

YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

**to be held on Wednesday 5 June 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor James Searle
Councillor Stephen Jolly
Councillor Bridgid O'Brien

I. ATTENDANCE

Lara Fiscalini (Principal Planner)
Vicky Grillakis (Co-Ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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	PLN18/0613 - 49-53 Bedford Street, Collingwood - Use (dwellings) and development of the land for a multi-storey building and removal of party wall easements	5	48
1.2	PLN18/0650 - 1 Michael Street Fitzroy North - Part demolition and construction of a double storey extension with associated roof terrace and basement.	56	74
1.3	PLN18/0267 - 218-228 Hoddle St Abbotsford - Development of the land for the construction of a multi-storey building, a reduction in the car parking requirements, and buildings and works to a Road Zone Category 1 Road		
	CONFIDENTIAL ITEM		

1.1	PLN18/0613 - 49-53 Bedford Street, Collingwood - Use (dwellings) and development of the land for a multi-storey building and removal of party wall easements
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Executive Summary

Purpose

1. This report provides an assessment of the proposed use (dwellings) and development of the land for a multi-storey building and removal of party wall easements at No. 49-53 Bedford Street, Collingwood.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Built form and Urban Design (Clauses 15, 15.03, 21.05-1, 22.07 and 22.10);
 - (b) Land Use (Clauses 22.05 and 34.01-1);
 - (c) Internal amenity (Clause 58);
 - (d) Off-site amenity impacts (Clauses 13.05-1S, 13.07 and 22.05); and
 - (e) Car and bicycle parking (Clauses 18.01, 18.02, 21.06, 52.06 and 52.34).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification;
 - (b) Land Use;
 - (c) Built form and Urban Design;
 - (d) On-site amenity;
 - (e) Off-site amenity;
 - (f) Parking layout, traffic and bicycle parking;
 - (g) Other matters (removal of easements); and
 - (h) Objector concerns.

Submissions Received

4. 29 objections were received to the application, these can be summarised as
 - (a) Excessive height;
 - (b) Lack of integration with adjacent heritage dwellings/heritage precinct;
 - (c) Off-site amenity impacts (overlooking, overshadowing, loss of daylight);
 - (d) Parking and traffic issues/pedestrian safety concerns; and
 - (e) Construction impacts.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to the following key recommendations:
 - (a) Condition 1(b) -The deletion of Level 2 and Level 6, with the angled design of the development to commence above the newly created Level 2;
 - (b) Condition 1(c) -Any subsequent changes to the internal layout of dwellings as a result of Condition 1(b) to continue to meet all relevant Clause 58 Standards, with particular reference to accessibility, storage, private open space, daylight, ventilation and functionality;

- (c) Condition 1(f) -The proposed pedestrian passageway adjacent to the eastern boundary of the site to have a minimum width of 1.5m; and
- (d) Condition 1(h) -The green brickwork to be replaced with a more muted, natural colour.

CONTACT OFFICER: Lara Fiscalini
TITLE: Senior Statutory Planner
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1.1 PLN18/0613 - 49-53 Bedford Street, Collingwood - Use (dwellings) and development of the land for a multi-storey building and removal of party wall easements

Trim Record Number: D19/53458

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: Development and use (dwellings) of a mixed-use multi-storey building and removal of party wall easements.

Existing use: Former factory

Applicant: 41-59 Bedford Street Holdings Pty Ltd

Zoning / Overlays: Commercial 1 Zone

Date of Application: 21 August 2018

Application Number: PLN18/0613

Planning History

1. There is no planning history associated with this site.

The Proposal

2. The application proposes the development and use (dwellings) of a mixed-use multi-storey building and removal of party wall easements. In summary, the following is proposed;

General

- (a) Removal of three existing party wall easements between the three separate allotments.
- (b) Construction of a seven (7) storey building, with a maximum overall height of 25.25m.
- (c) The building design would encompass a contemporary form with a sculptured, angular setback to the upper levels which incrementally increase at the south-eastern, north-eastern and north-western corners of the development.
- (d) The lower levels are proposed to be finished in green brickwork, with the upper levels to be constructed of pre-cast concrete with perforated metal panels in two alternate patterns and powder coated aluminium.
- (e) The proposal incorporates a high degree of landscaping within each individual terrace, including raingardens and planter boxes.
- (f) The proposal seeks the removal of an existing street tree located on the Bedford Street frontage.

Use

- (g) Ground floor commercial (shop) tenancy comprising 20sqm (permit not required for use).
- (h) Dwellings at Levels 1-6 comprising:
 - (i) 4 x two-bedroom;
 - (ii) 2 x three-bedroom; and
 - (iii) 1 x four-bedroom.
- (i) 10 on-site residential car parking spaces (the notations on the basement plan appear to reference a total of 20 spaces. This can be amended via a condition if a planning permit is issued).
- (j) 16 bicycle spaces, comprising 14 designated and secure resident spaces and 2 external spaces for visitors.

Development

Basement – Ground Level

- (k) A basement level, abutting the northern boundary and setback 1.129m from the east, 6.2m from the south and 3.7m from the west, with ten (10) car parking spaces contained within two separate mechanical parking systems (VVOHR Combilift 543).
- (l) Vehicle access would be provided from Bedford Street in the east and a Right-of-Way (ROW) to the west. The Bedford Street vehicle entry would be setback 1.13m from the eastern boundary, with the ROW entrance set back 0.3m from the western boundary.
- (m) The existing single crossover to Bedford Street is proposed to be removed and a new double-width crossover constructed, further to the north;
- (n) The ground floor would provide an angled setback from the site's south-east corner, forming a pedestrian linkage between Bedford Street and Rendle Place to the south, with a setback between 1.13m - 3.34m from the eastern boundary (Bedford Street).
- (o) The residential entrance and shop would be located adjacent to this setback, with a publicly accessible 'bike repair station' in the south-eastern corner, adjacent to Bedford Street.
- (p) The remaining ground floor would contain the lift lobby and residential lift, the refuse room, a separate bicycle storage room for 14 resident bicycle spaces and an externally accessible visitor bicycle space (2 bicycles) directly adjacent to the western boundary.

Levels 1-3

- (q) Level 1 would be constructed to the north and south boundaries, with a 1.13m setback from the north-east corner and a 1.7m setback from the south-east corner. Level 1 abuts the western boundary, with the exception of a small lightcourt (1.2m x 1.4m).
- (r) Level 1 would contain 2 x 2 bedroom dwellings, each with balconies measuring 8sqm (one addressing Bedford Street and one addressing the ROW).
- (s) Level 2 would be constructed to the north and south boundaries, with a 1.13m setback from the north-east corner and a 1.7m setback from the south-east corner. A 4.3m length of wall would abut the western boundary, with the remainder setback 0.750m from this interface, and a deeper 2.17m setback in the north-west corner.
- (t) Level 2 would contain 2 x 2 bedroom dwellings, one with an 8sqm balcony addressing Bedford Street and the second with a 10sqm balcony facing west.
- (u) Level 3 has the same envelope as the levels below with regards to the setbacks from the north-east and south-east corners, with the western wall abutting the boundary for a length of 4m, and the remaining wall setback 1.155m and 2.055m from this interface.
- (v) Level 3 would contain 1 x 3 bedroom dwelling, with the principal balcony (8sqm) addressing Bedford Street and a secondary balcony (4sqm) facing west.

Levels 4-6

- (w) Level 4 would contain 1 x 3 bedroom dwelling with the same balcony configurations as the dwelling below. This level would be setback 2.58m from the north-east corner and 3.345m from the south-east corner, with a 0.635 setback incorporated into the angled frontage of the Bedford Street façade. This level would abut the western boundary for a length of 3.9m, with the remaining wall set back 1.86m from this interface.
- (x) Level 5 would contain 1 x 4 bedroom dwelling, with a 6sqm balcony addressing Bedford Street and a 3sqm balcony facing west. The angled design of this level increases from the floors below, with a 4.025m setback from the north-east corner, a 4.175m setback from the south-east corner and a 1.225m to 1.76m setback for the remaining Bedford Street façade. The western wall would abut the western boundary for a length of 3.7m, with the remaining wall set back 2.575m from this interface.
- (y) Level 6 would contain 1 x 4 bedroom dwelling, with a 9sqm balcony addressing Bedford Street and a 15sqm rooftop terrace above. The angled design of this level increases from the floors below, with a 5.47m setback from the north-east corner, a 5.415m from the south-east corner and a 1.815m to 2.235m setback for the remaining Bedford Street façade. The western wall would abut the western boundary for a length of 3.5m, with the remaining wall set back 3.44m from this interface. The northern wall at this level is setback 1.105m from the northern boundary.
- (z) Solar PV panels, the lift overrun and mechanical services are proposed at roof level, along with the aforementioned terrace for Unit 6.01.

3. Images of the proposal, clearly demonstrating the angled design of the development, are provided in Figures 1 & 2.



Figure 1: Proposal viewed from the north-east (along Bedford Street)

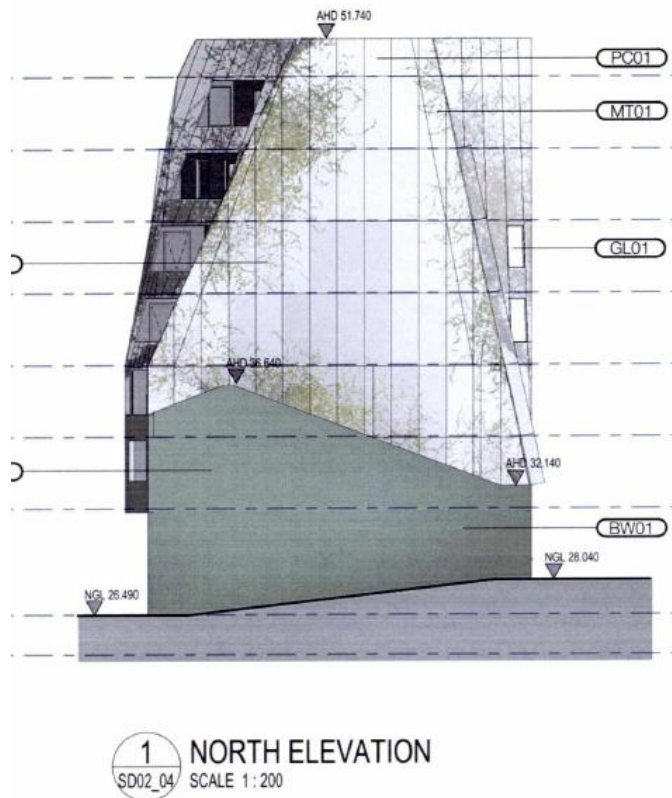


Figure 2: Proposal viewed from the north.

