interface between the private and public realm protects and enhances personal safety.*
- (d) *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

Clause 15.01-2S Building design

34. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-4S Healthy neighbourhoods

35. The objective is:

- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne

36. The strategy is:

- (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S Neighbourhood character

37. The relevant objective of this clause is:

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

Clause 15.02 Sustainable Development

Clause 15.02-1S Energy Efficiency

38. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 17 – Economic development

39. The objective of the clause is:

- (a) *Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.*
- (b) *Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.*

Clause 17.01-1S– Employment

40. The objective of this clause is:

- (a) *To strengthen and diversify the economy.*

41. Relevant Strategies include:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

Clause 16.01-4S – Housing affordability

42. The objective of this clause is ‘*to deliver more affordable housing closer to jobs, transport and services*’.

Clause 18.01 Integrated Transport

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

43. The objective of this clause is:

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

Clause 18.02 Movement Networks

Clause 18.02-1S – Sustainable personal transport

44. The relevant objectives of this clause is:

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

Clause 18.02-2S Public Transport

45. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R Principal Public Transport Network

46. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement [MSS]

Clause 21.04-3 Industry, office and commercial

47. Relevant objectives include:

- (a) *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.05-2 – Urban design

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

- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
- (i) *Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
- (ii) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
- *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
- (e) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 – Public environment

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

- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
- (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
- (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
- (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
- (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*

Clause 21.06-1 – Walking and cycling

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

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

Clause 21.06-2 – Public transport

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

- (a) *Objective 31 To facilitate public transport usage.*
- (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 – The road system and parking

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

Clause 21.07-1 – Ecologically sustainable development

53. The relevant objective of this clause is:
- (a) *Objective 34 To promote ecologically sustainable development.*

Clause 21.08 Neighbourhoods – Abbotsford

54. The policy describes this area as: The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.
55. The Built Form Character Map for the area (figure 6) nominates the site to be within a “Non-Residential” area. The map provides the following design guidelines:
- (a) *Improve the quality of the environment and the interface of development with the street.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

56. The objectives of this policy are:
- (a) *There is also a need to ensure that commercial and industrial activities are well managed having regard to their proximity to residential uses.*
 - (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*
57. Clause 22.05-4.2 includes the following relevant guidelines:
- (a) *Non-Residential Development Near Residential Properties*
 - (i) *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens.*
 - (ii) *Where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate set backs from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts.*

Clause 22.07 Development Abutting Laneways

58. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.10 Built Form And Design Policy

59. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:
- (a) *“Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
 - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
 - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land”*
60. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:
- (a) Urban form and character;
 - (b) Setbacks and building heights;
 - (c) Street and public space quality; and
 - (d) Environmental sustainability.

Clause 22.16 – Stormwater Management (Water sensitive urban design)

61. This policy applies to applications for more than 50m² extensions to existing buildings (amongst others).

Clause 22.17 – Environmentally Sustainable Development

62. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. This policy outlines objectives relating to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

Other Documents

Plan Melbourne

63. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.

Advertising

64. The application was advertised in January 2018 by way of 550 letters sent to the surrounding area and two signs on-site. A total of 62 objections were received. In response to officer and objectors concerns, amended plans were submitted on the 30 May 2018 pursuant to section 57A of the *Planning and Environment Act (1987) (the Act)*. The section 57A plans were advertised in June 2018 by way of 98 letters to objectors and to nearby/adjoining properties.

A total of 67 objections were made to Council with the grounds of which are summarised as follows:

- (a) Height is inappropriate to the area and may set a precedent;
- (b) Equitable development issues;
- (c) May create unsafe laneway (fire vehicles may have difficulty accessing the site);
- (d) Off-site amenity impacts (overlooking, overshadowing, noise, light spill and rubbish removal/storage);
- (e) Concerns with the environmental sustainability; and
- (f) Car parking (including increased traffic and demand for on-street car parking, visitors can't use car stackers, insufficient on-site car parking and cyclist showering facilities; and an unsatisfactory car parking survey).

65. A planning consultation meeting was held on the 10 July 2018 and was attended by the applicant, objectors and Council officers. As outlined earlier the applicant submitted sketch plans on 13 September 2018 in response to objector and officer concerns raised at the meeting. The sketch plans increase the setback of floor 4 and 5 to Marine Parade.

Referrals

External Referrals

66. The application was not required to be referred to external authorities.

Advertised plans

67. *Internal departments*

- (a) Engineering Services Unit.

68. *External consultants*

- (a) Urban Design (Hansen Consultants).

Section 57A amended plans

69. *Internal departments*

- (a) ESD Advisor, and
- (b) Contracts Services Unit.

Sketch plans

70. Following the receipt of the sketch on 13 September 2018, additional comments were sought from the following referrals:

71. *Internal departments*

- (a) Strategic Transport Unit, and
- (b) Streetscapes and Natural Values.

72. *External consultants*

- (a) Urban Design (Hansen Consultants).

73. Referral responses are contained in appendices to this report save for Contract Services and Streetscapes and Natural Values which are provided below:

Contract Services Unit

74. *The collection of the bins needs to be carried out by a private collection contractor from within the property boundaries. Kerbside collection is not satisfactory.*
75. *Please provide a plan showing:*
- (a) *The bin storage area, with total area of the storage room,*
 - (b) *The entry and exit pathway of the collection vehicle, and*
 - (c) *A swept path diagram if required*

Streetscapes and Natural Values

76. Cost for new tree planting is as per below which provides a GST exclusive price only. We are definitely in support of a new tree in this location.

New cut out / m2	\$ 95.66
Supply tree 100L	\$ 300.00
Planting cost*	\$ 118.05
Maintenance 2 years	\$ 160.80
Hoop supply and install	\$ 316.50
Sub Total	\$ 991.01

OFFICER ASSESSMENT

77. The primary considerations for this application are:
- (a) Strategic justification;
 - (b) Land use and car and bicycle parking;
 - (c) Built form;
 - (d) On-site amenity;
 - (e) Off-site amenity; and
 - (f) Objector concerns.

Strategic justification

78. The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.
79. The Industrial 3 Zone objectives readily encourage commercial uses as follows:
- (a) *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
 - (b) *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

80. The proposed retail (food and drinks premises) use accords with these objectives given its size at only 62sqm will be a limited operation that will service the immediate community and existing business along Marine Parade. The office use is also responsive to the “buffer” objective in that it would have marginal off-site amenity impacts that one would normally associate with business operations in an industrial zone such as noise and other emissions from manufacturing operations. The proposal is ideally located in this regard and will buffer the residential area to the north from industrial operations in the Industrial 1 Zone located to the rear of Marine Parade.
81. The Planning Policy Framework (such as clause 11.02-1S) encourages the concentration of development near activity centres and intensifying development on sites well connected to public transport. In this instance the site is located close the Johnston Street activity centre (300m to the north) and to several public transport options.

Victoria Park Train Station is located 400m north-west of the site on Johnston Street and Collingwood Station located 400m to the west. Bus services are also located on Hoddle Street 400m to the west.

82. The proposal also includes facilities for 50 bicycle spaces and end of trip facilities including 4 shower/change rooms and 58 lockers, encouraging staff to utilise the existing bicycle path network in the local area to travel to work. This access to bicycle parking and public transport encourages the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, as per clauses 18.02-1S (*Movement Networks-Sustainable personal transport*); *Clause 18.02-2S (Public Transport)*, *Clause 18.02-2R (Principal Public Transport Network)* and *Clause 21.06-1 (Walking and Cycling)*; and 21.03 (*Vision*) of the Scheme.
83. The application proposes the construction of a seven storey office building on a site which is currently underutilized in an area identified for increased development under Plan Melbourne at Initiative 1.4.2 as follows:

Prepare a Plan for the Central Subregion to accommodate at least 1 million jobs and 1 million people.

84. The proposal is consistent with the purpose of the zone and strategic intent for this area that seeks to encourage intensification of commercial uses and provision of diverse employment opportunities. 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 clause 15.01 (*Built form and Environment*), clause 2.05-2 (Urban design) clause 22.10 *Built Form and Design Policy* and clause 22.05 (*Interface uses policy*) of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area. The following Built Form assessment will consider these issues.

Land use and car and bicycle parking

85. The office and food and drinks premises uses within the development require planning permission. Clause 22.05 (*Interface Uses Policy*) requires new non-residential use and development within Industrial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. The proposed office use is largely considered to generate minimal off-site amenity impacts, with the use contained within the building and unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land.

86. The use of the site predominantly as an office building is supported by the Planning Policy Framework and the objectives of the zone, as outlined previously, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services and buffers the residential area on the north side of Marine Parade from activities in the Industrial 1 Zone to the south. The applicant did not include hours of operation or staff numbers as part of the application material.
87. Officers discussed this with the applicant who indicated that 120 staff would be sufficient for the proposed office use. This figure seems reasonable as it is less than that permitted by the building regulations (at 1 worker per 10sqm of office area). The applicant did not want to limit the hours of operation of the building, indicating workers may need to stay late/come to work early/at weekends from time to time, in order to meet pressing deadlines. However unrestricted office hours allow future occupants the option to operate the building at full capacity 24 hours per day and at weekends.
88. This potential 24 hour/weekend operations was particularly a concern given the residential area on the north side of Marine Parade. For this reason it was considered appropriate to impose hours of operation Monday to Friday - 7am to 9pm.

The applicant agreed to a condition to this effect but requested at maximum of 15% be permitted on-site outside these hours to facilitate the need for small numbers of staff to work early/late/at the weekend to meet pressing deadlines.

89. With Council officers unable to easily monitor/ enforce an arrangement of this type over multiple office tenancies, it is not considered appropriate to support this request. Further, individual office tenants have the ability to apply to Council for evening and weekend hours (if necessary) giving officers the ability to carry out a full assessment of the impacts of these extended hours in light of the particular operational needs and likely off-site amenity impacts of that particular office use. Subject to the conditions described above, overall the proposed staff numbers and hours of operation (7am-9pm Monday – Friday) are considered to appropriately balance the need to protect the amenity of residents with the operational needs of the office use.
90. Similarly, as mentioned earlier, the small scale of the food and drinks premises will allow for it to be a locally focused service that would not generate unreasonable levels of activity and associated off-site amenity impacts for the surrounding residential areas. The applicant has also not included hours of operation for this use as part of the application. Given the residential interface on the opposite side of the street, it is considered appropriate to limit the hours of the food and drinks premises to 7am to 8pm to minimise disturbance to the resident area on the opposite side of Marine Parade.
91. Unlike the office use, it is considered appropriate to allow food and drink premises to operate at the weekend subject to appropriate hours. The food and drinks premise is a small operation (with a floor area of 62sqm) and so is unlikely to be an attractor destination in its own right (ie. similar to the scale of similar cafes and convenience shops in the area). It is also worth noting that clause 22.01 (*Discretionary Uses in a Residential 1 Zone*) stipulates that permit required uses in a residential zone should have hours of operation limited to 8am to 8pm. In light of these hours being supported by the Scheme in a purely residential area and that the proposed food and drinks premises is located in an industrial zone, it is reasonable to permit the use to operate for one hour more in the morning from 7am.
92. Given the smaller scale of the proposed food and drinks operation, it is unlikely to generate significant disturbance to residents opposite. Further, other businesses in Marine Parade are operating during these hours in the morning and at weekends and so the food and drinks premises would not dramatically alter existing commercial activity in the street at these times. The applicant is agreeable to these proposed hours of operation.

Increased pedestrian activity and traffic/car parking reduction

93. Objectors have also raised concerns the office will increase activity with 120 workers proposed to attend the site daily. However given that the south side of Marine Parade is exclusively used for commercial purposes, activity associated with employees attending work is already well established in the street. While the office will allow for increased numbers, the highest levels of activity will generally be in the morning and evening peaks when people are entering and leaving work, which is not considered an unreasonable outcome on land that is specifically zone for a commercial and limited industrial uses. Also, this activity will be limited to Monday–Friday.
94. Further given the office use significantly tempers the off-site uses amenity impacts one would normally associate with permitted manufacturing uses etc that could be contemplated on the land, on-balance it is considered the increased pedestrian activity in the street at morning and evening peaks is compensated for by the lack of off-site amenity impact impacts generated by the office use during the remainder of the day. Further, the weekday and daytime operation of the site will allow for minimal disturbance in the evening and weekends to the residential areas to the north.
95. In relation to traffic considerations, the previously provided summary of relevant policy objectives demonstrate that this area has strong strategic justification to support buildings of this scale, along with associated car parking reductions. Given public transport options within the immediate vicinity, the site is located to take advantage of multiple modes existing public transport infrastructure within the immediate vicinity.
96. 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 provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme and will increase traffic congestion in the street and surrounds.
97. 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. The lack of available on-street car parking will also encourage staff to avail of public transport and cycling options. Further Council's traffic engineers have not objected to the proposed car parking reduction.
98. The applicant's parking survey indicated that on-street car parking was generally occupied at 86% occupancy at peak times, which would further discourage workers from speculatively driving to the site. Objectors have raised concerns that workers would use on-street car parking throughout the day and move their car to another space when the parking restriction time expires. While this may be a possibility, given the restricted parking available (as demonstrated by the applicants parking survey) it appears that moving the car throughout the day would be an arduous process that workers are unlikely to engage in. Employers are likely to discourage workers from engaging in this activity given it would result in workers leaving the office for lengthy periods numerous times during the day.
99. A condition will also require a Green Travel Provided to ensure the building will have strategies in place to discourage staff from speculatively driving to work and instead encourage the use of cycling and public transport options. Council's Strategic Transport Unit has also recommended this with the applicant accepting a condition to this effect.
100. Objectors also raised concerns that the traffic engineering survey did not accurately reflect available on-street car parking and requested that further surveys be required. This issue was discussed with Council's traffic engineers who indicated the traffic consultants are a reputable firm who are likely to have carried out an accurate survey.

Further the figures presented in the survey seemed reasonable based on the experience of Council's traffic engineers. For these reasons the submitted traffic report is considered acceptable. The *Planning and Environment Act (1987)* also limits officer's ability to require additional information of this type without significant justification to do so.

Bicycle facilities

101. The proposal has excellent end of trip cycling facilities including 4 showers/change rooms, 50 bicycle spaces and 58 lockers. These facilities will go some way to encourage employees to cycle to the site. Council's Strategic Transport Unit has also reviewed the bicycling facilities and are generally supportive of them noting that 15 spaces over Council's best-practice recommended rate are proposed. They also noted that all of the 40 spaces in the building are hanging spaces and requested that at least 20% be provided at grade to facilitate access. Given the high number of spaces proposed, they are accepting of the number of internal spaces being reduced to 25 to allow for at -grade spaces to be provided. The applicant has indicated that 20% of the bicycle spaces can be provided at grade while also maintaining a minimum of 40 spaces. This could be addressed by way of a condition.
102. Ten visitor spaces are proposed by way of four hoops on the footpath and one on-site in the office entry area. The Strategic Transport Unit indicated that 3 of the hoops (located away from the proposed street tree) cannot be accommodated as they would interfere with vehicle bonnets overhanging the footpath when parked. The Strategic Transport Unit requested they be removed and replaced with one additional hoop in the lobby entry area which will reduce external visitor spaces from 10 to 6. The applicant has indicated that this is acceptable and that an additional hoop can be accommodated in the office entry area. Conditions will address these items.

Engineering conditions

103. Finally, in relation to the operation of the basement car parking, Council's engineers are satisfied the design will operate safely and efficiently, apart from a condition requiring the basement have a minimum floor-to-ceiling height of 3.85m (3.8m currently proposed) to facilitate the operation of the car stacker. The applicant is agreeable to a condition to this effect. The engineers also requested standard conditions in relation to the construction of the crossover, repairs to any damaged Council infrastructure and the provision of a Construction Management Plan. These could be addressed by way of conditions.

Built Form

104. The relevant permit trigger for the development is the Industrial 3 Zone, and the primary considerations for the proposed development are the decision guidelines at clause 33.03-4 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*), clause 21.05 (*Urban design*), clause 22.05 (*Interface uses policy*) and clause 22.10 (*Built form and design policy*).
105. 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.

Context

106. As detailed in the site and surrounds section of the report, the subject site is located 300m from the Johnston Street activity centre and within walking distance to train services within the Principal Public Transport Route. Residential properties of generally one to two stories are located on the opposite side of Marine Parade.

The commercial properties on the northern side of Marine Parade and the Industrial 1 Zone to the south are generally two storeys. In this context, the proposed building at 7 storeys is an anomaly.

107. While the current application “is the first off the rank” in terms of higher built form in the immediate area, this is not sufficient grounds to argue the height is inappropriate in light of policy objectives that encourage more robust built form typologies on sites such as this that are relatively unfettered by off-site amenity impacts. Given the site’s zoning and lack of heritage controls, it is expected that higher built form will occur, especially if development is to achieve State and Local strategic policy of increased development and employment opportunities near activity centres and public transport.

Height, visual bulk, scale and massing

108. There are no height levels identified for the subject site within the Yarra Planning Scheme, however with the above context in mind, the evident policy support for higher density development in this location and the lack of sensitive interfaces, the proposed building at seven-storeys is considered acceptable subject to appropriate design. The rationale behind this support is outlined in detail within the assessment below.
109. The Scheme provides general guidance to assist in determining whether the proposed height of the development is acceptable. With regard to policy direction, clause 21.05-2 (Urban Design) contains Objective 17, which aims *to retain Yarra’s identity as a low-rise urban form with pockets of higher development*. To achieve this, Strategy 17.2 notes the following;
- (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*
110. Although the site is not located directly within an activity centre, or on an identified strategic redevelopment site, it is within an area in which substantial redevelopment opportunities exist. The land is currently under-utilised, given its substantial size and central location. It is therefore considered that the height for the proposed building can be supported in light of this policy guidance and specific benefits achieved by the proposal, including upper-level setbacks and largely meeting best practise ESD outcomes and positive contributions to the public realm. It is also considered to display a high quality of architectural design, as will be discussed further.
111. This view that higher development can be considered outside activity centres or nominated strategic redevelopment site can be considered was articulated by the Tribunal in (Common Equity Housing Ltd v Yarra City council & Ors [2009] VCAT 1722 (24 August 2009))
- [56] We do not think the mapped and listed sites should be regarded as being exclusive. It will not always be possible to identify such sites into the future and opportunities that present themselves that fit into the locational criteria should be able to be considered for higher scale development. Any redevelopment will involve an assessment of the site’s physical and planning contexts resulting in different responses in different settings.

112. Urban design advice was received from Hansen Consultants. As described in the background section, the application originally proposed 8 storeys with the setback to Marine Parade of floor 4 and 5 of 3.8m. The urban design advice was not supportive of this scheme requesting the building height be reduced to 5 storeys, as follows:

In summary, we consider that the subject site lends itself to mid-rise infill development due to its existing condition and locational attributes. However, we consider that the proposed built form response is unacceptable in its current form primarily due to the overall height and access to sunlight and ventilation of the office spaces at lower levels. We therefore consider that the built form response requires substantial modification and reduction in scale to create an acceptable outcome.

113. The section 57A amended plans and sketch plans reduced the height of the building by 5.8m by the deletion of a level and reduction in the floor-to-ceiling heights throughout the building. The setback of floor 4 and 5 was also increased from 3.8m to 6m. Hansen Consultants reviewed the revised plans and are now supportive of the proposal, as follows:

The proposal presents a well resolved form to its interfaces in relation to its streetwall presentation and profile. The amended design has considerably reduced the overall height of the proposal from 8 storeys (30.2m) to now 7 storeys (24.4m) and in tandem increased the upper level setbacks from Marine Parade. This adjustment has appropriately addressed our previous concerns and reduced the visual bulk presentation of the upper levels.

