



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 24 July 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Amanda Stone
Councillor Jackie Fristacky
Councillor Mi Lin Chen Yi Mei

- I. ATTENDANCE**
Nish Goonetilleke (Senior Planner)
Sarah Griffiths (Acting Manager 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	PLN18/0829 - 26 Grant Street, Fitzroy North - Full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements.	5	25
1.2	PLN16/0471.01 - 344 Johnston Street, Abbotsford - Section 72 amended to the permit preamble to delete reference to dwellings, a reduction in car parking, external alterations including increasing the overall height, alterations to the front and rear setbacks, changes in materials and internal reconfigurations	28	55
1.3	48 - 50 Lithgow Street Abbotsford - PLN19/0011 - (Use of the land for office and food and drinks premises (cafe), buildings and works and a reduction in the car parking and bicycle parking requirements.)	62	75

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- 1.1 PLN18/0829 - 26 Grant Street, Fitzroy North - Full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for No. 26 Grant Street, Fitzroy North VIC 3068, which seeks approval for full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements. The report recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
- (a) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
 - (b) Clause 22.07 – Development abutting laneways;
 - (c) Clause 22.16 – Stormwater management (Water Sensitive Urban Design);
 - (d) Clause 32.09 – Neighbourhood Residential Zone (Schedule 1);
 - (e) Clause 43.01 – Heritage Overlay; and
 - (f) Clause 54 – One dwelling on a lot (Rescode).

Key Issues

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

Submissions Received

4. Thirteen objections were received to the application, these can be summarised as:
- (a) Impact on heritage streetscape and loss of heritage dwelling;
 - (b) Built form (setbacks, heights, material colours, overdevelopment);
 - (c) Amenity impacts (visual bulk, loss of privacy and daylight);
 - (d) Health impacts from proposed fireplace/chimney; and
 - (e) Potential for graffiti.
5. Seventeen letters of support were received to the application.

Conclusion

6. 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) Ground floor study deleted or setback in line with the principle façade, including removal of associated roofing;
 - (b) Front fence extended to entire width of the Grant Street frontage; and
 - (c) Hit-and-miss brick fence along Alfred Crescent reduced in height to no greater than the ground floor wall height.

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TITLE: Statutory Planner
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1.1 PLN18/0829 - 26 Grant Street, Fitzroy North - Full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements.

Trim Record Number: D19/75888

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: Full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements.

Existing use: Dwelling

Applicant: Matt Gibson Architecture and Design

Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1)
Heritage Overlay (Schedule 327)

Date of Application: 2 November 2018

Application Number: PLN18/0829

Planning History

7. No previous planning applications have been lodged with Council for the subject site.

Background

8. The subject site is situated on an irregular-shaped allotment and is orientated in a south-west and north-east direction. For ease of the report, the Grant Street frontage will be referred to as west; the Alfred Crescent frontage will be referred to as north, the laneway interface as east and remaining boundary as south.
9. Councillor Coleman requested this application be determined at the Internal Development Approvals Committee (IDAC) dated 24 July 2019.

The Proposal

10. The proposal is for full demolition of the existing dwelling and the construction of a double-storey dwelling. The proposal is summarised as follows:

Demolition

11. Full demolition of existing single-storey dwelling, including existing vegetation (no permit required) and fencing.

Construction - Ground Floor

12. Construction of a double-storey dwelling. The ground floor will contain a study, powder room, master bedroom with associated ensuite and wardrobe, laundry/pantry, open plan kitchen and dining area and a living area. Private open space (POS) is provided within the northern portion of the site and includes decking, swimming pool and garden area. A carport is located within the south-eastern portion of the site and provides on-site car parking for one vehicle and is accessible from the eastern laneway via a sliding gate. Beneath the proposed carport will be an underground rainwater tank with a capacity of 5000L which will be connected to toilets for flushing.
13. The ground floor will be built to the southern boundary for a length of 21.945 with the inclusion of a 3.575m long courtyard which will mirror the adjoining courtyard at No. 24 Grant Street to the south. The boundary wall will have a minimum height of 2.965m and maximum height of 6.98m associated with the proposed living room roofing.
14. The dwelling will be setback between 1.35m and 2.8m from the south-western (front) boundary. The front setback will include a garden bordered by a 1m high steel rod fence for a length of 6m with the remainder of the Grant Street frontage unfenced.

15. From the north-western boundary the dwelling is setback between 1.45m and 11.5m. Along this boundary would be a 1.9m high white painted brick boundary fence which extends for 6.4m before transitioning into a hit-and-miss boundary fence which slopes from 1.9m to 6.71m in height.
16. Along the north-eastern boundary, the proposed carport will abut the boundary for a length of 6.095m at a maximum height of 3.08m with a 1.9m high timber batten sliding gate. The remaining length of eastern boundary will incorporate 1.9m high white painted brick fencing.

Construction - First Floor

17. The first floor will contain three bedrooms, bathroom, powder room and a rumpus room. The first floor will be built to abut the southern boundary for a length of 8.3m at a maximum height of 6.18m above natural ground level before a setback of between 2m and 3.53m.
18. The first floor will be setback 2.79m from Grant Street. From the south-west and north-west boundaries, the first floor (rumpus and bathroom) will be built in line with the proposed ground floor laundry/pantry area and open plan kitchen and dining area. The proposed sloping hit-and-miss fence will provide a screen to the northern windows of the rumpus. The hit-and-miss fence will also incorporate a white metal frame with wires to allow for creeper vegetation.
19. The first floor will be setback between 10.1m and 10.2m from the north-east boundary with a maximum overall height of 8.005m above NGL.

Materials/Finishes

20. Walls – white painted bricks;
21. Roofing – white painted brick tiles, terracotta tiles and shingle cladding;
22. Windows – dark and white metal window trims, hoods and shrouds;
23. Fencing – white painted steel and white bricks;
24. Decking – timber; and
25. Canopies - concrete

Existing Conditions

Subject Site

26. For ease of reference (given the irregular orientation of the site), the site will be described as Grant Street to the west, Alfred Crescent to the north, and a laneway to the east. The subject is located on the east side of Grant Street, between Alfred Crescent to the north and McKean Street to the south, in Fitzroy North. The site is situated on a corner lot with a residential property bordering the southern boundary and a 3m wide bluestone laneway abutting the eastern boundary.
27. The site is irregular in shape with a street frontage of 10.05m to Grant Street, a frontage of 19.51m to Alfred Crescent and a length of 21.54m along the laneway. The site has an overall area of 348sqm.
28. Occupying the site is a three-bedroom, single-storey Victorian-era dwelling with a hipped terracotta tiled roof and a skillion front verandah. The dwelling has a setback of approximately 1.3m from Grant Street which is bordered by an existing 0.86m high brick fence and metal gate. The existing brick fence wraps around the Alfred Crescent façade before increasing to a height of 1.9m.

The dwelling is built along the southern boundary for a length of 26.1m and along the eastern boundary for a length of 7.5m before a setback of between approximately 2.4m and 5.4m. The dwelling is also setback from the northern boundary (Alfred Crescent) by between 0.2m and 6.7m. Private open space (POS) is located to the north and east (rear) of the site and is provided with vegetated and paved areas. There is an existing garage providing one car parking space on site with access from the laneway.

29. The Victorian Heritage Database notes that the building was constructed between 1870 and 1890, and is graded 'not-contributory' to the North Fitzroy Heritage Overlay (HO327).

Surrounding Land

30. The area immediately surrounding the subject site comprises an established residential area characterised by single and double-storey heritage dwellings with a number of contemporary ground and first floor extensions, as well as a number of modern in-fill developments.
31. To the north across Alfred Crescent is Edinburgh Gardens.
32. To the east across the bluestone laneway is a single-storey, double-fronted, Victorian-era dwelling with a hipped tiled roof and metal skillion and cast-iron decorated front verandah. The dwelling is built to the western boundary directly abutting the bluestone laneway and is provided with POS within the rear of the site. The on-boundary wall incorporates two habitable room windows as well as a rear roller door providing vehicle access from the laneway.
33. To the south is a single-storey, Victorian-era dwelling which forms one of a row of six similar heritage buildings. The adjoining dwelling has a ground and first floor extension located at the rear of the dwelling which is visible from Alfred Crescent. The heritage dwelling includes a gable roof concealed behind a front parapet with a skillion front verandah. The dwelling is setback 1.35m from Grant Street with a front garden bordered by rendered and brick piers with cast-iron pickets. The dwelling is built along the common boundary with the subject site for a length of approximately 21.8m with the inclusion of an internal northern courtyard. POS is located at the rear of the dwelling.
34. To the west across Grant Street is a double-storey Victorian-era dwelling located on the adjacent corner. The dwelling includes a decorative cast-iron first floor verandah and a low, bluestone front fence.

Planning Scheme Provisions

Zoning

Clause 32.09 Neighbourhood Residential Zone (Schedule 1)

35. Pursuant to the mandatory provisions within *Clause 32.09-4* of the Yarra Planning Scheme (the Scheme), an application to construct or extend a dwelling or residential building on a lot between 400 -500sqm must provide a minimum garden area of 25%. The subject site has an overall area of 348sqm; therefore does not require a minimum garden area of 25%.
36. Pursuant to *Clause 32.09-5* of the Scheme, a planning permit is required to construct or extend one dwelling on a lot less than 500sqm. As the subject is 348sqm, a planning permit is required and must meet the requirements of *Clause 54 (Rescode)*.
37. Pursuant to *Clause 32.09-10* of the Scheme, a building must not exceed nine metres and must not contain more than two storeys at any point. The proposed development will have two storeys with a maximum height of 8.215m and therefore complies with the maximum building height.

Overlays

Heritage Overlay (Schedule 327 – North Fitzroy Precinct)

38. Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required to demolish a building and to construct a building or construct or carry out works, including fences.

Particular Provisions

Clause 52.06 Car parking

39. Pursuant to *Clause 52.06-2* of the Scheme, the required car parking spaces must be provided on the land as the proposed construction of one dwelling on a lot triggers the need for a permit under the Neighbourhood Residential Zone. The following table identifies the car parking requirement under *Clause 52.06-5*, the provision on site, and the subsequent reduction below the statutory requirement:

Use	No. of Bedrooms	Statutory Requirement	Spaces Required	On-site Provision	Reduction sought
Dwelling	4	2 cars o each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms)	2	1	1

40. One (1) car parking space is proposed to be provided on-site in association with the proposed four-bedroom, double-storey dwelling and therefore a reduction of one (1) space is proposed.

Clause 54 – One dwelling on a lot

41. Pursuant to *Clause 54* of the Scheme, the provisions apply to construct or carry out works associated with one dwelling on a lot under 500sqm in a Neighbourhood Residential Zone.

General Provisions

Clause 65 – Decision Guidelines

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

Planning Policy Framework (PPF)

Clause 15.01-1 – Urban design

43. The objectives of this clause are:
- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity; and*
 - (b) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2 – Building design

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

Clause 15.01-5 – Neighbourhood character

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

Clause 15.02-1 – Energy and resource efficiency

46. 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

47. The objective of this clause is:

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

Local Planning Policy Framework (LPPF)

Clause 21.05-1 – Heritage

48. The relevant objective of this clause is:

- (a) *Objective 14 – To protect and enhance Yarra’s heritage places.*

Clause 21.05-2 – Urban design

49. The relevant objectives of this clause are:

- (a) *Objective 16 – To reinforce the existing urban framework of Yarra.*
(b) *Objective 20 – To ensure that new development contributes positively to Yarra’s urban fabric.*

Clause 21.08-8 – North Fitzroy

50. The subject site is located within the North Fitzroy neighbourhood which 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.*”

The neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.”

51. Figure 19, the built form character map, shows the subject site covered by a Heritage Overlay. The objective is to “*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

52. This policy refers to an incorporated document “*City of Yarra Review of Heritage Overlay Areas 2007*”, which identifies the level of significance of all buildings/sites within the Heritage Overlay. Specifically, the subject site is identified as ‘not-contributory’ to the North Fitzroy Heritage Precinct.

Clause 22.02-5.1 – Demolition

Full demolition or removal of a building

53. *Generally encourage the retention of a building in a heritage place, unless*
(a) *The building is identified as being not contributory.*

Clause 22.02-5.7 – New Development, Alterations or Additions

54. The relevant policies of Clause 22.02-5.7.1 of the Scheme encourages the design of new development to a heritage place or a contributory element to:
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (c) *Be visually recessive and not dominate the heritage place.*
 - (d) *Be distinguishable from the original historic fabric.*
 - (e) *Not remove, cover, damage or change original historic fabric.*
 - (f) *Not obscure views of principle façades.*
 - (g) *Consider the architectural integrity and context of the heritage place or contributory element.*

Clause 22.02-5.7.1 of the Scheme also seeks to:

- (a) *Encourage setbacks from the principle street frontage to be similar to those of adjoining contributory buildings where there are differing adjoining setbacks, the greater setback will apply.*
- (b) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

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

55. *Corner site and sites with dual frontages*

- (a) *Encourage new building and additions on a site with frontage to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
- (b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

56. *Front fences and gates*

Encourage front fences and gates to be designed to (as relevant):

- (a) *Be a maximum of 1.2 metres high if solid or 1.5 metres if more than 50% transparent (excluding fence posts).*

Clause 22.07 – Development abutting laneways

57. Clause 22.07 of the Scheme applies to applications for development that is accessed from a laneway or has laneway abuttal. The relevant objectives of the policy include:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
 - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.16 – Stormwater management (Water Sensitive Urban Design)

58. Clause 22.16 of the Scheme applies to applications for new buildings. The relevant objective of the policy is:

- (a) *To promote the use of water sensitive urban design, including stormwater re-use.*

Advertising

59. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by way of 28 letters sent to surrounding property owners and occupiers and the display of two signs on-site (along Grant Street and Alfred Crescent).
60. Thirteen objections were received, and raised the following concerns:
- (a) Impact on heritage streetscape and loss of heritage dwelling;
 - (b) Built form (setbacks, heights, material colours, overdevelopment);
 - (c) Amenity impacts (visual bulk, privacy, daylight);
 - (d) Health impacts from proposed fireplace/chimney; and
 - (e) Potential for graffiti.
61. Seventeen letters of support were received to the application.
62. A planning consultation meeting was held on 26 February 2019 and attended by objectors, the applicant, and Council planning officers to discuss issues raised in the letters of objection. The applicant did not make any commitments to make changes, therefore the proposal as originally submitted to Council forms the basis of assessment and decision.
63. The proposed reduction of one car parking space for the four-bedroom dwelling received an exemption from advertising at Council's Development Assessment Panel.

Referrals

External Referrals

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

Internal Referrals

65. The application was referred to Council's Heritage Advisor. The comments are located in the Appendix to this report.
66. The application was referred to Council's Engineering Unit. The comments are located in the Appendix to this report.

OFFICER ASSESSMENT

67. The primary considerations for this application are as follows:
- (a) Clause 54 (Rescode);
 - (b) Heritage;
 - (c) Car Parking; and
 - (d) Objector concerns.

Clause 54 – (Rescode)

68. The particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. Where relevant, assessment will also be made in this section against Clause 22.07 (Development abutting laneways) and Clause 22.16 (Stormwater Management).

Standard A1 – Neighbourhood Character

69. The neighbourhood character is characterised by a mixture of substantially intact single and double-storey Victorian-era dwellings with several ground and first floor extensions located at the rear. Directly adjacent to the subject site and further south along Grant Street are a row of six single-storey Victorian-era dwellings which incorporate front verandahs and parapets and a low front fence. Along Alfred Crescent, the immediate streetscape varies between double-storey Victorian-era dwellings and single-storey, double-fronted Victorian-era dwellings.
70. The proposed double-storey dwelling will front Grant Street with a secondary frontage to Alfred Crescent and Edinburgh Gardens. The dwelling will be built within the south-western corner of the irregular lot with POS located within the north-eastern corner. The uniform built form and single-storey façade representation along the eastern side of Grant Street provides a consistent character to the immediate streetscape, however double-storey dwellings exist further to the east along Alfred Crescent, west on the opposite corner and contemporary extensions at the rear of heritage dwellings, can be found within the surrounding neighbourhood.
71. While “heritage” will be considered separately later in the report, the neighbourhood character is largely defined by heritage fabric. The proposed front façade of the dwelling has drawn upon the existing built form and contributory elements of the adjoining row of heritage dwellings including retaining a consistent street setback, built form including a front verandah and façade fenestration, as well as a low metal rod front fence. The proposal references the verandah and parapet heights of the single storey dwellings to the south; before transitioning to the double storey height to the northern corner. Corner sites were traditionally developed by taller elements and this is evident by the double-storey dwelling on the opposite corner.
72. In this context, the inclusion of a contemporary double-storey building on the corner allotment will maintain a similar front setback as adjacent dwellings along the eastern side of Grant Street and a similar side setback as the double-storey dwelling on the opposite corner. The proposal is considered to be an acceptable response to the neighbourhood subject to further consideration of setbacks and simplification of forms.
73. However, the proposed hit-and-miss northern boundary fence with a maximum height of 6.675m will dominate both streets and does not contribute to the existing neighbourhood character. As further discussed in the heritage assessment later in the report, the fence will appear to Alfred Crescent as more of a wall than a fence and is to be conditioned to be reduced to no greater than the ground floor wall height.
74. The overall design of the dwelling is contemporary and unobtrusive to the surrounding neighbourhood with regards to form, materials and finishes (including white painted masonry and referencing window proportions in the street).

Standard A2 - Integration with the street

75. The proposed double-storey dwelling is oriented to directly face Grant Street, with a 6m long portion of 1m high steel rod fencing. The transparent design of the fence and low height will provide direct views to the dwelling’s facade, with the orientation of the facade to Grant Street in accordance with dwellings further to the south.
76. The northern boundary of the subject directly abuts Alfred Crescent and provides the dwelling with a 19.51m long secondary frontage to Alfred Crescent. This treatment (i.e. side walls and fences to Alfred Crescent) is reflective of the two-storey dwelling on the opposite corner. The proposed north-facing windows at both ground and first floor behind the proposed hit-and-miss brick fence have been designed to allow views out into the abutting street and the abutting public open space being Edinburgh Gardens. The hit-and-miss fence itself will be discussed further in the report.

Standard A3 – Street setback

77. The subject site is located on a corner allotment with Grant Street to the west, Alfred Crescent to the north and a bluestone laneway to the east. To the immediate south of the subject site is a single-storey dwelling with a rear double-storey extension setback 1.35m from Grant Street which includes a front garden.
78. Table A1 (Street setback) at Clause 54.03-1 specifies that if the site is on a corner and there is an existing building on the abutting allotment facing the front street, the minimum setback from the front street is to be the same distance as the setback of the front wall of the existing building on the abutting allotment or 9 metres, whichever is the lesser.
79. The proposed development will have a front setback of 1.35m from Grant Street which also incorporates a front verandah with an overall setback of 2.79m which is in line with the abutting building to the south. However the study at ground floor protrudes beyond the front façade and will be in line with the verandah. Subject to the study being setback in line with the dwelling, the setbacks would comply with the standard.
80. Table A1 (Street setbacks) at Clause 54.03-1 also specifies that if the site is on a corner, the dwelling should be the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or two metres, whichever is the lesser.
81. Given an existing bluestone laneway abuts the eastern boundary (and not a building), the minimum setback of two metres would apply. The proposal will be setback between a minimum of 1.45m and a maximum of 13.5m from Alfred Crescent.
82. Although the minimum setback of 1.45m does not comply with the 2m requirement of the standard, the proposal is considered to meet the objective as the setback reflects the existing setback of the subject site of between approximately 0.1m and 6.6m. In addition, the setbacks reflect the property located on the opposite corner which provides a principle façade to Grant Street, a double-storey wall on-boundary to Alfred Crescent, and an unfenced area of vegetation. Furthermore at the intersection of Grant Street and McKean Street to the south, all corner allotments have zero setbacks from the secondary street frontage with single and double-storey high boundary walls. Therefore, the proposed setback of 1.45m is considered acceptable as it appropriately references the layout of existing dwellings in the area where secondary frontages are present. On this basis the objectives are met.