ESD

4. The following key ESD initiatives and performance measures have been incorporated into this project and outlined in the Sustainability Management Plan (SMP) dated July 2018 and prepared by Hip V. Hype Sustainability Consultants.
 - (a) A BESS Score of 81%.
 - (b) Preliminary NatHERS rating of 7.4 star average thermal performance rating.
 - (c) 4 KWp Rooftop PV system.
 - (d) Provision of 2,000L rain water tank for toilet flushing and landscape irrigation achieving a STORM Rating of 111%.
 - (e) Car stacking system with EV charging capacity.
 - (f) Provision of a minimum of 2 bicycle parking spaces per apartment.
 - (g) Provision of a public use bicycle repair station.

Existing Conditions

Subject Site

5. The subject site is located on the western side of Bedford Street, at its southern end. The site is rectangular in shape, with dual frontages to Bedford Street to the east and a right-of-way (ROW) to the west. The site abuts Bedford Street for a length of 12.73m and the ROW for 12.57m, with a maximum depth of 18.11m. The overall site contains three separate lots, on two separate titles, which form a total site area of approximately 229sqm.
6. The land is occupied by a single-storey, brick building, which was formerly used as a factory and now appears to be vacant. A roller door, window and pedestrian entrance is located within the Bedford Street façade. The building is constructed to the northern, eastern and western boundaries, with an image provided in Figure 3. The building is set back 2.3m from the site's south-east corner, and 1.1m from the remainder of the southern boundary. The south-east corner of the site is unfenced, with this section of the land having a direct interface with Rendle Place to the south. Rendle Place wraps around the south-east corner of the site and extends further south to access Stanley Street.



Figure 3: Existing façade (Bedford Street)

Certificate of Title

7. The site contains three land parcels (Lot 11 on Plan of Subdivision 10495 (Volume 5744 / Folio 760) and Lots 12 & 13 on Plan of Subdivision 10495 (Volume 5972 / Folio 211) and is subject to three party wall easements within the three parcels.

Surrounding Land

8. The surrounding area is mixed in terms of land uses and built form. The site is located within the Commercial 1 Zone (C1Z), with this zone extending to land to the north, west and south, and the Mixed Use Zone (MUZ) to the east and south-east. The surrounding land includes residences, as well as offices and warehouse uses. The zoning of the site and surrounding land is demonstrated in Figure 4, with the C1Z depicted in purple and the MUZ in red.



Figure 4: Surrounding zoning

9. The site is located adjacent to the Smith Street Major Activity Centre (MAC) with Smith Street itself being located approximately 35m to the west of the subject site. The locality is well served by various modes of public transport (including tram routes along Smith Street and Victoria Parade, as well as bus routes along the latter) and a variety of community and commercial services and facilities. The site is also located to the north of the Gertrude Street Neighbourhood Centre (NC) and to the south of the Johnston Street NC.
10. Bedford Street is a narrowly proportioned street with parallel parking on each side. The built form types in the area contain a mix of older-style, industrial buildings, remnant workers cottages, modern residential developments and residential warehouse conversions. Heights range from single-storey to six-storeys in the immediate vicinity, with taller buildings further in the distance forming a backdrop to the more immediate streetscape. Recent residential development, former industrial buildings and warehouses are generally constructed with boundary-to-boundary development and are hard-edged in appearance. Typical materials found in the area are brick and render. A number of single and double-storey dwellings are also located in the surrounding area, typically characterised by on-boundary walls, with small front yards.

11. The surrounding area has changed considerably within the last decade. There are a number of developments in this southern end of Collingwood which have obtained a planning permit, are currently under construction, or are fully constructed. Nearby developments sites are as follows:
- (a) 1-5 Otter Street (7 storeys – under construction)
 - (b) 32-34 Bedford Street (6 storeys - approved)
 - (c) 36-38 Bedford Street (5 storeys - constructed)
 - (d) 44-48 Bedford Street (5 storeys - constructed)
 - (e) 4-10 Stanley Street (5 storeys - constructed)
 - (f) 18-22 Stanley Street (part 4, part 5 storeys - constructed)
 - (g) 24-28 Stanley Street (7 storeys - constructed)
 - (h) 34-44 Stanley Street (6 storeys - constructed)
 - (i) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys - constructed)
 - (j) 5-7 Napoleon Street (4 storeys - constructed)
 - (k) Yorkshire Brewery 1-21 Robert Street (up to 17 storeys - constructed)
 - (l) 132 Smith Street (Banco Development 9 storeys - constructed)
 - (m) 9-17 Smith Street (7 storeys - constructed)
 - (n) 237 Smith Street (6 storeys - constructed)
 - (o) 305-311 Smith Street (6 storeys - approved)
 - (p) 86 Smith Street (5 storeys - approved)
 - (q) 22 Peel Street (5 storeys - constructed)
 - (r) 41 Peel Street (6 storeys - constructed)
 - (s) 4-12 Langridge Street (5 storeys - approved)
 - (t) 195 Wellington Street (9 storeys - constructed)
 - (u) 109 Wellington Street (9 storeys - constructed)
 - (v) 7 and 9-15 Little Oxford Street (8 storeys – under construction)
 - (w) 23 Little Oxford Street (6 storeys – approved)
 - (x) 61-71 Wellington & 37-39 Langridge Street (14 storeys - under construction)
 - (y) 73-77 Wellington Street (10 storeys – under construction)
 - (z) 72-90 Cambridge Street (9 storeys – under construction)
12. The site is located directly adjacent to land within two separate heritage overlays to its north, west and south, as demonstrated in the image at Figure 5, with the red colour of the adjacent land noting that the immediately surrounding sites are classified as ‘individually significant’ within their respective heritage precincts.



Figure 5: Subject site with heritage overlay interfaces



Figure 6: Subject site and surrounds

13. The site's immediate interfaces are as follows:

North

14. Immediately to the north of the site is No. 47 Bedford Street; a single-storey cottage built to the northern and southern boundaries and directly abutting the building on the subject site. Secluded private open space (SPOS) at the rear addresses the adjacent ROW to the west.
15. This dwelling is one of seven single-storey, brick Victorian-era terrace houses, located within the C1Z, which are known collectively as the 'Purfleet Cottages'. The cottages extend from No. 33 – 47 Bedford Street and originally comprised 12-13 identically attached houses (with a number formerly accommodated on the subject site). The dwellings are built to the street and side boundaries and have matching front doors, single timber-framed, double-hung sash windows, a corrugated iron roof and brick chimneys. The cottages are classified as 'individually significant' within a site-specific heritage overlay (H096 – 33-47 Bedford Street, Collingwood) and are demonstrated in Figure 7.



Figure 7: Purfleet Cottages – Nos. 33-47 Bedford Street

16. Further to the north is No.1-5 Otter Street, located on the south-eastern corner of Bedford and Otter Streets. A seven-storey development has been approved on this site under Planning Permit PLN15/0947, with construction currently underway.

South

17. Abutting the majority of the site's southern boundary is the rear section of No. 250 Smith Street. This land is unfenced and used for car parking associated with a commercial premises and a first-floor dwelling addressing Smith Street. Also to the south is Rendle Place; a pedestrian accessway extending from the southern end of Bedford Street through to Stanley Street, further south.
18. Adjacent to the south-east corner of the site is a five-storey apartment development at 4-10 Stanley Street, with this site within the MUZ. The rear wall of this property addresses the southern end of Bedford Street, with a number of north-facing windows and balconies within this interface. Vehicle access to this site is provided via Bedford Street. The northern wall of this building is demonstrated in Figure 8.



Figure 8: rear wall of 4-10 Stanley Street

East

19. Bedford Street forms the eastern boundary of the subject site. It has a carriageway in both directions and on-street car parking on both sides of the road. Street trees are located along the western side of the road, with a small street tree directly in front of the subject site.

20. On the eastern side of Bedford Street is a five-storey apartment building, located at No.44 Bedford Street. This building has a triple-storey streetwall, with recessed upper levels behind. The building is contemporary in design, with timber cladding and render the predominant materials.
21. The remaining eastern streetscape of Bedford Street contains one single-storey cottage, with two to four-storey developments extending to the northern end of the street.

West

22. The site's immediate western interface is to a ROW; this laneway acts as a service lane to properties addressing Smith Street and Bedford Street, with its eastern interface characterised by fences, garages and rear entries to the Purfleet Cottages. All of these properties are located within the C1Z. At-grade concrete car parking spaces characterise the rear of the Smith Street properties.
23. Beyond the ROW, the site interfaces with the rear of the properties at Nos. 252, 254 and 256 Smith Street. These properties are occupied by double-storey buildings with upper level dwellings and rear open spaces and car parking areas accessed from the ROW. All of the built form on these sites is in excess of 9m from the subject land. These Smith Street properties are classified as 'individually significant' within the 'Smith Street Heritage Overlay Area, Fitzroy/Collingwood' Heritage Overlay (H0333).

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

24. The site is located within the Commercial 1 Zone (C1Z). The purpose of the C1Z is as follows;
 - (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
25. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme) a planning permit is required for 'dwelling use' if the frontage exceeds 2m. In this instance, the residential entrance and residential garage door equates to an overall width of 7.35m, ensuring that a planning permit is required.
26. The commercial tenancy (shop) use is identified as a 'Section 1 - Permit not required.' There is no limit on leasable shop area in the schedule to the C1Z.
27. Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
28. For an apartment development, the decision guidelines at clause 34.01-8 specify the objectives, standards and decision guidelines of Clause 58 must be considered.

Overlays

29. N/A

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserve

30. The purpose of this clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.
31. Pursuant to Clause 52.02 of the Scheme, a planning permit is required before a person proceeds (in this instance) under Section 36 of the *Subdivision Act* 1988 to remove an easement.

Clause 52.06 Car Parking

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling	4	1 space per dwelling	4	10
Three-bedroom dwelling	2	2 spaces per dwelling	6	
Four-bedroom dwelling	1			
Commercial (Shop)	21 m²	3.5 spaces to each 100 m² of leasable area	0	
Total			10	10

33. Given the statutory requirement is met, a planning permit is not required under this Clause.

Clause 52.34 Bicycle Parking

34. Under the provisions of Clause 52.34-5 of the Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Allocated
Dwelling (7) Commercial (Shop) 21 m ²	Resident – In developments of four or more storeys, 1 to each 5 dwellings	2	14
	Visitor – In developments of four or more storeys, 1 to each 10 dwellings	1	2
	Employee – 1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm.	0	0
	Shopper – 1 to each 500sqm of leasable floor	0	0

area if the leasable floor
area exceeds 1000sqm.