While, the amendments do not result in a '5 storey' form, the reduced floor to floor dimensions and increased setbacks to Levels 4 and 5, results in a visible building presentation of 5 storeys and more modest envelope with an overall height reduction of approximately 6m. These contractions to the proposed massing improve the proposal's appearance on the skyline and reduce its prominence on the surrounding viewshed. While, the incorporation of a series of skylights to ground floor and an increased setback provision at first floor sufficiently resolve our internal amenity concerns to the rear of the proposal at its lower levels.

We have appraised the proposal as a contemporary form to its light-industrial context that contributes successfully to its immediate residential interface, across the street. We consider that the revised proposal should be supported in urban design terms.

114. This outcome is based on the following assessment of the proposal. The building design provides a modulated form that divides the overall mass into two components, with a prominent street wall and more recessed upper levels. This allows for a more human scale along Marine Parade. The two components have been finished in contrasting shades, with the podium level more prominent within the streetscape. This assists in drawing the focus to the lower levels of the development. The significant setback of the top-most floor ensures that it will be visible only from long-range views.
115. This outcome is evident in the following images (advertised plan images below in figure 1), with the previously proposed building envelope illustrated in red (figure 2). These images demonstrate how massing, articulation and changes in surface treatment have been utilised to relate the taller building to the surrounding scale, as recommended in Clause 22.10-3.3 of the Scheme.



PERSPECTIVE ELEVATION LOOKING SOUTH FROM THE OPPOSITE SIDE OF THE ROAD ON MARINE PARADE



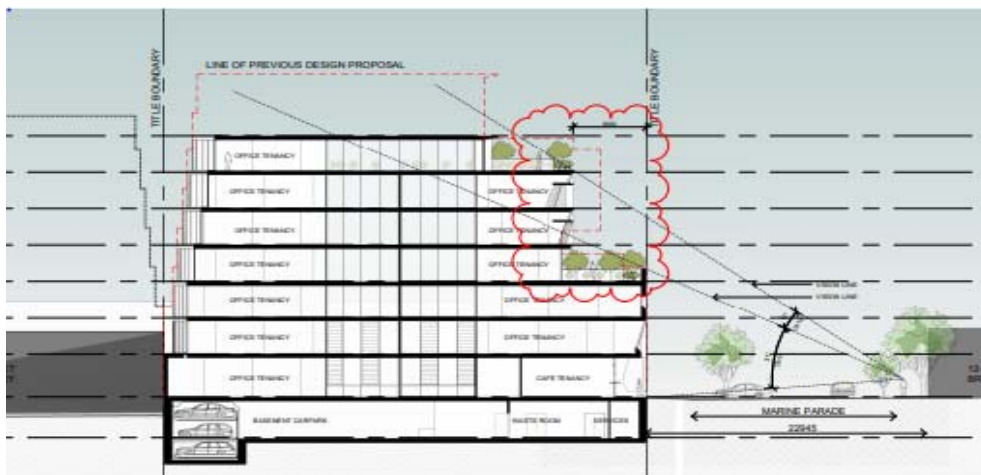
RENDERING OF THE PROPOSED DEVELOPMENT FROM THE OPPOSITE SIDE OF THE ROAD ON MARINE PARADE

Figure 1 (advertised plans)



Figure 2 – amended plans

116. The following image, along with the previous perspectives, demonstrate that floor 3 and 6 would not be visible from the opposite side of Marine Parade allowing for the building to present as five stories within this view shed. The increased level 4 and 5 setbacks have also been critical in reducing visual bulk and massing issues when viewed from the street, allowing for the upper levels to appear as highly recessive element.



117. A number of these elements will be expanded upon in the following sections of this report, but indicate that the height of the proposed building is supportable at seven-storeys under the policy direction at clause 21.05 of the Scheme. 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.

118. Whilst greater in height than surrounding buildings, it is considered that the design has been well considered in relation to its context and integrates well with surrounding built form. For these reasons, support is recommended for the overall height.

The Public Realm & Pedestrian spaces

119. Clause 22.10-3.4 (Street and Public Space Quality) aims to ensure that ground level façade treatments interface positively with the street, by enhancing the pedestrian experience and creating attractive and active interfaces with the public domain. This can be achieved by designing development to provide a high level of pedestrian amenity and visual interest by incorporating well-defined entries at ground level and installing glazed areas which allow permeability into the interior space.
120. The proposal seeks to activate the Marine Parade footpaths by providing a setback at ground level. This establishes a clearly visible entrance point to the office and food and drinks component and creates new pedestrian spaces and a more open environment at ground level. The overhang of the level above provides weather shelter outside of the subject site.
121. The introduction of the food and drinks premises provides for an active frontage to the street, while also increasing passive surveillance. All commercial uses within the upper levels will also provide passive surveillance to the public realm.
122. Design Objectives outlined at Clause 22.10-3.9 (Landscaping and Fencing) encourage development that respects the landscaped character of the neighbourhood and encourage landscaped front setbacks to make a positive contribution to the public domain. While no ground level landscaping is proposed, this is acceptable given the industrial zoning where landscaped sites are not typically found. Further a new street tree is proposed which will contribute to the public realm. The street tree has been supported by Council's Streetscapes and Natural Values team subject to a condition requiring the applicant pay for Council a fee to install the tree. The applicant is accepting of a condition to this effect. Further the significant garden beds at floor 3 and 6 will contribute a new landscape character on this side of Marine Parade.

Landmarks, Views and Vistas

123. 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.

Light and Shade

124. The shadow generated only affects the roof of nearby commercial properties. Thus, the public realm in Marine Parade will not be negatively affected in this regard.
Energy and Resource Efficiency
125. The Scheme provides some guidelines in relation to ESD; including strategies to encourage new developments to incorporate environmentally sustainable design measures; on-site water management, and energy efficiency.
126. A Sustainable Management Plan was provided with the proposal and was referred to Council's ESD Advisor, who confirmed that the energy efficiency measures included as part of the development largely met Council's Environmental Sustainable Design standards. The proposal is committed to exceeding NCC requirements as outlined by Council's ESD officer as follows:
- (a) *NCC energy efficiency standards for heating and cooling loads of the building fabric exceeded by at least 30%.*
 - (b) *Access to daylight is good with ~40% of the office floor area reaching the target daylight factor of 2% or greater.*
 - (c) *All office areas have access to natural ventilation.*
 - (d) *Automated mixed mode HVAC system with VRV system.*
 - (e) *A STORM report with a 104% STORM score has been provided that relies on 10,000 litres of storage for toilet flushing of toilets on ground and basement.*
 - (f) *Protection to north facing glazing by overhangs, wing walls and light shelves.*
 - (g) *Energy efficient lighting and hot water.*
 - (h) *Water efficient taps and fixtures.*
 - (i) *Proposing a 10.5kWp solar PV array.*
 - (j) *Energy storage system proposed.*
 - (k) *Electric vehicle charging in the car stackers.*
 - (l) *Partial green roof on both level 3 and 6.*
 - (m) *Terrace areas and ground floor breakout space for staff.*
127. There were no ESD deficiencies identified, with the only additional requirement being confirmation of the operability of window louvers on plans and to show the position and capacity of the battery energy storage system in the basement. These items could be addressed by way of condition.
128. It is considered that the design of the building addresses the requirements of the policy under clause 22.10-3.5 (Environmental Sustainability), clause 22.16 (Stormwater Management) and clause 22.17 (Environmentally Sustainable Development) of the Scheme and the SMP endorsed if a planning permit is to issue to ensure that these requirements are maintained.

Site Coverage

129. Design objectives at Clause 22.10-3.6 aim to ensure that the site coverage of new development complements the desired neighbourhood character of the area and responds to the features of the site. The existing building is setback 5m from Marine Parade. Given the industrial context, a large number of building occupy 100% of the site. The proposed ground floor will be setback from Marine Parade but with floor 1 to 3 overhanging allowing for 100% site coverage. This outcome is considered to be appropriate and consistent with the commercial character of the wider area that accommodates predominantly hard-edged built form.

Architectural Quality

130. The development is considered to be of high architectural quality and is consistent with the design objectives of clause 15.01-2 of the Scheme. The contemporary design is appropriate and responds well to the immediate neighbourhood, with an emerging character of eclectic and contemporary built form along both sides of the streetscape. The proposed design offers a modern response that revitalises the street frontage and provides articulation and activation through the inclusion of windows, terraces and clear glazing.
131. The contrasting use of light finished precast concrete within the base of the building, and darker shade in the levels above achieves a visually interesting and modulated built form outcome. The side walls have varying shades of concrete with large areas of glazing with fin shading devices further articulating the western wall. The steeping back nature of the rear wall also provides for a visually interesting treatment to the rear of the building.
132. Overall 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 Abbotsford, as described by the external urban design comments, as follows:

We are generally satisfied that the presentation of the proposed development in terms of both its street and side profiles are well considered with regard to compositional elements and materiality. The architectural detailing reads as a contemporary response to the industrial context utilising horizontal precast concrete bands with deep recessive window openings to provide visual interest and a play of light and shadows across the façade. Overall, the proposed design represents a fitting infill response that befits its location.

On-site amenity

133. Design objectives outlined at Clause 22.10-3.7 of the Scheme aim to ensure that new development optimises the internal amenity for future occupants by providing well designed, functional and well-ventilated spaces that contribute to a sense of safety and comfort within the site and its immediate environs.
134. The office building has been designed to include appropriate services for future users. The internal light court and extensive use of operable louvres throughout the building will provide good access to daylight and ventilation at all levels. Each floor would be provided with service amenities and accessible to staff with lifts and a stairwell.
135. The substantial amount of bicycle parking, comprehensive end-of-trip facilities and proposed bicycle workshop all contribute to excellent on-site amenity, by offering future occupants' alternative methods in which to access the site and ensuring that a high level of comfort would be afforded to all bicycle users.
136. The terraces and communal break out space provide a generous recreations space for occupants, with the external food and drinks seating at ground level also providing additional outdoor space.
137. The external urban design comments raised concerns with daylight access to the ground level office. However, the section 57A amended plans provided further skylights to the office which resolved this issue for the urban designers. Further Council's ESD officer was also satisfied with the day light access component of the proposal.
138. On this basis, a high level of internal amenity will be achieved.

Off-site amenity

139. The policy framework for external amenity considerations is contained within Clauses 22.10-3.8 (Off-site amenity) and 22.05 (Interface uses policy) of the Scheme. The subject site is zoned Industrial 3 as are the properties that immediately abut the site to the east, west and south. The closest residences are to the north within a residential zone, with these dwellings separated from the subject site by the 19m road reserve of Marine Parade. These are the only sensitive interfaces within proximity to the site.

140. The acceptability of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the dwellings located adjacent to industrially zoned land. This issue is discussed within the Tribunal matter of *Calodoukas v Moreland CC* [2012] VCAT 180:

[13] ...owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas.

141. With the above in mind the following assessment is provided.

Noise

142. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use will be conducted indoors. It is widely accepted that office use does not generate high external noise levels. The food and drinks with a limited operation is also not anticipated to result in unreasonable noise levels, particularly as it will not operate at night beyond 8pm.

143. The location of services/plant equipment on the roof and basement are appropriately located to minimise noise impacts. A condition will 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).

144. In light of the above it is considered unlikely that the office and retail use of the building, along with all services and equipment required, would result in any unreasonable amenity impacts to the surrounding area, including the residential area to the north.

Overlooking

145. All immediately abutting properties are zoned Industrial 1 where residential uses are prohibited. While not applicable to the application, the accepted overlooking assessment tool in Rescode stipulates a 45 degree radius and 9m distance within which overlooking should be restricted. The proposal is separated from the frontage of residential land to the north by approximately 19m in compliance with the distances stipulated by this standard. This will appropriately limit any unreasonable overlooking impacts to these sites.

Overshadowing

146. Given the orientation of the site on the southern side of Marine Parade, there would be no additional overshadowing of secluded private open space associated with any residential land throughout the day. With overshadowing limited to the roofs of commercial buildings in the Industrial zones, additional shadowing is acceptable.

Equitable development

147. The site is directly abutted by industrially zoned land to the east and south, which may be developed to a similar density in the future. The lightwell on the western boundary will facilitate equitable development rights and assist with a visual break in the elevation. While the lightwell appears to be small (1.6m x 12.15m), a similar lightwell (if not larger) could be accommodated on the adjoining site, particularly given the adjoining site is considerably larger than the subject site.
148. In relation to the adjoining site to the east, no light court is proposed on this boundary. However this is acceptable as should this site develop, it is likely to include a light court on its eastern side to accommodate equitable development outcomes with the smaller site adjoining its eastern side. The stepping back of the rear wall also allows for equitable development outcomes should the sites to the rear develop. If development to the adjacent boundaries was to occur in the future, the scale of these lightwell/setbacks is considered appropriate and would preserve a degree of daylight access and natural ventilation to the proposal and future developments on adjoining sites. The urban design comments also indicate the proposal is acceptable in this regard.

Waste management

149. The waste management plan submitted with the application was reviewed by Council's Contracts Services unit. The unit was satisfied with the plan which proposes private collection but requested it be amended to show the size of the bin storage room. However, the development plans show the area of the bin storage room to be 24sqm and so a condition will not require this. They also requested for collection to occur within title boundaries by private contractor with no kerb collection permitted and vehicle swept path diagrams provided.
150. The applicant explored the option of the private collection vehicles entering the site with their traffic engineers. However, due to the narrow width of the site the vehicles could not achieve the required turning area to exit the site in a forward manner. Thus, achieving the required turning area would require a significant redesign of the basement which would result in the loss of car parking and bicycle spaces. Given this, it is not considered warranted to require on-site collection.
151. Further the Waste Management plan also stipulates the private waste collection contractor will be contracted to remove the bins from the basement using the bin tug provided and return the bins to the basement once emptied. Thus, the bins will only be on the street for a very short period of time and so are unlikely to generate any nuisance. The Waste Management plan will be endorsed to ensure the collection is carried out in this manner.

Objector concerns

152. Objector concerns have been addressed within the body of this report, the following section provides a summary of the assessed outcomes discussed earlier:
- (a) Height is inappropriate to the area and may set a precedent;
 - (i) This issue is discussed between paragraph 104 and 118. In relation to precedent, all applications are assessed on their own merits and compliance with the *Planning and Environment Act 1987* and Yarra Planning Scheme. Developments are not determined on the precedent of other developments.
 - (b) Equitable development issues;
 - (i) This issue is discussed between paragraph 147 and 148.
 - (c) May create unsafe laneway (fire vehicles may have difficulty accessing the site);

- (i) The glazing to the rear of the building will improve passive surveillance to the lane and so improve safety for users of the lane. Emergency vehicles will not be reliant on the lane to access the site with better access offered from Marine Parade.
- (d) Off-site amenity impacts (overlooking, overshadowing, noise, light spill and rubbish removal/storage);
 - (i) These issues are discussed between paragraph 139 and 151.
- (e) Concerns with the environmental sustainability; and
 - (i) This issue is discussed between paragraph 125 and 128.
- (f) Car parking (including increased traffic and demand for on-street car parking, visitors can't use car stackers, insufficient on-site car parking and cyclist showering facilities; and an unsatisfactory car parking survey).
 - (i) These issues are discussed between paragraph 93 and 103.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0959 for the use and development of the land for the construction of a mixed use building (permit required for office and retail (food and drink premises) uses) and a reduction in car parking requirements at No.1E Marine Parade, Abbotsford, 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 plans being Drawings TP02, TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10, TP12, TP13, TP14, TP15 and TP16, Revision 7, prepared by CHT Architects Pty Ltd, and dated 01 May 2018 but modified to show:
 - (a) Increase the setback of floor 4 and 5 from the Marine Parade to a minimum of 5.945m and maximum of 6.02m as shown on the sketch plan submitted 13 September 2018;
 - (b) Operability of louvered windows;
 - (c) Show the position and capacity of the battery energy storage system in the basement;
 - (d) A minimum of 20% of the 40 bicycle spaces in the basement to be provided at-grade with no loss in the number of spaces;
 - (e) The basement to have a minimum floor-to-ceiling height of 3.85m;
 - (f) Removal of the three westernmost bicycle hoops on the footpath; and

- (g) An additional bicycle hoop to be provided at the office entry.
- 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 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 - 4 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 - 5 Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to EV charging facilities (if proposed); and
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
 - 6 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 - 7 Before the development commences, the permit holder must make a one-off contribution of \$991 to the Responsible Authority to be used for a new street tree planting that is required as a result of the development.
 - 8 No more than 120 staff are permitted to operate from the land at any one time.
 - 9 Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday 7.00am – 9.00pm.

- 10 Except with the prior written consent of the Responsible Authority, the food and drinks premises use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 7.00am – 8.00pm.
- 11 The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 12 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.
- 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. No pipes, ducting or protrusions from the ceilings, walls or the underside of slabs are to be installed above or within the parking space clearance envelopes for the car stacker devices. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
- 14 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 15 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 the reconstruction of the footpath immediately outside the property's road frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost,
 - (b) to the satisfaction of the Responsible Authority.
- 16 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 17 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing Marine Parade vehicle crossover must be fully demolished, with the new vehicle crossing to be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 18 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 and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans; and
 - (b) line-marked or provided with some adequate means of showing the car parking spaces; and
 - (c) to the satisfaction of the Responsible Authority.

- 19 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 car park and pedestrian 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.
- 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.
- (q) In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (viii) using lower noise work practice and equipment;
 - (ix) the suitability of the land for the use of an electric crane;
 - (x) silencing all mechanical plant by the best practical means using current technology;
 - (xi) fitting pneumatic tools with an effective silencer;
 - (xii) 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;

- (b) the development is not completed within four years of the date of this permit, or
- (c) the use is not commenced within 5 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.

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 property owners, employees and occupiers of the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

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.

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

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

CONTACT OFFICER: Laura Condon
TITLE: Senior Statutory Planner
TEL: 92055016

Attachments

- 1 PLN17/0959- 1E Marine Parade- Subject Site
- 2 PLN17/0959 - 1E Marine Parade - Decision Plans - Part 1
- 3 PLN17/0959 - 1E Marine Parade - Decision Plans - Part 2
- 4 PLN17/0959 - 1E Marine Parade - Sketch Plans - Part 1
- 5 PLN17/0959 - 1E Marine Parade - Sketch Plans - Part 2
- 6 PLN17/0959 - 1E Marine Parade - Urban Design comments on original 8 storey application.
- 7 PLN17/0959 - 1E Marine Parade - Urban Design advice on sketch plans
- 8 PLN17/0959 - 1E Marine Parade - Strategic Transport Comments
- 9 PLN17/0959 - 1E Marine Parade - ESD Comments
- 10 PLN17/0959 - 1E Marine Parade Abbotsford - Engineering comments

1.2 PLN17/0718 - 141-147 Queens Parade, Clifton Hill - Development of the land for the construction of a four-storey built form (plus basement level), including part demolition and a reduction in the car parking requirement

Executive Summary

Purpose

1. This report provides an assessment of planning permit application PLN17/0718 which relates to Nos. 141-147 Queens Parade in Clifton Hill for the development of the land for the construction of a four-storey built form (plus basement level), including part demolition and a reduction in the car parking requirement. The report recommends approval, subject to conditions.
2. The building occupying the subject site is graded as individually significant under the heritage overlay. The building will be partially demolished to allow for the proposed development to be integrated into both Queens Parade and Gold Street.