Standard A4 – Building height

83. The maximum height of the double-storey dwelling will be 8.235m which is below the maximum height of 9m allowed by the zone; Neighbourhood Residential Zone (Schedule 1).

Standard A5 – Site coverage

84. The standard for site coverage states that the coverage should not exceed 60%. The proposal reduces site coverage from 67% (234sqm) to 55% (192sqm) which complies with the standard.

Standard A6 – Permeability

85. The standard for permeability states that the site area covered by pervious surfaces should be at least 20% of the site. Permeable surfaces will be provided within the front garden setback and within the rear POS by vegetated areas, lawn and uncovered areas of decking. The proposal increases site permeability from 23% (80sqm) to 33% (115sqm) which complies with the standard.

86. Clause 22.16 (Stormwater Management (Water Sensitive Urban Design) of the Scheme applies to this application as a new dwelling is proposed. The proposed ground floor plan indicates that there will be a 5000L rainwater tank beneath the carport along the eastern boundary which will be utilised for sanitary purposes. However, the STORM report provided indicates the installation of a 4800L rainwater tank which will achieve a STORM rating of 100% for the site. Although there is inconsistency between the plans and STORM rating report, given the 4800L rainwater tank achieves a STORM rating of 100%, the 5000L tank will result in an improved STORM rating which is appropriate.

Standard A7 – Energy efficiency protection

87. The standard for energy efficiency aims to achieve and protect energy efficient dwellings and to ensure the orientation and layout of developments reduces fossil fuel energy usage and makes appropriate use of daylight and solar energy.
88. The layout of the dwelling utilises the northern aspect of the site by locating the living areas to the north, with the POS also being located to the north. These areas will be provided with 5.7m (kitchen and dining) and 5.5m (living) wide glazed, sliding doors which will provide adequate amounts of natural daylight and ventilation into the habitable rooms. Canopies above those windows will provide protection from hot summer sun which will reduce reliance on artificial cooling. Furthermore, the kitchen and dining area will be provided additional light from the north-facing window and the living area will be provided additional light from the skylight located in the south-western corner of the roof.
89. The ground floor master bedroom will be provided with a 1.9m wide, fixed and operable, west-facing window overlooking Grant Street which will provide acceptable amounts of natural daylight and ventilation. Given the ensuite will include a door into the southern boundary courtyard, this will provide the master bedroom with a breeze path of approximately 9m.
90. All habitable room windows at first floor will be provided with north and east-facing windows which will provide adequate amounts of natural daylight and ventilation into the bedrooms and rumpus room.
91. With regards to existing rooftop solar energy facilities, there are six existing solar panels located on the first floor, north-facing roof of No. 24 Grant Street to the south (adjacent to the proposed ground floor living area). According to the standard, *buildings should be sited and design to ensure that the performance of existing rooftop solar energy facilities on dwelling on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced.*
92. The adjoining dwelling (No. 24 Grant Street) has a northern boundary wall with a height of approximately 6.8m which will directly abut the proposed double-storey high boundary wall with maximum height of 6.98m. As such, the proposed wall will protrude beyond the height of the existing boundary wall by 0.5m. However, given the orientation of the site and the location of the double-storey component to the south-west of the adjacent first floor addition, the majority of shadows will fall over Alfred Crescent, the subject site and Grant Street. As shown on the shadow diagrams, the proposed development will not overshadow the existing north-facing solar panels which will continue to receive full solar access during the day. Therefore, it is considered that the energy efficiency of adjoining dwellings will not be significantly affected as a result of this proposal.

Standard A8 – Significant trees

93. There are no significant trees on the site that will be affected by the proposed development.

Standard A10 – Side and rear setbacks

94. The standard requires a building not on or within 200mm of a boundary to be setback from the side or rear boundaries 1m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.
95. As shown in the table below, the proposed setbacks from the northern walls of the development will comply with the requirements of the standard however, the setbacks from the northern walls of the first floor bathroom and rumpus do not comply.

	Setback Provided	Wall Height	Setback Required	Complies?
Ground floor- northern wall of study/powder room	3.2m to 4.5m	3.8m	1.06m	Yes
Ground floor – northern wall of living room	4.8m to 10.5m	3.08m	1m	Yes
First floor – northern wall of bathroom	3.9m to 4.6m	8.08m	3.17m	Yes
First floor – northern wall of rumpus area	1.45m	6.48m to 7.3m	1.864m to 2.39m	No
Ground floor – eastern wall of living area.	2.24m	3.08m	1m	Yes
Ground floor – eastern wall of kitchen	11.7m	3.58m	1m	Yes
First floor – eastern wall of Bed 2	10.2m	6.4m	5.29m	Yes
First floor – eastern wall of Rumpus	10.1m	6.4m	5.19m	Yes
Ground floor – southern wall of courtyard	1.598m	2.8m	1m	Yes
First floor – southern wall of Bed 2	1.5m to 3.53m	6.2m	1.78m	Partly

96. The setback of the northern wall of the rumpus fails to meet the required setbacks by between 0.414m and 0.94m. Although this wall does not comply with the requirements of the standard, the wall will not be opposite any adjoining dwellings as the walls will directly face onto Alfred Crescent and Edinburgh Gardens. As such, the walls will not create any unreasonable amenity and visual bulk impacts to any adjoining habitable room windows or areas of secluded private open space. The northern bathroom wall will not be visible when viewed from Alfred Crescent as the rumpus room which will be constructed higher and will conceal the bathroom when viewed from the north and east. With regards to the northern wall of the rumpus, as discussed within standard A3 (street setback), the variation to the required setback is considered acceptable as it reflects the prevailing character of minimal side setbacks from secondary frontages as evident on the opposite corner.
97. The setback of the southern wall of the first floor Bed 2 partially fails to meet the required setback by 0.2m. Whilst this portion of wall does not comply with the requirements of the standard, it is directly opposite a proposed double-storey, on-boundary wall with a maximum height of 6.18m which will screen the wall of Bed 2. Although there is a west-facing habitable room window of a first floor bedroom at No. 24 Grant Street located approximately 5m from the wall, the variation in the setback will not result in unreasonable visual bulk and amenity impacts given the bedroom has dual aspect and is provided east-facing glazing out to the first floor balcony (see figure 2 below).

Standard A11 – Walls on boundaries

98. The standard for walls on boundaries states that the permissible length of walls along the southern boundary must not exceed a total length of 14.3575m (for a title length of 27.43m), unless abutting a simultaneously constructed wall. In terms of height, the proposed wall must not exceed an average of 3.2m and a maximum of 3.6m unless abutting a higher or simultaneously constructed wall on an adjoining lot.
99. The total length of wall along the southern boundary will be 21.945m (including a 3.575m long courtyard) with a maximum height of 6.98m above NGL which does not comply with the length or height requirements of the standard.
100. In terms of length, the wall will be constructed to directly abut the existing northern boundary walls of the adjoining property to the south (No. 24 Grant Street). The proposed courtyard measuring 3.575m long will mirror the existing courtyard of the adjoining property to the south; with the new ground floor wall adjacent the courtyard being reduced in height from existing conditions. As such, the length of the proposed boundary walls will not protrude beyond any existing boundary walls which may create amenity and visual bulk impacts to areas of private open space and/or habitable room windows.
101. In terms of height, two sections of boundary wall (as shown below in blue) associated with the ground floor living area and first floor Bed 3 extend beyond the existing height of the northern boundary wall of No. 24 Grant Street (shown hatched).

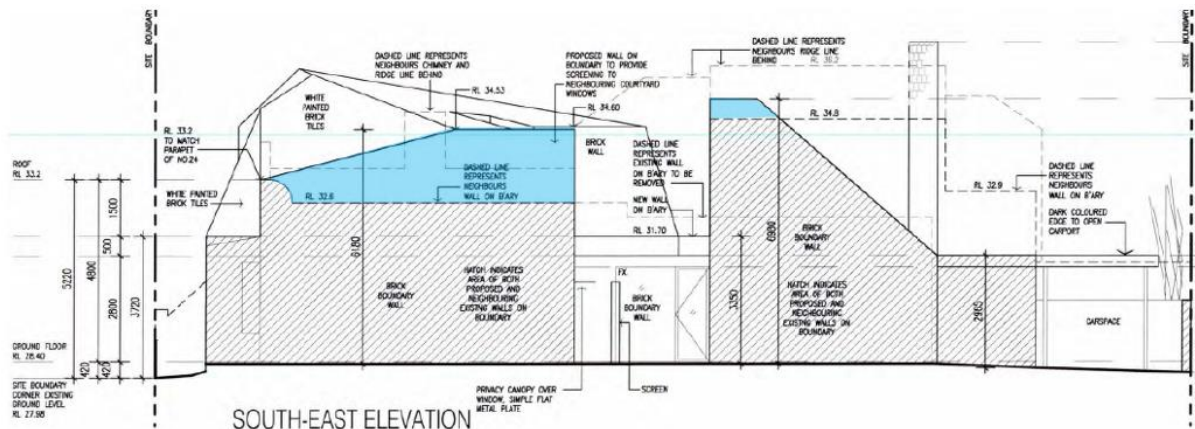


Figure 1: Proposed southern boundary walls (Applicant submission)

102. The double-storey wall associated with Bed 3 at first floor will extend between approximately 0.7m and 1.9m beyond the existing height of the boundary wall of No. 24 Grant Street. Although the wall exceeds the maximum height allowed by the standard, the wall is considered acceptable and will not result in unreasonable amenity impacts as it will directly face the adjoining roof and will not extend beyond the existing courtyard of No. 24 Grant Street.
103. The proposed boundary wall with a maximum height of 6.98m associated with living area will extend 0.5 beyond the height of the existing double-storey high boundary wall of No. 24 Grant Street for a length of 1.8m. Although the wall will be marginally higher than that of the existing wall on boundary, the proposed wall will not create any unreasonable amenity impacts as the additional wall height would face the roof of the neighbouring property and as discussed previously will not impact the existing solar panel facility on the adjoining roof.
104. The proposed boundary wall to be built between the existing courtyard at No. 24 Grant Street and the proposed mirrored courtyard on the subject site measures 3.35m in height which is less than existing conditions. The adjoining courtyard provides daylight to two existing habitable room windows (east-facing bedroom window and west-facing kitchen window). The proposed wall fails to meet the required average of 3.2m above NGL by 0.15m however it would not unreasonably reduce the amenity to the habitable rooms.

The kitchen is located within a dual aspect, open floor plan which provides the primary source of daylight from the east-facing glazing. As such, the wall will not unreasonably decrease daylight into the room. The bedroom will continue to be provided a light court which will allow adequate amounts of daylight. Additionally, the proposed wall is a reduction in height from the existing wall on boundary which measured between 3.8m and 4.2m in height. The reduced wall height is considered an improvement to the existing conditions and would improve visual bulk impacts and increase daylight access into the existing courtyard and the associated habitable room windows of No. 24 Grant Street to the south.

105. The on-boundary wall within the courtyard is not accurately shown on the proposed south-east elevation. The elevation should show the on-boundary wall in its entirety without the light court detailing. Therefore, a condition will require the proposed ground level on-boundary wall shown on the south-east elevation, separate to the internal elevation.

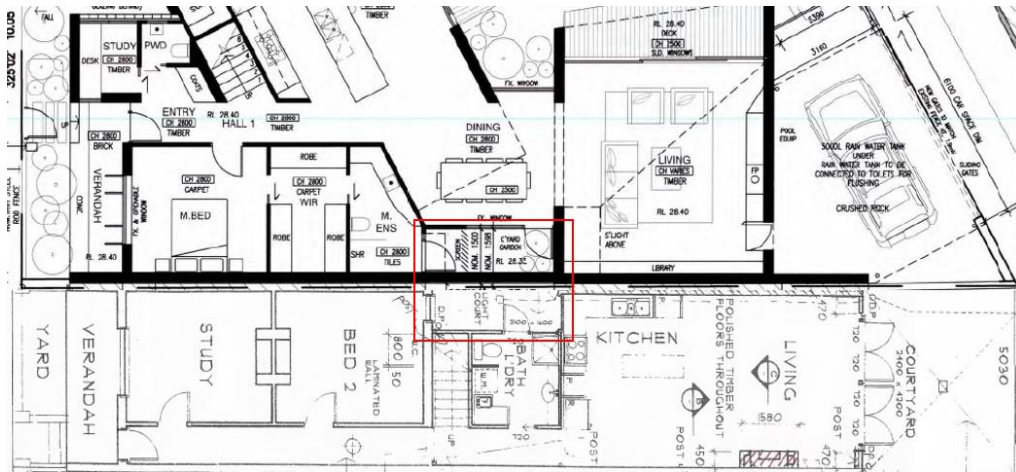


Figure 2: Ground floor plan of No. 24 Grant Street and proposed ground floor plan of subject site – light court boxed in red (Planning Permit No. PLN12/1037 & Applicant Submission)

Standard A12 – Daylight to existing windows

106. Given the site interfaces with Grant Street to the west, Alfred Crescent to the north and a laneway to the east, the only adjacent dwelling is located to the south. All the existing habitable room windows within the adjoining dwelling (No. 24 Grant Street) will continue to be provided with a light court with a minimum area of 3sqm and a minimum dimension of 1m clear to the sky.

Standard A13 – North-facing windows

107. The standard identifies a north-facing window as a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
108. The adjoining dwelling to the south (No. 24 Grant Street) has a ground floor bedroom within its courtyard which incorporates a north-east facing window. As notated on the submitted plans, the window is not a north-facing window as it is not a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Standard A14 – Overshadowing open space

109. The standard for overshadowing states where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

110. The subject site is orientated in a south-west and north-east direction and as such, causes shadows over Alfred Crescent and Grant Street in the morning, and over No. 24 Grant Street in the afternoon. The standard protects only secluded private open space (SPOS) from shadows.
111. The only dwelling impacted by additional shadowing as a result of the proposed development is No. 24 Grant Street. The shadow diagrams submitted by the applicant include the northern boundary courtyard, first floor balcony and the rear private open space in their shadow calculations. As such, the overall area of SPOS for No. 24 Grant Street will be 25.3sqm. However it should be noted that the balcony is not considered to be SPOS as it accessed from the first floor bedroom and not a living room as shown below.

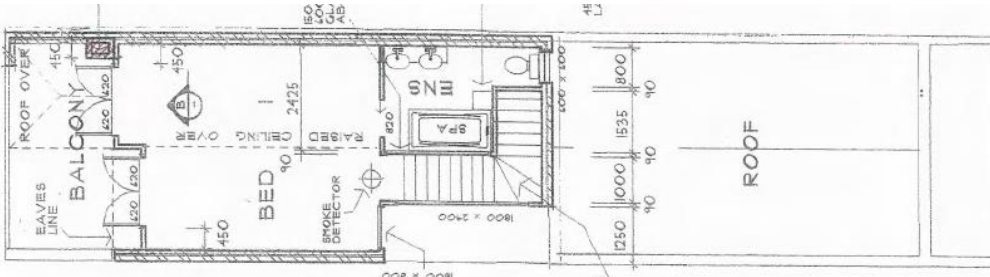


Figure 3: First floor plan of No. 24 Grant Street showing balcony with access from a bedroom (Planning Permit No. PLN12/1037)

Time	Shaded (Existing)	Additional Shadow	Shaded (Proposed)
9am	24.3sqm (96%)	0sqm	Per existing
10am	20.3sqm (80.2%)	0sqm	Per existing
11am	17.3sqm (68.3%)	0sqm	Per existing
12pm	15.8sqm (62.4%)	0sqm	Per existing
1pm	15.2sqm (60%)	0sqm	Per existing
2pm	15.7sqm (62%)	0sqm	Per existing
3pm	21.12sqm (83.4%)	0.67sqm	21.79sqm (86.1%)

112. From the table above, no areas of SPOS will be affected by the proposed development between the hours of 9am and 2pm as shadows will fall over the subject site itself and over existing shadows and built form of No. 24 Grant Street.
113. As discussed previously, the balcony at first floor is not an area of SPOS as it is not accessible from a living room and therefore, the extent shadowing cannot be assessed under this standard. The SPOS at ground floor which is provided convenient access from a living room will not be impacted by the proposed development and will continue to receive direct solar access between 9am and 2pm as per existing conditions.

Standard A15 – Overlooking

114. The standard for overlooking requires a habitable room window, balcony, terrace, deck or patio to be located and designed to avoid direct views within 9m and a 45 degree arc into the secluded private open space (SPOS) and habitable room windows of an existing dwelling.
115. At ground level, the majority of all habitable room windows proposed will provide an outlook towards Grant Street, Alfred Crescent and POS with 1.9m high brick fences along the boundaries. The south-facing dining room windows towards No. 24 Grant Street will not result in any overlooking as a result of the proposed 3.35m high wall between the existing and proposed light courts. The ground floor ensuite windows are not habitable room windows and are not required to be screened by the standard. Nonetheless, the ensuite window will incorporate a privacy canopy measuring 0.5m long and 1m wide above the glazing.

116. The height of the deck located to the south of the swimming pool is not notated on the plans, therefore it is unclear if the deck will allow overlooking opportunities over the proposed 1.9m high brick fence to the south-west facing habitable room windows of No. 123 Alfred Crescent.

Therefore a condition will require the pool and decking levels to be shown on relevant elevations and to demonstrate compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme

117. At first floor, views from the north-facing windows of the rumpus area will only provide an outlook towards Alfred Crescent and Edinburgh Gardens. The east-facing windows of the rumpus area, Bed 1 and 2 will not provide any overlooking opportunities as no adjoining areas of SPOS or habitable room windows will be located within a 45 degree angle from the plane of the window at a distance of 9m. The east-facing window of Bed 3 incorporates privacy screening to prevent overlooking opportunities to adjoining habitable room windows to the south. Given the plans do not provide details of the height and transparency of the screening, it appears there will be some overlooking. A condition will require the first floor Bed 3 to be screened in compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme.