Total

3

16

35. Given the statutory requirement is met, a planning permit is not required under this Clause.

Clause 58 Apartment Developments

36. Clause 58 applies to applications to construct an apartment development within a Commercial 1 Zone. This clause seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and to encourage apartment development that is responsive to the site and surrounding area.

General Provisions

37. 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 Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Planning Policy Framework (PPF)

38. Relevant clauses are as follows:

Clause 11.03-1S – Activity Centres

39. The relevant objective of this clause is *“To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community”*.

Clause 13.05-1S – Noise abatement

40. The relevant objective of this clause is *“To assist the control of noise effects on sensitive land uses”*.

Clause 15.01-1S – Urban Design

41. The relevant objective of this clause is *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”*.

Clause 15.01-2S – Building Design

42. The relevant objective of this clause is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”*.

Clause 15.01-5S – Neighbourhood Character

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

Clause 15.02 – Sustainable Development

44. The objective of this clause is *“to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions”*.

Clause 16.01-1S – Integrated housing

45. The objective of this clause is *“to promote a housing market that meets community needs”*.

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

46. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

47. The objective of this clause is *“to locate new housing in designated locations that offer good access to jobs, services and transport”*.

48. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in Greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-3S – Housing diversity

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

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

50. The strategy of this policy is *“create mixed-use neighbourhoods at varying densities that offer more choice in housing”*.

Clause 16.01-4S – Housing affordability

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

Clause 17.02-1S – Business

52. The objective of this clause is *“To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services”*.

Clause 18.01-1S – Land use and transport planning

53. The objective of this clause is *“to create a safe and sustainable transport system by integrating land use and transport”*.

Clause 18.02-1S – Sustainable personal transport

54. The objective of this clause is *“to promote the use of sustainable personal transport”*.

Clause 18.02-2R – Principal Public Transport Network

55. Relevant strategies for this clause are:

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

Local Planning Policy Framework (LPPF)

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and housing

56. Relevant objectives and strategies for this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
(i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
(ii) *Strategy 1.3 Support residual population increases in established neighbourhoods.*
(b) *Objective 2 To retain a diverse population and household structure.*
(c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
(i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
(ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-3 Industry, office and commercial

57. The relevant objective for this clause is *“To increase the number and diversity of local employment opportunities”*.

Clause 21.05 – Built Form

Clause 21.05-1 – Heritage

58. The relevant strategy for this clause is *“Protect the heritage skyline of heritage precincts”*.

Clause 21.05-2 – Urban design

59. The relevant objective and strategy of this clause are;

- (a) *Objective 17 To retain Yarra’s identity as a low-rise urban form with pockets of higher development.*
(i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*

- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*

Clause 21.06 – Transport

Clause 21.06-1 Walking and cycling

60. The relevant objectives and strategies of this clause are;

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

Clause 21.07 – Environmental Sustainability

Clause 21.07-1 – Environmentally sustainable development

61. The relevant objective of this clause is to “promote environmentally sustainable development”.

Clause 21.08-5 – Neighbourhoods (Collingwood)

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

- (a) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys.*
- (b) *The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.*

63. Within Figure 13 of Clause 21.08-5, the subject site is identified as being adjacent to the Smith Street Major Activity Centre. Figure 14 of Clause 21.08-5, shows the subject site as being within a non-residential built form character area where the objective is to improve the interface of development with the street.

- (a) *The implementation of built form strategies in clause 21.05 includes supporting development that maintains and strengthens the preferred character of the relevant Built Form Character Type.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

64. This policy applies to applications for use or development within Business (now Commercial) Zones (amongst others). The relevant objectives of this clause are;

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

Clause 22.07 – Development Abutting Laneways

65. The objectives of this clause are;

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
- (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 – Built form and design policy

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

Clause 22.12 – Public Open Space Contribution

67. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3066B). However, considering the size of the site, it is not practical to provide the preferred area of land and therefore cash will be provided.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

68. This policy applies to applications for new buildings (amongst others).

69. Under this clause it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - (i) *collection and reuse of rainwater and stormwater on site*
 - (ii) *vegetated swales and buffer strips*
 - (iii) *rain gardens*
 - (iv) *installation of water recycling systems*
 - (v) *multiple uses of water within a single manufacturing site*
 - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
 - (i) *appropriately designed waste enclosures and storage bins, and*
 - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*

- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Clause 22.17 – Environmentally Sustainable Design

- 70. 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

- 71. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* with 518 letters sent to surrounding owners and occupiers and two signs displayed on site. Council received 29 objections, the grounds of which are summarised as follows:
 - (a) Excessive height;
 - (b) lack of integration with adjacent heritage dwellings/heritage precinct;
 - (c) Off-site amenity impacts (overlooking, overshadowing, loss of daylight);
 - (d) traffic and car parking;
 - (e) pedestrian safety; and
 - (f) construction impacts.
- 72. A planning consultation meeting was held on 9 April 2019 and attended by two objectors, the Applicant, a Councillor and Council Officers to discuss all issues and concerns raised in the letters of objection. No changes to the plans were made as a consequence of this meeting.

Referrals

Internal Referrals

- 73. The application was referred to the following units within Council:
 - (a) Urban Design;
 - (b) Heritage Advisor;
 - (c) ESD Advisor;
 - (d) Open Space;
 - (e) City Works; and
 - (f) Engineering Services.
- 74. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

- 75. The following key issues and policies will be used to frame the assessment of this planning permit application:
 - (a) Strategic justification;
 - (b) Land Use;
 - (c) Built form and Urban Design;
 - (d) On-site amenity;
 - (e) Off-site amenity;
 - (f) Parking layout, traffic and bicycle parking;
 - (g) Other matters (removal of easement); and
 - (h) Objector concerns.

Strategic justification

76. There is strong strategic direction to support the redevelopment of the site to provide higher density residential use. Policy at clauses 11, 16, 18 and 21.04 of the Scheme, together with Plan Melbourne, encourage the accumulation of activities and the intensification of development in and around activity centres. The site is located within the C1Z and adjacent to the Smith Street MAC and is therefore well serviced by public transport and community services. This ensures efficient use of infrastructure and supports Council's preference that established areas experience residual increases in population growth.
77. The C1Z specifically identifies the purpose of the land as an area where higher residential density developments are anticipated, with growth specifically directed to occur within or close to major activity centres. The dwellings would provide increased housing opportunities consistent with the policy outlined above. The site has excellent access to shops, restaurants, community facilities and supermarkets, ensuring that the proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04 of Council's MSS. Further, the provision of a small retail tenancy at ground level, addressing Bedford Street, will provide a degree of activity within the streetscape, also consistent with the purpose of the C1Z.
78. Clause 16.01-4 of the Scheme encourages developments to provide for a variety of housing sizes, which this proposal does by adding to the wider spread of dwelling types in the area. The development offers a variety of dwelling sizes, providing two, three and four-bedroom apartments with a variety of open space provisions.
79. It is acknowledged that the emerging heights in the area allow a more robust development to occur, with the site currently underutilized within the context outlined above. However more intensive growth, whilst strongly supported by policy, must respond to existing conditions and be tempered if necessary to respect the existing neighbourhood character and the site specific relationship with adjoining built form. These factors will be discussed in turn.

Land Use

80. A purpose of the C1Z is *to provide for residential uses at densities complementary to the role and scale of the commercial centre*. Whilst the site is located within the C1Z, Bedford Street is predominantly residential in use. On this basis the use of the land for dwellings will not unreasonably impact any existing commercial uses in the surrounding area, with the closest of these uses addressing Smith Street to the west.
81. Residential noise is unlikely to impact upon existing uses within Smith Street, with internal noise to the dwellings from external sources discussed later within this assessment. The proposed dwelling use must comply with relevant objectives at clause 22.05 of the Scheme, by incorporating measures to minimise the impact of the normal operation of business activities on the reasonable expectation of amenity within the dwellings. This will ensure that the growth of further commercial opportunities within proximity to the new dwellings is not impeded. Based on the appropriate design of the dwellings to ensure this is achieved, the use of the land is considered entirely appropriate in the context and is supported.

Built form and design

82. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at clause 15, 21.05 and 22.10. These provisions support 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, design and relationships to adjoining buildings.

Context

83. As outlined in the 'sites and surrounds' section of this report, the existing character of the surrounding area contains a mix of building sizes and heights, varying between single-storey heritage cottages to modern five to six-storey developments. A seven-storey development is currently under construction at the northern end of Bedford Street (No. 1-5 Otter Street) and, once constructed, will be the highest visible building within the immediate vicinity.
84. The subject site and the western side of Bedford Street is located within the C1Z, with Clause 21.08 of the Scheme describing the area as being a 'non-residential' area with the accompanying objective '*to improve the interface of development with the street*'. In reality however, Bedford Street is predominantly residential, particularly given the recent approvals for residential developments to replace office buildings at No. 1-5 Otter Street and No. 32-34 Bedford Street (to the north-east of the site).
85. While the objectives under clause 21.08 are considered to be generally appropriate in terms of improving the streetscape, the more relevant context which is emerging in relation to the subject site is a residential one. This is further supported by the row of Victorian cottages to the north of the site; with these buildings clearly constructed as dwellings and continuing to be used as such. On this basis, Bedford Street is in clear contrast to the commercial focus of the land associated with Smith Street to the west.
86. Given the C1Z attributed to the site, it is expected to have higher built form than the residential areas to the north-east, which are located within a General Residential Zone (GRZ) and even those to the east and south-east, within the Mixed Use Zone (MUZ). However, the specific context of this particular street, given the row of heritage cottages along its western interface, tempers the ability for this site to be developed to the same extent as others in the same zone. On this basis, a more considered approach is required, as will be discussed in the assessment below.

Height, Scale and Massing of the development

87. The proposal seeks to construct a seven-storey building on the site, built predominantly to the north and south boundaries with increasing setbacks from the corners to create an angled, tapered, design. There is no clearly defined streetwall, with setbacks incorporated into the south-east and north-east corners from Level 1, however these setbacks are consistent until Level 3, with subsequent increases in the levels above. The use of brickwork is also relatively consistent until this level, with the higher levels finished with a combination of pre-cast concrete and perforated metal. These features in combination create the impression of a three-storey street wall to Bedford Street.
88. The overall height of the proposal is 22.25m. The heights of the two adjacent buildings are 17.25m for No. 4-10 Stanley Street (to the south) and 5.4m for No. 47 Bedford Street to the north. Figure 9 clearly demonstrates the lack of transition in heights that would occur along the western streetscape if the development was approved at this scale.