Key Planning Considerations

3. Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment;
 - (b) Clause 22.02 – Heritage
 - (c) Clause 22.10 – Built Form and Design Policy;
 - (d) Clause 34.01 – Commercial 1 Zone;
 - (e) Clause 43.02 – Design and Development Overlay (Schedule 20);
 - (f) Clause 52.06 – Car Parking
 - (g) Clause 52.29 – Land adjacent to a Road Zone, Category 1
 - (h) Clause 58 – ResCode

Key Issues

4. The key issues for Council in considering the proposal relate to:
 - (a) Planning Policy Framework and Local Planning Policy Framework;
 - (b) Neighbourhood Character Assessment
 - (c) Clauses 22.02 & 43.01 (Heritage);
 - (d) Clause 58 (ResCode);
 - (e) Clause 52.06 (Car Parking);
 - (f) Clause 52.29 (Land adjacent to a Road Zone, Category 1)
 - (g) Objector concerns.

Submissions Received

5. A total of eleven (11) objections have been received to the application. These can be summarised as:
 - (a) Design (height, scale, bulk, character);
 - (b) Heritage (extent of demolition, impact on host building and streetscape);
 - (c) Amenity (overlooking, overshadowing, loss of light/energy efficiency);
 - (d) Traffic and car parking (insufficient car parking provided, increased demand for on-street car parking);

Conclusion

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

CONTACT OFFICER: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

1.2 PLN17/0718 - 141-147 Queens Parade, Clifton Hill - Development of the land for the construction of a four-storey built form (plus basement level), including part demolition and a reduction in the car parking requirement

Trim Record Number: D18/174280

Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal: Development of the land for the construction of a four-storey built form (plus basement level), including part demolition and a reduction in the car parking requirement

Existing use: Commercial

Applicant: Sonia Diamante

Zoning / Overlays: Commercial 1 Zone, Heritage Overlay (Schedule 330), Design and Development Overlay (Schedule 20-3)

Date of Application: 1 September 2017

Application Number: PLN17/0718

Planning History

1. No previous planning applications have been lodged with Council for the subject site. There is nothing in Council records for the existing built form on the subject site.

Background

Planning Scheme Amendments

Amendment C231

2. Amendment C231 to the Yarra Planning Scheme proposes to introduce (amongst other things) a new Design and Development Overlay Schedule 16 (DDO16) to the Yarra Planning Scheme which affects the Queens Parade Activity Centre including the subject site and surrounding land.
3. DDO16 will essentially guide the heights and setbacks of new development so that their scale and form responds to the heritage character of Queens Parade and the adjoining low scale residential areas. The DDO16 also includes heritage and design requirements aimed at achieving a high standard of design.
4. Amendment C231 was considered by Council at its meeting on 19 December 2017 where Council resolved to seek authorisation from the Minister for Planning to put the amendment on public exhibition.
5. The relevant documents were sent to the Minister for Planning in January 2018. Council received Ministerial authorisation for public exhibition of the Amendment and exhibition commenced on 2 October 2018. The closing date for submissions to the amendment is 16 November 2018.

Amendment C241

6. Amendment C241 to the Yarra Planning Scheme was gazetted on 23 August 2018 and applies interim built form controls by way of a Design and Development Overlay (DDO20) to parts of Queens Parade not currently affected by the interim controls of amendment C229 (8-56 Queens Parade and 460-494 Brunswick Street). The interim controls are therefore in place while the permanent controls proposed by Amendment C231 are being considered.
7. DDO20 incorporates general and heritage design requirements and separates properties located along Queens Parade into precincts with specific built form controls. The general design requirements state the following:

8. General design requirements

- (a) *The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements.*
 - (i) *A permit cannot be granted to construct a building or carry out works which are not in accordance with the mandatory requirements specified in the relevant Precinct Tables*
 - (ii) *A permit cannot be granted to construct a building or carry out works which exceeds the preferred building height and setbacks shown in the relevant Precinct Tables unless the following requirements are met, to the satisfaction of the responsible authority:*
 - *The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0; and*
 - *The built form outcome as a result of the proposed variation satisfies the relevant requirements specified in this schedule.*
 - (iii) *Facades at ground level must be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone*
 - (iv) *Development must create a consistent street wall height along the streetscapes.*
 - (v) *Future vehicle access and services must be provided from a rear laneway or side street where possible.*
 - (vi) *Development must provide setbacks which ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.*
 - (vii) *Development must avoid repetitive stepped built form at upper levels of development.*
 - (viii) *Unless specified in another table in this schedule, any part of a building adjacent to land in a residential zone must comply with the following.*
 - *Boundary wall height and setback requirements for development adjoining a residential zone*

	<i>Boundary wall height</i>	<i>Setback</i>
<i>Common boundary</i>	<i>5 metre</i>	<i>45 degree above boundary wall height</i>
<i>Laneway interface</i>	<i>8 metre</i>	<i>45 degree above boundary wall height</i>

9. The overlay provides further requirements for properties affected by heritage overlays. Of most relevance are the design requirements for upper levels behind heritage street walls which states:

- (a) ***Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:***
 - (i) *Be visually recessive and not visually dominate the heritage building and the heritage streetscape;*
 - (ii) *Retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid ‘facadism’;*
 - (iii) *Utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades;*

- (iv) *Incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape;*
- (v) *Be articulated to reflect the fine grained character of the streetscape.*

10. The DDO further separates properties into precincts with specific height and setback requirements.
11. Relevant to this application, the subject site is located within precinct 4. The following built form requirements are relevant to precinct 4:

<i>Built form</i>	<i>Mandatory requirement</i>	<i>Preferred requirement</i>
<i>Building height</i>	<i>21.5 metres</i>	
<i>Front street wall height on Queens Parade</i>	<p><i>Retain height of existing heritage façade.</i></p> <p><i>Where no heritage façade exists, development must be:</i></p> <ul style="list-style-type: none"> • <i>A minimum of 8 metres</i> • <i>A maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres.</i> 	
<i>Front street wall height in side street</i>		<p><i>Retain height of existing heritage façade.</i></p> <p><i>Where no heritage façade exists, development must be</i></p> <ul style="list-style-type: none"> • <i>A minimum of 8 metres</i> • <i>A maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres.</i>
<i>Upper level setback Queens Parade</i>	<p><i>Minimum 6 metre in significant heritage streetscape area</i></p> <p><i>Minimum 8 metres at 364 Queens Parade</i></p>	<i>Minimum 6 metres at 167-197 Queens Parade</i>
<i>Upper level setback in side streets</i>		<i>Minimum 6 metres</i>
<i>Street wall setback</i>	<i>0 metre setback – built to front boundary at ground level</i>	
<i>Setback from rear boundary (C1Z interface)</i>		<i>Minimum 3 metres above 11 metres</i>

<p><i>Side and rear setback (NRZ interface)</i></p>		<p><i>45 degree angle above 8 metres from rear boundary to laneway</i></p> <p><i>45 degree angle above 5 metres where no laneway</i></p>
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12. Amendment C241 does not include any transitional provisions whereby any application for planning permit lodged before the gazettal date of 23 August 2018 would not be subject to the above requirements.

13. The requirements at paragraphs 8 to 11 above are therefore applicable to this application.

Amendment VC148

14. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the Amendment has deleted the State Planning Policy Framework (SPPF) and replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Yarra Planning Scheme.

15. Relevant to this application, the introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B apply if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).

16. The subject site is located within the PPTN Area and therefore the Column B car parking rates apply to this planning permit application. This means there is no longer a requirement in the Yarra Planning Scheme for the application to provide any visitor car parking spaces as part of the proposal.

Lodgment of S57A plans

17. Following advertising of the originally submitted proposal and in response to objector and Council Officer concerns, section 57A amended plans were lodged to Council on 26 June 2018. In summary, the plans made the following changes to the originally submitted proposal:

- (a) Reduction in the total number of car spaces from 25 to 24, circulation space within the basement altered, including the location of ramp, lift core, stairwell, bin store and apartment storage cages;
- (b) Ground floor – Vehicle accessway widened, pedestrian access relocated, loading bay altered, bin storage area altered and stairwell and lift core relocated.
- (c) First floor – stairwell and lift core relocated and incorporation of bathroom.
- (d) Second floor – stairwell and lift core relocated;
- (e) Third floor – stairwell and lift core relocated.

18. The section 57A amended plans were subsequently advertised on the 8 August 2018 to all objectors and adjoining property at No. 149 Queens Parade. No further objections to the proposal was received, however one additional submission reiterating concerns already raised was received from one of the original objectors.

19. A planning consultation meeting was held on the 11 September 2018 and was attended by the applicant, 1 objector and Council Officers. The main area of discussion related to overlooking from the southern side of the building, across the 3.6m wide laneway to the residential property to the south. In response to the overlooking concerns and discussions had, the applicant agreed that should a permit be issued, a screen could be incorporated along the southern portion of the second floor terrace associated with Dwelling 3, fronting Gold Street. And should a screen not be acceptable, a planter box could be incorporated instead.

20. A full assessment against overlooking associated with the proposed design response will be discussed later in this report.

The Proposal

21. The application proposes part demolition of the existing double storey heritage building to the rear and single storey elements and the integration of it and development of the land with a 4 storey building. The building includes one basement level providing a total of 24 car parking spaces in the form of car stackers and at-level spaces. The development will provide a shop (supermarket – 560sqm) at ground level fronting both Queens Parade and Gold Street, an office (605sqm) at first level and 5 dwellings at levels two and three.
22. In terms of ‘uses’ a planning permit is not required in the Yarra Planning Scheme for ‘supermarket’, ‘office’ or ‘apartment’ for the uses of land located in the Commercial 1 Zone.
23. The application includes a reduction in the car parking requirement associated with the supermarket, office and apartment uses within the building.

24. More specifically:

Demolition

25. Demolition of the single storey portion at the rear of the existing 2-storey heritage building fronting Queens Parade, Gold Street and to the rear (southern) laneway along the ground floor.
26. Internally, within the double storey portion of the heritage building, the removal of the staircase and internal walls extending up to the first floor and roof behind the roof ridge which is visible from the street frontages
27. Along the first floor of the heritage building, the removal of the staircase and internal walls and associated roof structure (60sqm approximately).
28. Note: A portion of the existing pitched roof form fronting the corner of Queens Parade and Gold Street is to be retained up to the roof ridge.

Buildings and works

29. Construction of a four (4) storey building with a basement level car park.
30. Maximum building height of 14.8m.
31. Vehicle access to the car park from Gold Street and construction of a 6.1m wide crossover on Gold Street to provide access to the basement ramp.
32. Loading bay for the supermarket from the rear laneway located on the southern side of the site.

Uses (no planning permit required)

33. Ground level
 - (a) Shop (supermarket) with a floor area of 560sqm (no permit required).
34. First floor
 - (a) Offices with a floor area of 605sqm (no permit required).
35. Second and third floors
 - (a) Apartments (3x2-beds and 2x3-beds) (no permit required). The secluded private open spaces are provided in the form of balconies fronting Queens Parade and to the rear laneway.

Layout

36. The four storey (14.8m high) mixed use building will comprise the following:

- (a) At basement level - 24 car spaces in the form of car stackers and at-grade spaces, two bicycle spaces (allocation not specified), five 6m³ storage cages for the 5 apartments, fire tank/pump room, water metres, bin storage area for the office and apartments, circulation area and lift and stairwell core.
- (b) The ground floor is to incorporate a 560sqm shop (supermarket) accessed via Queens Parade, loading bay is located to the rear and accessed via the laneway, bin storage area, a 1.95m wide pedestrian entry for the office and apartments via Gold Street and 6.1m wide vehicle access ramp via Gold Street.
- (c) Level 1 is to incorporate an open plan 605sqm office area with outlook to Queens Parade and Gold Street
- (d) Level 2 is to incorporate 3 apartments (2x2-bed and 1x2-bed plus study). The apartments will have primary outlook and terraces to Queens Parade, Gold Street and rear laneway.
- (e) Level 3 is to incorporate 2, 3-bedroom apartments. The apartments will have primary outlook to Queens Parade and rear laneway, with Apartment 5 having access to a roof terrace.
- (f) Vehicle access to the basement is via Gold Street in the form of a 6.1m wide ramp, adjacent to the rear laneway. Car spaces are provided to all uses. Pedestrian access to the supermarket is to be via Queens Parade. Pedestrian access to the office and apartments is via Gold Street in the form of a 1.9m wide lobby adjacent to the basement ramp.

Setbacks

- 37. The built form to the Queens Parade and Gold Street frontages will be retained at ground level and integrated into the new development.
- 38. To allow for vehicle access to the basement, a 6.1m wide entry ramp is provided along Gold Street. Along the southern (rear) boundary, the ground floor incorporates a varied zero metre to 3.6m setback to allow for the loading bay.
- 39. Along level 1, the building is constructed to all boundaries, with the exception of a 3.269m setback along part of the southern (rear) boundary for approximately 18m.
- 40. Along level 2, the building incorporates a 6m setback along the Queens Parade and Gold Street frontages. Terraces however are constructed to part of both boundaries. Towards the southern (rear) boundary a varied zero metre to 4.8m setback is incorporated. The eastern (side) boundary incorporating a varied 0m to 2m setback to the adjoining commercial property.
- 41. Along Level 3, the building incorporates identical setbacks (6m) along Queens Parade and Gold Street. To the eastern boundary a 0m to 2m setback is provided, with the exception of the balcony associated with Apartment 4 which slightly encroaches into the 2m setback. A varied 3.5m to 4.9m setback is provided to the southern (rear) boundary.
- 42. The roof terrace is provided with a 9.5m setback to Queens Parade. Gold Street incorporates a varied 6m (lift overrun) to 8m setback. To the east, the roof terrace is provided with a varied zero metre to 2m setback. Along the southern (rear) elevation, a varied 6.551m to 7.325m setback is incorporated to the laneway.
- 43. Access to the roof terrace is restricted to Apartment 5 and accessed via an external staircase along the southern elevation.

Car parking and bicycle parking

- 44. The basement will comprise a total of 24 car spaces including 7 spaces for the residential component, 12 for the office component and 5 for the supermarket.
- 45. Provision is made for 2 bicycle spaces within the basement. These spaces are allocated to the apartments and are secure through the provision of horizontal bicycle rails.

Colours and materials

46. Materials and finishes include a combination of white render painted finish, metal cladding (woodland grey), natural concrete finish, timber-look cladding and brick veneer.

ESD measures

47. A 7,000L rainwater tank, located within the basement for the proposed development.
48. Other ESD commitments include good access to daylight and natural ventilation, energy efficient lighting / heating / cooling / hot water and water efficient taps and fixtures.

Existing Conditions

Subject Site

49. The subject site is located on the southern side of Queens Parade, on the south-east corner of Queens Parade and Gold Street in Clifton Hill and within the Queens Parade Neighbourhood Activity Centre.
50. The site has a frontage of 50.72m to Kerr Street and a frontage of 15.85m to Queens Parade, 16m to Gold Street and yields an area of approximately 721sqm (see image below). The site is bound by an unnamed laneway to the south.
51. The site is currently developed with a part single, part double storey heritage building currently being used for restricted retail. The double storey portion of the heritage building is graded as 'individually significant' under Appendix 8 of the incorporated document 'City of Yarra Review of Heritage Overlay Areas 2007' of the Scheme.
52. Vehicular access is provided to the site via the rear laneway, and three car spaces are currently provided within the rear setback of the building.



Surrounding Land

53. The subject forms part of a row of a relatively intact Victorian-era commercial strip, with the built form predominantly double storey in scale.
54. The surrounding land is a mix of commercial, place of worship and residential uses. Along Queens Parade (north east and west) is a mix of commercial uses associated with the Queens Parade Neighbourhood Activity Centre with uses ranging from food and drink premises, offices and retail premises.

55. Properties to the south of the site are residential and a place of worship associated with St Mark's Church, all of which front Hodgkinson Street. All are located within the Neighbourhood Residential Zone.

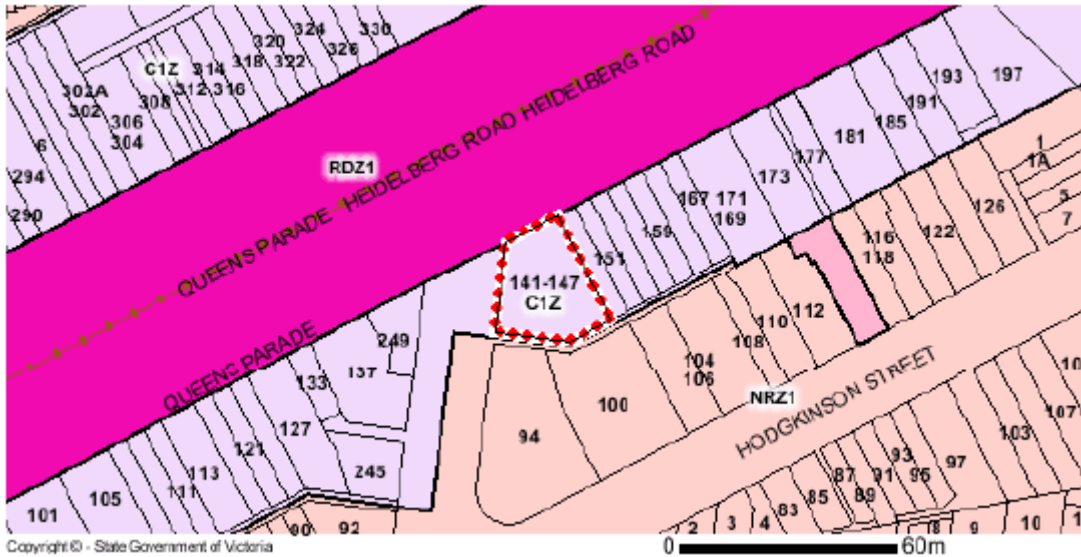


Figure 1 – shows NRZ located within 1.8m of the site

56. To the north of the site is Queens Parade, a 27m wide dual carriageway, separated by a central median and tram lines and an 8m wide service lane on either side. Further to the north are a row of commercial premises, double-storey in scale.
57. To the north-east is No. 149 Queens Parade, which is occupied by a double storey commercial building constructed to both side boundaries along Queens Parade. The building has a double storey boundary wall constructed for a length of 11m along the common boundary with the subject site. A 1.5m setback is provided for 11m, with a carport constructed within the rear setback and accessed via the rear laneway. Plans submitted identified commercial uses along both floors, including a restaurant along the ground floor.
58. To the west of the site is No. 89 Queens Parade, located on the opposite corner of Queens Parade and Gold Street and is occupied by a food and drink premises (Rubber Duck Cafe). The site is occupied by a double storey building, constructed along both the Queens Parade and Gold Street frontages.
59. To the rear of the site is an unnamed laneway, beyond which is a part 2 and 3-storey residential building (No. 94 Hodgkinson Street) fronting Hodgkinson Street. The property is associated with Housing Choice Australia and provides affordable and social housing for older people and people with a disability. Interfacing the laneway is a number of balconies and habitable room widows. Adjacent to the dwelling are two double storey buildings and open space associated with St Mark's Church. With the exception of No. 94 Hodgkinson Street, the laneway is characterised by rear boundary fences and roller doors.
60. The site is well serviced by public transport and public open space facilities, including the following:
- (a) Clifton Hill Train Station 360m to the east of the site;
 - (b) The 86 tram route servicing Queens Parade (stop at the junction of Queens Parade and Wellington Street);
 - (c) Queens Parade is serviced by the following bus routes:
 - (i) The 546 (Heidelberg – Melbourne University – Queen Victoria Market via Clifton Hill and Carlton) travels along Queens Parade.
 - (ii) The 504 (Moonee Ponds – Clifton Hill via East Brunswick) stops on North Terrace approximately 100m south of the site.