Standard A16 – Daylight to new windows

118. The standard for daylight to new windows requires new habitable room windows to receive adequate amounts of daylight access. Under the proposed development, there are three habitable room windows at ground floor which will not be provided an outdoor space clear to the sky as a result of built form protruding over the windows.
119. The west-facing habitable room window within the master bedroom will have a 1.44m wide front verandah roof cantilevering over at a height of 2.8m above finished floor level (FFL). The proposed front verandah roof will not significantly reduce the amount of daylight into the habitable room as it will remain open along the western portion (facing Grant Street) allowing daylight to filter through, similar to other dwellings in the street.
120. The east-facing sliding doors within the open plan kitchen area will have a 1m wide and approximately 6.2m long canopy cantilevering over at a height of 2.5m above FFL. The proposed canopy will not significantly reduce the amount of daylight into the 5.7m wide sliding doors as the canopy will remain open along the northern, eastern and southern portions and the orientation of the windows to the north-east will adequately allow adequate amounts of daylight, including sunlight to filter into the habitable room. Combined with the north-facing windows to the meals area there will be excellent daylight access.
121. The north-facing sliding doors within the living area will have roofing extending over the windows by between 0.9m and 1.6m, at a length of 5.5m and a height of 2.8m above FFL. Although the extended roofing reduces the amount of daylight access into the space, given the glazing is north-facing and is floor-to-ceiling in height, the amount of daylight will not be significantly reduced. The living room will also be provided with a skylight within the south-western corner which will provide additional daylight into the habitable room.
122. All other new windows associated with the proposed dwelling will be clear to the sky and will receive adequate daylight and thereby comply with the requirements of this standard.

Standard A17 – Private open space

123. The standard for private open space (POS) states that a dwelling should have POS consisting of an area of 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm with a minimum of 25sqm of secluded private open space. Private open space is provided within the north-eastern portion of the site and would comprise approximately 35% (123sqm) which exceeds the requirement of the standard.

124. The POS has access from two sets of sliding doors within the open plan kitchen and dining area and living area at ground floor. The use of the sliding doors allows for the consolidation of both living and private open space, resulting in flexible use and functional space.

Standard A18 – Solar access to open space

125. The principal area of private open space is located on the northern side of the dwelling, thereby achieving compliance with this standard and ensuring direct solar access will be available.

Standard A19 – Design detail

126. The standard for design detail encourages development to be designed to respect the existing or preferred neighbourhood character including, façade articulation, window and door proportions, roof form and verandah, eaves and parapets.
127. The material palette proposed for the double-storey dwelling is simple and does not contain a large number of materials, with white painted brick and brick tiles being the predominant component, as well as terracotta tiles/shingles to the ground floor living area towards the rear of the site. Other materials such as black and white window trimmings, white painted steel front fence and concrete feature elements complement and provide contrast to the brick and shingle built form.
128. The design of the dwelling is contemporary in nature whilst referencing components of built form existing on adjacent sites. The dwelling respectfully integrates the single and double-storey characteristics of the Victorian-era dwellings along both Grant Street and Alfred Crescent with regards to building heights, setbacks, fenestrations and materiality.
129. The carport will be located at the rear of the site approximately 13.5m from Alfred Crescent and is only accessible from the eastern laneway. The proposed carport is typical of laneway development (being fences, roller doors/gates and sides of buildings) and will not detract from the neighbourhood character.
130. Overall, it is considered that the dwelling provides an appropriate built form replacement.

Standard A20 – Front fences

131. The standard encourages front fences within 3m of a street to respect the existing or preferred neighbourhood character and have a maximum height of 1.5m.
132. The proposed front fence along Grant Street will have a height of 1m which complies with the requirements of the standard. The fence is proposed to extend 6m along Grant Street before a section of unfenced garden which is an anomaly along the eastern side of Grant Street where properties are entirely fenced. Considering the surrounding neighbourhood character, the fence should extend the entire street frontage to reflect the existing fencing styles along the street. A further assessment will be made within the heritage assessment component of the report.

Heritage

133. 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, in-order to ensure that there is consistency achieved with the heritage values of the surrounding area.

Demolition

134. Clause 22.02-5.1 of the Scheme generally encourages the retention of a building in a heritage place unless the building is identified as being 'not contributory'. The subject site of No. 26 Grant Street is identified as 'not contributory' to the North Fitzroy Precinct, as such, demolition would not remove any heritage fabric and its demolition would have no detrimental impact on the heritage precinct. Council's Heritage Advisor is supportive of full demolition of the existing building, subject to appropriate replacement.

Proposed Works

135. Clause 22.02-5.7 of the Scheme seeks to ensure that new development respects the pattern, rhythm, fenestration, roof form, materials and heritage character of the surrounding streetscape, and is articulated and massed to correspond with the prevailing built form of the heritage place. The key consideration for assessing the application is whether the new dwelling will adversely affect the significance, character or appearance of the broader heritage precinct.
136. The proposed scale and height of the development is considered to be acceptable as it respects the varying single and double-storey building heights of dwellings within the immediate area. The proposed façade which varies between 5.2m and 8.065m high will transition from the height of the single-storey parapets of dwellings along Grant Street to the heights of the double-storey dwellings along Alfred Crescent (further to the east and on the opposite corner). Council's Heritage Advisor considered the proposed building scale and transition in building heights to be a contemporary but acceptable approach.
137. The development proposes to incorporate a front façade which draws upon the contributory features of adjoining single-storey Victorian-era dwellings along Grant Street. The works to the front façade constructed of a white painted brick will incorporate a front verandah, parapet, low front fencing, and fenestration (i.e. singular window and entrance doorway). Contemporary elements such as large glazing, built form design located towards the rear of the site with the exception of the arch window located along the Grant Street façade with a white metal shroud. With regards to materials, the dwelling does not contain a large number of materials, with white painted brick and brick tiles being the predominant component, as well as terracotta tiles/shingle cladding and white painted brick tiles for roofing. Other materials such as black and white window trimmings, white painted steel front fence and concrete feature elements complement and provide contrast to the brick dwelling.
138. The dwelling is located on a corner site and is provided two frontages along Grant Street and Alfred Crescent. Clause 22.02-5.7.2 of the Scheme seeks to encourage new buildings and additions on a site with frontages to two streets to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and to encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.
139. With regards to setbacks from Grant Street, the proposed development will be setback between 1.35m and 2.79m (including the verandah) which will be generally in keeping with the façades of the adjoining row of Victorian-era terraces to the east along Grant Street (as shown below). However, the proposed study at ground floor will project beyond the principal façade and will be in line with the front verandah. As assessed by Council's Heritage Advisor, *'given the consistency of this setback (1.35m and 2.79m), it is strongly considered that the projecting study should be setback in line with the principal façade'*. Furthermore, the roofing over the proposed projecting study was considered to be *'particularly distracting'* by Council's Heritage Advisor as it introduces complex roof forms within the principle frontage along Grant Street which will not respect heritage character of the surrounding area as encouraged under Clause 22.02-5.7.1. Therefore in order to respect the existing heritage character of the ground level façades along Grant Street, a condition will require the removal or setting back of the projecting study in line with the principal façade, including the removal of complex roofing above.



Figure 4: View south along Grant Street (Officer Photo)

140. With regards to setbacks from Alfred Crescent, the double-storey development will be setback a minimum of 1.45m from the northern boundary. Although a majority of properties to the north-east with principal façades fronting Alfred Crescent incorporate garden setbacks between 4.8m and 6m, the subject site itself presents as a side elevation to Alfred Crescent. The heritage comments stated that the two corner sites fronting Grant Street (subject site and opposite site at No. 27 Grant Street) have historically been presented as side elevations to Alfred Crescent. The proposed setback of 1.45m from the northern boundary is considered to be consistent with the existing setback and form of No. 27 Grant Street which also incorporates a double-storey high wall facing Alfred Crescent. Council’s Heritage Advisor also pointed out that the proposed setback appears to be the average of the two closest points of the existing building as shown in the diagram below.



Figure 5: Existing building footprint overlaid on proposed new building showing existing setback points from Alfred Crescent (Heritage referral comments)

141. The substantial setback of the double-storey building, combined with the laneway to the east further reinforces the Alfred Crescent treatment as separate to the remainder of build form along this street. However, the hit-and-miss brick wall is an alien form which does not relate to the area. While the proposed brick fence along the northern (Alfred Crescent) boundary is supported by Council’s Heritage Advisor, the proposed hit-and-miss brick fence which extends to a maximum height of 6.675m is not supported as the fence will appear more as a wall to the streetscape and does not reflect and respect the existing character of boundary fencing within the heritage precinct. The height of the wall will dominate the surrounding heritage precinct and will not be visually recessive along Alfred Crescent which incorporates numerous contributory and individually significant heritage buildings. As stated by Council’s Heritage Advisor, *traditional fencing at the rear of properties is generally capped to around 2m.*

Given that the fence increases in height as it approaches Grant Street, to ensure the boundary fence is a recessive element to the proposed contemporary dwelling and to the wider heritage precinct, the maximum height of the fence should be no greater than the wall height of the proposed ground level.

142. Clause 22.02-5.7.2 (Front fence and gates) encourages front fences to be consistent with the architectural period of the heritage place or contributory element to the heritage place. The contemporary double-storey dwelling will incorporate a 1m high steel rod fence for a length of 6m before a section of unfenced garden measuring 2m in length and 2.5m in length along the northern return. The proposed front fence style is supported by Council's Heritage Advisor as it is considered to be a contemporary and sympathetic interpretation of a palisade fence. However, the fence should extend the entire street frontage and along the northern returns in order to retain a tradition vista along the eastern side of Grant where properties are entirely fenced (no with sections of the allotment exposed). Therefore, a condition will require that the proposed front fence along Grant Street must be extended to the entire width of the street frontage and along northern return.
143. Overall, the proposed contemporary dwelling is considered acceptable and will not adversely impact the wider heritage precinct. The proposal appropriate responds to the surrounding heritage streetscape in terms of façade fenestrations and contributory elements along the Grant Street frontage and appropriate transitions in building heights to respect the varying heights along both Grant Street and Alfred Crescent. With regards to materials, the dwelling does not contain a large number of materials, with white painted brick and brick tiles being the predominant component, as well as terracotta tiles/shingles to the ground floor living area towards the rear of the site. Other materials such as black and white window trimmings, white painted steel front fence and concrete feature elements complement and provide contrast to the brick and shingle built form.
144. On this bases, the proposal appropriately responds to the particular requirements within Clause 22.02 and Clause 43.01 of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

Car Parking

145. Under Clause 52.06, the proposed construction of a four bedroom dwelling requires the provision of two (2) car parking spaces on the site.
146. In exercising its discretion to reduce the requirements of Clause 52.06, Council must consider a number of relevant decision guidelines, including the car parking demand likely to be generated, and whether it is appropriate to allow fewer spaces to be provided given the site context. An assessment of the car parking demand and proposed reduction is provided below.
147. The subject site enjoys excellent access to public transport, including Queens Parade tram route No. 86 and bus route No. 546 both located approximately 200m to the south of the subject site. Pedestrian and cyclist access to the site is highly convenient; with dedicated bicycle lanes throughout the Edinburgh Gardens and along Alfred Crescent, Grant Street and McKean Street. With the site located within an inner city area where walking and cycling are popular modes of travel.
148. The existing site contains a single brick garage accessible via the laneway along the eastern boundary for a three bedroom dwelling. The proposed development will continue to provide a single car park on site accessible via the laneway, therefore there will be no change to the area as the dwelling has provided only one car space. The application still provides adequate on-site parking which is considered to be acceptable given the nature of dwellings within an inner city location. It is also noted that the surrounding street network contains on-street short terms car parking spaces.

It is considered that visitors choosing to drive to the dwelling should be able to find a park within easy walking distance of the site and residents could utilise resident parking areas.

149. Although the internal dimension of the carport which measures between 5.6m and 6.1m long, and 2.39m and 5.5m wide do not fully comply with the design standard 2 – car parking spaces at Clause 52.06-9, Council’s Engineering Unit have considered the proposed carport satisfactory to accommodate a B85 design vehicle. However, Council’s Engineering Unit requires the vehicle template to demonstrate it is for a B85 vehicle only. This will be conditioned.

Objector Concerns

150. The majority of issues associated with the objector concerns have been discussed throughout this report; the remaining objection topics which have yet to be assessed are discussed below.

151. *Impact on heritage streetscape and loss of heritage dwelling.*

Issues associated with heritage streetscape and loss of heritage dwelling have been discussed earlier within this report (paragraphs 69-74, 134-135).

152. *Built form (setbacks, heights, material colours, overdevelopment).*

Issues associated with built form have been discussed earlier within this report (paragraphs 77-83, 94-97, 127-131, 138, 144).

153. *Amenity impacts (visual bulk, privacy, daylight).*

Issues associated with amenity impacts have been discussed earlier within this report (paragraphs 94-118).

154. *Health impacts from proposed fireplace/chimney.*

The dwelling use is “as-of-right” in the zone, and therefore the use of the dwelling/fireplace/chimney cannot be assessed under Yarra Planning Scheme.

155. *Potential for graffiti.*

Graffiti on boundary walls and fences cannot be assessed under the Yarra Planning Scheme.

Conclusion

156. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0829 for full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements at 26 Grant Street, Fitzroy North VIC 3068, in accordance with the plans and reports received by Council (on 18 December 2018) and subject to the following conditions:

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

- (a) Ground floor study deleted, or setback in line with the principle façade, including removal of associated roofing;
 - (b) Hit-and-miss brick fence along Alfred Crescent reduced in height to no greater than the ground floor wall height;
 - (c) Front fence extended to entire frontage of Grant Street;
 - (d) Pool and decking levels on relevant elevations and demonstrate compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
 - (e) First floor Bed 3 to be screened in compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
 - (f) Proposed ground level on-boundary wall shown on south-east elevation, separate to the internal south-east elevation; and
 - (g) The B85 vehicle turning template.
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. Within 2 months of the works being completed, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 4. Within 2 months of the works being completed, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 5. Within 2 months of the works being completed, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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: Emily Zeng
TITLE: Statutory Planner
TEL: 03 9205 5363

Attachments

- 1 PLN18/0829 - 26 Grant Street Fitzroy North - Subject Land
- 2 PLN18/0829 - 26 Grant Street Fitzroy North - Decision Plans Part 1
- 3 PLN18/0829 - 26 Grant Street Fitzroy North - Decision Plans Part 2
- 4 PLN18 0829 - 26 Grant Street Fitzroy North - Heritage comments
- 5 PLN18 0829 - 26 Grant Street Fitzroy North - Engineering comments

-
- 1.2 PLN16/0471.01 - 344 Johnston Street, Abbotsford - Section 72 amended to the permit preamble to delete reference to dwellings, a reduction in car parking, external alterations including increasing the overall height, alterations to the front and rear setbacks, changes in materials and internal reconfigurations**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit PLN16/0471.01 and recommends approval, subject to conditions. As this is a Section 72 amendment proposal, this report will focus on the changes to the built form approved under the original planning permit.

Key Planning Considerations

2. Key planning considerations include the following:
 - (a) Built form (Clauses 15.01, 21.05, 22.10, 34.01 and 43.02)
 - (b) Off-site amenity impacts (Clauses 15.01 and 22.10)
 - (c) Internal amenity (Clauses 22.05 and 22.10)
 - (d) Car parking provision and bicycle parking provision (Clauses 18.02, 21.06, 52.06 and 52.34)

Key Issues

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

Submissions Received

4. Eight objections were received to the application, raising the following issues (summarised):
 - (a) Building design
 - (b) Non-compliant with the Johnston Design and Development Overlay (DDO)
 - (c) Overlooking
 - (d) Overshadowing
 - (e) Loss of light
 - (f) Wind impacts
 - (g) Traffic and car parking
 - (h) Loss of views
 - (i) Impact on adjoining building foundations

Conclusion

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

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

1.2 PLN16/0471.01 - 344 Johnston Street, Abbotsford - Section 72 amended to the permit preamble to delete reference to dwellings, a reduction in car parking, external alterations including increasing the overall height, alterations to the front and rear setbacks, changes in materials and internal reconfigurations

Trim Record Number: D19/111340

Responsible Officer: Senior Co-ordinator Statutory Planning

- Proposal:** Section 72 amendment to planning permit PLN16/0471 issued on 28 April 2017 by:
- rewording the permit preamble (and deleting reference to 'dwellings') within the development;
 - increasing the approved car parking reduction associated with increased office floor space;
 - increasing the overall height of the building from 46.85m to 48.07m;
 - reducing the approved Johnston Street setbacks (at levels 4, 5 and 6);
 - deleting the approved terraces fronting Johnston Street (at levels 5 and 6);
 - reducing the approved terrace size and setback to Little Turner Street (Level 4);
 - changing the approved materials;
 - internal reconfiguration including lobby area and common area (on all floors) and revising the layout of the ground floor shop, storage and bicycle parking spaces;
 - increasing the size of the plant area and lift overrun (roof level);
 - amending the approved car stacker system by reducing the lengths of the car spaces and by increasing the depth of the stacker pit from a depth of 17.55m to a depth of 17.2m; and
 - revising the design of the approved ground floor pedestrian facade/entry.

- Existing use:** Warehouse
- Applicant:** Tract Consulting
- Zoning / Overlays:** Commercial 1 Zone
Environment Audit Overlay
Design and Development Overlay (Schedule 15)
- Date of Application:** 21 December 2018
- Application Number:** PLN16/0471.01

Planning History

1. Planning Permit PLN16/0471 was issued on 28 April 2017 for *the construction of a seven storey building plus basement and roof top plant containing a shop, office and dwellings, a reduction of the car parking requirement and a waiver of the loading bay requirement.*

Background

2. The application was lodged with Council 21 December 2018. A further information letter was sent to the permit applicant on 18 January 2019 with a response received on the by 20 February 2019.

The letter included concerns regarding the upper floor setbacks, ground floor street activation, overshadowing, use of materials and the score rating within the BESS report.

3. The application was advertised in February 2019 and 8 objections were received.
4. A consultation meeting was held on 21 May 2019 and was attended by the permit applicant, and Council officers. No objectors attended the meeting.
5. During the application process, Council has sought internal referral comments from the Traffic Engineering Services Unit, Strategic Planning Unit, Strategic Transport Unit, ESD Advisor and Waste Management Unit.

Planning Scheme Amendments

Amendment VC148

6. Since the original permit was issued 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.
7. 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).
8. 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 that there is a reduced rate of car parking for the office and shop uses approved within the building.

Amendment C220

9. The amendment proposes to implement the built form principles and objectives of the Johnston Street Local Area Plan, principally through the introduction of Design & Development Overlay Schedule 15 (DDO15) on a permanent basis.
10. The amendment has been exhibited and was referred to a Planning Panel on 21 August 2018. A hearing was held over 9 days (between 16 and 26 October 2018) and Council received the panel report on 25 February 2019. Council considered the findings and recommendations of the panel report at its meeting on 14 May 2019 and adopted amendment C220.
11. The amendment is currently with the Minister for Planning for approval.

Amendment C237

12. While amendment C220 was being processed, Council requested that the Minister for Planning introduce identical controls on an interim basis under Amendment C237.
13. Amendment C237 was approved by the Minister for Planning on 2 March 2018 and introduced interim built form controls in the form of Design and Development Overlay 15 (DDO15) into the Scheme.

The Proposal

14. The application proposes to amend the permit (both the permit and endorsed plans).

Permit

15. Amend the permit preamble by deleting reference to 'dwellings'.

The current permit preamble reads as follows:

The construction of a seven storey building plus basement and roof top plant containing a shop, office and dwellings, a reduction of the car parking requirement and a waiver of the loading bay requirement.