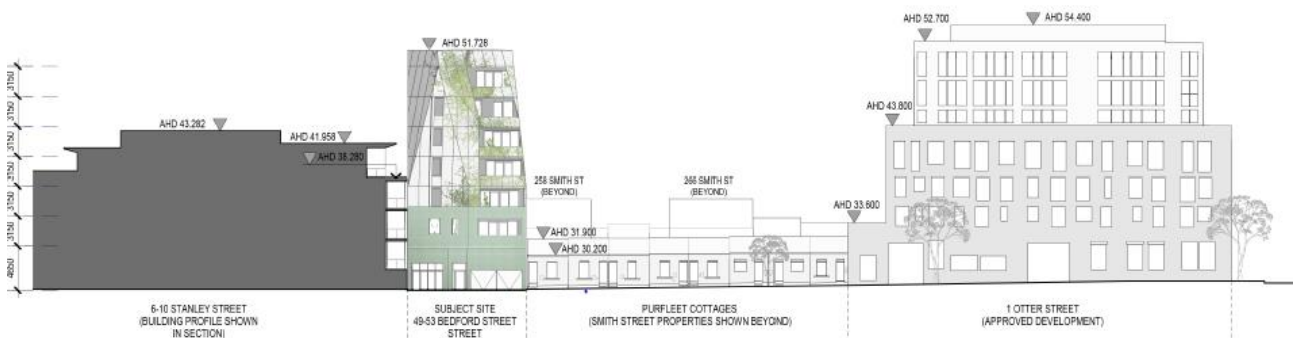


Figure 9: western streetscape of Bedford Street (including 4-10 Stanley Street)

89. The relevant objective at Clause 22.10 of the Scheme aims to;
(a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
90. Figure 9 demonstrates how the development at the northern end of Bedford Street (1-5 Otter Street), whilst also extending to 7-storeys, has adopted reductions in height to the Purfleet Cottage interface, allowing for a more sensitive transition in scale along the streetscape. Of note, the direct abuttal to the northern-most cottage is only 1.7m higher than the cottage's roof. In comparison, this proposal would provide a wall 6.38m higher than the abutting single-storey cottage before any setbacks occur.
91. The location of the site at the southern end of Bedford Street ensures there is no loss of significant view of the Purfleet Cottages from any part of Bedford Street, However, the triple-storey wall immediately abutting these dwellings, along with the height of the 'tower' element above, will create an imposing and overwhelming backdrop to this modestly scaled heritage built form.
92. Whilst the subject site is not located within a heritage overlay, its direct abuttal with this row of 'individually significant' cottages, and with the Smith Street heritage overlay to the west, calls for appropriate consideration of this overlay to be provided for any future development of the site. On this basis, the application was internally referred to Council's Heritage Advisor. The two main concerns raised in this advice related to the relationship of the development with the Purfleet Cottages, and the potential extent of visibility of the top of the building from within the 'skyline' of the Smith Street heritage precinct to the west. It was noted in the heritage advice that *'it is critical from a heritage perspective the Smith Street skyline is preserved without further visual intrusions'*.
93. To test this, the Applicant provided modelling from three vantage points within Smith Street, with these points located along the western footpath, to the north-west, west and south-west of the subject site. The height of the images was taken from 1.7m above the footpath level. From the north-west, extremely minor sections of the proposal's roof terrace were visible, with the remainder of the development almost entirely obscured by the parapets and roof forms of existing built form along the eastern side of Smith Street. The Applicant stated that the appearance of minor visible elements would be *'reduced by the use of a pale coloured perforated material'*. From the remaining two vantage points, all views of the proposed building would be fully obscured by existing built form. In this regard, the height of the development is considered to preserve the existing Smith Street skyline.
94. However, the scale of the proposal was not viewed as favourably from within Bedford Street itself, with Council's heritage advice acknowledging the height transition provided between the Purfleet Cottages and the Otter Street development to the north as discussed above. It noted that the setback between the cottages and the approved higher development (at 1-5 Otter Street) went *'someway to mitigate against over towering or being overwhelming'*. In contrast, this proposal does little to provide a more sympathetic transition in height.
95. A Heritage Impact Statement (HIS) was prepared on behalf of the Applicant, with this noting;

'The development will result in the juxtaposition of a substantial vertical volume against a single-storey row of heritage buildings. Accepting this, this end of Bedford Street is already an environment characterised by abrupt transitions in height, where buildings of broadly comparable multi-storey scale are visually dominant'.

96. Council does not support this statement in its entirety. As can be seen in Figure 10, the existing single-storey factory on the subject site, along with the pedestrian link at the southern end of the street, creates a degree of separation between the single-storey cottages and the rear of the Stanley Street development to the south. Moreover, this residential development has a maximum height of five-storeys, with a recessed upper level. Council does however agree with the statement in the HIS that a '*substantial vertical volume*' will abut the single-storey buildings, with this clearly demonstrated in the image at Figure 11. The extent of this difference in height is not considered to be a reasonable built-form, or heritage, outcome, and it is not considered that adequate regard has been given to this interface.



Figure 10: Existing height transition at the southern end of Bedford Street



Figure 11: Height transition at the southern end of Bedford Street with proposal included

97. This position is further supported by referral comments received from Council's Urban Design Unit. Whilst these comments acknowledge that the area is undergoing change, with new development resulting in the emergence of higher built form within the immediate surrounds, it also highlights the differences between the context of the subject site and other sites on which higher built form has been approved.
98. Of note, the advice references the variances between this site and the site at 1-5 Otter Street, stating that *'it appears that the proposed height for the subject site is highly influenced by this approval'*. The clearest difference between the sites is the land area, with Otter Street 700sqm in size and the subject site providing an area of 230sqm on which to build. Otter Street has two main interfaces (Otter Street and Bedford Street), with Otter Street a wider and more developed streetscape. Further, the Otter Street development provides a more sympathetic transition in height to the adjacent single-storey built form along Bedford Street.
99. On this basis, the Urban Design advice concluded that the proposed development would overwhelm the character of Bedford Street by creating an enclosed street environment at its southern end. It states that the maximum acceptable building height at this end of Bedford Street is five-storeys, using the development at 4-10 Stanley Street as a reference. On this basis, it was recommended to remove Levels 5 & 6 of the proposed development, thereby resulting in a maximum five-storey built form.
100. To combat the overwhelming nature of the development, Council's Heritage Advice also recommended a reduction in height, however this advice recommended the removal of Level 2. This change seeks to remove this level and drop the *'folded levels down to retain the basic shape and proportion of podium to tower'*. It was considered that the removal of a lower level would *'establish a better proportion to "Purfleet Cottages"'*.
101. To achieve the most appropriate outcome for this site, Council Officers are of the view that a combination of these recommendations should be incorporated into an amended design. This would result in the removal of Level 2, thereby providing a more sympathetic height transition with the single-storey cottages to the north, and the removal of Level 6, which would reduce the overall height of the building to five-storeys; a height more in keeping with the established character of the immediate area. As outlined in the heritage advice, it is preferable that the angled design begins above the newly created Level 2, to ensure that the greater setbacks are incorporated into the lower levels and the relationship with the adjacent dwellings is further improved.
102. These changes were discussed with the Applicant, who agreed to this outcome, and can be facilitated via a condition of the permit should one be issued.

The Public Realm & Pedestrian spaces

103. Clause 21.05 seeks new development to make a positive contribution to the enhancement of the public domain, whilst clause 22.10-3.4 aims to ensure that new development enhances public safety and the pedestrian experience by creating attractive and active interfaces.
104. The glazed façade to the ground floor shop addressing Bedford Street will provide an engaging frontage to this interface, with the south-facing window in this space creating surveillance opportunities to Rendle Place to the south. Further, the development seeks to improve the current pedestrian experience and connection from this laneway through to Bedford Street. Rendle Place currently provides little sense of place and minimal activation, with the proposed setback of the ground floor in the south-east corner opening up view-lines to this space.

Improved outlook and a more direct pedestrian flow will be provided, thereby allowing for a safer connection through this thoroughfare. This connection is demonstrated in Figure 12.

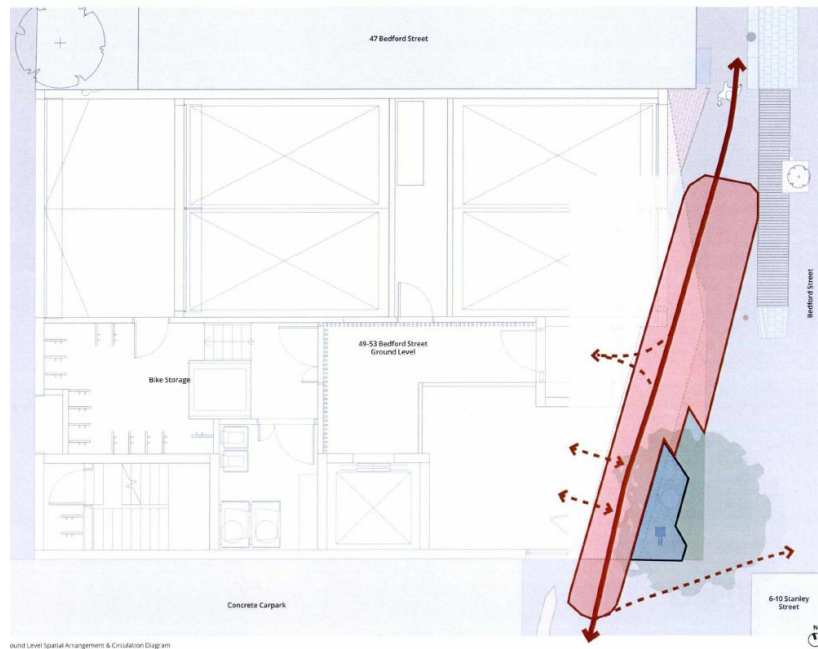


Figure 12: proposed widening of pedestrian link

105. Whilst not shown on the architectural drawings, the Landscape Design Report provided with the application details the works envisaged in this setback, with these demonstrated in Figure 13.



Figure 13: works within the south-east corner of the site.

106. A publicly accessible bicycle repair station is proposed, along with a garden bed, new street tree and the possibility of outdoor seating associated with the commercial space. A new brick surface within the setback is also proposed. As noted previously, an existing street tree will be removed to allow the construction of the new crossover on Bedford Street.
107. Whilst the comments from Council's Urban Design Unit strongly support the 'opening up' of this corner, they note that "*there are further considerations to be taken while designing this contested space*"; highlighting that the objective of creating a wider space for pedestrian circulation may be undermined by the number of elements proposed within it.
108. This advice notes that there is currently a 1.3m wide passageway between the subject site and 4-10 Stanley Street that is used for pedestrian access. An increase to a width of 1.5m is recommended, as outlined in Figure 14, to ensure that a clear path of travel is provided.