- (iii) The 246 (Elsternwick – Clifton Hill via St Kilda) travels along Hoddle Street and stops at North Terrace approximately 350m south of the site.
- (d) Darling Gardens, located approximately 90m to the south;
- (e) Mayors Park (Collingwood Leisure Centre), located approximately 155m to the east;
- (f) Edinburgh gardens, located approximately 500m to the north-west.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

- 61. Pursuant to clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the land for the purpose of apartments, office or supermarket.
- 62. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
- 63. A permit is therefore required for buildings and works and the construction of the four storey component under the zone.

Overlays

Heritage Overlay (Schedule 330 – Queens Parade Precinct)

- 64. Pursuant to Clause 43.01-1 of the Scheme, a permit is required to construct a building or construct or carry out works, including demolition. External paint controls apply to this heritage precinct (Schedule HO330 – Queens Parade Precinct).
- 65. A permit is therefore required for the partial demolition and construction of the building under the overlay.

Design and Development Overlay (Schedule 20)

- 66. Pursuant to Clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works. The subject site is located within Precinct 4 of the DDO.
- 67. A permit is therefore required for buildings and works.

Particular Provisions

Clause 52.06 – Car Parking

- 68. Pursuant to Clause 52.06-2 of the Scheme, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided. Pursuant to Clause 52.06-3, a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5. The car parking requirements are summarised in the table below:

Use	Rate	Spaces required	Spaces provided	Variation required
Apartments (5 total)	1 space per 2-bedroom.	2	Not specified	Not specified
	2 spaces per 3-bedroom.	6	Not specified	Not specified
	Total	8	7	1
Office	3 spaces per 100sqm of net floor area	18	12	6
Supermarket	5 spaces per 100sqm of net floor area	28	5	23
Total		54	24	30

69. The introduction of VC148 amended Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area.

The traffic report and Council's engineering comments are based on the car parking rate in the Scheme prior to the gazettal of amendment VC148 (which required 3.5 car spaces per 100sq.m. for office and 5 for the supermarket). A total of 24 spaces are shown on the plans.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

70. Under clause 52.29 of the Scheme, a permit is required to create or alter access to a road in a Road Zone, Category 1. The application must be referred to VicRoads (a Determining Authority under Section 55 of the *Planning and Environment Act 1987*).

Clause 58 – Apartment Developments

71. Clause 58 of the Scheme applies to an application to construct or extend an apartment development or to construct or extend a dwelling in or forming part of an apartment development if the apartment development is in the Commercial 1 Zone.
72. The Scheme does not trigger any requirements for the provision of a loading bay.

General Provisions

73. 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. An assessment of the application against the relevant sections of the Scheme is outlined further in the following sections of this report.

74. The relevant Clause 65 provisions include:

75. *Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- (a) *The matters set out in section 60 of the Act*
- (b) *The Municipal Planning Strategy and the Planning Policy Framework*
- (c) *Any matter required to be considered in the zone, overlay or other provision*
- (d) *The orderly planning of the area.*
- (e) *The effect on the amenity of the area.*
- (f) *The proximity of the land to any public land.*
- (g) *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- (h) *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- (i) *The extent and character of native vegetation and the likelihood of its destruction.*
- (j) *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- (k) *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- (l) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

Clause 11.02 – Managing Growth

76. *Clause 11.02-1S Supply of Urban Land*

77. The relevant objective of this clause is:

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

Clause 11.03-1S Activity centres

78. The relevant objective of this clause is:

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

Clause 13.05-1S Noise abatement

79. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

Clause 13.07-1S Land use compatibility

80. The objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01-1S – Urban design

81. The relevant 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 15.01-2S Building design

82. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S Neighbourhood Character

83. The relevant objective of this clause is:

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

Clause 15.02 Sustainable Development

84. The objective of this clause is

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03 Heritage

85. The objective of this clause is:

- (a) *To ensure the conservation of places of heritage significance.*

Clause 16.01 Residential Development

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

- (a) *To promote a housing market that meets community needs;*
- (b) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

Clause 16.01-2S Location of residential development

87. The objective of this clause is:

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

Clause 17.02-1S Business

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

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*
- (b) *Locate commercial facilities in existing or planned activity centres;*

Clause 18.01 Integrated Transport

89. The objective of this clause is:

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

Clause 18.02 Movement Networks

90. The objective of this clause is

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

Clause 18.02-2S Public Transport

91. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R Principal Public Transport Network

92. The strategies of this clause include:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and Housing

93. The objectives of this clause are:

- (a) *To accommodate forecast increases in population;*
- (b) *Support residual population increases in established neighbourhoods;*
- (c) *To reduce potential amenity conflicts between residential and other uses;*
- (d) *To reduce potential amenity conflicts between residential and other uses;*
- (e) *Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity;*
- (f) *Apply the Interface Uses policy at clause 22.05.*

Clause 21.05 Built Form

94. The relevant objectives of this clause are:

- (a) *To protect and enhance Yarra's heritage places;*
- (b) *To reinforce the existing urban framework of Yarra*
- (c) *To retain Yarra's identity as a low-rise urban form with pockets of higher development*
- (d) *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) *Architecture 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.*
- (e) *To ensure that new development contributes positively to Yarra's urban fabric*
 - (f) *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*
 - (g) *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.06 Transport

95. The objectives of this clause are:

- (a) *Use rear laneway access to reduce vehicle crossovers;*
- (b) *To facilitate public transport usage;*
- (c) *Require new development that generates high numbers of trips to be easily accessible by public transport;*
- (d) *To reduce the reliance on the private motor car.*

Clause 21.07 Environmental Sustainability

96. The relevant objectives of this clause are:

- (a) *To promote environmentally sustainable development.*

Clause 21.08 Neighbourhoods (Clifton Hill)

97. The policy describes that area as:

- (a) *This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.*
- (b) *The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.*

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

98. This policy applies to all new development included in a heritage overlay.

99. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

Clause 22.05 Interface Uses Policy

100. This policy applies to applications for use or development within Commercial 1 Zones (amongst others).

101. The objectives 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 and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.07 Development Abutting Laneways

102. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal.
103. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.12 Public Open Space Contribution

104. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision.
105. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3068C). However considering the size of the site, it is not practical to provide the preferred area of land and therefore cash will be provided in the event of the subdivision of the land.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

106. This policy applies to applications for new buildings and aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 Environmentally Sustainable Development

107. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit.
108. 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

109. The originally submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 309 letters sent to surrounding owners and occupiers and by three signs displayed on site.
110. Council received 11 objections, the grounds of which are summarised as follows:
- (a) Design (height, scale, bulk, character)
 - (b) Heritage (extent of demolition, negative impact on host building and streetscape)
 - (c) Amenity (overlooking, overshadowing, loss of light/energy efficiency)
 - (d) Traffic and car parking (insufficient car parking provided, increased demand for on-street car parking)
111. In response to objector and officer concerns, section 57A amended plans were lodged to Council on 26 June 2018. In summary, the plans made the following changes to the originally submitted proposal:
- (a) Reduction in the total number of car spaces from 25 to 24, circulation space within the basement altered, including the location of ramp, lift core, stairwell, bin store and apartment storage cages

- (b) Ground floor – Vehicle accessway widened, pedestrian access relocated, loading bay altered, bin storage area altered and stairwell and lift core relocated
- (c) First floor – stairwell and lift core relocated and incorporation of bathroom
- (d) Second floor – stairwell and lift core relocated
- (e) Third floor – stairwell and lift core relocated

112. The section 57A amended plans were advertised on 8 August 2018 by letters to the adjoining property to the east (No. 149 Queens Parade) and all 13 objectors. No sign was required to be erected.
113. No further objections were received however one additional submission was received from an existing objector. No additional concerns were raised in the objection.
114. A planning consultation meeting was held on 11 September 2018 and was attended by the applicant, 1 objector and Council Officers. The main area of discussion was overlooking and at the meeting the applicant agreed that should a permit be issued, they would be acceptable to a permit condition requiring a screen along the southern portion of the second floor terrace associated with Dwelling 3, fronting Gold Street or the inclusion of a planter box. The planter box would prevent direct views into the north-facing window to No. 94 Hodgkinson Street.

Referrals

115. The following referral comments are based on the originally submitted proposal and the proposal shown on the 57A amended plans.
116. Referral responses/comments have been included as attachments to this report.

External Referrals

117. The application was referred to the following authority:
- (a) VicRoads – no objection
118. No conditions do not require any conditions to be included on any permit issued.

Internal Referrals

119. The application was referred to the following units within Council:
- (a) Engineering Services Unit;
 - (b) Heritage Advisor;
 - (c) Urban Design;
 - (d) ESD Advisor; and
 - (e) Waste.
120. Referral comments are included as attachments to this report and conditions / recommendations included as permit conditions where relevant.

OFFICER ASSESSMENT

121. The primary considerations for this application are as follows:
- (a) Policy and strategic support
 - (b) Heritage
 - (c) Urban design
 - (d) Clause 58 – Apartment Developments
 - (e) Environmental sustainability
 - (f) Car parking / traffic / vehicle access

- (g) Waste
- (h) Objector concerns

Policy and Strategic Support

122. The proposal satisfies the various land use and development objectives within PPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced, inner-urban environment.
123. The subject site is located within a Commercial 1 Zone (C1Z) and the Queens Parade Neighbourhood Centre and within easy walking distance to public transport (trams along Queens Parade, Clifton Hill Train Station and bus routes are located within 360m).

Policy encourages urban consolidation/higher densities developments within an activity centre location. Policy encourages the concentration of such developments in established areas and supports proposals which achieve the urban growth objectives at clauses 11.02, 11.03-1S and 16.01-2S of the Scheme, through the development on land close to existing transport corridors and services.
124. The proposed development is consistent with the purpose of the C1Z which seeks *“to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses”*. The C1Z also seeks *“to provide for residential uses at densities complementary to the role and scale of the commercial centre”*. The growth encouraged under the zone combined with the areas close proximity to existing infrastructure will be a key driver of change within the surrounding area.
125. As discussed above, the site is well serviced by existing infrastructure to cater for future occupant needs. In addition, the increased density will strengthen the long term viability of the Queens Parade by increasing the population to service local businesses. The retention of the commercial premises along the ground and first floors (supermarket and office) will also maintain a commercial use to the activity centres which adds to the existing diversity to the surrounding Activity Centres, while also allowing a business that will create employment within the municipality.
126. The site is located in an area suitable for redevelopment, with a proposed built form that responds well to the diverse pattern of urban form in the emerging commercial strip along Queens Parade. Further, it has limited off-site amenity impacts. Clauses 11.06-2 and 15.01-2 of the Scheme specifically encourage housing diversity and choice. Clause 17.01-1 of the Scheme includes the objective *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*.
127. Heritage and built form decision guidelines are contained at Clauses 15, 21.05 and 22.02 of the Scheme which support development that responds to the existing or preferred neighbourhood character. Particular regard must be had to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings. These elements will be discussed in detail below.
128. Clause 21.04-4 of the Scheme encourages new development to provide for a diversity of housing types. This proposal includes 5 new apartments (3 x 2 bedrooms and 2 x 3 bedrooms) in an inner city location, contributing to the diversity of housing in the area. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council’s MSS. Related strategies encourage the adaptation and reuse of land in established urban areas to reduce development pressures on the metropolitan fringe and encourage sustainable transport.

129. Clause 16.01-3S also seeks to provide a mix of housing types in well-designed, medium-density housing developments that respect the neighbourhood character; improve housing choice; make better use of existing infrastructure and improve the energy efficiency of housing. Clause 16.01-4S aims to deliver more affordable housing closer to jobs, transport and services. It is considered that the subject site's locational benefits and strategic policy context support the medium-density residential development proposed. The proposal would achieve multiple objectives and is ideally located for higher density development.
130. Clause 22.03 (Landmarks and Tall Structures) of the Scheme seeks to maintain the prominence of Yarra's valued landmarks. The spire of St John's Church is approximately 280m to the west and is an identified landmark. The proposal includes a 4-storey built form with a maximum building height of 14.8m. Located on lower topographically there is unlikely visual impact on this landmark.
131. In relation to ESD the original proposal includes only 7,000 litre rainwater tank, good access to daylight and natural ventilation, energy efficient lighting / heating / cooling / hot water and water efficient taps and fixtures. The amended plans do not include any ESD assessment but is envisaged that the above treatments would be incorporated.

It is considered that subject to the submission of an amended STORM and BESS report, it can comply with Clause 22.16 Stormwater Management (WSUD) and Clause 22.17 Environmental Sustainable Developments. No significant changes, other than screening to windows would most likely be required and the approval of both assessments will be to the satisfaction of the Responsible Authority.

Heritage

132. The decision guidelines at Clause 43.01-4 (Heritage Overlay) and policy from Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme are used to assess the proposed works, to ensure consistency is achieved with the heritage values of the surrounding area.
133. As discussed within the Heritage Advisor referral advice (refer Appendix 3) the key question is "*whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct*". This is in line with the policy under Clause 22.02-5.1 of the Scheme for the removal of part of a heritage place or contributory elements.
134. The extent of demolition proposed includes the single storey element of the building (ref. demolition plans) as it presents to Queens Parade and Gold Street. Partial demolition of the rear part of the original building at ground and first floor level is also proposed together with the majority of the roof structure behind the pitched roof. It is important to note that part of the existing roof form of the double storey built form, along the corner element to the roof ridge, is to be retained and will be integrated into terraces associated with Apartments 1-3.
135. The extent of demolition is supported by Council's Heritage Advisor and by policy at Clause 22.02 and is considered acceptable in this instance. The single storey portions of the heritage building to be demolished do not form part of the original heritage fabric and do not contribute to the cultural significance of the heritage place. The double storey built form of the building does contribute to heritage precinct and will be retained in this proposal.
136. Part of the double storey built form is to be removed towards the rear of the existing building, however this is also found to be acceptable in this instance given they are not visible from either street frontage. It is acknowledged that while Council's Heritage Advisor notes the partial removal of the existing roof form to the double storey building is not in accordance with the Scheme, it is acceptable given the retention of the roof ridge and as the roof itself *will not be perceivable from any vantage point at street level*.

137. The proposed infill consists of a double storey built form fronting both Queens Parade and Gold Street, with a further double storey built form setback 6m from both street frontages. The ground and first floors elements are to be constructed to both street frontages (with the exception of the 6.1m wide vehicle access along Gold Street) which will maintain and reinforce the traditional scale of Queens Parade. As acknowledged by Council's Heritage Advisor it *"is a far better design response than what is currently constructed"*.
138. The additional built form proposed along the second and third floors is setback 6m from both streetscapes. This ensures that the double storey street wall is maintained and continues to be the predominant element presenting to the street. The setback also ensures that the two upper floors are a recessive element to the streetscape, with the second floor (third storey) being concealed by the existing built form as a result of the setback.
139. Works to the retained portion of the heritage building will reinstate the appearance of the building to be consistent with the period in which it was constructed. These works include the following:
- (a) Removal of existing commercial paint scheme and repaint appropriate stone colour
 - (b) Removal of all signage
 - (c) Restoration of Ground Floor windows (subject to the submission of photos/drawings)
 - (d) Repair of windows to First Floor (subject to paint matching the original colour scheme)
 - (e) Restoration of original doors (subject to investigative works determining their existence, otherwise reinstatement of typical four-panelled solid timber door is supported).
140. The works referenced at paragraph 139 recommended in the applicant' heritage impact statement (Trethowan Architecture Interior heritage – 14 December 2017) will result in the appearance of the existing heritage building being enhanced to near its original appearance. As such a condition will be included on any permit issued requiring the above works to be carried out in the form of a conservation management plan. In addition, the plan will require a schedule of proposed works to the façade of the heritage building which should include details of the proposed external colour scheme for the building.
141. The proposed ground and first floor infill responds well to the streetscape by providing an active commercial frontage with proportioned windows, rendered walls, awning and a continuation of the parapet wall. The upper floors are provided with a slightly more contemporary appearance with the use of floor to ceiling windows and a natural concrete finish to the facade. The natural finish relates to the colouring of a traditional unpainted render, while also providing a facade which has a good ration of window openings to rendered finishing that respect the heritage streetscape. Overall the proposed design response is considered to be a good balance between differentiating between the old and new built forms which is supported by policy at clause 22.02-5.7.1 of the Scheme.

Urban Design

142. The proposal generally complies with the Development Design Overlay – Schedule 20 which affects the subject site and aims to manage the scale and form of the new buildings by guiding the heights and setbacks of new development so that their scale and form responds to the heritage character of Queens Parade and the adjoining low scale residential areas.
143. It is proposed to retain the individually significant portion of the building on the street corner to Queens Parade and Gold Street, with a two-storey infill proposed along Queens Parade and Gold Street. The building's 2-storey street wall definition is consistent with the preferred measure found in the DDO with upper levels setback meeting the 6m mandatory (Queens Parade) and preferred (Gold Street) setbacks to both streets. The 6m minimum setback from the Queens Parade frontage puts a greater emphasis on the lower levels, visually reducing the dominance of upper levels. These setback measures also ensure the boulevard effect remains prominent (to Queens Parade) and a comfortable pedestrian scale is achieved along Gold Street, where the street profile is narrower.

144. The Queens Parade street wall height is to match that of the adjoining property at No. 149 Queens Parade, ensuring a consistent continuation of the street wall.
145. Along the second and third floors, greater setbacks are provided along the southern (rear) interface in response to sensitivity residential interface to Hodgkinson Street. As discussed earlier in this report, the greater increase in setback from its street frontages also assist in reducing the prominence of the upper levels to good effect. As per the preferred requirements of the DDO, the majority of the southern interface is setback in accordance at a 45 degree angle above 8m from the rear boundary of the laneway. The exception being the third floor balcony associated with Apartment 3. This variation is considered acceptable given the 1m height of the balustrade and glazed (transparent) nature.
146. The two upper levels are to sit as a cap to the overall building, completing the architectural form. The services on the roof have been appropriately sited and screened by the balustrade associated with the roof top terrace, so that they do not detract from the overall architectural response of the proposal and will not be read as part of the building. With an overall height of 14.8m, the building sits well below the maximum mandatory height of 21.5m identified and envisaged under the DDO currently affecting the subject site.
147. The contemporary design to the infill development and upper floors is appropriate and responds well to the emerging character along this section of Queens Parade. Overall, the proposed design is considered to be of a high architectural standard, offering a modern built form that revitalises both frontages while also preserving the original heritage fabric. This is achieved through the retention of the original heritage fabric, inclusion of proportioned windows, varied setbacks and use of materials.
148. Council Urban Design have in principle supported the proposed development subject to the following recommendations:
- (a) *Reduce the extent of blank wall visible on the east boundary;*
 - (b) *Refine the massing of the south half of the building to achieve an attractive composition and to more fully comply with the preferred setback requirement in DDO20;*
 - (c) *Improve the design of the infill form facing Queens Parade by refining the canopy and deleting the cornice;*
 - (d) *Strengthen the articulation of the upper levels;*
 - (e) *Provide further information on external finishes, ensuring that the most prominent and most extensive finishes are of high quality, and giving greater attention to texture and character.*
149. The proposed development is in its current form considered to achieve an acceptable design response, having regard to the surrounding context. The site is located within an activity centre, where higher built forms are anticipated and are emerging. As a resulting in boundary walls of 5 to 6 storeys would and are expected. Given this emerging character a four storey boundary wall is not considered out of context. The southern interface has been designed to achieve a balance between protecting adjoining residents (particularly within the NRZ) through the use of setbacks and to allow an acceptable level of internal amenity to future residents. This is discussed further within the ResCode assessment. The massing therefore is considered acceptable. The infill form along Queens Parade has been specifically designed to address and contribute to the heritage streetscape through the use of proportioned windows, rendered finishes and parapet wall. Any alterations to the façade could be at the detriment of the heritage streetscape and alter a façade which has the full support of Council's Heritage Advisor. In addition to the front façade, the upper levels have been setback and designed (i.e. a mix of a render finish, fenestration) to contribute to the heritage streetscape. Council's Heritage advisor has agreed that additional details of the external finishes are required and will be conditioned in the form of a conservation management plan.
150. The submitted design is supported by Council's Heritage, ESD and traffic officers.