The proposed permit preamble will read as follows:

The construction of a seven storey building plus basement and roof top plant containing a shop, office ~~and dwellings~~, a reduction of the car parking requirement and a waiver of the loading bay requirement.

Endorsed plans

16. The proposal seeks to make the following changes to the endorsed plans:

(a) Basement

- (i) Relocation of the rainwater tank from a central location, approximately 1.6m from the south-west corner of the batter zone within the car stacker to adjacent to the western boundary, approximately 9m from the front boundary.
- (ii) Amend the car stacker system (by reducing the length of the car spaces by 0.1m and increasing the depth of the stacker pit from a depth of 17.55m to a depth of 17.2m). The provision of 18 on site car parking spaces remains unchanged and all are to be allocated to the offices.

(b) Ground floor

- (i) Redesign the car stacker system by deleting two pedestrian doors, and reduce the lengths of the individual stackers by 100mm.
- (ii) Relocate the booster / HYD sprinklers, gas services and entry to commercial/retail tenancy and office entry along front façade.
- (iii) Relocate water metres, and mains/electricity cabinet (lobby).
- (iv) Reduce the area of the commercial/retail by 4sqm from 50sqm to 46sqm.
- (v) Delete the storage cages, which were allocated to the apartments. The cages have not been relocated and have been deleted entirely from the development as there is no requirement for offices to have cages/storage space.
- (vi) Decrease the number of approved bicycle spaces by 4 from 22 to 18 and revise the access to them via the commercial lobby.
- (vii) Revise the approved bin storage area, through its relocation adjacent to the central stairwell and incorporation of 11 x 240 litre bins, bin wash and hard waste area in lieu of the approved 6 x 660 litre & 1 x 240 litre bins, bin wash and hard waste area.
- (viii) Delete residential lobby and consolidate with the commercial lobby (adjacent to lifts).
- (ix) Delete stairwell access via the commercial lobby.

(c) 1st, 2nd and 3rd floors

- (i) Revise the common area and bathroom layout.
- (ii) Remove 16 bicycle racks (within the office area).

(d) 4th floor

- (i) Deletion of two dwellings (apartments) and provision of office space (244sqm) instead.
- (ii) Reduced widths of terraces (and sizes) to Johnston Street (1.65m width in lieu of the approved 3.2m) and to Little Turner Street (1.47m width in lieu of the approved 3.2m), resulting in reduced façade setback to the front and rear boundaries, from 4.5m to 3.13m (Johnston Street) and 7.2m from to 5.475m (Little Turner Street).
- (iii) Deletion of lightwell along the western boundary.

- (iv) Revised common area and bathroom layout.
- (e) 5th floor
 - (i) Deletion of two dwellings (apartments) and provision of office space (232sqm) instead.
 - (ii) Deletion of 1.7m wide terrace to Johnston Street, resulting in reduced façade setback of 2.9m to the front boundary in lieu of the approved 4.4m.
 - (iii) Deletion of lightwell along the western boundary.
 - (iv) Revised common area and bathroom layout.
- (f) 6th floor
 - (i) Deletion of two dwellings (apartments) and provision of office space (232sqm) instead.
 - (ii) Deletion of 1.7m wide terrace to Johnston Street, resulting in reduced façade setback of 2.9m to the front boundary in lieu of the approved 4.4m
 - (iii) Deletion of lightwell along the western boundary.
 - (iv) Revised common area and bathroom layout.
- (g) Roof
 - (i) Installation of a second lift overrun.
 - (ii) Revised plant area.
 - (iii) Installation of solar panels.
 - (iv) Deletion of openable skylights.
- (h) Elevations/general
 - (i) Increased overall building height by 1.2m from the approved 46.85m to 48.07m.
 - (ii) Installation of lightweight roof structure in lieu of the approved concrete.
 - (iii) Installation of glass balustrade to terraces at levels 4, 5 and 6 (north elevation) in lieu of the approved copper coloured laser etched aluminium.
 - (iv) Alteration of boundary wall finishes (east and west elevations) through the deletion of rough cast concrete finish white and bright concrete mix clear sealed, flat concrete finish white and bright concrete mix clear sealed w/cast sawtooth patterning, flat concrete finish charcoal concrete colour clear sealed w/brass centre inlay and preplacement with painted finishes in a white, dark grey and brass finish.
 - (v) Installation of gas and booster systems (ground floor).
 - (vi) Deletion of metal louvers balustrade to south-facing terraces along levels 5 and 6 and with replacement of glazed balustrades.

Existing Conditions

Subject Site

17. The subject site is located on the northern side of Johnston Street, approximately 18m from the junction of Johnston Street and Rich Street in Abbotsford. The subject site is rectangular in shape with a frontage to Johnston Street to the south and a frontage to Little Turner Street to the north. The subject site has a frontage of 10.05m to Johnston Street and a maximum depth of 40.23m, equating to an overall site area of 404sqm.
18. The subject site is currently developed with a double-storey commercial building presenting to Johnston Street which steps down to single-storey at the rear (laneway abuttal). The building has a front setback of approximately 5.4m (which is paved and provides two car parking spaces) and is constructed to all other site boundaries.

Vehicle access is gained via a crossover from Johnston Street as well as through a garage roller door from the rear laneway.

19. The subject site is not affected by any restrictive covenants or easements.

Surrounding Land

20. Since the granting of the original permit there has been no significant change in the surrounding area or site context. The following description is therefore from the officer's report for the original permit:
21. *The immediately surrounding area is characterised by commercial uses to the east, southwest and west, all located within the Commercial 1 Zone. Low-rise residential development is located to the north across Little Turner Street within the Neighbourhood Residential Zone 1, while land to the south-east on the southern side of Johnston Street is located within the General Residential Zone 2. Abbotsford in general is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras.*
22. *The locality is well serviced by various modes of public transport, with bus routes travelling along Johnston Street and the Victoria Park train station located approximately 270 metres to the west. The site is located within the Johnston Street Neighbourhood Activity Centre, which is characterised by commercial uses and varied built form.*
23. *To the immediate west of the site, at No. 340-342 Johnston Street, is a single storey commercial building constructed to all boundaries, currently occupied by a clothes retailer. Further west is a double storey commercial building that was most recently used for furniture retailing.*
24. *Further west, at No. 328-334 Johnston Street, is a three storey building with commercial uses and car parking at ground floor level and dwellings on the upper two levels. There are dwellings within the building that are orientated with a primary outlook to the side boundaries, including the eastern side boundary towards the proposed development.*
25. *To the immediate south, Johnston Street has a width of approximately 20 metres and carries five lanes of traffic. The Road Zone, Category 1 applies to Johnston Street. On the southern side of Johnston Street, opposite the subject site, is a pair of double storey terraces constructed to the street boundary with commercial uses at ground floor and residential above. To the west of the terraces are two single storey commercial premises constructed to the front boundary, while to the east are two single storey attached dwellings with front verandahs extending to the street boundary*
26. *To the east of the site on the north-west corner of Johnston Street and Rich Street, is a single storey commercial building constructed to all boundaries, currently occupied by a signage company.*
27. *The subject site has a rear abuttal to Little Turner Street to the immediate north. Little Turner Street is a 6 metre wide bluestone laneway that connects with Lulie Street to the west and Rich Street to the east. On the northern side of Little Turner Street is the side boundary of a property with frontage to Rich Street to the east.*
28. *Directly opposite the subject site, is the rear yard of the dwelling at No. 1 Rich Street. This dwelling has both ground and first floor habitable room windows facing the laneway and the subject site. To the north-west is an outbuilding constructed to the laneway associated with a single storey dwelling at No. 37 Turner Street.*
29. *Little Turner Street is characterised by the commercial properties that back on to the southern side of the laneway and residential properties to the north, some of which have been developed with double storey dwellings that front Little Turner Street, including developments at Nos. 32 and 34 Little Turner Street, as well as a development currently under construction at No. 31 Turner Street.*
30. *The Victoria Park community hub and recreation facility is also a significant feature of the area and is located 70 metres north of the site.*

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

31. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), both a 'shop' and an 'office' are section 1 – as of right (no permit required) uses.
32. Under Clause 34.01-4 of the Scheme a permit is required for buildings and works.

Overlays

Clause 45.03 – Environmental Audit Overlay

33. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
34. This proposal deletes the dwellings from the approved building which are a 'sensitive use' and as such deletes the requirements of the Environmental Audit Overlay. The original permit does not include any specific conditions relating to the Environmental Audit Overlay and therefore no changes to the original permit are required in this regard. The permit did however include a note informing the permit holder that the subject site is within an Environmental Audit Overlay and advising them that the above requirements must be met prior to the commencement of the development.

Clause 43.02 – Design and Development Overlay (Schedule 15)

35. Pursuant to Clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works.
36. The Design & Development Overlay (DDO) incorporates the following design requirements and it separates properties along Johnston Street into precincts with specific built form controls.
37. The subject site is located within precinct 2D of the DDO.
38. The schedule has the following design objectives:
 - (a) *To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey Victorian and Edwardian-era heritage street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge.*
 - (b) *To ensure that the overall scale and form of new buildings is mid-rise (5 to 12 storeys) and provides a suitable transition to low scale residential areas, protecting surrounding residential properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*
 - (c) *To ensure that new development does not compromise the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overlooking, overshadowing and vehicle access.*
 - (d) *To activate the street edge, provide passive surveillance opportunities and accommodate commercial activity at the lower levels of new development and enhance the public realm through high quality buildings public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.*
 - (e) *To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.*

39. To achieve the above design objectives, the following design requirements are relevant to this proposal:

40. Building Heights and Setbacks (including street-wall height and rear interface height)

(a) The building height and setback requirements (as set out at Table 1 of the schedule).

	Preferred maximum building height	Mandatory maximum building height	Preferred street-wall height	Mandatory maximum street-wall height	Preferred minimum setback (for upper levels from street wall façade)	Mandatory minimum setback (for upper levels from street wall façade)	Preferred maximum rear interface height (on boundary)
Precinct 2D	24m	31m	15m (max)	18m	3m	N/A	11m

- (b) *A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) for buildings and works which exceed the mandatory maximum building height, mandatory maximum street wall height or are less than the minimum upper level setback for a relevant sub-precinct specified in the Table 1 to this Schedule.*
- (c) *A permit may be granted to exceed the preferred maximum height specified in Table 1 if the following criteria are met to the satisfaction of the Responsible Authority:*
- (d) *The built form outcome as a result of the proposed variation satisfies the objectives of Clause 1.0 and the provisions of Clause 21.12-1 are satisfied.*
- (e) *The proposed building height is consistent with the preferred mid-rise character for Johnston Street of generally 5 to 12 storeys.*
- (f) *The proposal will achieve each of the following:*
 - (i) *housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;*
 - (ii) *universal access, and communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;*
 - (iii) *excellence for environmental sustainable design measured as a minimum BESS project score of 70% or 5 Star Green Standard;*
 - (iv) *minimal additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;*
 - (v) *for Contributory or Individually Significant buildings under the Heritage Overlay, the proposed development enhances the heritage fabric of the building (primarily through full restoration of the front façade and external features visible from the street).*
- (g) *A permit may be granted to vary the preferred maximum street wall height and preferred minimum setbacks requirements in Table 1 if the development meets the Design Objectives to the satisfaction of the Responsible Authority.*
- (h) *In addition to the overall building height requirements specified in Table 1 and Map 1, development above 18m (5 storeys) must be on a site, consisting of one or more titles, that has the following parameters:*
 - (i) *A minimum lot depth of 20m*
 - (ii) *A minimum street frontage width of 10m*

- (i) *In addition to the setbacks required by Table 1, new development on sites with a north-south orientation fronting either Johnston or Sackville Street, should be setback within a 45-degree envelope measured from above the street-wall height and the rear interface height to the maximum overall height as shown in Figure 1. This does not apply to development in sub-precincts 1A, 1B, 2A and 2C (for the site on the northern side of Johnston Street), where new development should be setback within a 45-degree envelope from the primary street frontage only.*
- (j) *In sub-precincts 1A, 1B and 2B, the rear interface of new development should be designed to enable daylight and/or solar access to primary outlooks for existing or potential future residential development and to consider future development opportunities on neighbouring sites.*
- (k) *Development should avoid repetitive stepped form within the 45-degree envelope.*

41. Building separation

- (a) *Development should be setback from common side boundaries to provide separation between buildings at the upper levels to avoid a “wall” of development above the street-wall when viewed from the opposite side of Johnston Street and Sackville Street.*
 - (i) *a minimum of 4.5m from the side boundary where a habitable room window is proposed.*
 - (ii) *a minimum of 3m from the side boundary where a non-habitable room window or commercial window is proposed.*
- (b) *Where the common side boundary is a laneway, the setback is measured from the centre of the laneway.*

42. Overshadowing and solar access

- (a) *New development must not overshadow the southern footpath of Johnston Street, measured as 3.0m from the boundary of Johnston Street, between 10am and 2pm at September 22.*

43. Street frontage

- (a) *New development should:*
 - (i) *be built to the front property boundary on in-fill sites along Johnston Street;*
 - (ii) *address the primary street frontage and, where heritage elements are not a constraint, incorporate design elements that contribute to the provision of a continuous, visible and active frontage at ground level;*
 - (iii) *provide passive surveillance from upper levels;*
 - (iv) *be designed to allow for commercial activity at the lowest two levels (as a minimum) incorporating commercial floor to floor heights of at least 4m, where heritage elements are not a constraint;*
 - (v) *be designed to locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the façade of the building.*

44. Upper level development

- (a) *Within areas, and on individual properties covered by the Heritage Overlay, upper level development should:*
 - (i) *ensure that heritage facades remain the visually prominent feature within the streetscape when viewed from ground level;*
 - (ii) *be visually recessive in mass, scale and materiality, incorporating materials and finishes that are sympathetic and in keeping with the character of the heritage streetscape.*

- (b) *Upper level development should be designed so that side walls are articulated and read as part of the overall building design not detract from the streetscape when viewed from direct and oblique views along the streetscape.*

45. Vehicle access and car parking

- (a) *New development should be designed to:*
- (i) *avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical;*
 - (ii) *conceal the provision of car parking within the building or by providing basement car parking;*
 - (iii) *avoid providing recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.*

46. This proposal does not include any transitional provision whereby any application lodged before the gazetted date would not be subject to the above requirements. As such, the above requirements are applicable to this application.

Particular Provisions

Clause 52.06 – Car Parking

47. Pursuant to Clause 52.06-2 of the Scheme, the 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 requirement to provide the number of car parking spaces required under this clause.
48. This proposal deletes the approved 6 dwellings (apartments) and replaces them with 702sqm of office floor space. The car parking requirement for the approved development and for the amended layout for this proposal (as per the table at Clause 52.06-5 of the Scheme) are summarised in the tables below:
49. Approved development planning permit PLN16/0471 (issued 28 April 2017)

Use	Size / no. of apartments	Statutory parking rate	Parking requirement	Parking provision	Reduction sought
2 Bed Apts.	4	1 per Apt.	4	4	-
3 Bed Apts.	2	2 per Apt.	4	2	2
Visitor	Not specified	1 per 5 dwellings	1	0	1
Office	879m ²	3 per 100m ²	26	12	14
Retail	50m ²	Not specified	Not specified	0	Not specified
Total	-	-	35	18	17

50. Current proposal

Use	Size / no. of apartments	Statutory parking rate	Parking requirement	Parking provision	Reduction sought
Office	1,581m ²	3 per 100m ²	47	18	29
Retail	46m ²	Not specified	Not specified	0	Not specified
Total	-	-	47	18	29

51. As shown in the tables above, the car parking requirement of the Scheme has increased by 12 spaces, from 35 spaces to 47 spaces. This excludes the retail space which has no rate specified in the table at Clause 52.06.
52. The car parking provision for the development remains as approved, with a total of 18 car parking spaces provided in the form of car stackers, albeit they are now allocated to offices instead of to both the apartments and offices. This is a shortfall of 29 car parking spaces from the Scheme's requirements. While the original permit approves a reduction in the car parking requirement, this application seeks an additional reduction (of 12 spaces) to the car parking requirement.
53. The introduction of planning scheme amendment 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).
54. The subject site is located within the PPTN Area and therefore, the Column B car parking rates apply to this application. This means that there is a reduced rate of car parking for the office and shop uses within the approved building.

Clause 52.34 – Bicycle Facilities

55. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Bicycle parking requirements in the table at Clause 52.34-3 of the Scheme are summarised in the table below:

Use	Size / no. of apartments	Bicycle parking rate	Parking requirement	Parking provision	Reduction sought
Office	1,581m ²	1 to each 300m ² of Leasable Floor Area (employee)	5	Not specified	0
		1 to each 1,000m ² of LFA if the LFA exceeds 1,000m ²	2	Not specified	0
Retail	50m ²	1 to each 300m ² of Leasable Floor Area (employee)	0	0	0
		1 to each 500m ² of LFA	0	0	
Total	-	-	7	18	0

56. The original proposal provides 22 space and this proposal provides 18 bicycle spaces. From the above table, there is therefore a surplus of 11 bicycle parking spaces.

General Provisions

Clause 65 – Decision Guidelines

57. The decision guidelines 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)

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

Clause 11.01 – Activity Centres

59. The relevant objectives of this clause include:

- (a) To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- (b) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 11.04 – Metropolitan Melbourne

60. The relevant objectives of this clause include:

- (a) To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.
- (b) To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.

Clause 13.04- noise and Air

61. The relevant objective of this clause is:

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

Clause 15.01 – Urban Environment

62. The relevant objectives of this clause are:

- (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- (b) 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.
- (c) To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.02 – Sustainable Development

63. The objective of this clause is:

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

Clause 17.01 – Commercial

64. The relevant objectives of this clause are

- (a) To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 18.01 – Intergraded Transport

65. The relevant 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

66. The relevant objectives of this clause are:

- (a) To promote the use of sustainable personal transport.
- (b) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
- (c) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statements (MSS)

Clause 21.04 – Land Use

67. The relevant objectives of this clause are:

- (a) To accommodate forecast increases in population.
- (b) To retain a diverse population and household structure.
- (c) To reduce potential amenity conflicts between residential and other uses.
- (d) To maintain the long term viability of activity centres.
- (e) To increase the number and diversity of local employment opportunities.

Clause 21.05 – Built Form

68. The relevant objectives of this clause are:

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

Clause 21.06 – Transport

69. The objectives of this clause are:

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

Clause 21.07 – Environmental Sustainability

70. The relevant objectives of this Clause are:
- (a) To promote environmentally sustainable development.
 - (b) To improve the water quality and flow characteristics of storm water run-off.