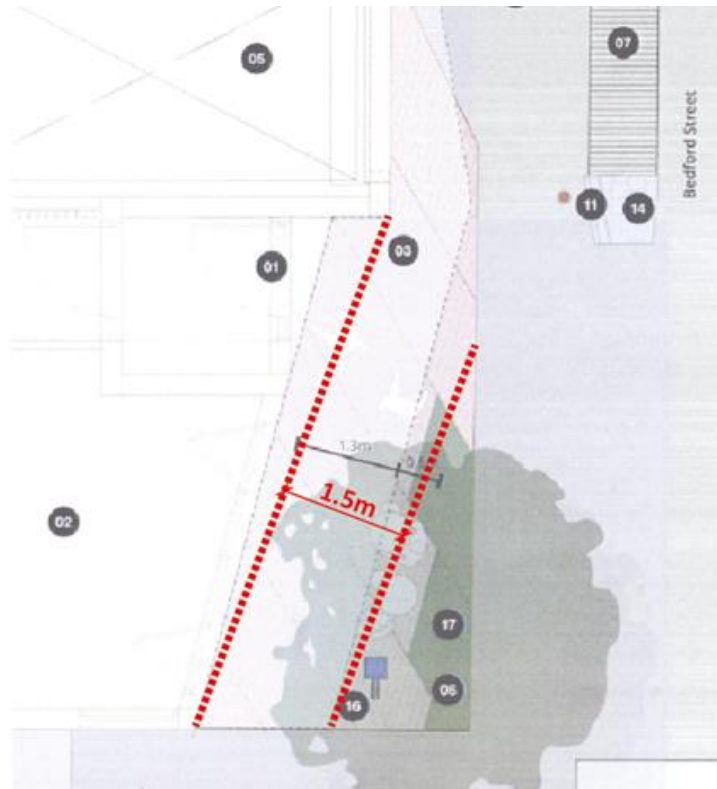


Figure 14: Width of required pedestrian link

109. Figure 14 indicates that the 1.5m pathway is possible, with the dimensions of the bicycle repair station limited. Specifications provided for the repair station indicate that this infrastructure has a maximum width of 0.5m, including the signage at the top of the structure.
110. The bicycle repair station will be located within the title boundaries of the subject site. Whilst it will be accessible for residential and public use, it will be formally designated as 'common property' and the maintenance of this structure will be undertaken by the development's Owners Corporation. The clear delineation of this corner (via the use of the proposed brick surface) will demonstrate that the land is privately owned and maintained. Whilst the layout of the space will allow public access, it is reiterated that this land and all structures within will be managed and maintained by the property owner and the associated Owners Corporation. To ensure that this area is maintained in good order, a condition can be added to any permit issued specifying this.
111. Further comments and recommendations were outlined in Council's Urban Design advice as follows;

- (a) *The proposed brick surface (within the title boundary) is supported however ensure this pavement is compliant to DDA standards (particularly slip resistance) and is contained with the property boundary.*
- (b) *The provision of a tree is not supported as the first-floor cantilevers over this space which does not leave adequate room for tree canopy.*
- (c) *The provision of the garden bed does not appear to be sustainable as this corner is susceptible to damage.*
- (d) *There needs to be more consideration given to clearance zone (1.8m X 0.6m) for the bike repair station to ensure that the clear path of travel is maintained.*
- (e) *Delineate the Bedford Street footpath (with 300mm wide bluestone dressed kerb) as far south as possible to ensure a clear path of travel is maintained along Bedford Street for pedestrian movement.*

112. These recommendations are generally supported by Planning Officers (with the DDA requirements to be assessed at the building permit stage) however a degree of vegetation within this space is preferred if possible, to allow for a softening of the landscape and a substitute for the existing street tree, whilst maintaining pedestrian access. A condition can be added to any permit issued to incorporate these changes, with an additional condition requiring the provision of a landscape plan that demonstrates a reduced degree of landscaping within this space that works in conjunction with improved pedestrian circulation.

Laneway Interface

113. The rear laneway will be used for vehicle access for 5 of the 10 on-site car spaces, with two visitor bicycle parking spaces located within the south-west corner of the site. This laneway is currently used by vehicles to access the rear of sites addressing Smith Street. Whilst a pedestrian entrance is located within this wall, it is a secondary entrance that is unlikely to be frequently used.
114. Clause 22.07 of the Scheme aims to maintain the unique character of laneways and ensure that development abutting laneways respects the scale of surrounding built form. Setbacks from the site's north-west corner will be integrated into the development from Level 2 and above, with these setbacks increasing in a tapered design at the higher levels. A section of the western wall however will abut the laneway interface for the entire 7 levels. Whilst the length of this wall will be relatively limited (with an average of 4m), the height of the wall directly on the boundary is considered to be visually intrusive and may result in unreasonable visual impacts to the adjacent sites. A reduction in height of this wall to a maximum of five-storeys, as per the recommended condition to reduce the overall built form, will improve this response and reduce off-site amenity impacts accordingly.
115. A number of windows and balconies with the western wall overlook the laneway, thereby providing passive surveillance opportunities to this space. Given the direct interface with the rear of commercial properties addressing Smith Street, it is unlikely that any unreasonable overlooking will be generated from these windows/balconies, with the closest built form over 15m from the rear boundary of the subject site. Land between the Smith Street buildings is dedicated to car parking, with no views available to any areas of SPOS. Potential overlooking to the SPOS associated with the cottage to the north will be discussed later within this report.
116. A separate pedestrian entrance will be provided from the vehicle entry; with the principal pedestrian entrance located on Bedford Street. A designated internal storage room for waste is provided at ground level, ensuring that no refuse will be stored in the laneway. A utilities cupboard will be located within the western wall at ground level, with the plans indicating outward opening doors attached to this cupboard. To ensure that the laneway is not obstructed at any time, a condition can be added to any permit noting that the service cabinet doors opening onto the laneway must swing 180-degrees and be latched to the building when opened.

117. Similarly, an externally opening shade screen is proposed for a west-facing window at Level 1. The plans indicate that when open, this screen will protrude above the adjacent laneway and sit outside of the title boundaries, however the screen will be located approximately 4m above the level of the ROW. For projections beyond the street alignment, guidance is sought from the *Building Regulations* 2018. Council Engineers have confirmed that a height clearance of 4m is sufficient, as the ROW contains a *No Through Road* operation and the probability of high profile trucks using this ROW along the rear frontage of the site would be very remote.
118. On this basis, the ROW will continue to meet emergency services access requirements. The objectives of clause 22.07 will be met.

Light and Shade

119. Due to the east-west orientation of the site the proposed development would result in a degree of additional overshadowing to the rear laneway in the morning, and to Bedford Street from 1pm onwards. These shadows will only extend to the eastern footpath of Bedford Street at 3pm on the September equinox.
120. The subject site is within a location where a degree of overshadowing is inevitable due to the hard-edge built form character which has been established in this area. Irrespective of this, it is considered that the shadowing from the development would not affect the usability of the public realm, being limited in scale and duration at both interfaces. Further, the degree of additional overshadowing is likely to reduce as a consequence of the recommendation to remove two levels of the development, as already discussed.

Site Coverage

121. The proposal occupies approximately 97% of the site area, similar to the extent of existing coverage. This extent of coverage is considered to be appropriate and consistent with the mixed residential and commercial character of the area that accommodates predominantly hard-edged built form, with little or no areas of open space or landscaping.

Architectural Quality

122. The development is of a contemporary design and incorporates modern materials to differentiate it from existing heritage fabric. The tapered design, when combined with the removal of two levels as per recommended conditions, creates a clearly modern form which will integrate well with existing and emerging contemporary development in the immediate surrounds.
123. The use of brickwork at the lower levels aims to create a degree of connectivity with the prevalence of brickwork and masonry in the area, with the green shade proposed for the bricks to provide a degree of difference to these heritage materials. Whilst brickwork for these lower levels is supported, the use of a green finish is not. As noted in Council's Heritage advice '*green brickwork will stand out boldly in this streetscape which generally has muted, neutral or natural tones and another colour which would blend in more politely is preferred*'. This alteration is supported by Planning Officers. If a permit is issued, a condition can be added accordingly.
124. The remainder of the development would be finished in perforated metal and pre-cast concrete. Council's Urban Designer highlighted concerns with the perforated metal panels, noting that they may result in a dominant outcome. Heritage advice did not share this view, raising no concerns with the perforated metal, however noting that the precast concrete may stain or weather if not treated accordingly.

On balance, the use of the perforated metal is supported by Planning Officers, with this finish providing a degree of articulation and visual interest to the upper levels of the development, particularly to the northern wall, with this wall (even at a reduced height) to be the most visible within the streetscape. An image of this wall is provided in Figure 15.

125. This image also demonstrates the high degree of vegetation proposed as part of the architectural response, which creates a further degree of visual interest and softening to the metal and concrete built form. This outcome is supported, with the maintenance of this landscaping to be discussed later within this assessment.
126. Overall it is considered that the proposed development would achieve a good level of architectural quality. The proposal would significantly contribute to and improve the streetscape through active frontages and use of high-quality materials which the existing building within the subject site currently lacks. To alleviate concerns with the deterioration of the pre-cast concrete, a condition can be incorporated into any permit issued to ensure that this finish is treated accordingly.



Figure 15: Northern wall of the proposal

Clause 58

Standard D1 – Urban context

127. The purpose of this standard is to ensure that the design responds to the existing urban context and contributes to a preferred future development of the area, while also responding to the features of the site and the surrounding built form. This aspect has been discussed in detail earlier within this assessment and given the recommendation that two levels be removed (resulting in a five-storey building), this Standard is considered to be met.

Standard D2 – Residential Policies

128. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the C1Z and local policies of the Scheme. The site can clearly support a reasonable degree of higher density residential development, based on its proximity to public transport, community infrastructure and services. The Standard is met.

Standard D3 – Dwelling diversity

129. The provision of a diverse housing stock assists in achieving broader strategic goals by promoting housing choice, adaptability and encouraging a diverse range of people within a neighbourhood, including families. The proposed mix of dwelling sizes (4 x 2 bedroom, 2 x 3 bedroom & 1 x 4 bedroom) allows for a reasonable variety of dwellings to be provided and ensures that the Standard is met.