Clause 58 – Apartment Development

151. Clause 58 of the Scheme comprises 27 design objectives and standards to guide the assessment of new apartment development. The following objectives are however not relevant to this application:

- (a) *Dwelling diversity* – The development consists of less than 10 dwellings.
- (b) *Communal open space* – The development consists of less than 40 dwellings.
- (c) *Solar access to communal outdoor open space* – There is no communal open space provided as part of the proposal.

Standard D1 Urban context

152. A full assessment against neighbourhood character and urban design at paragraphs 142-148 has found the scale and built acceptable in the context of Queens Parade where the DDO (Schedule 20) anticipates increased developments of this type and scale. It is acknowledged that the DDO20 anticipates an even greater built form of up to 21m for the subject which could equate to an 7 storey (2.4m floor to ceiling heights plus spacing) building (an additional 3 storeys on the site) although obviously subject to appropriate design detailing and off-site amenity considerations.

Standard D2 Residential policy

153. There is strong strategic policy support for high density residential development within well serviced areas close to public transport and employment such as the Queens Parade Neighbourhood Activity Centre. In this regard the development meets State and Local policy for housing.

Standard D4 Infrastructure

154. 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 the existing services.

Standard D5 Integration with street

155. The proposal will retain a frontage to both Queens Parade and Gold Street. The supermarket and office are to have frontages to both streets, which given the corner nature of the subject site is appropriate and ensures a continuation of the commercial frontage along Queens Parade.

156. Access to the supermarket will be via Queens Street, with the office and apartments to have an entry along Gold Street. Vehicle access is also via Gold Street and setback from the junction of Queens Parade by 18m and is supported by Vic Roads (with no conditions to be included on any permit issued). Locating the vehicle access along Gold Street will ensure that heritage façade, as far as practicable, is retained.

Standard D6 Energy efficiency

157. The proposed development incorporated five apartments, three of which will be provided with northerly orientations for their principal habitable rooms and areas of SPOS, thereby trying to maximise solar access.

158. Although providing good solar access, concerns have been raised by Council's ESD Officer with regard to the extent of glazing and solar heat gain. To ensure appropriate solar access to apartments 1, 2 and 4, a condition will be included on any permit issued requiring for shading to be provided. This is likely to be in the form of external shading or window tinting and would be acceptable from a heritage point of view because of the setback of the apartment windows for the street and location above the retained heritage facade. Solar access to the remaining two apartments is along the southern (rear laneway) elevation. Given the setbacks of apartments provided, combined with the laneway, these apartments are considered to receive appropriate solar access and as such are appropriate without shading devices.

159. The layout of each dwelling is considered to provide good opportunities for access to daylight and natural ventilation, thereby reducing reliance on artificial heating/cooling, generally in accordance with the requirements of the Standard.
160. The Standard notes that dwellings located in a climate zone identified in Table D1 of this clause should not exceed the maximum NatHERS annual cooling load specified. In this instance, the development is in Climate Zone 21 (Melbourne) and should not exceed 30MJ/m² per annum. This detail has not been provided within the submitted SMP assessment prepared by Energy Lab dated January 2018 (SMP). As such an amended SMP requiring a minimum cooling load of 30MJ/m² per annum will be required by way of a condition of permit if a permit is to issue.

Standard D9 Safety

161. The residential entrance is to be located along Gold Street, adjacent to the vehicle ramp to the basement. Providing the residential entrance from the secondary frontage is an acceptable outcome, with Gold Street a residential street and the entrance clearly visible, without being obscured or isolated from the street. The Standard is met.

Standard D10 Landscaping

162. There is no soft landscaping proposed which is typical of development in a commercial precinct. The absence of soft landscaping in the design response is considered to be an adequate design response. To prevent direct overlooking, planter boxes will be required to be included by way of condition and these will provide some soft landscaping.

Standard D11 Access

163. This standard encourages the number and design of vehicle crossovers to respect the character of the area through minimising the width of crossover to a maximum of 33% of the frontage to Gold Street (24.8m).
164. It is proposed to construct a 6.1m wide crossover within the south-west corner of the subject site providing access to the basement car park off Gold Street. This equates to 24.5% of the frontage, in accordance with the above standard. No crossovers are proposed along Queens Parade.
165. Due to the proximity to the junction with Queens Parade, no on-street car parking will be lost given that no parking is allowed in this location.

Standard D12 Parking location

166. The proposal includes a basement level for all of the proposed uses within the building with cars accessing parking Gold Street. There is stair and lift access from the parking spaces, providing access to all floor levels.
167. Mechanical equipment associated with the proposed car parking is not located abutting any existing or proposed habitable rooms.

Standard D13 Integrated water and stormwater management

168. The advertised application proposed the installation of a rainwater collection tank which would be connected to all toilets within the development and the STORM report provided with the advertised application achieved a score of 102%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. Council's ESD Officer raised concerns with respect to the first flush system and possibility that water will simply re-direct pollutants into the stormwater system.
169. The Section 57A amendment application appears to reduce the rainwater tank capacity however no SMP was lodged as part of the amendment information.
170. The proposal must comply with Clause 22.16 and 22.17 and as such a condition will be included on any permit issued requiring an amended SMP assessment to be submitted addressing the above concerns of (i.e. STORM report) to the satisfaction of the Responsible Authority. The design is unlikely to be significantly altered, with alterations confined to the rainwater tank capacity and shading required to some of the apartment windows.

Standard D14 Building setback

171. This standard includes multiple requirements, relating to the building setbacks, day light to windows, overlooking, outlook and the internal amenity of residents.
172. With regard to setbacks, this is discussed earlier in this report at paragraph 142-148 and deemed acceptable, taking into account the DDO requirements. All habitable room windows will receive adequate, direct daylight.
173. With regard to daylight, Apartments 1, 2 and 4 will have outlook to Queens Parade from their main living area. Apartments 3 and 5 will have outlook towards the rear laneway. Although not ideal, 3 and 5 apartments are provided with generous setbacks and have secondary terraces to Gold Street, with Apartment 5 having access to a roof top terrace. Furthermore, it is a common design response for apartments constructed along commercial strips, to have apartments only having outlook to the rear laneway. This is considered a good design response given the setbacks provided, allows good daylight access and achieves the objective of increasing densities within an activity centre.
174. Standard D14 also aims to “limit views” into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views.
175. While the submitted design includes three terraces for Apartments 3 and 5, of concern is overlooking from the second floor balcony of Apartment 3 fronting Gold Street into No. 94 Hodgkinson Street given the lack of screening proposed.

The south-facing balcony of Apartment 3 is located approximately 6m from the common boundary (so 6m from the SPOS and 6m from the HRW and SPOS of No. 94 Hodgkinson Street) and has a 1.1m high screen with a rendered/glazed design. No screening to limit views is therefore proposed in the submitted design response. However to limit overlooking, and reduce the perceived feeling of being overlooked from the terrace along Gold Street associated with Apartment 3, it was discussed at the consultation meeting on 11 September 2018 that a screen or at the very least a planter box could be incorporated into the building design along the southern portion of the balcony. The affected property attended the consultation meeting and was agreeable to this commitment put forward by the applicant. To reflect this commitment and to meet the intent of Standard D14 (which is to limit views), a permit condition will require a planter box to be provided along the southern interface of the terrace. This will limit direct views to the HRW and balconies by preventing a person standing directly adjacent to the balustrade.

176. The existing habitable room windows and balconies at No. 94 Hodgkinson Street front the rear laneway and currently have no screening measures protecting them from views from Gold Street. As such they are already ‘compromised’ in terms of people walking along Gold Street and the rear laneway looking into them. Given the existing site conditions and site context, it is considered that no further or unreasonable overlooking will occur from the proposal. As such, no screening will be required by way of a permit condition.

Standard D15 Internal views

177. This standard states that windows and balconies should prevent overlooking into 50% of private open space of a lower-level dwelling directly below and within the same development.
178. Overlooking will occur from both upper floor apartments (Apartment 4 and 5) into the three lower floor apartments (Apartments 1, 2 and 3) due to the location of upper floor habitable room windows and balconies proposed. This design is considered acceptable given that the balconies are lower and will already be compromised due to the fact that they will have outlook to both Queens Parade and to the rear laneway. This is not an uncommon design response for a new apartment development within a C1Z and activity centre and is acceptable as a design response for inner city living.

179. Further, all new residents buying/renting in the new development will be aware of this, and inappropriate screening of the upper floor windows/balconies of Apartment 4 could impact their outlook and detract from the heritage building and streetscape, especially along Queens Parade.

Standard D16 Noise impacts

180. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this Standard. VicRoads has confirmed that Queens 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. In light of this, noise attenuation is not a consideration of this proposal and an acoustic report is not required.

Standard D17 Accessibility

181. To ensure the design of dwellings caters for people with limited mobility, the Standard requires 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.*
182. While the submitted plans appear to indicate that all of the requirements have been achieved, submitted plans are not detailed enough to determine if all of the above requirements are met. As such a condition on any permit issued will require amended plans to detail full compliance with all of the above standard requirements.

Standard D18 Building entry and circulation

183. The proposed entry to the apartment building is clearly visible along Gold Street. The entry lobby at ground floor will provide shelter for residents in the form of an awning. There are concerns however with regard to the lack of recession and outward opening of the doors onto the street. A condition can easily address this and will require the pedestrian entry to be recessed into the site and for the entry doors not to outwardly open onto Gold Street (in other words for all works, including the opening of doors, to occur within the title boundaries).
184. Within the development, the apartments and first floor office will have a shared entry at ground level. This is not considered to present a major security risk given the relatively small scale of the development and separation of uses along different floor levels. Both uses however will be situated along different floors and will be directly accessible from the lift or stairs. The separation of uses along the floor levels is considered a sufficient design response in a development of this size where there are only 5 apartments.
185. Light to the entrance and lift/stair area is provided via a glazed entry off Gold Street. The upper floor circulation areas are small in nature, with the apartment entries adjacent to both the stairwell and lift. The only possible light source/natural ventilation in the current configuration would be to remove the lift, this would affect accessibility. As such, given the above, and in particular the small size of the circulation area, the submitted design is considered acceptable in this instance.

Standard D19 Private open space

186. Of relevance to this development, a dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard which specifies that:

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

187. The proposed two bedroom apartments (Apartments 2 and 3) will have a balcony area of at least 8 square metres with a minimum width of 2 metres. The proposed three bedroom apartments (1, 4 and 5) will have a balcony area of at least 13 square metres with a minimum width of 2.4 metres. All of the proposed balconies comply with this standard. Apartments 3 and 5 are provided with secondary terraces.

Standard D20 Storage

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

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

189. Plans show 6m³ of storage to each apartment within the basement with no internal storage provided within the apartments themselves. This means that the two-bedroom apartments fall short by 8m³ and the three-bedroom apartments by 12m³.

190. Given that each apartment layout and size is in excess of 100sqm, storage in accordance with the above standard it is considered achievable. As such, a condition will be included for storage areas to be shown on plans and provided in accordance with the above standard.

Standard D21 Common property

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

Standard D22 Site services

192. Services are located in different locations within the site with some facing the street and some being internal. Locations are all easily accessible and maintained. The location of mailboxes is provided in the lobby fronting Gold Street.

Standard D23 Waste and recycling

193. The Waste Management Plan (WMP) prepared by One Mile Grid and dated 1/12/2017 submitted with the original proposal was found to unsatisfactory by Council's Waste Management Unit with deficiencies identified in the provision of bins (with waste generated in excess of the bin infrastructure), the sizes of the bin rooms and designated areas for hard waste.

194. The amended plans show a larger circulation space, specifically within the basement which can be used to provide additional bin storage. As such a condition will be included on any permit issued requiring an amended WMP to be submitted to address the deficiencies raised by Council's Waste Management Unit.

Standard D24 Functional Layout

195. This Standard requires main bedrooms to have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this). Living area dimensions (excluding dining and kitchen areas) should have a minimum width of 3.6m and minimum area of 12sqm.

196. All main bedrooms have a minimum width of 3 metres and depth of 3.4 metres and all secondary bedrooms have a minimum width and depth of 3 metres. All apartments will meet the minimum living area dimensions of 10 square metres for one bedroom dwellings and 12 square metres for two or more bedroom dwellings. The standard is met.

Standard D25 Room depth

197. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. All apartments will have a minimum ceiling height of 3 metres. The maximum room habitable room depth is therefore calculated at 7.5 metres for single aspect rooms. This length can be increased to 9m if the room combines the living, dining and kitchen area, has the kitchen furthest away from the window and has a maximum floor to ceiling height of 2.7.
198. All apartments meet the requirements allowing for a maximum depth of 9m. The depth of open living/kitchen plans to the rear of kitchen metres for all single aspect habitable room windows comply with this maximum.

Standard D26 Window

199. All habitable rooms within the proposed development contain a window within an external wall to the building with direct access clear to the sky. There is no reliance on 'borrowed light' for any habitable rooms.

Standard D27 Natural Ventilation

200. The standard requires that at least 40 percent of dwellings should be provided with effective cross-ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.
201. 80% of the apartments (1-4) will have effective cross ventilation with a maximum breeze path of 18 metres and of no less than 5m, in compliance with the standard.

Car parking / traffic / vehicle access

202. Pursuant to Clause 52.06-2, car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause. The introduction of VC148 (gazetted 31 July 2018) amended Clause 52.06 so that the car parking rates of Column B apply if any part of the land is identified as being within the Principal Public Transport Network Area.
203. The subject site is located within the Principal Public Transport Network Area and the Column B car parking rates apply to this planning application.
204. The proposed development has a statutory car parking requirement to provide 54 car spaces for the apartments, office and supermarket uses. The provision of 24 car spaces on site is therefore a shortfall of 30.
205. The proposal includes basement parking with a total of 24 car spaces including 7 apartment, 12 office spaces, and 5 spaces for the supermarket. This is a shortfall of 1 for the apartments, 6 for the office and 23 for the supermarket.
206. The traffic engineering assessment submission by One Mile Grid references plans prepared by Life Design Architecture and states that the onsite parking provision is okay because of the availability of car parking in the area, credit that should be allowed from the previous use, impact of few cars on the amenity of the area, access to alternative modes of transport and multi-trip generation within the activity centre. This assessment was peer reviewed by Council's Traffic Engineers who support the on-site parking provision and design of the basement stackers based on the above reasons and compliance with Clause 52.06 of the Scheme.

Existing car parking demand

207. A total of 3 existing on-site car parking spaces were identified during a site inspection by Council, in line with the number of existing spaces noted within the One Mile Grid report submitted with the application. It is anticipated that the apartments and supermarket uses would generally experience peak parking demands outside of commercial business hours and the office during normal business hours.
208. The existing use (restricted retail premises) within the heritage building appears to have a floor area of approximately 668sqm. Adopting the statutory car parking requirements for 'restricted retail premises' use under Clause 52.06-5 of the Scheme, would equate to a deficiency of 13 car spaces. A credit of 10 could therefore apply to the existing use which can be considered as part of the proposed 30 car park reduction (as set out under clause 52.06). With a credit of 10, this in reality equates to the proposed development seeking a reduction of 20 car parking spaces on site.

Anticipated parking demand

209. The proposed development generates a statutory requirement of 54 car parking spaces, with a reduction of 30 car parking spaces sought.
210. One Mile Grid conducted on-street parking occupancy surveys of the surrounding area which included sections of Queens Parade, Gold Street, Hodgkinson Street, North Terrace, Turnbull Street and Michael Street. The survey identified a total of 410 to 437 publicly available parking spaces. The peak parking occupancy was observed at 10:00am on the Friday, with 309 spaces occupied and 131 spaces or 32% vacant.
211. As stated in referral comments from Council's Traffic engineers, office developments within the City Of Yarra previously undertaken indicate that a high proportion of employees are displaying a preference to choose alternative transport modes. As noted by the applicant within the supplied traffic report, office developments commonly enforce travel demand management by default, by way of suppressing car parking demands (i.e. by not providing the full statutory on-site car parking requirement).
212. It is reasonable to assume that staff and visitors of the proposed office component are likely to choose alternative transport modes due to the site location with respect to sustainable transport modes, further supported by the observed high occupancy levels of long term / unrestricted parking in the vicinity of the site.
213. One Mile Grid have quoted the New South Wales Roads and Maritime Services' *Guide to Traffic Generating Developments*' office parking rate of 1.0 space for every 40 square metres of floor area (equivalent to 2.5 spaces per 100 square metres) for 'unrestrained situations' (i.e. parking demand is to be met on site).
214. Council's traffic engineers have also identified examples of offices within Yarra where developments have been approved with reduced office rates of between 1.35 to 1.4 spaces per 100sqm.
215. Considering the above and in respect of the various Council relevant policies identified throughout this report, the proposed on-site parking provision rate of 1.98 spaces per 100 square metres of floor area for office component is considered to be consistent with Council strategies which strongly encourage the use of alternative transport modes.
216. With regard to the supermarket, One Mile Grid has stated that other case studies of similar developments and has identified a car parking demand in the range of 2 to 3.5 spaces per 100sqm. This is equitant to a demand of between 12 to 21 spaces for the proposed supermarket of 605sqm. This is for both long term (staff) and short term parking demands.
217. Staff parking demands was identified at 1 space per 100sqm (6 spaces). It is proposed to provide a total of 5 spaces to the supermarket for staff only, as car stackers are not considered appropriate for short term customer parking. The provision of 5 spaces for staff is considered satisfactory, with customers and the remaining staff requirement to the supermarket relying on, on-street car parking.

Given the relative small scale of the supermarket, provision of public transport and availability of car parking (131 spaces), it is considered an acceptable design response. Council's Traffic Engineering Unit has no objection to the provision of car parking to the supermarket.

218. The apartments will require a variation of one car space, for a study associated with Apartment 1. The previous visitor requirement has been removed as a result of planning scheme amendment VC148. Given the site's location within an activity centre, where public transport is in close proximity and unlikelihood that the study would be turned into a bedroom, a waiver of one space is considered acceptable.

Traffic generation

219. The traffic report submitted with the originally submitted proposal adopts a rate of 5 trips per day for the apartments resulting in a total of 25 movements from the site. No details have been given with regard to the supermarket or office. However, based on the scale of the development/uses Council's engineering referral comments indicated that this number is not unduly high and should not adversely affect the traffic operation of the Right-of-Way or Gold Street.