Clause 21.08 – Neighbourhoods

71. Clause 21.08-1 describes the Abbotsford area in the following way:
- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*
 - (b) *Victoria Park is a major cultural and recreational asset of Yarra. Surrounding Victoria Park is a residential area which is Victorian in origin. To the south of Johnston Street residential areas consist of Victorian and Edwardian streetscapes with a substantial amount of weatherboard housing. These residential neighbourhoods have a consistent character which must be protected.*
72. Within Figure 5 of Clause 21.08-1, the subject site is identified as being within the Johnson Street Neighbourhood Activity Centre. Figure 6 of Clause 21.08-1 shows the site as being partly within a main road area where the objectives include to 'maintain the hard urban edge of development along main roads' and 'reflect the fine grain of the subdivision pattern in building design where this exists along main roads'.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

73. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The relevant objective of this clause is to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

Clause 22.08 – Development Abutting Laneways

74. This policy applies to applications for development that is 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

75. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

76. This policy applies to application for new buildings. The applicant provided a sustainable management plan (SMP) which includes a STORM rating report regarding water re-use. The SMP states that a 10,000 litre water tank will be used for commercial area toilets on the first and second floors, as well as for bin washout.

Clause 22.17 – Environmental Sustainable Development

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

The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Advertising

78. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* (the Act) with 214 letters sent to surrounding property owners/occupiers, all objectors to the original permit application and with two signs erected on site (one facing Little Turner Street and one facing Johnston Street).
79. Council received 8 objections to the application, the grounds of which are summarised as follows:
- (a) Design (excessive height and scale, out of character with locality).
 - (b) Non-compliant with the Johnston Street Design and Development Overlay (DDO).
 - (c) Amenity impacts (off-site, on-site, overlooking, overshadowing, loss of light, wind impacts, loss of views, impact on adjoining buildings foundations).
 - (d) Traffic and car parking.
80. A consultation meeting was held on 21 May 2019 and attended by the applicant and Council Officers who discussed the issues and concerns raised in the letters of objection and Council's. No objectors attended the consultation meeting.
81. Following the consultation meeting the applicant made a commitment (in an email to Council) to amend the proposal to address concerns of both Council and objectors. While no amended plans have been submitted to Council, the commitments included the following:
- (a) *Extend the canopy at street level back to the previous approved depth of 750mm from the back of the kerb.*
 - (b) *Add 2 more bike hoops on the footpath in front of the building.*
 - (c) *Replace the glass balustrade with aluminium (to match that on the lower levels of the building (north elevation, Little Turner St) at level 3.*
 - (d) *Delete the balconies from levels 5 and 6 on the north elevation (Little Turner Street) to satisfy overlooking concerns. The facades (glazing) to be constructed in line with where the balustrades were located.*
 - (e) *Add balconies to levels 5 and 6 to the south elevation (Johnston Street) to address setback concerns.*

Referrals

82. The referral comments are based on the advertised plans (decision plans), revisions 12 and 13.

External Referrals

83. The application was not required to be externally referred.

Internal Referrals

84. During the application process, Council sought internal referral comments from the Traffic Engineering Services Unit, Strategic Planning Unit, Strategic Transport Unit, ESD Advisor and Waste Management Unit.
85. Referral comments are all included as attachments to this report and will be summarised throughout the assessment of the proposal.

OFFICER ASSESSMENT

86. The primary considerations for this application are:
- (a) policy and strategic support;
 - (b) built form and urban design;

- (c) equitable development;
- (d) on-site amenity & environmental sustainability;
- (e) car parking / traffic; and
- (f) objector concerns;

Policy and Strategic Support

- 87. The proposal remains consistent with the various development objectives outlined in State (PPF) and Local Planning Policy Frameworks, by providing an acceptable level of compliance with the relevant policies within the Scheme. It is considered to continue to provide a positive strategic opportunity for development within a well-resourced, inner urban environment.
- 88. The subject site is located within a Commercial 1 Zone (C1Z) and within the Johnston Street Neighbourhood Activity Centre, located within a commercial strip along Johnston Street which extends along both sites of Johnston Street. The subject site is within easy walking distance to public transport, services and jobs.
- 89. Policy encourages the urban consolidation/higher densities developments within and in close proximity to activity centre locations. Policy encourages the concentration of such developments in established areas and supports proposals which achieve the urban growth objectives at clauses 11.01 and 11.02 of the Scheme, through the development on land close to existing transport corridors and services.
- 90. The proposal 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 commercial growth encouraged under the C1Z combined with the close proximity to existing infrastructure is a key driver of change within the surrounding area.
- 91. It is an objective of Clause 17.02-1S (Business) to “*encourage development that meet the communities’ needs for retail, entertainment, office and other commercial services*”. It is also a strategy within this clause to “*ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure*”. It is considered that the proposed intensification of the office use will provide a use to the existing commercial uses and add/increase to the area’s diversity as well as to the surrounding activity centre. The development will also be providing a business that will create employment within the municipality.
- 92. The proposal continues to have strong strategic support at both State and Local levels given that it is located in an area where change is anticipated and encouraged.

Built form and urban design

- 93. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.07 (Development Abutting Laneways), Clause 22.10 (Design and Built Form) and Clause 43.02 (Design and Development Overlay).
- 94. The above provisions in the Scheme seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks, relationship to adjoining buildings, views and roof forms.
- 95. As this is a Section 72 amendment proposal, this report will be focused on the alterations to the built form which form part of this application. The following areas are of most relevance:

Building height

- 96. The proposal retains the overall seven storey built form approved under the original permit, but seeks to increase the approved building height by 1.1m from 44.45m RL to 45.55m RL.

The building height excludes the lift overrun and plan equipment at roof level as per the building height definition under the DDO which increases from 46.85m to 48.07m, an increase of 1.2m.

97. The proposed increase in building height is primarily as a result of increased floor to ceiling heights at the upper levels of the building needed for the office use in lieu of the deleted dwellings (apartments) approved.
98. Johnston Street is characterised by one to three storey hard edged built form and this height reduces towards the north, along Turner Street, where it varies between one and two storey dwellings in line with the residential zoning. Recent infill development has occurred along Johnston Street in the form of five storey (436-438 Johnston Street) and six storey (370 Johnston Street) developments. Further approvals have been issued for eight storey (288-298 Johnston Street) and seven storey (247-259 Johnston Street) developments. The development No. 288-298 Johnston Street was issued on the 27 November 2013. The permit is still valid with the most recent extension of time approved until November 2019 (commencement of the development). The development at No. 247-259 Johnston Street is currently under construction and has recently been granted a permit for a 12 storey building.
99. Since the granting of the original permit, an interim DDO has been placed on Johnston Street and it affects the subject site. The DDO prescribes both a preferred and mandatory maximum building height for the subject site (a preferred height of 24m and a mandatory maximum height of 31m).
100. This proposal seeks to increase the approved building height by 1.1m to a maximum of 26.06m. This exceeds the preferred height of the DDO by 2.06m but it is 4.9m below the mandatory maximum height allowed under the DDO.
101. The subject site has a preferred maximum height of 24m and a mandatory maximum height of 31m. The precinct has two heights identified, with the 24m height being the preferred height Council seeks for this section of Johnston Street. The mandatory height comes from built form analysis (taking into account the mandatory/preferred setbacks), which identified that in general if a building height goes above 31m, it begins to impact on the amenity of the adjoining properties and overshadow the opposite side of Johnston Street.
102. The subject site is located within an activity centre where there is strong strategic justification and guidance through the DDO which encourages higher densities and built forms. Examples of higher density developments can be seen through the approvals for 12 and eight storey building at 247-259 Johnston Street (39m) & 288 Johnston Street (29m). Both development exceed the preferred height requirements of the DDO but not the mandatory heights (where relevant). Given the site's location on the northern side of Johnston Street, there are limited impacts to the adjoining residential zone along Little Turner Street in terms off-site amenity impacts, which is located to the north. The off-site amenity impacts being for example no overshadowing. The proposed development also incorporates upper floor setbacks to reduce the visual bulk to Little Turner Street. Given the above it is considered that a height of 26m is not unreasonable taking into account the surrounding context, zoning/overlays and limited off-site amenity impacts.
103. Furthermore, the section of the building with the maximum height/built form is the lift/stairwell overrun component along the roof, which has a maximum height of 28.4m. This area is centrally located and setback 17.3m from Johnston Street and 18.3m residential properties to the north along Little Turner Street. The setbacks ensure that the uppermost component of the development will not be visible or create any additional overshadowing along Johnston Street or Little Turner Street. The lift shaft will be constructed along the eastern boundary, (which is to be expected within an activity centre) which adjoins a non-sensitive commercial roof associated with No. 346 Johnston Street. The building also incorporates upper floor setbacks, combined with added articulation through balconies. The use of glazed and metal screening/balustrades to the front and rear facades provides some visual interest and articulation.

Street wall

104. The DDO prescribes a preferred street wall height of 15m to Johnston Street and a mandatory maximum wall height of 18m. The endorsed plans for the original permit show a 13.5m street wall height and this proposal will maintain the approved 13.5m street wall height noting that this is 1.5m below the preferred street wall height currently allowed under the DDO. The street wall also incorporates a glazed ground floor commercial interface to Johnston Street, ensuring an active street frontage.

The first and second floors also provide activation through the use of a glazed frontage and recessed façade in the form of a stepped concrete feature. As such, is considered an acceptable design response.

105. Towards the rear of the building and its interface with the laneway it is proposed to increase the height of the approved boundary by 0.4m, from 9.9m to 10.3m. This wall height is still below the DDO's preferred maximum wall height of 11m. This change is supported given the compliance with the DDO requirement, the width of Little Turner Street providing separation and a buffer to the adjoining properties located within the Neighbourhood Residential Zone, the location of the site on the southern side of Little Turner Street (ensuring no overshadowing) and the relatively minor height increase proposed.

Upper level setback

Johnston Street interface

106. The current DDO specifies a mandatory maximum street wall height of 18m. The DDO requires any built from constructed above the 18m street wall to be setback at a 45 degree angle to the street wall.
107. The endorsed plans for the original permit show a setback of between 1.4m (level 3) to 2.9m (levels 4, 5 and 6) measured from the side boundary walls. The endorsed plans show articulation to these levels provided by terraces.
108. This proposal will retain the approved setbacks from the side boundary walls to Johnston Street. However, the approved terrace depth at level 4 is proposed to be reduced by 1.5m from 3.2m to 1.65m and both of the approved terraces at levels 5 and 6 of the building will be deleted resulting in the glazed façade being pushed closer to Johnston Street, which will reduce the building's articulation and introduce a glazed frontage at levels 5 and 6.
109. The deletion of the approved terraces will affect the built form as it presents to Johnston Street, resulting in a loss of articulation and a more visually dominant upper level built form in the streetscape. This is of particular concern given that the development does not comply with upper floor setback requirement (i.e. the prescribed 45 degree angel above the street wall) of the DDO. To address this, a condition on any amended permit issued will require all terraces at levels 4, 5 and 6 to be retained and not deleted from the proposal. This will assist in limiting visual bulk to Johnston Street and will maintain the level of articulation originally approved. This will result in the proposed terraces having the depth of the terraces increased as per the original approval.

Little Turner Street interface

110. Towards the rear of the site and its interface with the laneway, the proposal will retain the overall built form approved but will increase the approved wall height by 0.4m from 9.9m to 10.3m. As with the Johnston Street interface, the DDO stipulates that the built form above the boundary wall should be set back at a 45 degree angle. An assessment has identified that the proposed development will not comply with the stipulated upper floor setbacks.
111. With regard to the required 45 degree setback to the upper levels, while the setbacks will remain unchanged by this proposal, they do not meet the required setbacks specified under the DDO. The DDO requires that any built form should be setback at a 45 degree angle above the 11m wall height. This translate to setting back part of the fourth storey and a significant portion of the 5th, 6th and 7th storeys.

112. Subject to a condition requiring the retention of the terrace along level 04 sufficient articulation will be provided to this interface to assist in softening this presentation to Little Turner Street. In other words, while the approved wall height will be increased by 0.4m from 9.9m to 10.3m, and the prescribed 45 degree setback is not achieved. This is however considered an acceptable design response as visual bulk is alleviated by the setback provided, depth of the terraces (providing articulation) and use of materials.
113. Although it is acknowledged that setback requirements now form part of the decision guidelines under the DDO, it is considered unreasonable to require these setbacks to be incorporated to a development which was found otherwise acceptable in the original assessment. In addition, this requirement is not mandatory, with the Responsible Authority able to vary the upper floor setback requirements. For the reasons outlined above, it is considered that the upper floor setbacks are acceptable in this instance.

Street level interface

114. The proposal will alter the approved ground floor interface to Johnston Street by increasing the approved office entry setback to 1.3m from the front boundary, incorporating a booster cabinet adjacent to the entry and a gas cabinet in lieu of the approved HYD sprinklers cabinet. The entry to the retail premises will remain as approved (centrally located).
115. The endorsed plans for the original permit show an HYD sprinkler cabinet within the south-west corner extending for a width of 2.1m and extend from the floor to the ceiling. This proposal seeks to reduce the height of this cabinet to a maximum 1.4m and allows for more glazing above. The booster cabinet will be identical in dimensions to that approved.
116. Although there will be an increase in infrastructure along the street frontage, the proposal will still maintain an active frontage to Johnston Street, achieved by maintaining the glazed retail/office entries and by restricting the height of the cabinets to 1.4m with a glazed interface above. The building will also maintain street activity through the glazing provided to the offices above.
117. Finally, with regard to the awning, the proposal seeks to reduce the width of it from 1.6m approved to 1m. This reduces the usefulness of the awning for pedestrian moving along Johnston Street in terms of shelter and protection. As such a condition on any amended permit issued will require the awning width to be increased to 1.6m, as per the approved awning as shown on the endorsed plans.

Architectural quality

118. The proposal maintains a high quality architectural finish, consistent with that approved by the original permit. The main alterations which will be noticeable as part of this proposal is the removal of the upper level terraces to Johnston Street, alterations to the terrace balustrades along the rear interface and alterations to the boundary wall finishes.
119. With regard to the terraces fronting Johnston Street, this is discussed at paragraph 108 and it is considered reasonable and appropriate not to support the deletion of them but instead for a condition on any amended permit issued to require their retention. This will ultimately reduce the visual dominance of the building and retain the articulated façade, as approved.
120. With regard to the rear interface the proposal seeks to remove the approved aluminium balustrade to levels 4, 5 and 6 and replace them with a glazed finish. As per the referral advice from Council's Urban Design Unit, glass balustrades are discouraged as they can make balconies appear cluttered when balconies are used for storage. While it is acknowledged that glazing is a lighter weight material that can in some instance reduce visual bulk, a condition will be included on any amended permit issued requiring the balustrades to have an aluminium finish, as per the endorsed plans.
121. The final aspect to this proposal are alterations to the boundary wall finishes which include the removal of rough cast concrete and flat concrete with either saw tooth or brass centre inlay. The proposal seeks to replace these finishes with off-form concrete in a natural finish and painted finishes.

122. Both boundary walls will maintain a painted textured pattern however will lose the rough cast, saw tooth patterning brass central inlay that was approved. It is considered that the retention of the painted patterns will still maintain an appropriate level of visual interest and as such the loss of the textured finishes is supported. Furthermore, given the location of the subject site within an activity centre it would be expected that the abutting site would be developed to a similar scale at some future point. The painted patterns would therefore not be visible.

Equitable development

123. In terms of equitable development, the main alterations are the loss of the lightcourt to levels 5, 6 and 7 along the western boundary (2m by 4.2m) and increase in the boundary wall height from 27.1m to 28.48m. As discussed earlier in this report, the subject site is located within an activity centre where higher density built forms are encouraged. In addition, the site has a duel aspect to both Johnston Street and Little Turner Street.
124. There is no major concern for equitable development of the site to the east (no. 346 Johnston Street), given its location on a corner site, where it can avail of daylight access from the side street.
125. With regards to the western interface, it must be taken into account that this site and the subject site have duel frontages which both provide daylight access. The zoning/overlay of the site which encourages higher densities. And the lightcourt which are to be removed are located along the upper levels, with the lower levels not provided a lightcourt.
126. Given the above elements, it is considered that if the adjoining property can be developed as it can benefit from its duel frontage and would be able to provide a lightcourt on either side similar to the current endorsed plans for the subject site.

Off-site amenity impacts

127. The subject site is located within the Commercial 1 Zone (C1Z) and a neighbourhood activity centre and is affected by a DDO. The abutting sites to the east, west and south of Johnston Street are all also within the C1Z and DDO. The policy framework for amenity considerations is contained within Clause 22.05 (Interface Uses Policy) and decision guidelines of the C1Z.
128. As has been identified in the Officer's report for the original permit, "*the appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the subject site and those surrounding it*".
129. *The appropriateness of the setbacks and walls on boundaries provided in this instance need to be considered within their strategic context, being located within a Commercial 1 Zone and in a neighbourhood activity centre location. There would be an expectation within this area that buildings would include on boundary walls and limited setbacks, particularly as this area is earmarked for higher density developments.*
130. *Expectations of those residing in a Commercial 1 Zone must also be tempered with the purpose of these zones to provide for residential uses at densities complementary to the role and scale of the commercial centre. Residents in these zones should not expect wide setbacks particularly if the surrounding area is already characterised with minimal front and side setbacks, which is the case here. Clause 34.01-8 of the Scheme protects the amenity of residential properties in abuttal to commercial areas, although this should also be tempered with amenity expectations for residential properties at commercial interface locations.*"
131. The proposal will retain the approved seven storey built form, but increase the building height by 1.1m to a maximum of 26.06m. This height is still below the 31m mandatory height requirement of the DDO and hence within the emerging character of Johnston Street in terms of built form outcomes. Examples of which can be seen at 247-259 Johnston Street (39m) & 288 Johnston Street (29m).

132. The street wall heights are still within the mandatory requirements of the DDO to both Johnston Street and Little Turner Street. As discussed earlier in this report, this proposal will only increase the rear street wall to Little Turner Street height by 0.4m. The upper floor levels will not be accordance with the preferred setbacks (i.e. 45 degree angle above the street wall heights to both Johnston Street and Little Turner Street). However this was deemed acceptable given the zoning of the site which encourages higher densities and built forms, setbacks provided along the upper levels to the front and rear boundaries, the approved planning permit which permits the current setbacks and the articulation provided through the depth of the balconies.
133. The approved development will be visible from properties to the north and was supported on the basis that the encroachment of the upper levels into the recommended setbacks identified by the Urban Design referral advice was acceptable based on the sightlines provided with the application which demonstrated that the visual impact of the building was negligible from the ground and first floor bedroom windows of the dwellings to the north.
134. The 0.4m increased wall height to the rear laneway and the increased building height of 1.1m are both considered acceptable given that the separation provided to the residential zone by Little Turner Street (a 6m wide road), the north-south orientation of the site (which will not result in any additional overshadowing) and the relatively minor increase in heights when taking the into account the overall approval of a seven storey building.
135. With regard to overshadowing, the submitted shadow diagrams do not identify any secluded private open spaces affected by the proposal. In addition, the shadows cast will not affect the opposite side of Johnston Street, which is in line with the requirements of the DDO.
136. With regard to overlooking, the nearest residential properties are to the north of the subject site along Rich Street and Turner Street. These properties are separated from the subject site by Little Turner Street (which is 6m wide). The approved screening at a height of 1.7m is to be maintained along levels 1, 2 and 3 of the building, which therefore eliminates overlooking within a 9m radius. The approved development does not screen windows at the upper floors (levels 4 to 6) given the separation provided by the laneway and height above the NGL. This would create a separation distance in excess of 9m, which was deemed acceptable as an industry 'standard'.
137. The proposal will maintain the approved screening along the lower levels of the building, providing screening to residents to the north at No. 3 Rich Street and No. 37 Turner Street. These properties have south-facing habitable room windows and secluded private open space within the rear setback, located along the opposite side of Little Turner Street (which is 6m in width). The upper floors will maintain the lower balustrade approved for the residential use albeit now for the proposed office use. An office use as opposed to the approved dwelling use is considered to be less intrusive in that typical office hours will fall outside of when the areas of secluded private open spaces of adjoining dwellings are being most used (i.e. evenings and weekends). As such, it is considered that use of the balconies for offices in lieu of the apartments will reduce potential overlooking into the adjoining residential properties as office hours are typically not when the open spaces are in use.
138. There are no adjoining habitable room windows identified to the east or west given the commercial use. Furthermore, Johnston Street has a width in excess of 9m and therefore no overlooking is possible. As discussed above, the lower levels will be screened to prevent overlooking into Rich Street and Turner Street open spaces/habitable room windows.
139. In relation to wind, taller buildings invariably create altered wind conditions, in particular at street level, which can include down drafts and wind tunnel effects.
140. To limit wind impacts the proposal incorporates a stepped built form and articulation which is designed to reduce wind turbulence at ground level (i.e. Johnston Street) and the awning will further limit adverse wind impacts. A condition will require the awning to maintain the approved width to Johnston Street, which was supported and deemed acceptable in terms of wind impacts in the original approval.