Standard D4 - Infrastructure

130. The proposal is located within an existing commercial and residential area with established utility services and infrastructure. There is no evidence to suggest that the proposed development would impact on the operation of these existing services and therefore the purpose of the Standard is considered to be met.

Standard D5 – Integration with the street

131. The proposed development would provide a significant improvement in terms of the subject site's interface with Bedford Street, as discussed previously in the *Public Realm & Pedestrian spaces* assessment of this report.

Standard D6 – Energy efficiency

132. The orientation of the subject site, with two abutting street frontages, somewhat dictates that proposed dwellings would be orientated to face east or west, however all of the balconies are located either within the north-east or north-west corners, thereby increasing direct sunlight opportunities within these spaces. All dwellings have good access to natural ventilation, with some dwellings afforded with exterior shutters to manage solar heat gain if required.
133. The development incorporates a number of positive ESD outcomes into its design, as follows;
- (a) A BESS Score of 81%;
 - (b) A 7 star average NatHERS rating for thermal energy performance will be achieved;
 - (c) Energy efficient LED lighting is proposed;
 - (d) A 4kW solar PV array is proposed;
 - (e) 2 bicycle parking spaces per dwelling is proposed (thereby exceeding Council's best-practice standard of 1 space per dwelling) with an additional 2 visitor spaces provided;
 - (f) A STORM score of 111% is achieved via the provision of a 2,000L rainwater tank connected to toilets (for use by the equivalent of 20 people and for irrigation);
 - (g) Water efficient fixtures; and
 - (h) An extensive degree of landscaping is proposed throughout the development.
134. With regards to the rainwater tank, Council's ESD Advisor recommended the installation of a tank with a larger capacity, with the 2,000L being quite small for a development of this scale. However, the provision of this tank will achieve a STORM rating of 111%, thereby exceeding Council's WSUD requirement, and will be used for both toilet flushing and irrigation. Further, the reduction in size of the development via the removal of two levels will further enhance the benefits of this feature. A larger tank capacity is not deemed necessary in this instance.

135. With regards to internal daylight, Council's ESD Advisor noted that the upper-level dwellings would receive a good level of daylight amenity, however raised concerns with the lower-level apartments, noting that these appear to be under Council's best-practice standard. Whilst a daylight modelling report was submitted by the Applicant, the ESD advice highlighted that it did not include the whole floor area in the relevant rooms, excluding generous 'margins' around the perimeter of these rooms, thereby removing approximately half of the floor area and not clearly presenting the daylight performance standard. If a planning permit is to issue, an updated daylight modelling report, based on the amended height of the development and including all of the respective floor areas of each room, can be required via a permit condition.
136. The Standard notes that dwellings located in the Melbourne climate zone should not exceed a 30MJ/m² cooling load. ESD referral comments highlighted that the cooling load for the upper level dwellings (at Levels 5 & 6) are slightly over this threshold, at 30.4MJ/m². As the development will be redesigned due to the removal of 2 levels, it is considered that this slight exceedance can be addressed and all dwellings can meet the prescribed cooling load. A condition will facilitate this.
137. Two additional statements included in the ESD comments highlighted outstanding information as follows;
 - (a) *The raingardens cannot be clearly identified in the SMP nor on the plans. Please clearly note the raingardens on the architectural drawings and SMP or consider another mechanism to demonstrate best practice in stormwater management.*
 - (b) *Energy efficient heat pump "within one star of most efficient available". There are currently no star ratings for heat pump hot water systems. Please review the commitment to an energy efficiency standard.*
138. Conditions can address these requirements, if a planning permit is issued.
139. Further to this, a number of ESD improvement opportunities were highlighted; it is noted that these are not explicit requirements, instead they are recommendations that could be integrated into the development if possible. These include the following;
 - (a) *Recommend providing electric vehicle charge facilities.*
 - (b) *Recommend compost system for organic waste management.*
 - (c) *Recommend all timber be certified sustainable by FSC.*
 - (d) *Recommend comprehensive commissioning and tuning of all major appliances and services.*
 - (e) *Recommend engagement with an independent commissioning agent.*
 - (f) *Recommend that an Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.*
140. The majority of these recommendations are considered somewhat onerous for a development of only 7 dwellings, however it is noted that electric vehicle charging facilities are already provided, with this feature confirmed on the architectural plans. Composting facilities are also provided. Overall, it is considered that subject to the conditions discussed above, the proposed development would achieve best practice in environmentally sustainable development in accordance with the overarching objectives under clause 22.17 of the Scheme.

Standard D7 – Communal open space

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

Standard D8 – Solar access to communal open space

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

Standard D9 – Safety

143. Whilst the setback of the residential entrance and shop façade from the adjacent garage entry will somewhat inhibit direct views of these elements when approaching the site from Bedford Street; on balance this setback is supported as it provides an open pedestrian linkage along Rendle Place and increases safety and visibility along this pedestrian thoroughfare. Further, the upper level balconies addressing Bedford Street, including those from adjacent properties, will provide excellent passive street surveillance, particularly as the heritage cottages to the north are unlikely to be developed to obscure these views.
144. The development results in a significant improvement to the existing conditions within this corner of Bedford Street, and is considered to achieve a satisfactory outcome against the objective of this Standard.

Standard D10 – Landscaping

145. Given the C1Z of the land and its proximity to the Smith Street MAC, landscaping and vegetation does not form a characteristic of the surrounding neighbourhood. However, the development aims to provide a high degree of landscaping as one of the key features of the proposal.
146. A Landscape Design report was prepared on behalf of the Applicant, with this report outlining the level of landscaping proposed. Each terrace will incorporate raingardens and raised planter boxes, with the raingardens composed of drought tolerant species to ensure survival, ease of maintenance, and minimal water usage. The planters will allow for large shrubs or small trees, with a mixture of low to medium-height planting. Creeper plants will line the balustrade edges where appropriate, and are encouraged to climb and creep through the perforated panels, as outlined earlier in Figure 15. The addition of this landscaping is considered to achieve a visually interesting design and is an outcome supported by Council's Urban Designer, however concerns regarding the practicalities of maintaining this level of landscaping were raised. The proposal was referred to Council's Open Spaces Unit accordingly, to ascertain whether providing this level of vegetation could be achieved.
147. In response, Open Space comments noted that the ideas proposed for the terrace landscaping are feasible, however more detail would be required to allow for a full assessment. In particular, trees and planter sizes would need to be assessed by Council's Arborists and a Planting Plan & Schedule, to include the following information should be submitted;
 - (a) A plant schedule with botanical name, common name, mature height, and spread, installation size, planting spacing's, locations and quantities;
 - (b) A legend containing key features and materials;
 - (c) Proposed levels including top of walls;
 - (d) Details of any raised planter beds including height, width and materials;
 - (e) Information on irrigation and drainage systems; and
 - (f) Notes on the maintenance schedule, tasks and maintenance period. If maintenance will require working at height with safety ropes, this should be included.
148. Also required would be specific details for the raingarden design, such as;
 - (a) The type of mulch layer proposed (something that won't blow away);
 - (b) Growing media – suitable for roof top gardens;
 - (c) Filter media;
 - (d) Irrigation method / stormwater inlet;
 - (e) Drainage system;; and
 - (f) Root barrier / water proofing layer.

149. As the level of landscaping proposed is supported by Planning Officers and will provide a safe, attractive and functional environment for future residents, the additional information is considered necessary to ensure that it can be achieved and maintained appropriately. On this basis, if a permit is issued, the above information can be required as part of the Landscape Plan via conditions.

Standard D11 – Access

150. The proposed development would rely on a new double crossover along its eastern boundary, resulting in the removal of a street tree at the northern end of the Bedford Street frontage. An existing single crossover at the southern end of Bedford Street will be removed. With no existing car parking spaces along the entire site frontage, no on-street parking spaces will be affected by these works.
151. The Standard notes that if the width of the street frontage of a site is 20m, a new crossover should not exceed 40% of the frontage. In this instance, the double vehicle crossing will equate to 42% of the Bedford Street frontage. Given that the width of this crossover allows safe access for 5 vehicles, the slight exceedance of the recommended width is acceptable.
152. The use of the rear ROW for the remaining vehicle access is considered appropriate, with the laneway predominantly used for this purpose.

Standard D12 – Parking location

153. The location of the residential parking will provide convenient and secure access to the ground level residential lobby. Two separate car stacking systems will be provided. An objective of the Standard is to protect residents from vehicular noise within developments, with the habitable living rooms of two dwellings located directly above the internal garage. It is also noted that the garage will directly abut the shared boundary wall of the dwelling to the north.
154. To ensure that adequate noise levels and internal amenity to these dwellings is achieved, an acoustic report addressing the noise levels of the car stacking systems can be required via a condition if a permit is issued. This report must include any mitigation measures required to alleviate unreasonable noise impacts from the car stacking system and garage doors to surrounding habitable rooms (within existing and proposed dwellings).

Standard D13 – Integrated water and stormwater management

155. The application proposes the installation of a 2,000L rainwater tank which would be connected to toilets and irrigation, thereby achieving a STORM rating of 111%. Raingardens within each individual balcony are also proposed. As outlined earlier, Council's ESD Advisor recommended that a larger tank be used, based on the proposed size of the development. However, as the STORM score exceeds that required by Council's WSUD policy, and as the scale of the development will be reduced due to permit conditions, the size and operation of the proposed rainwater tank is considered acceptable.
156. Decision guidelines of this Standard encourage the use of alternative water sources such as rainwater, stormwater and recycled water, and encourage proposals to facilitate stormwater collection, utilisation and infiltration within the development. Further, buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. The proposed development incorporates these provisions into its design, thereby meeting this Standard and clause 22.16 of the Scheme.

Standard D14 – Building setbacks

157. This Standard seeks to ensure that building setbacks respond to the surrounding context of the site, and allow adequate internal and off-site amenity to be achieved. The removal of two levels via a permit condition will alter the existing setbacks provided, resulting in improvements to the built form outcome along Bedford Street and the proposal's integration with the surrounding neighbourhood character.
158. Adequate outlooks for each dwelling are provided, with the previous discussion on internal daylight highlighting that further modelling and potential improvements to daylight for the lower level dwellings are required. The individual internal layouts of each dwelling, as will be discussed in detail later within this assessment, are considered appropriate.
159. The setbacks provided at each level, along with the angled design of the building, inhibit any unreasonable overlooking to adjacent residential land. This aspect of the proposal will also be discussed in more detail within the 'off-site amenity' section of this report, however in this respect, the Standard is met.

Standard D15 – Internal views

160. The arrangement of the east and west facing balconies above each other ensure there are no internal views available between dwellings. The Standard is met.