Access and layout

220. The proposal includes a 6.1m wide by 7m long ramp accessed from Gold Street leading into the basement car park. The access arrangements were found to be satisfactory by Council's engineers and the submitted X report by external traffic engineers.
221. Further, the layout and functionality of all car spaces was deemed to be acceptable. Council's Traffic Engineers have no objection subject to conditions requiring a minimum headroom clearance to be dimensioned for a 6.41m long waste collection vehicle and for the sag transition at the base of the 1 in 4 ramp section to be lengthened to 2.5m. This can be achieved with no impact to gradients.

Loading bay

222. No loading bay is specifically required under the Scheme. However, Council's Traffic Engineers have confirmed that the loading bay shown on plans TP201, Rev YF acceptable in terms of dimensions and accessibility off the laneway.

Off-site amenity

223. There is an overlap in some of the off-site amenity impacts discussed under the Clause 58 assessment. The headings below are off-site amenity impacts typically assessed under Clause 55 of the Scheme, which are not covered under Clause 58.
224. The site is located within a Commercial 1 Zone, as are the immediately surrounding properties to the east and on the opposite side of Gold Street. The zoning of the land and its location within a specified Activity Centre means that dwellings within the same zone cannot be afforded the same amenity considerations were the site in a Residential Zone. The exception in this instance is that the properties along Hodgkinson Street to the rear are located within a Neighbourhood Residential Zone (NRZ) and are located 3.6 away. Their off-site amenity therefore requires due consideration.
225. The eastern (side) boundary wall is constructed alongside existing commercial property at No. 149 Queens Parade, which has a double storey boundary wall for the majority of its length. It is proposed to construct a double storey wall along the entire length of this boundary, with a four storey wall constructed wall towards the rear portion of the site containing part of Apartment 2 and Apartments 3 and 5. Given the commercial use of this property and location within an activity centre, it is considered an acceptable design response. Particularly when a maximum height of 21.5m is envisaged under the DDO.
226. With regard to the rear interface, a double storey wall is proposed to be constructed along the rear boundary, with a second floor balcony above and built form setback 3.5m. A review of the surrounding area has identified double storey walls currently present along the laneway (No. 104-106 Hodgkinson Street).

Given the separation provided by the 3.6m wide laneway to properties along Hodgkinson Street and stepping back of the upper floors by 3.6m at first and second levels, 5m along the third floor, it is considered an appropriate design response.

Overshadowing

227. The rear interface consists of a residential building at No. 94 Hodgkinson Street and a Place of Assembly further to the east. Overshadowing will be contained to Gold Street during the morning period with overshadowing extending along the laneway during the midday/afternoon period. Open spaces for No. 94 Hodgkinson Street consist of balconies at all floors. The orientation of the subject site results in overshadowing most prevalent during the midday period with reduced overshadowing in the morning and afternoon periods. Given the orientation of the site, the design response including recessed upper floors and the buffer provided by the laneway, on balance it is considered that the balconies at No. 94 Hodgkinson Street will receive sufficient solar access and overshadowing is not unreasonable.



Overlooking

228. Overlooking including to No. 94 Hodgkinson Street located to the south, has been fully assessed within the Clause 58 assessment in this report which found that no additional overlooking to HRWs or SPOs has been identified, with commercial properties to the east and west along Queens Parade.
- The adjacent property at No. 100 Hodgkinson Street has been identified as a Place of Assembly and as such has no secluded private open space and it's off site amenity therefore technically are not a consideration.
229. Overlooking has been identified along both rear balconies of Apartments 3 and 5 into No. 104-106 Hodgkinson Street, with a north-west facing, first floor window identified. Clause 58 requires overlooking to be 'limited' however it provides no definition as to what constitutes 'limited' from a separation or distance perspective. It is however acknowledged that a rule of thumb of 9m can be taken from ResCode (Clause 54 and Clause 55).
230. The nearest window is located only 6m from the south-facing balcony associated with Apartment 3. This therefore encroaches 3m within the 9m distance generally associated with ResCode.
231. Requiring changes to the balcony of Apartment 3 would require a redesign. Requiring a setback of the balcony would have an impact on its floor space and internal configuration and requiring the balcony to be deleted would result in the loss of the apartment's primary secluded private open space.
232. Given the sensitive NRZ interface however, it is considered that screening for any part of the terrace within 9m of this window is appropriate and reasonable. A condition will be included on any permit issued requiring screening to the terraces. The screening would need to be consistent with the requirements of Clause 58.05-3 (Private Open Space) and will need to be mindful of the overall built form and visual bulk of this interface.

Objector concerns

233. The majority of the issues raised by the objectors have been addressed within the body of this report, as follows:
- (a) Design (height, scale, bulk, character);
The urban design aspects (including an assessment of height, scale, bulk and character) of the proposed development have been discussed within paragraphs 142 to 150 of the assessment.
 - (b) Heritage (extent of demolition, negative impact on host building and streetscape);
The urban design aspects of the proposed development have been discussed within paragraphs 132 to 141 of the assessment
 - (c) Amenity (overlooking, overshadowing, loss of light/energy efficiency);
Amenity impacts of the proposed development have been discussed within the clause 58 assessment and off-site amenity impacts at paragraphs 223 to 230 of the assessment.
 - (d) Traffic and car parking (insufficient car parking provided, increased demand for on-street car parking).
The car parking and traffic impacts of the proposed development have been discussed within paragraphs 202 to 222 of the assessment.

Conclusion

234. 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, the preference to direct higher density development in Commercial 1 Zones and activity centres, and aligns with State Policy.
235. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates compliance with 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 (PLN17/0718) for the development of the land for the construction of a four-storey built form (plus basement level), including part demolition and a reduction in the car parking requirement at 141-147 Queens Parade, Clifton Hill 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 but modified to show the following:
 - (a) A planter box along the southern portion of the balcony (within the south-west corner) of Apartment 3, to limit overlooking into No. 94 Hodgkinson Street, within a 9 metre radius.
 - (b) The terraces associated with Apartment 3 and Apartment 5 provided with screens to a height of 1.7 metres above the finished floor level, to ensure limited views within a 9 metre radius of the south-west facing first floor habitable room window at No. 104-106 Hodgkinson Street.
 - (c) The pedestrian entry to Gold Street setback into the site so that doors do not open onto Gold Street and are within the title boundary.
 - (d) At least 50% of apartments to comply with the requirements of Standard D17 of Clause 58.05-1 (Accessibility) of the Yarra Planning Scheme.

- (e) The provision of storage areas within all apartments in accordance with Standard D20 of Clause 58.05-4 (Storage) of the Yarra Planning Scheme.
 - (f) The vehicle headroom clearance at the entrance designed to allow a 6.41 metre long waste collection vehicle to enter the building or as confirmed in the endorsed Waste Management Plan.
 - (g) The sag transition grade at the base of the 1 in 4 ramp section of the vehicle access ramp to be lengthened to 2.5 metres.
 - (h) A plan notation confirming that the rainwater tank will be connected to all toilets within the 5 apartments approved under the development.
 - (i) Any plan changes resulting from the endorsed Sustainable Management Plan required at condition 3 of this permit, the Waste Management Plan required at condition 5 of this permit, the Conservation Management Plan required at condition 7 of this permit, or any other condition of this permit.
2. Before 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 Energy Lab and dated January 2018, but modified to include (but not limited to) the following:
- (a) Demonstrate that the dwellings will not exceed the maximum NatHERS annual cooling load specified (30MJ/m² per annum) for Climate Zone 21 (Melbourne);
 - (b) That the first flush system does not re-direct pollutants directly into the stormwater system.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 1 December 2018, but modified to include (but not limited to) the following:
- (a) Bin infrastructure provision to match that of the waste generated.
 - (b) Provide a table demonstrating bin room sizes vs occupation footprint of bins intended to be placed there.
 - (c) Dimensions of bins, the hard waste area and total area of bin storage room in order to confirm conditions 5(a) and 5(b) is met and that all bins will fit and able to be manoeuvred.
 - (d) Show the designated area for hard waste in the bin storage areas.
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Conservation Management Plan

7. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (a) A conservation works schedule, developed by a qualified heritage consultant, detailing proposed repair works to the façade.
 - (b) Details of the proposed external colour scheme for the building.

Road Infrastructure

8. 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.
9. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) In accordance with any requirements or conditions imposed by Council;
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
10. 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.
11. The Right of Way abutting the southern boundary of the site must be reconstructed from Gold Street to the eastern edge of the proposed loading bay to Council's satisfaction and at the Permit Holder's cost.
12. 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

13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:

- (a) Located;
- (b) Directed;
- (c) Shielded; and
- (d) Of limited intensity.

General

- 14. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 15. 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 buildings are 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. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 19. 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) Saturday 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

- 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.

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

Time Expiry

22. 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

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

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

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

All future property owners, residents 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: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

Attachments

- 1 PLN17 0718 - 141-147 Queens Parade, Clifton Hill - Site Plan
- 2 PLN170718 - 141 - 147 Queens Parade, Clifton Hill - Advertising S57B - Plans
- 3 PLN170718 - 141 - 147 Queens Parade, Clifton Hill - Heritage advice
- 4 PLN17 0718 - 141-147 Queens Parade, Clifton Hill - ESD referral
- 5 PLN17 0718 - 141 - 147 Queens Parade Clifton Hill - Engineering comments - Section 52 Plans
- 6 PLN17 0718 - 141 - 147 Queens Parade Clifton Hill - Engineering comments - Section 57A plans
- 7 PLN17.0718 - 141-147 Queens Parade Clifton Hill - Urban Design Advice
- 8 PLN17 0718 - 141-147 Queens Parade, Clifton Hill - VicRoads Referral Advice

1.3 PLN18/0070 - 43 Alfred Crescent, Fitzroy North, VIC 3068 - Part demolition, construction of ground and first floor additions to the existing dwelling

Executive Summary

Purpose

1. This report provides an assessment of planning permit application PLN18/0070 at No. 43 Alfred Crescent in Fitzroy North for the part demolition, construction of ground and first floor additions to the existing dwelling and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Built form (Clauses 15.01 and Clause 21.05);
 - (b) Heritage (Clauses 15.03, 21.05-1 and 22.02);
 - (c) Sustainable development and stormwater management (Clauses 15.02, 21.07-1 and 22.16).

Key Issues

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

Submissions Received

4. A total of 7 objections were received to the application. Issues raised in these objections are summarised as follows:
 - (a) Demolition is inappropriate;
 - (b) Impact on the heritage precinct;
 - (c) Out of character;
 - (d) Excessive bulk and scale;
 - (e) Overshadowing;
 - (f) Loss of sunlight;
 - (g) Visual intrusion; and
 - (h) Increased noise from the swimming pool.

Conclusion

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

CONTACT OFFICER: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

1.3 PLN18/0070 - 43 Alfred Crescent, Fitzroy North, VIC 3068 - Part demolition, construction of ground and first floor additions to the existing dwelling

Trim Record Number: D18/166103

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: Part demolition and development of the land for a ground and first floor addition to the rear of the existing dwelling

Existing use: Dwelling

Applicant: Nicholas Murray Architects

Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1)
Heritage Overlay (HO327)

Date of Application: 6 February 2018

Application Number: PLN18/0070

Planning History

1. No previous planning applications have been lodged with Council for the subject site.
Aboriginal Cultural Heritage Significance
2. The subject site is not located within an area of Aboriginal Cultural Heritage Significance.

The Proposal

3. The application is for partial demolition and construction of a ground and first floor addition to the existing dwelling, including a single storey garage to the laneway. Details of the proposal are as follows:

Demolition

4. Partial demolition to the rear of the existing dwelling consisting of:
 - (a) Ground floor sitting room, meals room, kitchen, laundry and bathroom;
 - (b) First floor bathroom, WC, two bedrooms and hallway; and
 - (c) Internal demolition (no permit required).
5. Removal of existing swimming pool, shed, garden beds/landscaping and rear fence/roller door.

Construction

6. Construction of a double storey addition to the rear of the existing dwelling to consist of the following:
 - (a) The ground floor addition is to accommodate a lift, study, laundry, pantry and open plan kitchen, dining and living area leading out onto the secluded private open space, which contains a ground level deck and pool/spa (no permit required), 5,000l rainwater tank and pergola (no permit required);
 - (b) The first floor is to accommodate a lift, bathroom, two bedrooms and master bedroom with walk-in-robe and ensuite.
7. The double storey addition is to have the following setbacks:
 - (a) Approximately 20m from Alfred Crescent;
 - (b) A varied zero metre to 1.865m setback from the northern (side) boundary;

- (c) A varied 16.9m (first floor ensuite) to 25.5m (first floor - Bed 3) from the eastern (rear) boundary;
 - (d) A varied 1.18m to 4.43 from the southern (side) boundary.
8. Construction of a single storey (double width) garage to the rear of the subject site, with ancillary bathroom and workshop with vehicle access via the laneway.
- (a) The garage is to be constructed along the northern, eastern (rear) and southern boundaries.
9. Materials and colour schedule:
- (a) Face brick;
 - (b) Natural cement render;
 - (c) Metal cladding (light and dark colour);
 - (d) Metal plate (dark colour);
 - (e) Dark paint finish (dulux Namadji);
 - (f) Stonework (bluestone);
 - (g) Colourbond (monument).
10. Works to the retained section of the dwelling:
- (a) Local repair of cracked or drummy render;
 - (b) Local repointing of stone dressings including window sills;
 - (c) Repair of slate and zinc roofs;
 - (d) Repair and repainting of timber balustrading, fascia boards and decorative friezes;
 - (e) Repair and repainting of iron palisade fencing.

Existing Conditions

Subject Site

11. The subject site is located on the eastern side of Alfred Crescent, between Falconer Street to the north and Rowe Street to the south, in Fitzroy North. The site is largely rectangular, with a frontage of 9.14m to Alfred Crescent, a maximum depth of 58.06m, constituting an overall area of approximately 520sqm.
12. The land is developed with a double storey (with triple tower feature), brick dwelling, with Art Nouveau architectural features. The dwelling has a varied front setback of between 4.2m to 5m. The front setback comprises a small garden, with a wrought iron fence. The dwelling is constructed along the northern boundary, with a minimum 0.7m setback from the southern boundary. The building appears to have been constructed in the late Victorian-era, but received a major renovation in or around 1905. This renovation significantly altered the appearance of the front façade to what it is today and it is believed constructed the double storey 'rear wing'.
13. Council's Heritage Advisor has included the following citation for the existing dwelling:
- (a) *"This house is one of the finest examples of the Art Nouveau style in Victoria. Its importance lies in the well preserved fittings and the uniquely composed and decorated facade with bay windows, timber fretwork and the fine tower. Features of the interior include the outstanding wall and ceiling finishes with original colour schemes, the fine timber archways of sinuous Art Nouveau lines and the superb stained glass windows. The house is the centrepiece of the Alfred Crescent precinct."*
14. To the rear of the dwelling are a number of garden beds, swimming pool, shed and the dwelling's secluded private open space. No car parking appears to be provided on site.

Surrounding Land

15. The surrounding land is predominantly residential in nature, with Edinburgh Gardens to the west. This section of Alfred Crescent (between Falconer and Rowe Streets) has a mix of Victorian-era to Edwardian-era buildings, which includes Seventh Day Adventist Church. The built form in the area is a mix of single and double storey buildings.
16. Council's Heritage Advisor has provided the following description of the surrounding area:
 - (a) *"The immediate area is characterised by individually significant and contributory buildings, which are some of the most elaborate and significant properties within the municipality. The properties are a combination of single and double storey dwellings, ranging from early Victorian to Inter War properties. There are a small number of non-contributory infill developments, including recently constructed dwellings with principal frontage to Alfred Crescent (e.g. 13 Alfred Crescent)."*
17. To the north of the subject site is No. 41 Alfred Crescent. The site is occupied by a double storey Victorian-era dwelling fronting Alfred Crescent and is designated as being individually significant to the heritage precinct. The dwelling has a front setback of approximately 5.9m, with no vehicle access identifiable and a raised entry from Alfred Crescent. The dwelling is setback off its northern boundary and constructed to the common boundary with the subject site for approximately 23m. There is landscaping within the front setback, northern (side) setback and within the rear boundary. The dwelling's secluded private open space occupies the rear and side setbacks. To the rear is a single storey outbuilding.
18. To the south of the subject site is No. 45 Alfred Crescent. The site is occupied by a double storey Victorian-era dwelling fronting Alfred Crescent and is also designated as being individually significant to the heritage precinct. The dwelling has a front setback of approximately 4.2m, with a raised entry and with no vehicle access from the street. The dwelling is constructed along both side boundaries, with a 13m long double storey wall constructed along the common boundary with the subject site. The dwelling's secluded private open space occupies the rear, with a single storey outbuilding constructed along the rear boundary.
19. To the east (rear) of the subject site is a 3.1m wide laneway, accessed via Falconer Street and Delbridge Street. Along the opposite side of the laneway are the rear boundaries of dwellings fronting Delbridge Street. These areas contain secluded private open space and outbuildings (eg. No. 73 Delbridge Street).
20. To the west is Alfred Crescent, which is a two-way street with kerb side parking along both sides. On the opposite side of the street is Edinburgh Gardens, which is zoned Public Park and Recreation.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

21. The subject site is zoned Neighbourhood Residential Zone (Schedule 1). The following provisions apply:
 - (a) Pursuant to Clause 32.09-5, a planning permit is required to construct or extend a dwelling or residential building on a lot less than 500sqm. As the site is above 500sqm, no permit is required under the zone.
 - (b) Pursuant to Clause 32.09-4, a dwelling or residential building on a lot, a lot must provide the minimum garden area at ground level. For a site area above 500sqm - 650sqm, a minimum 30% of the lot area must be set aside for garden area.

The subject site has an overall area of 520sqm. The garden area (which includes the rear deck/pool area, front yard and service yard) provides a total area of approximately 167sqm which equates to 32% of the subject site, in accordance with the minimum requirements of the above clause.

Overlays

Heritage Overlay (HO327)

22. The subject site is affected by a Heritage Overlay (HO327). The following provisions apply:
- (a) Pursuant to Clause 43.01-3, a planning permit is required to construct a building or construct or carry out works, including demolition.