141. As discussed earlier in this report, the built form changes will be primarily limited to an increase in the overall height and Little Turner Street wall height. Conditions will be included for the retention of the terraces along the upper levels to Johnston Street. As such, the development will remain largely unchanged with no drastic changes. Therefore it was deemed that a revised wind assessment was not required.
142. To limit wind impacts the laneway, the articulation of the building and the setbacks at the upper levels assists with the minimising any adverse wind impacts.

On-site amenity and environmental sustainability

143. Policy for the assessment of on-site amenity for offices is under decision guidelines within Clause 22.10-3.7 and Element 4: Circulation and Services, Element 5: Building Layout and Design and Clause 22.17 (Environmentally Sustainable Development).
144. The proposal was referred to Council's ESD Advisor who raised several areas of concern. These will each be discussed in turn.

Ventilation

145. Council's ESD Advisor raises concern with regard to the lack of identifiable operable windows. Their referral comments state, "*the window sashes shown are too few in number and located at a height likely to cause nuisance drafts to desk-based occupants, and therefore – be less likely to be utilised for natural ventilation. Additional higher-level sashes are sought that resist showers, and can be locked ajar. A nominal spacing of operable sashes of every second bay is sought*".
146. The assessment of this proposal is however limited to the changes proposed to the development already approved under the permit. The ventilation concern can therefore only consider the deletion of the two south-facing terraces along at levels 5 and 6 which is proposed under this amendment as this removes the doors leading out onto the terraces. As discussed earlier in this report, the removal of these terraces is not supported and a condition will be included on any amended permit issued to show the retention of them. In retaining them, operable terrace doors will be provided which will therefore allow ventilation to these areas. On this basis, the concerns of Council's ESD Advisor will be addressed.
147. Ventilation at the lower levels of the building was assessed and approved as part of the original permit. Given that this proposal does not seek any design changes to the lower levels that would affect ventilation, it would be unreasonable to revisit ventilation in areas of the building which has been approved and remains unchanged by this proposal. While the proposal does include a number of internal reconfiguration, these are primarily related to the central core and do not affect the operability and location of openings remains as approved.

Shade

148. The proposal includes reducing the width of the south-facing terraces along level 4 from 3.2m to 1.4m by reducing the glazed façade setback to the southern boundary. As a result, the glazed façade is now located in line with the balustrade of level 5. Council's ESD Officer is not supportive of this design change as, "*the current approved terrace depth gives good sun-protection of this full-height northern glazing, and moving the wall outward would leave it unprotected from summer sun, decrease thermal comfort and increase peak energy demand*".
149. Given this concern, the design change is not supported and a condition on any amended permit issued will require that the level 4 terrace be 3.2m as originally approved. This will provide sufficient solar protection, increase thermal comfort and decrease peak energy demand. On this basis, the concerns of Council's ESD Advisor will be addressed. The setbacks or terrace depths to levels 5 and 6 are to remain unchanged from what was previously approved.

Daylight

150. All offices throughout the building will receive daylight from north and south facing windows which are all floor to ceiling in height and will therefore provide sufficient daylight access to all floors.
151. Council's ESD Advisor recommends that skylights be incorporated along level 6 of the building to provide daylight to the bathroom, toilet and kitchenette facilities. Given that these rooms are for offices and are non-habitable and sufficient daylight will be provided to the office space from the northern and southern building facades, skylights are not considered necessary.

Bicycle spaces

152. Pursuant to Clause 52.34 (Bicycle Facilities) of the Scheme a total of 7 spaces are required to be provided on site. With the provision of 18 spaces there is a surplus of 11 bicycle spaces. That said the applicant has agreed to provide an additional two bicycle hoops along Johnston Street. This will result in 18 spaces located within the building for employees and 2 non-secure spaces along Johnston Street, resulting in a total of 20 spaces and a technical surplus to the Scheme's requirements of 13 spaces.
153. Council's Strategic Transport Unit recommend that 16 spaces be provided for employees and 3 visitor spaces be provided. This equates to 19 bicycle spaces which is in excess of the requirements of Clause 52.34 by 12 spaces. It is not considered reasonable to require additional bicycle spaces in excess of the statutory requirement especially in light of the fact that two additional bicycle hoops will be provided on Johnston Street.
154. A condition will be included for the bicycle hoops to be installed along Johnston Street, to the satisfaction of the Responsibility Authority and at cost of the permit holder.
155. Both Council's ESD and Strategic Transport Unit raise concern in relation to the access design for the bicycle storage area given that cyclists have to enter the storage area via two doors off the lobby, making the route cumbersome for bike movements. Officers agree with this concern and as such a condition will be included on any amended permit issued requiring a revised entry for the bicycle storage area to allow for more easy access. This is likely to be achieved through the provision of sliding doors, automatic hinged doors or a single access via the commercial lobby, all of which are supported in principle.
156. Concerns have been raised by Strategic Transport Unit with regard to the provision of bicycle wall racks. If each rack accommodates two bicycles a minimum clearance of 800mm is required. The proposed racks only have a clearance of 650mm. Given the 6.9m width of the bicycle storage area it can easily accommodate the required 800mm width. As such a condition will be placed on any amended permit issued to require the racks to be widened from 650mm to 800mm so that each rack is capable of accommodating two bicycles.
157. A further condition has been recommended requiring a minimum 40A single phase electrical sub circuit to be installed to the car park areas for future EV charging provision. Given that there are no significant alterations to the car stacker system as part of this amendment and vehicles will be parked within a moving car stacker system, it is most likely not feasible to install an EV charging point. As such, this recommendation will not be included as a condition on any amended permit issued.

Green Travel Plan

158. Pursuant to Clause 22.17-4 of the Scheme, for a non-residential development greater than 1,000sqm in area a green travel plan is required. Given that the proposal seeks to increase the approved offices floor space to 1,581sqm. A condition will require a green travel plan to be submitted for endorsement.
159. A green travel plan will likely include details of alternative modes of transport, employee welcome pack with provision for ticketing, sustainable transport goals, designated coordinator responsible to implement goals, funding details, bicycle routes, use of the bicycle racks, end of trip facilities, security arrangements and signage. All of the above requirements should assist in promoting alternative modes of transport and less reliance on private vehicles.

Storage cages

160. It is proposed to remove the six, 4m³ storage cages within the ground floor. These cages were associated with the apartments, which are proposed to be deleted as part of this amendment. There is no requirements for offices to have storage cages. As such, there deletion is inconsequential.

Car parking

161. The proposal will comprise 1,581sqm of office space and 46sqm of retail/commercial space at ground floor. A total of 18 on-site car parking spaces will be provided in the form of a car stacker system accessed via Little Turner Street at the rear of the site.
- This is as approved by the original permit and remains unchanged. The design standards relating to access and maneuverability have therefore been approved.
162. Pursuant to Clause 52.06 of the Scheme, a car parking reduction of 29 car parking spaces is being sought based on the amount of office floor space now proposed (in lieu of the approved dwellings). This is outlined within the Particular Provisions section of this report.
163. Clause 52.06 of the Scheme has no specific car parking rate for a 'retail' premises and car parking must therefore be provided to the satisfaction of the Responsible Authority.
164. The ground floor commercial unit is identified as a 'retail' unit. Pursuant to Clause 52.06, a retail unit has no car parking rate specified and therefore the car parking rate is to the satisfaction of the Responsible Authority. For the purpose of this assessment the car parking rate will be assessed as a 'shop' which has a car parking rate of 3.5 spaces per 100sqm of leasable floor space.
165. With a total floor area of 50sqm, the space triggers 1 car parking space. This bring the total reduction for Council to consider to 30 car parking spaces (i.e. the shop and the offices combined).
166. Overall, this is an increase reduction of 13 spaces when compared with the previously approved permit which supported and approved a reduction of 17 car parking spaces.
167. The following table provides a breakdown of the car parking requirements:

Use	Size / no. of apartments	Statutory parking rate	Parking requirement	Parking provision	Reduction sought
Office	1,581m ²	3 per 100m ²	47	18	29
Retail	46m ²	3.5 per 100m ²	1	0	2
Total	-	-	47	18	30

168. Council's Traffic engineers have determined that 18 on-site car parking spaces equates to a car parking demand of 1.14 spaces for the office component. In their referral comments they provide examples of approved car parking rates for other nearby office development. This is provided as follows:

Development site	Approved office parking rate
71-93 Gipps Street, Collingwood	0.96 spaces per 100sqm
2-16 Northumberland Street, Collingwood	0.89 spaces per 100sqm

As identified in the table above, a reduction in car parking for the office and full waiver for the shop is considered acceptable in this instance for the following reasons:

- (a) The subject site is in close proximity to public transport with convenient alternative modes of transport to staff and clients/visitors which is expected to somewhat reduce the overall impact on the local car parking conditions. Public transport options include:
 - (i) Victoria Park Train Station located 230m to the north-west;
 - (ii) two bus operating along Johnston Street (200 & 207); and
 - (iii) multiple bus routes operating along Hoddle Street located 330m to the west (246, 684, 302-4-9 and 905 to 907). At peak times the following buses operate (303, 305, 318 and 908).
 - (b) A total of 18 bicycle spaces are provided on-site. An additional two spaces are to be installed along Johnston Street. The allocation of these is unknown but likely to be used by the office staff. A condition will be included requiring the allocation of bicycle spaces to be provided to the office use.
 - (c) As evident in the above table, reductions in car parking of lower rates have been approved in previous applications. This is in line with Council policy under Clause 21.06 which seeks to reduce the reliance on the private motor car. This is also in line with State policy, with Clause 18.02 seeking to promote the use of sustainable transport.
 - (d) Traffic Group Consultants conducted a car parking survey of the surrounding area and this was submitted for the original application in 2016. The survey found a total of 327-328 parking spaces within the surrounding area, with a peak occupancy rate of 79% (257 occupied & 70 vacant). All of the above spaces are restricted between 1P and 4P and can adequately cater for the short term requirements of visitors to the site. The conditions in the surrounding have not dramatically altered since that time and as such the 2016 survey was found acceptable.
 - (e) The surrounding street network has short-term time restricted car parking available and staff will be aware of this. Staff without a designated on-site car space are likely to use alternative, more sustainable transport modes.
 - (f) The site's close proximity to public transport and the on-road bicycle network and the provision of on-site bicycle parking will support the use of alternative sustainable transport modes.
 - (g) Clients/visitors to the site who choose to drive might combine their visit by engaging in other business or activities while in the area. On this basis, the overall demand for parking would be less than the sum of individual demands for each premises in the area.
 - (h) Council's Engineering Unit support the on-site car parking provision and the car parking reduction as it will encourage a modal shift from a private vehicle to commuting using more sustainable forms of transport.
169. Overall, and as supported by Council's Engineering Unit, the car parking provision and the reduction in car parking for the site is considered appropriate for the locality, and is acceptable when considered against the relevant Clause 52.06-7 considerations and is consistent with the purpose of Clause 52.06 of the Scheme.

Traffic generation

- 170. Council's Traffic Engineers have identified a traffic generate rate of 0.5 trips per space in each hour which equates to 90 daily movements. These traffic volumes generated by the development as a whole are not considered to be unduly high and will not adversely impact on the surrounding road network.
- 171. Furthermore, the vehicle access arrangement via Little Turner Street will remain as approved and will not be altered by this proposal. While the proposal seeks to delete the 6 approved dwellings and provide additional office floor space the onsite car parking provision (18 spaces in the form of car stackers) will remain as approved.

172. The deletion of the apartments will also limit traffic movements and the use of the laneway to office hours. This has benefits which include reducing the use of the laneway outside of office hours and reducing the off-site amenity impacts to the adjoining residents (i.e. noise of vehicles entering and exiting the site outside of office hours).

Objector concerns

173. The majority of the issues raised by objectors have been addressed within this report, as follows:

- (a) Building design (paragraphs 87 to 122)
- (b) Non-compliant with the Johnston Street Design and Development Overlay (DDO) (paragraphs 93-122)
- (c) Overlooking (paragraphs 136-138)
- (d) Overshadowing (paragraph 101)
- (e) Loss of light (paragraph 138)
- (f) Wind impacts (paragraph 139-142)
- (g) Traffic and car parking (paragraphs 161 to 172)

174. Outstanding concerns raised by objectors are discussed below:

- (a) Loss of views

While the Victorian Civil and Administrative Tribunal (VCAT) recognise that views can be a relevant amenity consideration, it has also held that there is no *right to a view* and that the weight to be given to the amenity impact of loss of views is diminished where no planning control applies encouraging retention or sharing of views.

There is no specific policy, provision or local policy control in the Scheme in relation to views and view loss. The only applicable policy within the Scheme relates to views to landmarks. However this policy is not applicable in this instance as the subject sit is not with proximity to any landmark buildings.

In this site context, it is not considered that the extent of loss of view in this case along Johnston Street is unreasonable, particularly considering the built form expectations envisaged in the Design and Development Overlay and the location of the subject site within an activity centre. The proposal changes the appearance of the building approved under the original permit by 0.4m to the laneway and 1.6m additional height to the building. It is not considered reasonable to re-visit the issue of view loss as a result of the changes sought under this proposal.

- (b) Impact on adjoining building foundations

The potential implications to adjoining building foundations is not a decision guideline at the planning permit stage, moreover potential impacts would be addressed at the building permit stage of the development.

Conclusion

175. The proposal continues to demonstrate a high level of compliance with all relevant policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement in the Scheme.
176. The proposal, subject to the conditions recommended throughout the report, is considered to be an acceptable and appropriate planning outcome for the site context that demonstrates compliance with the relevant policies in the Scheme.
177. The Recommendation outlined below shows:
- (a) existing (and unchanged) conditions of the original permit in normal font;
 - (b) new conditions to the original permit in **bold**;

- (c) amended conditions to the original permit in **bold and underline**; and
- (d) redundant conditions of the original permit as ~~deleted~~.

RECOMMENDATION

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN16/0471 for land at 344 Johnston Street, Abbotsford and subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by CHT Architects and received by Council on ~~4 November 2016~~ **20 February 2019**, but modified to show the following:
 - (a) Changes shown in the revised plans prepared by CHT Architects, received by Council on 3 February 2017.
 - (b) Increased setbacks to the interface with the laneway/northern boundary.
 - (c) Different surface finishes to the exposed walls to the side boundaries to provide visual interest.
 - (d) An increase in the number of bicycle parking spaces to 16.
 - (e) The deletion of one storey and the overall height reduced to seven storeys (plus the roof top plant).
 - (f) The third, fourth and fifth floors set back from the Johnston Street kerb line the same distance as each floors' setback from the northern boundary.
 - (g) A minimum of 15 employee bicycle parking spaces for the office space with showers and change rooms provided to meet the requirements of Clause 52.34-3 for 15 employee bicycle spaces.
 - (h) The provision of a clear glazed security door to the residential entrance within 1 metre of the front property boundary.
 - (i) Operable windows in all habitable rooms clearly shown.
 - (j) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
 - (k) Overlooking measures to ensure no unreasonable overlooking between habitable rooms within the light courts on the side boundaries in accordance with Clause 55.04-6 of the Yarra Planning Scheme.
 - (l) All glazing installed in accordance with the acoustic report prepared by Marshall Day Acoustics and date 27 October 2016.
 - (m) Any changes recommended in the amended acoustic report required by condition 5 of this planning permit.
 - (n) The provision of south-facing terraces to levels 5 and 6, with a minimum depth of 1.7 metres (7.2 metres from the kerb line).**
 - (o) The south-facing terrace along level 4 to have a minimum depth of 3.2 metres (7.2 metres from the kerb line).**
 - (p) The awning above Johnston Street to extend further along the street, with a setback of 760mm to the kerb.**
 - (q) The north-facing, glazed balustrade along levels 4, 5 and 6 to be replaced with balustrade BAL 02 (terrace privacy screen colour brass).**
 - (r) The north-facing terrace along level 4 to have a minimum depth of 3.2m (7.2 metres from the rear boundary).**
 - (s) A revised entry for the bike store from the commercial lobby to allow for more easy access.**
 - (t) The spacing between bicycle racks to increase to a minimum of 800mm.**
 - (u) Accessway and bicycle storage space designed to comply with AS2890.3.**

- (v) **The provision of two bicycle hoops along Johnston Street.**
- (w) **All on-site bicycle spaces to be allocated to the office use.**

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

Sustainable Management Plan

3. Prior to the endorsement of plans, 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 sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by GIW Environmental Solutions dated 28 October 2016, but modified to include or show:
 - (a) the provision of 2 bicycle parking spaces along Johnston Street.
4. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

5. Prior to the endorsement of plans, 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 acoustic report prepared by Marshall Day Acoustics and dated 27 October 2016, but modified to include (or show, or address) the following:
 - (a) Car stacker noise assessed to the first floor window of 1 Rich Street. A SEPP N-1 and Lmax assessment should be undertaken.
 - (b) The detail of any shielding between the car stacker and the dwelling included in the acoustic report (for example, if the car park entrance door is to be a solid type without gaps, this should be clearly noted).
 - (c) A maximum allowable noise level for the car stacker (both Leq and Lmax) included in the report as a clear specification. Car stackers that produce higher levels of noise should not be installed on the project, given the proximity of noise sensitive receivers.
 - (d) A maximum noise level at 1 metre be specified for the carpark entrance door, such that SEPP N-1 and sleep disturbance targets will be met at 1 Rich Street.
6. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. The provisions, recommendations and requirements of the endorsed waste management plan prepared by Leigh Design and dated 19 December 2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking

8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved 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.