Standard D16 – Noise impacts

161. This Standard aims to contain noise sources in developments that may affect existing dwellings, whilst protecting residents from any external and internal noise sources. In this instance, the proposed development would not be located in proximity to any noise generating areas as listed under Table D3 of this Standard, however the site is located only 35m to the east of Smith Street, resulting in the potential for west-facing dwellings to be unreasonably affected by traffic and tram noise along this busy thoroughfare.
162. The proposal did not include the submission of an acoustic report addressing these possible impacts, nor has it been demonstrated that any particular design treatments have been incorporated into the development to mitigate these potential concerns.
163. The provision of an acoustic report has already been required via a condition under Standard D12; with this report to address potential noise impacts generated by the development itself (with regards to the car stackers and garage doors). It is noted that air-conditioning units will be located on the roof of the development; the report should also take these services into consideration. In addition, to ensure that off-site noise sources are addressed, the report must have regard to all external noise impacts that may unreasonably affect the internal amenity of the new dwellings. The condition can be expanded to include this, if a planning permit is issued.

Standard D17 – Accessibility objective

164. All of the dwellings comply with this Standard; this has been adequately demonstrated on the floor plans of each level. A condition can be added to the permit to ensure that this Standard continues to be met once the redesigned development (deletion of two levels) has been undertaken.

Standard D18 – Building entry and circulation

165. The proposed residential lobby would be readily identifiable within Bedford Street, with the cantilevered design of Level 1 providing a degree of shelter above this entry. The design of the shopfront will allow views to the residential entrance, as will balconies within the levels above. The main lobby and those at each upper level would be sufficiently dimensioned to service residents coming and going to a development of this scale, and are generally in line with the objectives under this Standard.

Standard D19 – Private open space

166. The Standard notes that 2-bedroom dwellings should be provided with secluded private open space (SPOS) of 8sqm, with a minimum width of 2m, with this increasing to 12sqm and 2.4m respectively for dwellings with three bedrooms or more. In all dwellings these requirements are generally met, with the larger dwellings providing these areas over two or more balconies. It is noted however that in all balconies, the inclusion of planter boxes and raingardens encroach into these dimensions, thereby reducing the areas of usable space to below the requirements of this Standard.
167. The provision of landscaping and the ESD features of the proposal form a positive outcome of this development. Whilst these features result in a reduction in floor space for each balcony, they are limited to the edges of each space, thereby ensuring that a non-obstructed, usable area within the middle of each individual balcony is provided.

Further, the 2 x 3-bedroom dwellings both have access to two separate balconies, with the 4-bedroom apartment provided with four separate areas of SPOS.

168. On balance, the degree of SPOS afforded to each dwelling, along with the design of each balcony, is considered to be a reasonable outcome and will allow a direct connection between the main habitable rooms of each dwelling and these outdoor areas. This design response is supported.

Standard D20 – Storage

169. Each of the proposed dwellings would exceed the storage requirement of this Standard, as outlined below. All of the storage will be provided within each individual dwelling. The Standard is met.

Apartment	Required storage	Storage provided
Unit 1.01 – 2 bed	14m ³	14.02m ³
Unit 1.02 – 2 bed	14m ³	14.03m ³
Unit 2.01 – 2 bed	14m ³	14.02m ³
Unit 2.02 – 2 bed	14m ³	14.05m ³
Unit 3.01 – 3 bed	18m ³	22.4m ³
Unit 4.01 – 3 bed	18m ³	22.4m ³
Unit 6.01 – 4 bed	18m ³	25.5m ³

Standard D21 – Common property

170. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The residential lobby and lift access areas are well conceived, with the refuse and bicycle storage rooms easy to access and generally cohesive with the overall building design. The Standard is met.

Standard D22 – Site services

171. Site services and meters would be located within the rear wall of the building, addressing the laneway, with additional services internal to the building and readily accessible from the main lobby. This will avoid any services within the Bedford Street façade. A condition has ensured that no part of the services addressing the laneway will obstruct this thoroughfare. This outcome is considered to provide a good design response to the objective of this Standard.

Standard D23 – Waste and recycling

172. A shared refuse room is provided at ground level, with this space easily accessible from the commercial premises and with bin chutes provided at each level of the development for residential use. The Waste Management Plan (WMP) prepared by Irwin Consult states that waste collection is proposed via Bedford Street and is to be undertaken by Council.
173. The WMP was referred to Council's City Works Branch, who identified a number of deficiencies with this document and the associated waste management procedures. These are outlined below;

- (a) *The waste generation rates as outlined in the document do not meet Yarra's standard allocation. See below.*

Apartment Size	Waste Allocation (L)	Recycle Allocation(L)
1 bedroom	40	60
2 Bedrooms	50	80
3+ Bedrooms	60	100

- (b) *Yarra does not give commercial businesses bins of that size. A private service should be engaged.*
- (c) *Yarra does not allow a property to split waste collection between private and council delivered services.*
- (d) *Collection arrangements must include references to Yarra Local Laws*
- (e) *The plan does not mention organic waste disposal options.*
- (f) *The plan should show enough space to allow access on kerbside at position where bins are to be placed.*

174. If a planning permit is issued, these matters must be addressed via an amended WMP. This can be facilitated via a permit condition.

Standard D24 – Functional layout

Living areas

175. This Standard notes that living areas for dwellings with 2 or more bedrooms should have a minimum width of 3.6m, and a minimum area of 12sqm. In this instance, two of the seven dwellings fail to meet this requirement (1.02 & 2.02), with the living areas provided with minimum widths of 2.6m. With a 1m shortfall, this outcome is not considered reasonable. If a planning permit is to issue, a condition can require these dwellings to be rearranged so that the minimum living area width is achieved.

Bedrooms

176. The proposed development is fully compliant with the bedroom dimensions required under this Standard. In most instances, these dimensions are exceeded, given the angular, irregular layout of some rooms. The internal amenity of these rooms is supported.

Standard D25 – Room depth

177. Three of the living rooms of the seven dwellings would be single aspect (Units 1.01, 1.02 and 2.02). The Standard notes that the depth of a single aspect, open-plan, habitable room may be increased to 9m, if the following requirements are met:
- (a) *The room combines the living area, dining area and kitchen;*
- (b) *The kitchen is located furthest from the window; and*
- (c) *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.*

178. These requirements are met in the three dwellings.
179. However, the decision guidelines associated with this Standard also highlight that any overhang above habitable room windows that limits daylight should be taken into consideration. In this instance, all of these habitable room windows would be affected by the overhang of balconies within levels above. The potential for insufficient daylight to the lower level dwellings has been discussed already in this report, with Council's ESD Advisor noting that the daylight modelling report did not satisfactorily demonstrate that Council's best-practice daylight levels are met. Of the three apartments, the degree of daylight available to Unit 1.01 would be of most concern, with the overall depth of the open-plan room being 6.8m, and the habitable room window setback 3m from the western edge of the adjacent balcony. The majority of this balcony is covered by the balcony above.
180. The redesign of the development required by the deletion of two levels is likely to improve this outcome, however a condition has also addressed this concern, with an amended daylight modelling report (and subsequent revisions to the layout of dwellings) required.

Standard D26 – Windows

181. All habitable rooms within the proposed development contain a window within an external wall to the building, thereby meeting the Standard. Only two bedrooms rely on a 'snorkel' arrangement (associated with Units 1.01 & 2.01) however in both instances these areas have widths of 1.5m (greater than the minimum 1.2m width required) and maximum depths of 1.9m and 2.12m respectively. Given the widths of 1.5m, the maximum depths should not exceed 2.25m, ensuring that the Standard is met.

Standard D27 – Natural ventilation

182. A good degree of natural ventilation is provided for all dwellings, with cross-ventilation opportunities provided within the living rooms of the larger apartments, and breeze paths also providing good cross-ventilation between habitable rooms of the smaller dwellings. The Standard is met.

Clause 58 summary

183. The development as currently proposed achieves a good level of compliance with these provisions, subject to further work on the daylight modelling to lower level apartments. It is not considered that the removal of Level 2, as required via condition, will affect the current standard, with two individual apartments within this level. However, Level 6 forms the upper floor of a split-level four-bedroom apartment, with the main living space (including kitchen) and one bedroom located at this level. The removal of this level via a permit condition will necessitate a redesign of this dwelling. To ensure that the level of internal amenity for all dwellings is retained at the standard that is currently proposed, a further condition can be added to any permit issued specifying that the amended layout of dwellings required as a consequence of the reduction in height must continue to meet all relevant Clause 58 Standards, with particular regards to accessibility, storage, SPOS, daylight, ventilation and functionality.

Off-site amenity

Setbacks and visual bulk

184. The proposed development would be visible from various points along Bedford Street and as outlined earlier within this report, the proposed height of seven-storeys would result in an overwhelming and visually dominant building within this streetscape.

Whilst setbacks have been incorporated into the various levels of the building in an angled design, thereby reducing the overall size of the upper levels, this design response was not considered to reduce the overall scale of the building to an acceptable degree. The seven-storey built form would result in a stark height transition to the single-storey cottages to the north, with a seven-storey boundary wall along the western boundary also providing a visually intrusive degree of built form when viewed from the rear ROW.

185. A small area of SPOS is located directly to the north of the site, associated with No. 47 Bedford Street. Under the current design, a solid wall will extend along the shared boundary with this space for three-storeys, with the levels above angled slightly away. These angles are minimal and would do little to reduce visual impacts from this space. The removal of level 2, as recommended via condition, would reduce the height of the abutting wall, and ensure that the angled design begins at a lower level, thereby reducing associated visual impacts. The removal of an upper level will also assist in alleviating this concern.
186. The proposed height would result in a degree of visual intrusion to the apartments within the five-storey development to the south, with direct views available from a number of these dwellings. Again, the removal of two levels via a permit condition is considered to alleviate these concerns to a reasonable degree, and provide a more sensitive response to this interface.

Daylight to windows

187. The apartment building to the south at No.4-10 Stanley Street contains multiple north-facing, habitable room windows which generally address the southern end of Bedford Street and will not be impacted by any built form to their direct north. However, as can be seen in Figure 16; two windows at Levels 1, 2 & 3 in this building are located at the western end of this wall and are located directly opposite the south-east corner of the subject site.