General Provisions

Clause 65 – Decision Guidelines

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

Clause 65.01 – Approval of an application or plan

24. Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:
- (a) *The matters set out in section 60 of the Act;*
 - (b) *The Municipal Planning Strategy and the Planning Policy Framework;*
 - (c) *The purpose of the zone, overlay or other provision;*
 - (d) *The orderly planning of the area;*
 - (e) *The effect on the amenity of the area;*
 - (f) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

Clause 15.01-1S – Urban Design

25. The relevant 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 15.01-2S – Building Design

26. The relevant objective of this clause is:
- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S – Neighbourhood Character

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

Clause 15.02 – Sustainable Development

28. The objective of this clause is:
- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03 – Heritage

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

Local Planning Policy Framework (LPPF)

Clause 21.05 – Built Form

30. The relevant objectives of this clause are:
- (a) *To protect and enhance Yarra's heritage places.*
 - (b) *To reinforce the existing urban framework of Yarra.*
 - (c) *To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (d) *To ensure that new development contributes positively to Yarra's urban fabric.*
 - (e) *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.*
 - (f) *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.07 – Environmental Sustainability

31. The relevant objectives of this clause are:
- (a) *To promote environmentally sustainable development.*

Clause 21.08 – Neighbourhoods

32. Clause 21.08-8 of the Scheme describes the North Fitzroy neighbourhood as:
- (a) *“North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand”.*
33. Pursuant to *Figure 20 - Built form character Map: North Fitzroy*, the site is identified as being included in the ‘Heritage Overlay’ area and the specific development guideline is:
- (a) *“Ensure that development does not adversely affect the significance of the heritage place”.*

Relevant Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

34. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra’s natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.
35. The relevant policies with regards to demolition/removal of a building of this clause are:
- (a) *Generally encourage the retention of a building in a heritage place, unless:*

- (i) *The building is identified as being not contributory*
 - (ii) *The building is identified as a contributory building, and*
 - *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
 - *The building does not form part of a group of similar buildings.*
 - (b) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
 - (c) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
 - (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
 - (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*
36. The relevant policies with regards to alterations and additions of a building of this clause are:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
 - (iii) *Be visually recessive and not dominate the heritage place;*
 - (iv) *Be distinguishable from the original historic fabric;*
 - (v) *Not remove, cover, damage or change original historic fabric;*
 - (vi) *Not obscure views of principle façades;*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
 - (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
 - (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
 - (d) *Minimise the visibility of new additions by:*
 - (i) *Locating ground level additions and any higher elements towards the rear of the site;*
 - (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);*
 - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);*
 - (iv) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*
 - (e) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

Clause 22.07 – Development Abutting Laneways

37. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

38. This policy applies to applications for new buildings and extensions to existing buildings which are over 50sq.m. and aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use.

Advertising

39. The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 by way of 18 letters sent to surrounding property owners/occupiers and by one sign displayed on site facing Alfred Crescent.
40. A total of 7 objections were received to the application. Issues/concerns raised can be summarised as follows:
- (a) Demolition is inappropriate;
 - (b) Impact on the heritage precinct;
 - (c) Out of character;
 - (d) Excessive bulk and scale;
 - (e) Overshadowing;
 - (f) Loss of sunlight;
 - (g) Visual intrusion; and
 - (h) Increased noise from the swimming pool.
41. A planning consultation meeting was held on 14 August 2018 where key issues raised in objections were discussed with the permit applicant, objectors and planning officers. No resolutions or outcomes resulted from the meeting.

Referrals

External Referrals

42. The application does not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

Internal Referrals

43. The application was referred to the following, with advice included as appendices to this report:
- (a) Heritage Advisor;
 - (b) Engineering Services Unit.

OFFICER ASSESSMENT

Policy and Strategic Support

44. The planning considerations in this instance will be framed around the following:

- (a) Heritage;
- (b) Local policy;
- (c) Objector concerns; and
- (d) Other Matters

Heritage

- 45. The decision guidelines from *Clause 43.01-4 Heritage Overlay* and policy from *Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)* of the Scheme are used to assess the proposed works, to ensure consistency is achieved with the heritage values of the surrounding area.
- 46. As discussed within the Heritage Advisor referral advice, the key question is, “*whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct*”. This is in line with the policy under *Clause 22.02-5.1* of the Scheme for the removal of part of a heritage place or contributory elements.
- 47. The demolition and subsequent construction of a double storey addition and outbuilding is considered appropriate as it is proposed to retain the front heritage portion of the dwelling (subject to repair works) including associated roof form. This includes the forward most chimney and tower. This results in the front portion of the dwelling, being the most visible and significant portion which contributes to the heritage precinct, not being significantly altered by the proposal. The front portion of the dwelling includes a highly ornate façade and tower feature, which makes the subject site a landmark within the streetscape.
- 48. The extent of demolition is considered consistent with the directions provided under *Clause 22.02-5.1*, where the original fabric visible from the street is not only being maintained but repaired (although details on the repair of the building will need to be provided). The portion of the dwelling to be removed is to the rear and identified as the ‘rear wing’. The heritage report prepared by the applicant state’s that, “*it appears that the original rear wing was altered, or most likely replaced, during the c1905 works*”, and incorporates a double storey brick finish, with a hipped roof and two chimneys. This addition is screened from Alfred Crescent by the heritage significant building on site, and by the adjacent two-storey buildings constructed to the shared boundaries with the subject site. The dwelling is only visible from an oblique angle along Alfred Crescent (when travelling south), with only the two chimneys and roof form identifiable (see image below taken from Google Maps).



49. It is considered that the most significant portion of the dwelling is the front section, where it is proposed to repair the façade and retain its defining attributes (i.e. tower feature, hipped roof, forward most chimney, balconies, verandah etc.). The retention also includes the two front rooms along the ground and first floors and extends approximately 16m into the site front the front façade. Council's Heritage Advisor has agreed with this conclusion.
50. Given the above, it is considered that the sections to be removed will not negatively affect the significance of the heritage place. This is based on extent of the dwelling to be retained, the setback of the sections of the dwelling to be demolished (20m from the front boundary) and limited visibility of the sections to be removed from Alfred Crescent (i.e. the pitched roof and two chimneys).
51. As mentioned earlier, the repairs proposed to the front of the building will need to provide further details as these have not been specified. While repairs and maintenance would normally not require a planning permit, the lack of details and references to works "as necessary" suggests there is more than 'repair' required. Council's Heritage Advisor is supportive of these works in principle, subject to the submission of a conservation management plan with specific conditions which include:
 - (a) A conservation works schedule, developed by a qualified heritage consultant, detailing proposed repair works to the façade;
 - (b) All existing slates must be retained, reset and gently cleaned where required;
 - (c) Repair of timber elements like for like; or restore to historically accurate details based on evidence which can be supplied;
 - (d) All render repair to be in traditional-lime render. No hard cement render to be used.
52. A condition will be included for a plan to be submitted prior to any demolition works, with all the above recommendations included.
53. In terms of the subsequent construction, *Clause 22.02-5.7* provides direction as to the appropriate location for new works. It states (relevantly) to minimise the visibility of new additions by locating higher elements towards the rear of the site, and:
 - (a) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).*
 - (b) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*

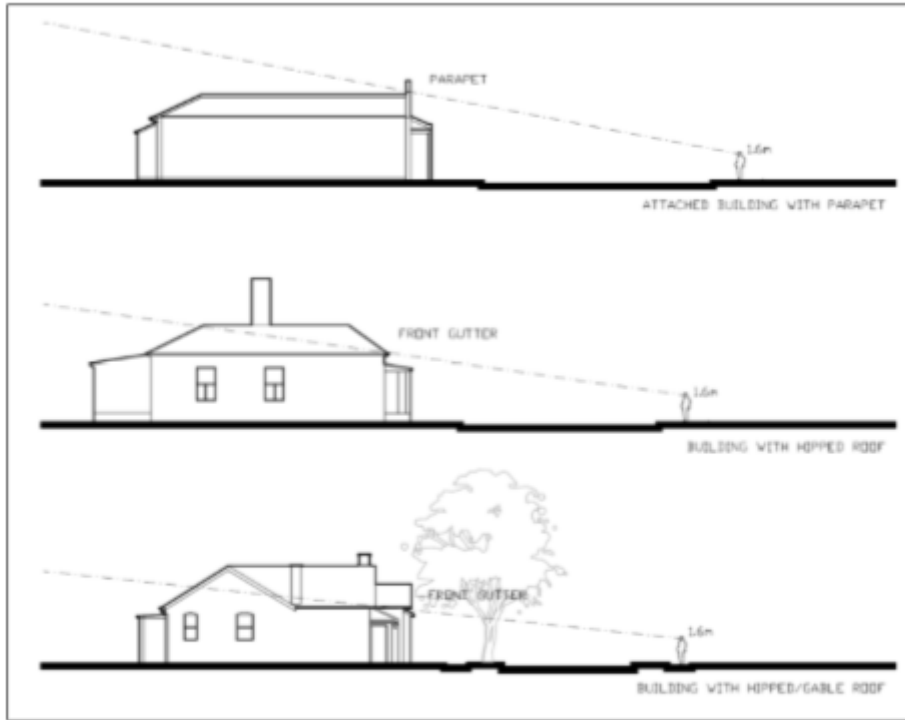


Figure 3 – appropriate areas for upper level additions to individually significant buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

- 54. Clearly the upper level of the proposal will meet this policy as the addition will be lower than the existing building, and therefore not visible from the opposite side of the street. Similarly the first floor addition is setback from the southern boundary a minimum of 2.47m, which is greater than the existing 0.7m setback. The proposed first floor addition will therefore be concealed when viewed from the opposite side of the street.
- 55. The ground floor addition will also be compliant with Council’s heritage policy which allows ground floor additions to be constructed closer to the front of the site than higher elements (see below Figure 1 from clause 22.02-5.7.1 of the Scheme). With a setback of over 19m behind the retained façade of the building, the proposal has been sensitively designed to minimise the impacts of the development on the heritage character of the street.

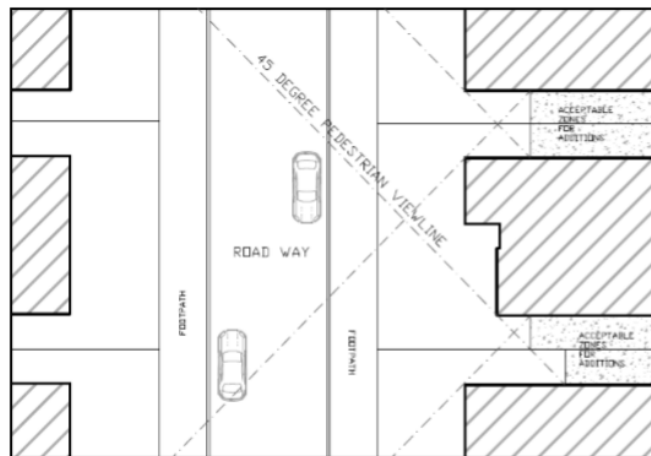


Figure 1 acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.

56. The proposed additions, will effectively replace an existing double storey built form to the rear of the existing dwelling. The addition incorporates a flat roof form which is setback approximately 20m from the front boundary (the remainder of the addition is setback over 25m from the front boundary). The addition has a maximum height of 7.6m (lift core), with an average height of 6.9m. The dwelling's footprint will increase, with additional built form along the southern boundary (ground floor laundry and butler pantry), however will maintain a minimum 1m setback from the adjoining open space at No. 45 Alfred Crescent. The ground floor setback to the rear will increase and allow for a pool and decking area, maintaining the open space area to the rear of the property and to both adjoining properties.
57. Along the first floor it is proposed to increase the built form towards the side and rear boundaries. To reduce the built form to adjoining properties, side setbacks have been incorporated and the height of the double storey addition has been dropped from that of the original built form. Side setbacks vary between 2.47m to 4.42m towards the southern boundary and between 0m to 1.8m towards the northern boundary. The proposal also benefits from the use of light coloured metal cladding and fenestration which reduces the visual bulk and provides some relief to adjoining properties.
58. The proposal also incorporates a varied use of materials ranging from face brickwork, metal cladding and cement render. It is considered that the use of materials is appropriate within this location to the rear and away from the front portion of the dwelling. The materials also allow for a clear distinction between the original and new fabric of the dwelling which also meets clause 22.02.
59. With regards to the single storey garage to the rear, it will not protrude beyond the existing outbuildings to the north and south at Nos. 41 and 45 Alfred Crescent. Given the prevailing character of outbuildings/garages along the laneway, it is considered an appropriate design response. The single storey nature of the building will also limit off-site amenity impacts and provide off-street car parking for residents who currently rely on, on-street car parking.
60. Overall, it is considered that the reduced height combined with the flat roof form, side and rear setbacks and use of materials provides an appropriate design response. The addition is located to the rear in accordance with clause 22.02-5.7 and therefore is considered acceptable in relation to the heritage context of the street. The proposal appropriately responds to Clause 43.01 (heritage overlay) and the particular requirements contained within Clause 22.02 (local policy).

Local policy

61. Clause 22.16 (Stormwater Management) applied to extensions to existing buildings which are greater than 50sqm. The proposed addition increased the existing floor area by 120sqm and as such triggers an assessment under the above clause.
62. A STORM assessment has been submitted and demonstrates a compliance of 101% through the provision of a 5,000 litre rainwater tank collecting water from 209sqm of roofed area.
63. A review of the report however has identified errors in the allotment size, which affects the overall score. Given the size of the site and roofed area, compliance is considered achievable. As such, a condition will be included for an amended STORM assessment that achieves a minimum of 100% rating.
64. Additional conditions will be included for the floor plans to identify all permeable surfaces. This is required to ensure the accuracy of the STORM rating. A further condition will be included for a notation that the rainwater tank is to be connected to all toilets. This again is to ensure the accuracy of the STORM report.

65. Clause 22.07 (Development Abutting Laneways) of the Scheme, “*applies to applications for development that is accessed from a laneway or has laneway abuttal*”. The proposed development is not expected to cause material traffic impacts given the low scale of the development and anticipated traffic volumes. Given the heritage significance of the dwelling, vehicle access from Alfred Crescent is deemed inappropriate, with the pedestrian entry to be maintained along the street. The application has been referred to Council’s Traffic Engineering Unit and has no objection to the access arrangement and will be discussed below.
66. The garage is to be single storey in built form, with many similar examples present along the laneway. The double storey built form associated with the dwelling is to have a minimum 16m setback to the laneway and is considered sufficient to not impact upon the laneway. Given this setback, there is not unreasonable overlooking to the laneway.
67. The proposed development does not protrude onto the laneway and will not obstruct existing access arrangement to other properties. Refuse stores will be via Alfred Crescent (southern side setback).

Objector concerns

68. Demolition is inappropriate;
(a) Refer to paragraphs 46-52.
69. Impact on the heritage precinct;
(a) Refer to paragraphs 53-60.
70. Out of character;
(a) Refer to paragraphs 53-60.
71. Excessive bulk and scale;
(a) Refer to paragraphs 53-60.
72. Overshadowing
(a) Overshadowing is not assessed under this planning application as Clause 54 is not applicable. Overshadowing will be assessed under the building permit process.
73. Loss of sunlight;
(a) Loss of sunlight and daylight to windows is not assessed under this planning application as Clause 54 is not applicable. Both will be assessed under the building permit process.
74. Visual intrusion;
(a) Refer to paragraphs 53-60.
75. Increased noise from the swimming pool.
(a) Noise from the swimming pool is not a planning matter as the pool is associated with the dwelling, which is an as-of-right use within the Neighbourhood Residential Zone.

Other Matters

76. The triggers for a planning permit only relate to the Heritage Overlay, with car parking (Clause 52.06) and ResCode (Clause 54) not applicable. Although car parking is not triggered, it is standard procedure to refer an application proposing new vehicle access to Council’s Traffic Engineering Unit. This is to ensure that in principle the access layout works and allows for safe, proper and convenient access to the site, as is policy under Clauses 22.07 and 65.

77. Council's Engineers have reviewed the access arrangement and concluded that the layout is acceptable subject to conditions. These conditions relate to the headroom clearance of the garage door, internal dimensions and finished floor levels to the laneway. As Clause 52.06 is not applicable, the conditions will not be included as they do not significantly affect the access arrangement and would be addressed by other departments of Council.

Conclusion

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

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN18/0070 for part demolition and development of the land for a ground and first floor addition to the rear of the existing dwelling at No. 43 Alfred Crescent, Fitzroy North, 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 but modified to show:
 - (a) The location of all treatments (permeable surfaces, rainwater tanks etc.) as identified in the approved STORM report; and
 - (b) A notation that any rainwater tank is to be connected to all toilets
 - (c) Removal of repair notations "as necessary" and include reference to works being undertaken in accordance with the Conservation Management Plan.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (a) A conservation works schedule, developed by a qualified heritage consultant, detailing proposed repair works to the façade;
 - (b) All existing slates must be retained, reset and gently cleaned where required;
 - (c) Repair of timber elements like for like; or restore to historically accurate details based on evidence which can be supplied;
 - (d) All render repair to be in traditional-lime render. No hard cement render to be used.
4. A complete, accurate and correct STORM or equivalent assessment report of the development is required in accordance with Clause 22.16 (Stormwater Management) of the Yarra Planning Scheme. The STORM rating must achieve a minimum of 100%, <http://storm.melbournewater.com.au>
5. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

6. Before the buildings are 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.
7. 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) Saturday 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.
8. 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

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

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

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

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.

This application was not assessed against Clause 54 of the Yarra Planning Scheme (ResCode) as the subject site is greater than 500sqm.

CONTACT OFFICER: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

Attachments

- 1 PLN18 0070 - 43 Alfred Crescent, Fitzroy North - Site Plan
- 2 PLN18 0070 - 43 Alfred Crescent, Fitzroy North - Advertised Plans
- 3 PLN18 0070 - 43 Alfred Crescent Fitzroy North - Heritage Advice
- 4 PLN18 0070 - 43 Alfred Crescent Fitzroy North - Engineering Comments

-
- 1.4 109 Dight Street, Collingwood - Planning Permit Application No. PLN14/0134.03 Amendment to the Planning Permit PLN14/0134 to modify the building, including conversion of the service deck into two rooftop terraces and changes to the ground floor pedestrian entrances.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of an application to amend Planning Permit PLN14/0134 and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 34.01 – Commercial 1 Zone
 - (b) Clause 52.43 – Live Music and Entertainment Noise
 - (c) Clause 22.05 – Interface Uses Policy
 - (d) Clause 22.10 – Built Form and Design Policy

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and Strategic support
 - (b) Built Form
 - (c) Acceptability of conversion of the rooftop decks
 - (d) Noise
 - (e) Objector Concerns

Objector Concerns

4. Seven (7) objections were received to the application, these can be summarised as:
 - (a) Overlooking
 - (b) Noise
 - (c) Loss of daylight
 - (d) Neighbourhood character
 - (e) Social Issues (Gentrification)
 - (f) Lack of acoustic treatments for future residents

Conclusion

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

CONTACT OFFICER: Robert Galpin
TITLE: Statutory Planner
TEL: 9205 5139

1.4 109 Dight Street, Collingwood - Planning Permit Application No. PLN14/0134.03 Amendment to the Planning Permit PLN14/0134 to modify the building, including conversion of the service deck into two rooftop terraces and changes to the ground floor pedestrian entrances.

Trim Record Number: D18/166484

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: 109 Dight Street, Collingwood - Planning Permit Application No. PLN14/0134.03 Amendment to the Planning Permit PLN14/0134 to modify the building, including conversion of the service deck into two rooftop terraces and changes to the ground floor pedestrian entrances.

Existing use: Multi use development under construction

Applicant: 109 Dight Street Pty Ltd

Zoning / Overlays: Commercial 1 Zone
Design and Development Overlay - Schedule 15

Date of Application: 12 April 2018

Application Number: PLN14/0134.03

Planning History

6. Planning Permit PL01/0376 dated 25 June, 2001 was granted for '*Buildings and Works, change of use to a dental technology laboratory, showroom and warehouse and the reduction of the associated carparking requirement*' on the land.
7. Planning Permit PLN14/0134 dated 11 January 2015 was granted for '*development of the land for buildings and works consisting of the construction of a four storey building (two stories above the existing building), containing four new dwellings, and a reduction in the car parking requirement*'.
8. The permit was amended in accordance with Tribunal order P1462/2016 on the 10th of November, 2016 to allow for the construction of a of a five storey building containing 12 dwellings and a food and drink premises (no permit required for food and drinks premises use) and an associated reduction in the visitor and food and drinks premises car parking requirements and the waiver of the loading bay requirements of the Yarra Planning Scheme.
9. The permit was corrected in accordance with Tribunal order P1462/2016 & P1715/2016 on the 29th of November 2016 to delete condition 1(k) and amend condition 1(e).
10. The permit was amended on 05 March 2018 to allow for the internal rearrangement to dwellings, increased floor area to the food and drinks premises (including associated reduction of carparking requirements) and other external changes.
11. Works approved under the permit have commenced at the time of writing this report.