General

9. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land.
 - (b) The appearance of any buildings, works or materials.
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) The presence of vermin.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to limit 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 retained and maintained to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
12. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
13. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. 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.
15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
16. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Plan

17. Before the use and/or 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.
 - (vii) spillage from refuelling cranes and other vehicles and machinery.
- (i) The construction program.
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
- (k) Parking facilities for construction workers.
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - (i) using lower noise work practice and equipment.
 - (ii) the suitability of the land for the use of an electric crane.
 - (iii) silencing all mechanical plant by the best practical means using current technology.
 - (iv) fitting pneumatic tools with an effective silencer.
 - (v) other relevant considerations.
- (q) 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.
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (t) Any site-specific requirements.

If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

18. 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.

19. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

20. **Before the building is occupied a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:**
- (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 of 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).**
 - (l) Provisions for the Green Travel Plan to be updated not less than every 5 years.**

Permit Expiry

21. 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; or
 - (c) the use has not commenced within five years of the date of this permit.

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

Notes:

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

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

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

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

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

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

The applicant must liaise with Council's open space unit for the protection of street trees in Johnston Street.

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.

For the replacement of the public light in Johnston Street, all public lighting works must be undertaken by CitiPower and comply with CitiPower standard requirements and regulations.

Date of amendment

24 July 2019

Brief description of amendment

Pursuant to section 74 of the *Planning and Environment Act (1987)* the planning permit (permit and plans) has been amended as follows:

- Deletion of apartments along levels 4, 5 and 6 and replacement with office space.
- Increased overall building height.
- Alterations to front façade and reduction in retail/commercial premises area.
- Alterations to both side boundary wall finishes.
- Internal alterations to ground floor commercial lobby. Retail premises, bicycle store and bin store.
- Internal alterations to centrally located circulation areas, bathrooms and kitchenettes.
- New condition 1(n) to 1(u) requiring:
 - retention of north-facing terraces along levels 5 and 6;
 - increased widths to the north and south-facing terraces along level 4;
 - alterations to south-facing balustrade, levels 4, 5 and 6.
- New condition 20 for the submission of a Green Travel Plan.

CONTACT OFFICER:

TITLE:

TEL:

Gary O'Reilly

Senior Statutory Planner

9205 5040

Attachments

- 1 PLN16/0471.01 - 344 Johnston Street Abbotsford - S52 Advertising Plans Part 1
- 2 PLN16/0471.01 - 344 Johnston Street Abbotsford - S52 Advertising Plans Part 2
- 3 PLN16/0471.01 - 344 Johnston Street Abbotsford - S52 Advertising Plans Part 3
- 4 PLN16/0471.01 - 344 Johnston Street Abbotsford - S52 Advertising Plans Part 4
- 5 PLN16/0471.01 - 344 Johnston Street Abbotsford - S52 Advertising Plans Part 5
- 6 PLN16/0471.01 - 344 Johnston Street Abbotsford - S52 Advertising Plans Part 6
- 7 PLN16/0471.01-344 Johnston Street, Abbotsford - WMP Referral
- 8 PLN16/0471.01 - 344 Johnston Street, Abbotsford - ESD Referral
- 9 PLN16/04741.01 - 344 Johnston Street, Abbotsford - Engineering referral
- 10 PLN16/0471.01 - 344 Johnston Street - Urban Design Ref
- 11 PLN16/0471.01 - 344 Johnston Street, Abbotsford - Strategic Planning Referral
- 12 PLN16/0471.01 - 344 Johnston Street, Abbotsford - Strategic Transport

-
- 1.3 48 - 50 Lithgow Street Abbotsford - PLN19/0011 - (Use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle parking requirements.)**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN19/0011 at No. 48-50 Lithgow Street, Abbotsford for use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle parking requirements; and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 13.05-1S – Noise abatement;
 - (b) Clause 21.04 – Land Use;
 - (c) Clause 22.05 – Interface Uses Policy;
 - (d) Clause 22.10 - Built Form and Design Policy; and
 - (e) Clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use and strategic justification;
 - (b) Buildings and works;
 - (c) Environmentally sustainable development;
 - (d) Car parking;
 - (e) Bicycle parking and;
 - (f) Objector concerns.

Submissions Received

4. Seven objections were received to the application, these can be summarised as:
 - (a) Noise impacts;
 - (b) Inappropriate location for café use;
 - (c) Car parking and traffic concerns;
 - (d) Waste and construction impacts, and;
 - (e) Light spill.
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) Requirement for a Waste Management Plan;
 - (b) Requirement for a revised Acoustic Report in accordance with the recommendations by the independent acoustic peer review, and;
 - (c) Deletion of the southernmost car space.

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

1.3 48 - 50 Lithgow Street Abbotsford - PLN19/0011 - (Use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle parking requirements.)

Trim Record Number: D19/111355

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car and bicycle parking requirements.
Existing use:	Office and Warehouse
Applicant:	Peter Ling of Abacus Pty Ltd
Zoning / Overlays:	Industrial 3 Zone No overlays
Date of Application:	10 January 2019
Application Number:	PLN19/0011

Planning History

1. The subject site has the following planning history:
 - (a) Planning application PL07/0721 for buildings and works was withdrawn by the applicant on 15 April 2008.
 - (b) Planning Permit PL10/0011 was issued on 10 December 2010 for the *use and development of the land to create two tenancies (one office and one warehouse) including extension to the existing building and a reduction in the standard car parking requirements.*
 - (c) Planning application PLN12/0869 for the construction of two gates was closed by Council on 13 November 2012 given that a planning permit was not required at the time.

Background

Aboriginal Cultural Heritage Significance

2. The subject site is located within an area of Aboriginal Cultural Heritage Significance. A Cultural Heritage Management Plan is not required for the proposed works because they constitute *alterations of buildings* and *demolition* pursuant to regulations 14 and 16 (respectively) of the *Aboriginal Heritage Regulations 2018*.

Description of Buildings at the Subject Site

3. The subject site features two buildings – a brick warehouse fronting Lithgow Street and a double-storey office building fronting Albert Street. For ease of reference, the report will refer to the former as the ‘warehouse building’ and to the latter as the ‘Albert Street building.’

Bicycle Parking Requirement

4. While ten bicycle spaces are being provided on site, they are not accessible from the food and drinks premises which requires 1 bicycle space. The preamble has thus been amended to include a reduction in the bicycle parking requirements.

The Proposal

5. The application is for use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking requirements. Further details of the application are as follows:

Use

- (a) Use of part of the land for office (a total net floor area of 678sqm), this constitutes an increase of 363sqm from the existing office use which has a net floor area of 315sqm. The proposed office will be spread out across both floors and both buildings at the site, including part of the proposed mezzanine level (first floor) within the warehouse building. Pedestrian entries to the office use will be provided at both the Lithgow and Albert Street frontages. The applicant's acoustic report states that the office use would operate Monday – Friday between 8.00am – 6.00pm.
- (b) Use of part of the land for a food and drinks premises (café) with a total leasable floor area of 174sqm. The café will take up the majority of the Lithgow Street frontage at ground floor. At first floor, the café will occupy part of the proposed mezzanine level of the warehouse building, commensurate with the proposed extent of the café at ground floor. The proposed café will have operating hours of 7.00am – 5.00pm, 7 days a week.

Development

- (c) Construction of an extension to the existing mezzanine level of the warehouse building to accommodate an additional 248sqm (approximately) of gross floor area, including an open plan office, a meeting room and amenities associated with the proposed office and an area associated with the proposed café. The new mezzanine will extend across the majority of the warehouse building, save for a north-south linear void along the Lithgow Street boundary. The proposed mezzanine extension is wholly internal to the existing warehouse building.
- (d) Internal reconfigurations at both ground and first floor to allow for the western section of the warehouse building to be allocated for the proposed food and drinks premises (café) and for the provision of a revised office layout including new meeting rooms, amenities and open plan office areas. The southern section of the Lithgow Street frontage will be dedicated to a pedestrian entrance for the office use.
- (e) Removal of the three roller doors fronting Lithgow Street (no permit required) to allow for two new glazed access doors at ground floor and new windows across the ground and first floor Lithgow Street façade of the warehouse building. At ground floor, one of the window openings is rectangular, approximately 7m long. Within this opening, bi-fold, operable windows are proposed above a concrete base.
- (f) New windows to the southern façade of the warehouse building and new glazed door to the southern façade of the Albert Street building (at ground floor only).
- (g) New windows to the northern façade of the warehouse building (at both ground and first floor).
- (h) New gate to the entrance of the southern carriage way easement (this does not require a planning permit).
- (i) Alterations to the roof of the warehouse building to allow for eleven new skylights – two to the southern roof pitch and nine to the northern roof pitch.

Car and Bicycle Parking

- (j) A total of three car spaces are proposed to be accessed off Albert Street from the existing crossover.
- (k) Ten bicycle spaces (i.e. five horizontal hoops) are proposed to be located within the southern setback of the Albert Street building.
- (l) Provision of shower facilities within the proposed floor layout.

Existing Conditions

Subject Site

6. The subject site is located between Lithgow Street to the west and Albert Street to the east in Abbotsford. Victoria Crescent is to the north and Victoria Street to the south. The site comprises a dual frontage with a 23.93m frontage to Lithgow Street and a 13.16m frontage to Albert Street. The maximum depth of the lot is 43.1m and the land comprises a site area of approx. 770sqm. The land has no appreciable fall and is not affected by restrictions or restrictive covenants. However a 3.2m and 2.44m wide carriageway easement are located along part of the northern and southern boundaries respectively at the Lithgow Street frontage.
7. The site currently contains a vacant building but has recently been used as an office/warehouse for a fashion business with 315sqm net floor area associated with office and 387sqm net floor area associated with warehouse.
8. The building fronting Albert Street is a double-storey, concrete brick building with a post-war appearance. The building has a street setback from Albert Street of 2.8m. The southern part of the building is set back 7.3m from Albert Street and accommodates an unmarked car parking area (previously approved for 2 car parking spaces) accessed via a crossover with a width of approximately 4m.



Figure 1: The subject site – Albert Street frontage (Planning Officer, May 2019)

9. The Lithgow Street building is a brick warehouse which is constructed flush to the northern, southern and western boundaries and presents to the street with three roller doors. The majority of the Lithgow Street frontage is provided with one long vehicle crossover that is commensurate with the total width of the roller doors.



Figure 2: The subject site - Lithgow Street frontage (Planning Officer, May 2019)

Surrounding Land

10. The immediate area can be described as mixed, with single and double storey dwellings and single storey and multi-level commercial and warehouse buildings. The site is located at the interface of an industrial/commercial precinct to the north and residential land to the south. This pattern of land use is evident in the zoning context of the surrounding land (refer to figure 3 below).

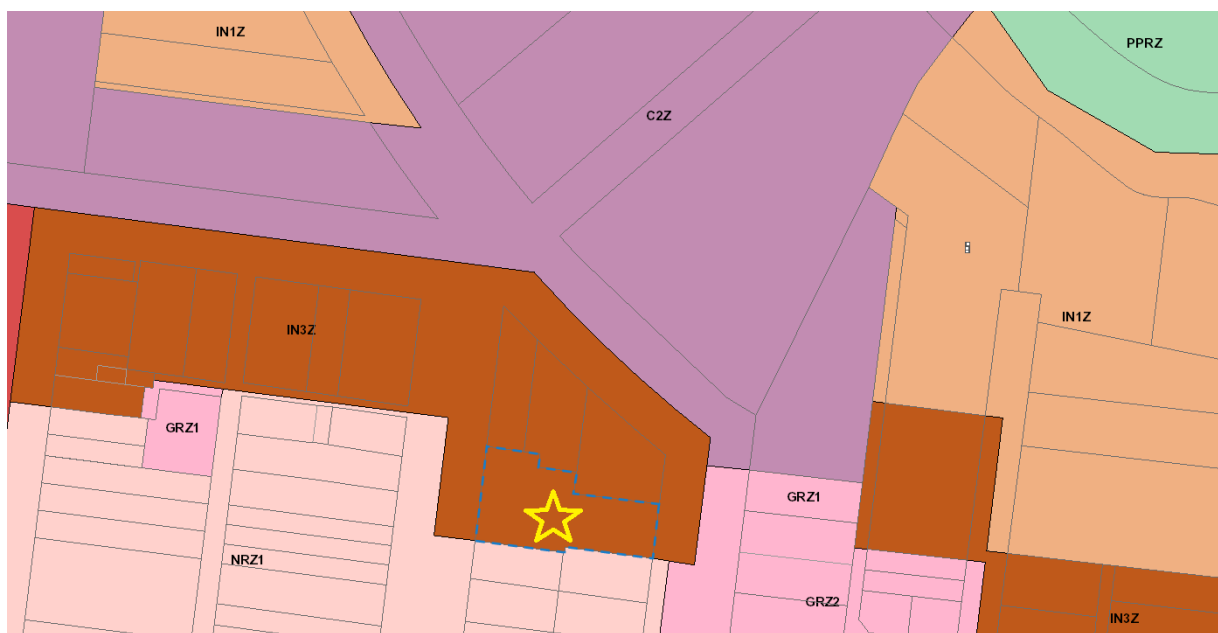


Figure 3: Zoning context of the subject site – land to the south of the subject site is residential whereas land to the north is a mix of the Commercial 2, Industrial 1 and Industrial 3 Zones.

11. Abutting the property to the north are three properties with a north-south orientation. The western-most property (No. 6 Victoria Crescent) comprises a single storey Edwardian-era dwelling with a double-storey, contemporary extension which is built flush to the northern edge of the carriageway easement to the north of the subject site. The dwelling features two areas of secluded private open space (SPOS); at ground floor along its eastern boundary and a large terrace at first floor located along the site's western boundary. The dwelling is located in the Industrial 3 Zone.
12. The middle property (No. 2 Victoria Crescent) is a vacant lot that is used as a car parking area for the building at No. 47 Albert Street.
13. The eastern-most property (No. 47 Albert Street) comprises a large warehouse building, constructed to its eastern and western boundaries and the common boundary with the subject site and is used as an office for a fashion retailer.
14. Two dwellings are located to the south of the site. No. 42 Lithgow Street is a single-storey, inter-war dwelling located in the Neighbourhood Residential Zone. The dwelling is separated from the subject site by the carriageway easement (to the south of the subject site). The dwelling features one habitable room window facing the subject site and has its SPOS located towards the rear of its lot. This site has approval for full demolition of the existing dwelling and the construction of three new dwellings on the lot under Planning Permit PLN14/0530 which was issued on 22 September 2015. Works have not yet commenced. The permit is still valid; Council issued the most recent extension of time approval to the expiry of the permit on 21 December 2018, which allows for a permit expiry of 22 September 2019 for commencement of works.
15. No. 41 Albert Street is a single-storey Victorian-era dwelling located in the Neighbourhood Residential Zone. The dwelling features one habitable room window opposite the subject site and its area of SPOS is located towards the rear of its lot.

16. To the west of the subject site (opposite side of Lithgow Street) are a number of dwellings that make up the western side of Lithgow Street, all of which are located in the Neighbourhood Residential Zone. These dwellings are two-storey (opposite the subject site), with dwellings further south being a mix of single and double storey.
17. To the north-west (No. 37 Mollison Street) is a two-storey commercial building located in the Industrial 3 Zone.



Figure 4: The subject site and surrounding area (Council GIS, December 2019)

Planning Scheme Provisions

Zoning

18. The subject site is located within the Industrial 3 Zone. The following provisions apply:
 - (a) Pursuant to Clause 33.03-1, a planning permit is required to use the land for Office. The leasable floor area must not exceed the amount specified in the schedule to this zone. The schedule does not provide a maximum leasable floor area for Office, therefore the use does not have any restrictions beyond being a permit-required use.
 - (b) Pursuant to Clause 33.03-1, a planning permit is required to use the land for a Food and Drinks Premises.
 - (c) Pursuant to Clause 33.03-4, a planning permit is required to construct a building or to construct or carry out works.

Overlays

19. The subject site is not affected by any planning overlays.

Particular Provisions

Clause 52.06 – Car Parking

20. Pursuant to Clause 52.06-2, before the floor area of an existing use is increased or a new use commences, the required car parking spaces must be provided on the land. The following tables identify the car parking requirement under Clause 52.06-5, the reduction below the statutory requirement for the existing conditions at the subject site and the proposed conditions.

Existing Conditions

Use	Rate	Statutory Requirement	Reduction
Office (315sqm)	3 spaces per 100sqm net floor area	9.45	9
Warehouse (387sqm)	2 spaces plus 1 space per 100sqm net floor area	5.87	5
Car Space Provision			(2)
Existing Shortfall			12

Proposed Conditions

Use	Rate	Statutory Requirement	Reduction
Office (678sqm)	3 spaces per 100sqm net floor area	20.34	20
Food and Drinks Premises (174sqm)	3.5 spaces per 100sqm leasable floor area	6.09	6
Car Space Provision			(2)*
Proposed Reduction			24

**this number reflects the recommended condition for deletion of the southernmost car space as detailed in the relevant assessment section of this report.*

21. In light of proposed conditions table above, and pursuant to Clause 52.06-3, a planning permit is required for a reduction in the car parking requirements.

Clause 52.34 – Bicycle Facilities

22. Pursuant to table 1 at Clause 52.34-5, this provision only applies to the Food and Drinks Premises use given that bicycle requirements only apply to office uses if the net floor area exceeds 1000sqm (the application proposes only 678sqm). The Food and Drinks Premises use is assessed in the table below:

Use	Rate (Employee)	Requirement (Employee)	Rate (Visitor)	Requirement (Visitor)
Food and Drinks Premises (174sqm)	1 space to each 300sqm leasable floor area	0.58 spaces (rounds up to 1 space)	1 space to each 500sqm leasable floor area	0.35 spaces (rounds down to 0 spaces)
Total requirement				1 space
Provision				0 spaces
Reduction				1 space

23. Given that the proposal does not propose any car spaces associated with the food and drinks premises, a planning permit is required for a reduction in the bicycle parking requirements.

General Provisions

24. Clause 65 – Decision Guidelines

Planning Policy Framework (PPF)

25. Clause 13.05-1S – Noise Abatement
 26. Clause 15.01-1S – Urban Design

- 27. Clause 17.02-1S – Business
- 28. Clause 17.03-1S – Industrial land Supply

Local Planning Policy Framework (LPPF)

- 29. Clause 21.04 - Land Use
- 30. Clause 21.06 - Transport
- 31. Clause 21.08-1 - Neighbourhoods (Abbotsford)

Relevant Local Policies

- 32. Clause 22.05 - Interfaces Use Policy
- 33. Clause 22.10 - Built Form and Design Policy
- 34. Clause 22.16 - Stormwater Management
- 35. Clause 22.17 - Environmentally Sustainable Development

Advertising

- 36. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 66 letters sent to surrounding owners and occupiers and by two signs displayed on site. Council received 7 objections a the grounds of which are summarised as follows:
 - (a) Noise impacts;
 - (b) Inappropriate location for café use;
 - (c) Car parking and traffic concerns;
 - (d) Waste and construction impacts, and;
 - (e) Light spill
- 37. A planning consultation meeting was held on 21 May 2019 and attended by three objectors, the applicant and Council planning officers to discuss all issues and concerns raised in the letters of objection. The applicant did not make any commitments to make changes, therefore the proposal as submitted to Council, forms the basis of assessment and decision.