Background

12. The application was received by Council on 12 April 2018. Following the submission of further information, the application was advertised and 7 objections were received
13. A consultation meeting was held on 25 September 2018 and attended by the applicant, Council officers and two (2) objectors. No resolutions were reached.

Planning Scheme Amendments

14. Planning Scheme Amendment C237 (gazetted on 02 March 2018), Introduced Schedule 15 to the Design and Development Overlay (DDO15) on an interim basis whilst a full planning scheme amendment process (Amendment C220) is undertaken. These controls include preferred and mandatory maximum heights, street wall heights upper level setbacks and rear interface heights. The proposal is generally compliant with these requirements.
15. Planning Scheme Amendment VC148 (gazetted on 31 July 2018), implemented changes to the VPP and planning schemes. The amendment mostly restructures the existing planning scheme improving operation and function. Among the changes are revised car parking requirements for areas noted within the Principal Public Transport Network Area. This policy amendment has no bearing on the proposal.

The Proposal

16. The application proposes an amendment to the Planning Permit PLN14/0134 to modify the building, including conversion of the service deck into two rooftop terraces and changes to the ground floor pedestrian entrances. Details are as follows

Ground Floor Pedestrian Entrance

- (a) The ground floor pedestrian entrance is proposed to be amended to achieve Disability Discrimination Act (DDA) compliance. The changes result in a new landing to the threshold ramp at the residential pedestrian entry door and an automatic sliding door to the retail tenancy, both accessed off Dight Street.

Rooftop Deck

- (b) The existing rooftop services deck is proposed to be converted to two private use rooftop terraces for apartments 3.1 and 3.4. The decks are proposed to be contained within the existing balustrade area of the existing services deck and accessed by the way of hatches to each of the apartments. The existing 1.1m high safety balustrade is proposed to be converted to a 1.1m glass balustrade, with an additional 1.1m high glass balustrade separating the two terraces down the middle. There are no proposed changes to the previously approved building form as a result of the conversion.

Relocation of Solar Panels

- (c) As a result of the services deck conversion to private use the existing solar panels are proposed to be relocated outside of the deck on the roof of the development. With 4 panels to the east and 4 to the west.

Existing Conditions

Subject Site

17. The subject site is located at the north-western corner of York Street and Dight Street, in Collingwood. The site is almost regular in shape with a frontage of 15.71m to Dight Street, a secondary frontage of 18.94 metres to York Street and an overall site area of approximately 300 square metres.
18. Construction of the development as approved under planning permit PLN14/0134 has commenced.

Title

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

Surrounding Land

Given the existing conditions have not substantially changed since the previous assessment was undertaken; the following is taken from officers report dated 19 September 2014 to described the site surrounds.

20. *The subject site is located in the Johnston Street Neighbourhood Activity Centre (NAC) which is a mixed-use commercial strip offering a range of services. It consists of a variety of mixed land uses including residences, offices, cafes, retail and bars. The subject site is located in a portion of the Neighbourhood Activity Centre consisting of a mixture of single and double-storey dwellings, and single and double storey buildings used for commercial purposes.*
21. *To the north of the site is a fenced accessway servicing the rear of three commercial properties at 119-123 Johnston Street. However, while used as an accessway, it is a separate lot not associated with any site fronting Johnston Street further north. The commercial properties are used as shops, café and office. The Bendigo Hotel is located in the north-eastern corner of Dight and Johnston Street which is approximately 15m from the subject site.*
22. *To the west of the site is No. 117 Johnston Street, an elongated parcel of land backing on to York Street. The rear of the lot contains a car parking area adjoining the subject site. Further west are commercial properties, with dual frontages to York and Johnston Street. A part three-storey, part four-storey mixed use (mainly residential) building has recently been constructed at 107 Johnston Street and extends the full extent of the block to the York Street boundary.*
23. *York Street runs parallel to the south (rear) boundary of the site. It connects to Dight Street and functions like a laneway, providing rear vehicular access/loading opportunities to the site as well as other commercial properties fronting Johnston Street, including both pedestrian and vehicle access to the garages and secluded private open spaces of residential properties fronting onto Perry Street on the opposite side. Across York Street are a number of terrace dwellings fronting Perry Street. Each of the dwellings has north-facing back yards and vehicle access available via York Street. A two-storey brick dwelling at 107 Dight Street is oriented east-west and is located directly opposite the subject site.*
24. *To the east of the site is Dight Street which runs parallel to the front site boundary, across which are both commercial and residential properties, consisting of a single storey rendered dwelling with pitched tiled roof at No. 98 Dight Street and two modern single storey commercial premises at Nos. 100 and 102 Dight Street.*
25. *The area is well serviced by a number of transport options. These include Victoria Park railway station approximately 480m to the north-east of the site (providing access to the Epping and Hurstbridge lines), a number of bus routes which form part of the Principal Public Transport Network along Johnston Street and Hoddle Street and provide connections to Northland and Doncaster Shopping Centres, La Trobe and Melbourne Universities, Box Hill, Elsternwick and the CBD. Access to a number of tram routes is available along Smith Street that is approximately 430m to the west. Shops, restaurants, offices and services located within the Smith Street and Johnston Street activity centres are within walking distance of the site.*
26. *The surrounding sites to the west, north and north-east are within a Commercial 1 Zone and predominantly contain commercial buildings used for diverse commercial uses. However, the sites to the south and south-east contain single and double storey dwellings and are within a General Residential Zone 2.*

Legislation Provisions

27. *The amendment has been requested pursuant to Section 72 of the Planning and Environment Act 1987 (the Act). Section 72 of the Act states:*
 - (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

(2) *This section does not apply to—*

- (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
- (b) *a permit issued under Division 6.*

28. Planning Permit PLN14/0134 was issued on 11 January 2015 by Council. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.
29. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit

Planning Scheme Provisions

Zoning

Commercial 1 Zone

30. Pursuant to Clause 34.01-1, a planning permit is required to use the land as a dwelling where the ground floor frontage would exceed 2m.
- (a) The dwelling use has already been approved under the existing planning permit – no increase in dwelling numbers is proposed under this application.
31. Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
32. The relevant decision guidelines under the provisions of the zone include “*The objectives, standards and decision guidelines of Clause 55.*”

Overlays

Design and Development Overlay – Schedule 15

33. Pursuant to Clause 43.02-2, a planning permit is required to construct a building or to construct and carry out works;
34. Pursuant to Table 1 of Schedule 15, the subject site is classified as Sub Precinct 1D of the Johnston Street Activity Centre. The following provisions apply to the sub-precinct:
- (a) A mandatory maximum building height of 21 metres;
 - (b) A preferred maximum street wall height of 8 metres (fronting Johnston Street);
 - (c) A mandatory maximum street wall height of 11 metres (fronting Johnston Street);
 - (d) A mandatory minimum setback 6m for upper levels (from Johnston Street street wall façade);
 - (e) A preferred maximum rear interface height (on boundary) of 8 metres.

As previously noted there are no changes to the previously endorsed building form as a result of the proposal as such no further consideration to this overlay is required. Nevertheless the maximum building height at 18.8m complies with the DDO, with the other requirements not applicable given the subject site does not have a frontage to Johnston Street.

Particular Provisions

Clause 53.06 – Live Music and Entertainment Noise

35. This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:
- (a) A noise sensitive residential use that is within 50 metres of a live music entertainment venue

General Provisions

Clause 65 – Decision guidelines

36. 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

Planning Policy Framework (PPF)

Clause 11.02 (Managing Growth)

37. Clause 11.02-1S (Supply of Urban Land) the objective is: *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 13.05-1S – Noise abatement

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

Clause 13.07 Amenity

Clause 13.07-1S Land use compatibility

39. The objective of this clause is:
- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01-1S – Urban design

40. The relevant 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 15.01-2S Building design

41. The relevant objective of this clause is:
- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S Neighbourhood character

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

Clause 15.02 Sustainable Development

43. The objective of this clause is:
- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 16.01 Residential Development

44. The relevant objectives and strategies of this clause are:
- (a) *To promote a housing market that meets community needs.*
- (b) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

Clause 16.01-2S Location of residential development

45. The objective of this clause is:

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and Housing

46. The objectives of this clause are:

- (a) *To accommodate forecast increases in population.*
- (b) *Support residual population increases in established neighbourhoods.*
- (c) *To reduce potential amenity conflicts between residential and other uses.*
- (d) *To reduce potential amenity conflicts between residential and other uses.*
- (e) *Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
- (f) *Apply the Interface Uses policy at clause 22.05.*

Clause 21.05 Built Form

47. The relevant objectives of this clause are:

- (a) *To protect and enhance Yarra's heritage places.*
- (b) *To reinforce the existing urban framework of Yarra.*
- (c) *To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
- (d) *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.*
- (e) *To ensure that new development contributes positively to Yarra's urban fabric.*
- (f) *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.*
- (g) *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.07 Environmental Sustainability

48. The relevant objectives of this clause are:

- (a) *To promote environmentally sustainable development.*

Clause 21.08-5 – Collingwood

49. The following relevant commentary is offered at Clause 21.08-5:

- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
- (b) *To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development.*

Relevant Local Policies

Clause 22.05 Interface Uses Policy

50. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The objectives 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 and 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

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

Advertising

52. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 27 letters sent to the surrounding property owners/occupiers and previous objectors.
53. A total of seven (7) objections were received raising the following concerns:
- (a) Overlooking
 - (b) Noise
 - (c) Loss of daylight
 - (d) Neighbourhood character
 - (e) Social Issues (Gentrification)
 - (f) Lack of acoustic treatments
54. A planning consultation meeting was held on 25 September 2018 and was attended by two objectors, the Applicant, and Council Officers to discuss all issues and concerns raised in the letters of objection.

Referrals

55. The application was not required to be referred to either external parties or internal departments.

OFFICER ASSESSMENT

56. The primary considerations for this application are as follows:
- (a) Policy and Strategic support
 - (b) Built Form
 - (c) Acceptability of conversion of the rooftop deck
 - (d) Noise

(e) Objector Concerns

Policy and Strategic Support

57. Being located within a Commercial 1 Zone in Collingwood, an area well serviced by infrastructure, public transport and other services, residential development is encouraged. One of the purposes of the Zone is *"To provide for residential uses at densities complementary to the role and scale of the commercial centre"*. The use of the land for the purpose of dwellings has previously been considered and deemed appropriate. The conversion of the existing rooftop service deck to private habitable areas of Secluded Private Open Space (SPOS) is consistent with that of the currently approved residential use.
58. The proposal would offer reasonable levels of amenity for future occupants, while also not unreasonably impacting the amenity or future development potential for adjoining sites. This will be discussed later in this report.
59. Given the limited changes to the built form, the proposal will continue to achieve a reasonable urban design and a positive contribution to the streetscape in accordance with the Objectives of Clause 22.10-2 Built Form and Design Policy.

Built Form:

60. As previously highlighted changes to the built form are limited, with the structures supporting the rooftop terraces already approved (with 1.1m high balustrading) in the form of a rooftop services deck. The only built form changes included in the amendment are the changes to the ground floor residential pedestrian entrance and retail tenancy door and the relocation of the solar panels. These are discussed as follows;
61. The changes to the ground floor residential pedestrian entrance and retail tenancy door are considered appropriate, and include the creation of an extended landing within the existing ground floor lobby and amendments to both the residential and retail entrance doors, (increasing the size of and changing the opening direction of the residential entrance and changes the food and drink premises door to include a touch sensitive automated sliding door). These changes are proposed in order to achieve DDA compliance and are consistent with the objectives of Clause 21.04-1 Accommodation and Housing, which seeks to provide housing to cater for people with disabilities and older persons.
62. The relocation of the solar panels outside of the existing deck is not anticipated to create any additional visual bulk to adjacent properties. The applicant has provided sight line diagrams which demonstrate that these will not be readily visible from adjoining properties or from Johnston Street and Dight Street at a pedestrian scale. This is compliant with the design objectives of Clause 22.10-3.11 Service Infrastructure, which seeks to ensure that service infrastructure is appropriately sited and blended into the design of new buildings and is obscured from the public domain.

Appropriateness of converting the existing service deck to habitable roof terraces

63. The conversion of the existing rooftop service deck to habitable areas of SPOS to the below apartments is considered appropriate. The use of the land for the purpose of dwellings has already been assessed under the previous planning permit application and deemed appropriate. The additional area of private open space available to the inhabitants of the below (two) apartments will allow for an additional area of SPOS without creating any further unreasonable off site amenity impacts to the adjoining dwellings.

Overlooking

64. Given there are no proposed changes to the existing built form as a result of the proposed conversion of the existing service deck to habitable roof terraces the main consideration is potential overlooking opportunities.

65. Standard B22 requires that any new habitable room windows or terraces be located or designed to avoid direct views into secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres
66. Overlooking sightline diagrams provided by the applicant demonstrate that the proposal is fully compliant with the requirements of Standard B22 of Clause 55 of the Yarra Planning Scheme. This is due to the habitable areas being considerably setback within the development ensuring that downward views are impinged by the existing roof form
67. Given that the proposal incorporates only a 1.1m balustrade between the two terraces internal overlooking between the two terraces will be possible. The applicant has expressed a desire to incorporate a design that will allow interaction between the two inhabitants of the dwellings enhancing a sense of community. It is however considered that some level of privacy should be provided for future inhabitants to allow for enjoyment of the space. As such a condition will be placed on any permit requiring that screening to 1.7m should be provided to at least 50% of the interface between the two terraces. This is in line with the principals of Standard B23 of Clause 55 of the Yarra Planning Scheme and will allow for both interaction and private enjoyment of the space.
68. The partial increase in height of the central balustrade by 600mm is not anticipated to create any additional bulk or detriment to any persons given that it is considerably set into the roof form of the existing development. Sight line diagrams demonstrate that it will not be visible from the street at a pedestrian scale and any additional shadowing will fall on the existing roof form. That additional 600mm of height will not exceed that mandatory maximum height of 21m listed under sub precinct 1D of DDO15.

Noise

69. As previously discussed the use of the rooftop terrace for the purpose of SPOS is consistent with the approved residential use of the building. Noise associated with occupants utilising the rooftop terraces is not anticipated to be any different to the use of any other form of SPOS such as balconies or backyards. The two adjoining terraces are associated with private dwellings rather than a communal space for all building inhabitants as such the intensity of use of the space is considered to be lesser than those seen in communal rooftop areas.
70. The subject site is located approximately 15m southwest of the Bendigo Hotel (a live music venue), as such Clause 53.06 Live Music and Entertainment Noise is applicable. The objectives of Clause 53.06 seek to;
 - (a) *To recognise that live music is an important part of the State's culture and economy.*
 - (b) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
 - (c) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
 - (d) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
71. The requirements of this policy seek to ensure:

A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- (a) *indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).*
- (b) *outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.*

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).

72. Further to this Planning Practice Note 81 for Live Music and Entertainment Venues outlines that commercial activities still need to address SEPP noise requirements stating; “*an existing venue’s compliance, or otherwise, with SEPP N-2 does not change a residential developer’s obligation under Clause 52.43 to satisfactorily protect a new residential use from existing noise emissions*”
73. It is noted that Clause 53.06-3 does not list any specific noise standards applicable for external areas. With the requirements of the policy specifically stating that “*the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed*”. The original planning application considered compliance with the requirements of Clause 53.06 (formerly 52.43) and deemed that the proposed residential use had been adequately acoustically treated with all internal areas satisfactory attenuated.
74. The dwellings already incorporate areas of primary private open space in the form of balconies situated on level 4 of the building. The balconies are directed toward the south, away from the Bendigo Hotel, and are partially enclosed providing a greater sense of privacy and acoustic attenuation from ambient noise. The inclusion of a secondary outdoor area of SPOS is subsequently considered acceptable.
75. As discussed the previously endorsed acoustic report considered the internal habitable spaces and whilst the hatches were assessed at the time the, endorsed report will need to be updated to reflect the current roof plan which is presently shown as a service deck.
76. Furthermore the subject site is located within a Commercial 1 Zone, in proximity to an existing live music venue and a major arterial road in Johnston Street; as such it is considered that any future residents cannot be afforded the same level of amenity of those residing within a residential zone.

Objector concerns

77. *Overlooking*

This concern has been discussed at paragraphs 59 – 61 of this report.

78. *Noise*

This concern has been discussed at paragraphs 64 of this report.

79. *Loss of daylight*

As discussed at paragraphs 53 – 57 and 63 of this report there are very limited changes to the proposed built form, subsequently there will be no further loss of daylight to any persons as a result of the proposal.

80. *Neighbourhood character*

As discussed in paragraphs 53 – 57 and 63 the proposal will not result in any significant built form changes. The proposed terrace spaces have been demonstrated to not be visible from a pedestrian scale from both the immediate Dight Street and Johnston Street areas. Furthermore it is considered that habitable rooftop spaces are a common feature of newer multi-level residential buildings.

81. *Social Issues (Gentrification)*

Whilst gentrification is not specifically a statutory planning issue, compliance with broader strategic framework has been assessed within paragraphs 52 and 58.

82. *Lack of acoustic treatments for future residents*

This concern has been discussed at paragraphs 65 - 71 of this report.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/0134 to modify the building, including conversion of the service deck into two rooftop terraces and changes to the ground floor pedestrian entrances at 109 Dight Street, Collingwood, subject to the following amended conditions;

(amended conditions in bold)

1. **Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of 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 decisions plans, but modified to show:**
 - (a) **The provision of a 1.7m high privacy screen to a minimum of 50% of the interface between the two adjoining rooftop terraces.**
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. The northern wall of the building must be painted, texture finished or rendered, to the satisfaction of the Responsible Authority.
6. The area between the southern boundary and the south wall of the building must be used for no other purpose other than the passage of vehicles and pedestrians and that area must be kept free of any obstructions at all times (other than waste bins at collection time, positioned as far west as possible in accordance with the approved waste management plan).
7. 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.

8. 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.
9. 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.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Engineering Requirements

11. The finished floor levels along the edge of the setback area must be set 40mm higher than the edge of the bluestone pavement of York Street. The 40mm lips must be slightly chamfered to remove any sharp edges in the concrete work.
12. The setback area provided (to York Street) on the property must be robust to take vehicle loadings.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Dight Street road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
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 car park, pedestrian walkway, laneway and entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.

to the satisfaction of the Responsible Authority.
16. 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.

17. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
19. **Before the construction of the rooftop terraces as approved under amendment PLN14/0134.03 commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the endorsed Acoustic Report prepared by Watson Moss Growcott (WMC) and dated November 2017, but modified to include (or show, or address):**
 - (a) **An updated roof plan showing the roof terraces;**
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
21. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
22. 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) the Construction Management Plan for the site must also take the following into account:
 - (i) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
 - (ii) existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
 - (iii) a temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

23. This permit will expire if:

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

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

Notes:

- A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.
- Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.
- All future residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.
- Upon the completion of all building works and connections for underground utility services, the footpath outside the property's Dight Street frontage (from northern alignment of York Street to the site's northern boundary) must be reconstructed to Council's satisfaction and at the developer's expense.
- 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.

CONTACT OFFICER: Robert Galpin
TITLE: Statutory Planner
TEL: 9205 5139

Attachments

- 1 Site plan & Plans - 109 Dight Street Collingwood