Referrals

- 38. The proposal was referred to the following external and internal parties:

External Referrals

- 39. The application was not required to be referred externally under the Yarra Planning Scheme. The application, however, was referred externally to SLR Consulting for the purposes of peer-reviewing the applicant's acoustic report.
- 40. Referral comments have been included as attachments to this report.

Internal Referrals

- 41. The application was referred to the following units within Council:
 - (a) Engineering Services Unit
 - (b) Strategic Transport Unit
- 42. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

- 43. The primary considerations for this application are as follows:
 - (a) Use and strategic justification;
 - (b) Buildings and works;
 - (c) Car parking;
 - (d) Bicycle parking;
 - (e) Objector concerns, and;
 - (f) Other Matters.

Use and strategic justification

44. The proposed uses are both supported by planning policy. Clause 17.03-1S (Industrial land supply) recommended the avoidance of *approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use*. Whilst both uses are non-industrial, neither the food and drinks premises nor the office use are considered to be sensitive uses with high amenity expectations. As such, they would not prejudice the uses operating within this industrial / commercial precinct of Abbotsford.
45. Local policy at Clause 21.04-3 highlights that *commercial and industrial sectors underpin a sustainable economy and provide employment* and goes on to state that *Yarra plans to foster a diverse and viable economic base*. Both uses proposed will contribute to this diversity of economic output. Clause 21.04-2 calls for commercial uses to be focused within activity centers. Whilst the site does not form part of an activity centre, it does form part of an established commercial and industrial precinct, making it an appropriate location for the proposed uses. Further the proposed office use is strongly supported by local policy at Clause 21.08-1 which states:

There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.

46. Both uses are also considered to satisfy the land zoning. A key purpose of the Industrial 3 Zone is 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*. The site is located along the southern extent of the Industrial 3 Zone with residentially-zoned land to the east, west and south. To the north of the subject site, industrial and commercial uses prevail as exemplified by the zoning context of the surrounding area (refer to figure 3 earlier within this report). It is considered that the proposed office and food and drinks premises uses (both of which are non-industrial) will offer a compatible buffer to the more sensitive residential land located south, east and west of the site and will generally protect this land from more intensive industrial uses encouraged in the zone. In doing so, the proposal will support the availability of land to the north for future industrial capacity, in accordance with the decision guidelines of Clause 33.03-2 and relevant strategy at Clause 17.03-1S which seeks the protection of *existing industrial areas to, where possible, facilitate further industrial development*.
47. The proposed food and drinks premises seeks a maximum of 100 patrons with operating hours ranging from 7am – 5pm, 7 days a week. Given the high number of patrons, a detailed assessment of potential amenity impacts is warranted. A critical impact is that of noise. The applicant's acoustic report identified the most sensitive noise receivers as being the dwellings located at No. 6 Victoria Crescent, No. 41 Albert Street, No. 42 Lithgow Street and Nos. 53-65 Lithgow Street. The report outlined that the potential noise impacts from the proposal would be from mechanical services, patron noise and music noise from the food and drinks premises. The report found that there would not be any unreasonable noise impacts to these properties on the condition that the following recommendations are implemented:
- (a) Selection of mechanical services (and their locations) must be reviewed by an acoustic consultant to confirm their compliance with relevant EPA requirements.
 - (b) Proposed bi-fold glazing component at Lithgow Street façade must either remain closed or opened to a maximum of 10% of the bi-fold window area.
 - (c) Minimum specifications for the fixed glazing sections.

- (d) Minimum specifications for the double access door proposed to the south-western corner of the café and a recommendation that the door be fitted with an automatic closing mechanism to ensure that the door will be closed at all times except for patron entry and exit.
 - (e) Installation of sound-absorbing materials to a minimum of 60% of the ceilings associated with the food and drinks premises use (both at ground floor and mezzanine level).
 - (f) Music speakers to be located only within the food and drinks premises section of the warehouse building and to be located a minimum of 3m from the bi-fold windows and doors of the western façade.
 - (g) Specification of maximum noise levels for the playing of music within the food and drinks premises.
 - (h) Waste collection must occur in accordance with the relevant EPA requirements.
48. The acoustic report was then peer reviewed by SLR Consulting, an independent acoustic engineering firm. The peer review found that the acoustic report had identified and assessed potential noise issues appropriately. The only recommendation made by the peer review was that the acoustic report be updated so that all recommendations in the report are not described as tentative, so as to ensure that they will be implemented. A condition is therefore recommended for an amended acoustic report to be provided to remove reference to the recommendations as being tentative and ensure they are annotated on the plans.
49. In addition to the above considerations, standard permit conditions will be placed on the permit for the purposes of regulating and minimising noise impacts, including:
- (a) Requirements for both uses to comply with the relevant EPA noise regulations;
 - (b) Music must be provided at a background level only;
 - (c) Disposal of glass into bins must only occur between the hours of 7am to 10pm; and
 - (d) Requirement for the delivery and collection of good to only occur within 7am and 10pm on any day.
50. Other than noise impacts, waste impacts associated with the proposed uses also warrant a close assessment. The plans do not provide any detail on the location of a waste room and the application does not detail any proposed waste management practices. The scale of the proposed food and drinks premises is not insignificant at 100 patrons to the cafe. Further the site will also retain and expand on the existing office use at the site. To ensure that waste-related impacts are minimised, a condition is recommended for a Waste Management Plan to be provided to the satisfaction of Council. The plan must designate a waste storage area (or areas) and clarify how waste associated with both uses on the site will be managed. A further condition will require that the development plans are updated to show the waste storage area(s) in accordance with the endorsed Waste Management Plan.
51. The proposed office hours (Monday to Friday 8:00am - 6:00pm) are considered to be typical hours associated with an office and are unlikely to unreasonably impact the nearby residential uses, particularly as the use will not operate during weekends or night-time periods. These limited operating hours are therefore considered to be in accordance with local policy at Clause 22.05 which calls for *commercial and industrial activities to be well managed having regard to their proximity to residential uses*. The operating hours of the office are also in accordance with the relevant decision guidelines of the Industrial 3 Zone which requires consideration be given to the effect of the use on nearby residential uses.
52. In summary, the proposed uses enjoy strategic support and accord with the purpose of the Industrial 3 Zone as they will form a buffer between residential land to the south, east and west and more intensive commercial and industrial land to the north. The proposed café use has been closely assessed for potential noise impacts and the requirement for an amended acoustic report will ensure that no unreasonable noise impacts result.

A Waste Management Plan has also been recommended to ensure that waste generated by both uses is managed appropriately.

Buildings and Works

53. This section of the report is guided by the decision guidelines of the Industrial 3 Zone at Clause 33.03-4 and local planning policy at Clauses 22.05 (Interface Uses Policy) and 22.10 (Built Form and Design Policy). The proposed buildings and works primarily relate to façade alterations and the extension of the existing mezzanine level to the warehouse building on the site.
54. The proposed works would retain the existing red-brick warehouse (as well as the building fronting Albert Street) on site and will therefore respond to the dominant industrial streetscape character of the area that is evident to the north of the subject site in accordance with the decision guidelines at Clause 22.05. The proposed works will not result in any increase to the overall height of the existing buildings and will therefore respond to the prevailing pattern for low-rise built form – this is true of both the industrial/commercial land to the north and the residential land to the east, south and west.
55. The proposed works also represent an urban design improvement to the Lithgow Street frontage. The existing roller doors will be removed and replaced by glazed doors and windows and the existing crossovers along Lithgow Street will be reinstated as footpaths. These changes will provide a positive interface at ground floor, enabling passive surveillance opportunities, an enhanced pedestrian experience and a greater connection to Lithgow Street, as encouraged by local policy at Clause 22.10-3.4.
56. The proposed works will not result in any unreasonable amenity impacts to nearby residential uses given the following:
 - (a) The works will not result in any increase to the existing building height or external building footprint. As such, the works will not result in any unreasonable visual bulk or overshadowing impacts to nearby dwellings. The roof plan shows a lift overrun located on the southern boundary, however the elevations confirm that the lift structure will be housed within the existing roofline of the building.
 - (b) The southern façade of the warehouse building will not have any glazed elements at first floor. This will ensure that no overlooking results to the residential dwellings to the south (given the ground floor windows will look directly onto the fence to the south).
 - (c) The northern façade of the warehouse building will be provided with new glazing at first floor. This will not result in any unreasonable overlooking impacts to the residential dwelling located at No. 6 Victoria Crescent given the dwelling has a double-storey extension with a blank wall presenting to the subject site. This is considered to reasonably protect the dwelling's areas of SPOS from overlooking. The dwelling in question is also a non-conforming residential use located in the Industrial 3 Zone and therefore does not have the same amenity expectations as a dwelling located in a residential zone.
 - (d) Unreasonable light spill is not anticipated to result from the proposed windows. The new windows to the southern façade of the warehouse building would be located at ground floor and will therefore be obscured by the fencing located along the northern boundary of No. 42 Lithgow Street. There are new, first floor windows proposed to the northern façade, however this would not unreasonably affect the dwelling at No. 6 Victoria Crescent given the dwelling has a double-storey blank wall opposite the windows in question. Further, the proposed food and drinks premises would not operate beyond 5pm and the office not beyond 6pm.

- (e) Finally, Council's Engineering Services Unit highlighted that the pedestrian emergency exit doors on the northern and southern boundaries of the site open onto the carriageway easements. While the Unit has recommended that the doors be recessed into the building, these are existing conditions which are not being altered.

- 57. In light of the above amenity considerations, the proposed works are not anticipated to result in unreasonable amenity impacts to nearby residential uses as encouraged by the decision guidelines of the Industrial 3 Zone at Clause 33.03-4 and local planning policy at Clauses 22.05 and 22.10.
- 58. Finally, Council's Engineering Services Unit highlighted that the pedestrian emergency exit doors on the northern and southern boundaries of the site open onto the carriageway easements to the north and south of the site. The Unit recommended that the doors be revised so as to be recessed inside the building (i.e. open internally rather than externally). However, these are existing conditions and not being altered by the proposal. This recommendation thus does not need to be pursued.
- 59. In summary, the proposed works (subject to conditions) are supported by local planning policy, respectful of the surrounding context, will not result in unreasonable amenity impacts to sensitive interfaces and will provide an improved urban design response to Lithgow Street.

Environmentally Sustainable Development

- 60. The proposed works constitute an extension of greater than 100sqm in gross floor area (via the proposed extension to the mezzanine level). As such, local policy at Clause 22.16 (Stormwater Management) and Clause 22.17 (Environmentally Sustainable Development) are applicable to the proposal. A condition will require that a Sustainable Design Assessment is submitted and endorsed to the satisfaction of Council prior to the commencement of works. A further condition is recommended for the development plans to be updated to show the commitments listed on the endorsed Sustainable Design Assessment. This will ensure that the development provides an appropriate response to Clause 22.17, however it is acknowledged that as the existing building is being retained, there is likely limited works that can be done.
- 61. A STORM Report has been submitted with the application and shows that a STORM score of 88% will be achieved through the installation of one 5000L rainwater tank. Whilst not achieving the prescribed 100% score, the response is considered appropriate in this instance given the high site coverage of the buildings under existing conditions and that the application does not seek to increase the roof area of the existing buildings (and therefore will not generate any additional pressure on the surrounding stormwater network). The tank, however, has not been shown on the plans. A condition is therefore recommended for the plans to be updated to show the location and capacity of the proposed rainwater tank as well as a notation to clarify the use of the collected rainwater for the flushing of toilets.

Car Parking

- 62. The applications seeks a reduction of 23 spaces pursuant to the prescribed car parking rates at Clause 52.06 (or 24 spaces when factoring in conditions recommended in this report). This is considered appropriate for the following reasons:
 - (a) The access to public transport, including tram services on Victoria Street (270m south), North Richmond Railway Station (600m southwest) and Collingwood Railway Station (650m northwest). Both patrons to the café and employees of the office will thus be encouraged to utilise public transport rather than private vehicles.
 - (b) The immediate vicinity is defined by a mix of office and industrial businesses. The site is also proximate to the retail and hospitality offerings of Victoria Street Activity Centre. This will encourage multi-purpose trips for patrons to the proposed café use and for customers/clients of the proposed office use (for those who arrive by private vehicle).

- (c) The access to bicycle infrastructure, including the dedicated bike lanes on Nicholson Street (250m west) which forms a highly-utilised north-south bicycle route connecting the site to Richmond via Lennox Street and further north within Abbotsford to Johnston Street. The Main Yarra Trail is also within close proximity to the site (280m north). Together with the proposed bicycle storage on-site and shower facilities, these will encourage patrons to the café and employees of the office to arrive via bicycle.
- (d) The existing office and warehouse uses have a shortfall of 12 spaces. These are considered to be transferable to the subject application, minimising the net impact of the proposed car parking reduction.
- (e) The on-street parking in the surrounding area has a mix of restrictions and includes 1-hour, 2-hour, 4-hour, permit and spaces reserved for loading areas. The 1 and 2-hour spaces are considered to be usable for patrons of the café (which generates a short-term parking demand). The permit-restrictions are located on the western side of Lithgow Street and are in effect at all times excluding 7:30am-5:30pm weekdays when they are 1-hour spaces. This will ensure that the spaces are reserved for residents outside business hours, which is when resident car parking demand is at its peak. The on street spaces reserved for loading areas will ensure that the access required by existing businesses in the surrounding area is protected.
- (f) The applicant's traffic survey found that the peak parking occupancy was at 1pm (on the surveyed weekday) with 88% of spaces in the surrounding area occupied. Council's Engineering Services Unit reviewed the survey and found the testing methods and data appropriate, agreeing that the proposed reduction is appropriate as the high occupancy rate will further encourage patrons/ employees to arrive via non-vehicular means.
- (g) Through the proposed removal of the existing roller doors along the Lithgow Street frontage and the reinstatement of footpath, the application will provide an opportunity for on-street car spaces to be provided across the frontage of the subject site. Assuming that 90 degree spaces are provided, this would represent up to 4 on-street car spaces being introduced to Lithgow Street.

63. The application seeks to provide three car spaces within the existing front setback to Albert Street via the existing crossover. Council's Engineering Services Unit was not supportive of this given that the existing crossover is not wide enough to provide for three spaces. Council's Engineering Services Unit recommended that the existing crossover be widened to accommodate the southernmost car space. The unit also highlighted that this widening would require the relocation of the existing side entry pit.

64. Given that Council's Strategic Transport Unit has recommended that the southernmost car space be deleted (to ensure employees arriving by bicycle can appropriately access the bicycle parking area), the widening of the existing crossover does not need to be pursued. A condition is therefore recommended for the deletion of the southern-most car space (this would also reflect the previous approval on site). As a result, the recommendations made by Council's Engineering Services Unit do not need to be pursued as the existing crossover will not need to be widened and as a result, the existing side entry pit will not be affected.

Bicycle Parking

65. Council's Strategic Transport Unit were supportive of the proposed bicycle parking arrangement on the condition that the southern-most car parking space be removed so as to allow for employees / visitors arriving by bike to have clear access to the gate adjacent to the bicycle parking area. The unit also recommended that two hoop spaces be installed on the reinstated footpath to encourage patrons to the food and drinks premises to arrive via bicycle. The recommendations made by the unit have been included as conditions.

Objector Concerns

66. The majority of objector concerns have been addressed throughout the report:
- (a) Noise impacts have been addressed at paragraphs 47 – 49;
 - (b) The location of the proposed café has been addressed at paragraphs 44 – 46;
 - (c) Car parking concerns have been addressed at paragraph 62;
 - (d) Waste concerns have been addressed at paragraph 50, and;
 - (e) Light spill has been addressed at paragraph 56(d).
67. The predominant outstanding matter is that of impacts associated with the construction stage of the proposed works. Matters relating to the construction stage are not planning matters, however the standard condition for regulating construction hours has been recommended.

Other Matters

68. The decision plans have a number of errors and omissions or matters that need to be resolved.
69. Firstly, a new gate is proposed to the entrance of the southern carriageway easement. Pursuant to Clause 62.02-2 of the Yarra Planning Scheme, a gate does not require a planning permit. As such, a permit condition is recommended for its deletion. The construction of the gate can be resolved as a civil matter.
70. Second, the proposed north elevation is incorrectly labelled as the 'south' elevation. A condition will resolve this error.
71. Third, the materials and colours schedule have been provided on the cover sheet rather than with the proposed elevations. A condition will address this matter.

Conclusion

72. Based on the above report, the proposal (subject to conditions) is considered to substantially comply with the relevant planning policy and therefore should be supported.

RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued for Planning Application PLN19/0011 for use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle requirements at 48-50 Lithgow Street, Abbotsford, generally in accordance with the plans noted previously as the 'decision plans' and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of 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) Any changes required by the satisfactory Waste Management Plan required at condition 7;
 - (b) Any changes required by the satisfactory Sustainable Development Assessment required at condition 5;
 - (c) All works required by the amended acoustic report at condition 3;
 - (d) Location and capacity of the proposed rainwater tank in accordance with the submitted STORM Report with a notation confirming the rainwater tank will be connected to toilets for flushing;
 - (e) Deletion of the southern-most car space fronting Albert Street;
 - (f) Provision of two horizontal hoops for bicycle storage on the Lithgow Street footpath to the satisfaction of the Responsible Authority;

- (g) Deletion of the proposed gate to the entrance of the southern carriageway easement;
 - (h) Proposed 'South' elevation shown on drawing A3.02 correctly labelled as the north elevation; and
 - (i) Colour and materials schedule provided on the proposed elevations.
2. The uses 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. Before the use and development 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 Acoustic Report prepared by Watson Moss Growcott and dated 14 February 2019 but modified to state that all recommendations will be implemented.
 4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Before the uses and development commence, a Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
 6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
 7. Before the uses and development commence, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
 8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 9. Before the buildings are 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.
 10. Before the buildings are 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.
 11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, two (2) bicycle racks must be installed on Lithgow Street:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,

to the satisfaction of the Responsible Authority.

12. Before the buildings are 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.

Uses

11. No more than 100 patrons are permitted on the land at any one time for the Food and Drinks Premises (Café) use.
12. Except with the prior written consent of the Responsible Authority, the Food and Drinks Premises (Café) use authorised by this permit may only operate between the hours of 7am – 5pm, 7 days a week.
13. Except with the prior written consent of the Responsible Authority, the Office use authorised by this permit may only operate Monday to Friday between 8.00am – 6.00pm.
14. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. The provision of music and entertainment on the land must be at a background noise level.
18. Speakers external to the building must not be erected or used.
19. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
20. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
21. This permit will expire if:
 - (a) the use or development is not commenced within two years from the date of this permit; or
 - (b) the development is not completed within four years from the date of this permit; or
 - (c) The use is discontinued for a period of two years.

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

NOTES

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 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 5428 for further information.

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

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

Attachments

- 1 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - Locality Plan
- 2 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - Advertising Plans
- 3 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - Traffic Report
- 4 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - STORM Rating Report
- 5 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - Acoustic Report
- 6 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - Acoustic Peer Review
- 7 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - Engineering comments
- 8 PLN19/0011 - 48 - 50 Lithgow Street Abbotsford - File Note (Strategic Transport Comments)