Figure 16: North-facing windows within No. 4-10 Stanley Street

188. The endorsed plans associated with this development indicate that these windows are associated with bedrooms in each dwelling.
189. The proposal has responded to this context by providing angled setbacks from the south-east corner of the subject site at all levels, thereby limiting any new built form that will occur directly opposite these windows. The adjacent laneway providing pedestrian access to Rendle Place also provides 2.5m of separation between the two sites (with this dimension between the southern boundary of the subject site and the north-facing windows).
190. An example of the setbacks provided opposite these windows is shown in Figure 17, with these setbacks replicated at Levels 1 to 3. Given the extent of open-space maintained around these windows based on the provision of these setbacks, and the lack of built form directly opposite any of these windows, it is considered that there would not be any unreasonable loss of daylight to these habitable rooms.



Figure 17: setbacks at levels 1-3 opposite the southern windows

191. The proposed development is not located in proximity to any other habitable room windows associated with neighbouring dwellings. Any remaining habitable room windows which face onto the subject site are either located on the opposite side of Bedford Street or in excess of 15m to the west.

Overlooking

192. The proposed development has been designed to limit unreasonable overlooking to adjacent sensitive interfaces, with the development at No. 4-10 Stanley Street and the cottages to the north being the closest residential buildings. Whilst not strictly applicable to development within the C1Z, the floor plans clearly demonstrate the 9m overlooking radius as specified in Clause 55 of Rescode, with these diagrams confirming that there will be no direct lines of sight provided from habitable room windows or balconies to windows or balconies associated with the development to the south.
193. The floor plans also demonstrate the use of fixed perforated screening, with a maximum of 25% transparency, along the northern side of the balconies within the north-west corner of the proposal. Further, the northern elevation indicates that these screens will extend for the full height of these balconies. On this basis, there will be no unreasonable overlooking into SPOS directly to the north of the land.

Confirmation will be required however as to whether this type of material is acceptable on the title boundaries, with potential fire-rating issues arising from the partial transparency of the screening. A condition can be added to any permit issued to ensure that this matter is addressed, and if necessary, the material of this screening can be altered to adhere with fire regulations.

Overshadowing

194. The Planning Report submitted with the application states that the sculptured architectural form of the building has been '*moulded through a thorough analysis of shadowing implications to maintain the same sunlight qualities to neighbouring properties between the hours of 9am and 1pm at the equinox*'.
195. This statement is supported by the accompanying shadow diagrams, which indicate that the only additional overshadowing to sensitive residential areas will be limited to the afternoon, with the sectional shadow diagrams demonstrating a small increase in shadows within the adjacent north-facing balconies (associated with No. 4-10 Stanley Street) from 2pm onwards.
196. At 9am and 10am, it appears that the five-storey development on the eastern side of Bedford Street currently casts shadows upon the northern elevation of the Stanley Street development. At 11am, the shadows move eastward, removing shadows from the westernmost balconies, with none of the balconies experiencing additional shadows from adjacent built form at midday or 1pm.
197. This outcome ensures that these balconies will be unaffected by any shadows from adjacent development between 11am and 2pm on the September equinox.
198. However, the sectional shadow diagrams demonstrate that these balconies experience a high degree of existing overshadowing throughout the day, based on the location of the overhanging balconies within the development itself. There are small sections of the westernmost balconies that are completely free of shadow at 2pm and 3pm; the current proposal will remove this sunlight, however given how limited this degree of sunlight is, this outcome is not considered unreasonable. The extent of additional shadows at these times is demonstrated in Figure 16.



Figure 16: Differences between 2pm and 3pm shadows

199. It is not considered that the retention of these small areas of sunlight would result in any discernible difference to the amenity of these balconies, with a good degree of daylight maintained to these areas throughout the day. Further, the proposal will result in no additional shadows to the balconies until later in the day, with no impacts to this site in the morning and midday hours.

200. This approach is also considered to be acceptable in light of the setbacks provided by the proposed development from the south-east corner of the site to avoid more extensive shadowing. It is not considered that the removal of two levels will result in any substantial change to these shadow impacts, with a five-storey building likely to result in similar overshadowing given the close proximity of the balconies. However, in the context of the direct interface between the C1Z and the MUZ, where increased densities are encouraged under the purpose of both zones, the outcome is not considered to be unreasonable.

Noise

201. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses. In this instance, the proposed shop use at ground level does not require a planning permit, however this space will be located directly adjacent to the existing residential development to the south, with new dwellings above.

Whilst the lack of planning permission required for this use inhibits the capacity for Council to control hours of operation and employee/patron numbers, it is considered that the limited scale of this space (20sqm) would subsequently limit the impacts that any business operating within this space would generate. In addition, a condition can be added to any permit issued ensuring that the development must comply at all times with the *State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2)*.

202. It is considered that the residential facet to the proposal is unlikely to result in unacceptable noise emissions to the nearby properties given the nature of residential use generally not creating significant noise levels. An acoustic report has been recommended, via a condition, to ensure that any mechanical noise associated with the car stacking system and garage doors do not unreasonably affect noise levels within adjacent sites.
203. The location of services/plant equipment on the roof is acceptable. A condition would require that the noise and emissions from plant equipment must comply at all times with the *State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1)*.

Wind

204. A Wind Assessment was not undertaken as part of the proposal. This is acceptable, as the reduced height of the development to five-storeys will ensure that the development achieves a similar height to existing built form to the east, south and south-east. Wind impacts are of more concern when a proposed development is significantly higher than surrounding built form.
205. Further, the cantilevered levels above the entrance provide a canopy for this space, thereby protecting pedestrians and residents from potential 'downwashing' of wind that could otherwise occur off the building façade. The angled nature of the design combats wind impacts by removing any sheer walls, and no common property is proposed, with the degree of vegetation provided within each balcony further protecting future occupants from unreasonable wind impacts.

Equitable development

206. The Scheme aims to facilitate equitable development opportunities for neighbouring properties within the context of the site's location and that of adjoining properties. In this instance, the site has direct abuttal with two properties, the first being the single-storey heritage cottage to the north and the second being the rear section of a long, narrow site addressing Smith Street (No. 250 Smith Street) to the south.
207. Given the 'individually significant' heritage grading afforded to the dwelling to the north, it is unlikely that any substantial development of this site will occur in the future. However, the direct abuttal of the northern wall would allow a degree of built form to be constructed directly along this boundary, without inhibiting the internal amenity of any dwellings within the proposed development.
208. Given the easterly and westerly outlook afforded to all of the proposed apartments, this would also be the case if any development within the southern site was to occur. With no reliance on south-facing windows or balconies, the equitable development opportunities of the southern site are not impeded by the design of this development.
209. Bedford Street provides a good degree of separation from any further higher development to the east, with the ROW to the west also allowing outlook and daylight to be maintained to the west-facing dwellings, even if the sites to the west are developed to their full potential. The western wall provides setbacks from the ROW that increase with the higher levels, with a 2.73m setback provided from the middle of the ROW at Level 2.

This setback increases to 3.2m at Level 3, 3.92m at Level 4, 4.6m at Level 5 and 5.5m at Level 6. These setbacks ensure that if the site to the west is developed with similar setbacks at the higher levels, it is likely that a distance of 9m between the two buildings could be achieved.

210. In addition, there are no windows placed directly on this boundary, and the closest windows to the western boundary are angled so that north-westerly views are maintained.
211. As a result of the above, it is considered that the proposal does not unduly compromise or prejudice the future development potential of adjoining properties.

Parking layout, traffic and bicycle parking

Parking layout/access

212. Car parking spaces will be provided within two stacking systems, accessed via Bedford Street and the laneway to the rear. The statutory rate for car parking has been met as outlined in paragraph 32 of this report, with a total of 10 spaces provided for the 7 dwellings. The layout of the car stackers and garage was assessed by Council Engineers, who whilst generally supportive of the design, required further information to ensure that the layout of this space is efficient and functional.
213. The Traffic report submitted with the application indicates that a 'warning system' will be provided at both the Bedford Street and ROW garage interfaces. This system will comprise of a flashing light, and will operate via a sensor to warn approaching vehicles and pedestrians of vehicles exiting the site. This system is proposed to be used as a substitute to visibility splays. To ensure this system is a feasible alternative, Council Engineers have requested that further information on the operation of this system be provided. This can be facilitated via a condition, if a planning permit is issued.
214. Additional design items to be addressed include the following;
- (a) The entrance width of the garage along the ROW is to be dimensioned on all relevant drawings;
 - (b) A car stacking system that satisfies the vehicle clearance height outlined in *Design Standard 4 – Mechanical parking* is required;
 - (c) The grade length of the ramp sections are to be shown on the drawings;
 - (d) The setback area of the building on the Bedford Street road frontage (within the subject site) to be constructed in a different material to that of the asphalt footpath; and
 - (e) The position of the proposed vehicle crossing must be shown on the drawings.
215. All of these requirements can be facilitated via conditions, should a planning permit be issued.
216. In addition, a number of further conditions were outlined by Council Engineers. These include matters relating to liaising with the relevant service authorities regarding the lateral clearance of the vehicle crossing with the existing power pole and fire hydrant in front of the site, with the costs of any relocation or modification of these items to be borne by the Permit Holder.
217. Further highlighted in the Engineering comments was that the construction of the new vehicle crossing will alter the channel flow width and depth in front of the site. To ensure the water flow in the channel is not compromised, the applicant must undertake a water catchment analysis to establish the impact of the new vehicle crossing. All of these issues can be required by way of conditions or notes, should a permit be granted.

Traffic

218. According to the Applicant's traffic report, traffic generation for the overall development would be 46 trips per day with 5 vehicle trips in each peak hour, as outlined in the table below. This number of trips is low and should not have an adverse impact on the traffic operation of Bedford Street and the ROW, as confirmed within the comments received from Council's Engineers. The traffic generation for the site adopted by Irwin Consult is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (Seven dwellings with on-site parking)	6.5 vehicle trips per dwelling. Peak hour volume is 10% of daily volume	46	5	5

Bicycle parking

219. The development proposes a total of 16 bicycle spaces, with 14 of these located in a secure storage room for residents. This room can be accessed either internally or via the ROW to the west. The number of spaces exceeds Council's best-practice standard of one space per dwelling, and all of these spaces are at-grade and horizontal, thereby allowing convenient and easy access. Two visitor spaces are provided externally, directly adjacent to the rear ROW. The number, location and design of the bicycle spaces are supported and comply with Clauses 18.02-1S and 21.06 of the Scheme.

Other matters (removal of easement)

220. The development seeks to remove a number of party wall easements within the site. The purpose of clause 52.02 is to enable the removal of an easement to enable a use or development that complies with the planning scheme, after the interests of affected people are considered.
221. In this instance, all of the party wall easements are contained within the allotments of the subject land, with no adjacent buildings benefitting from these easements and no adjacent sites affected by their removal. As the entire building is to be demolished as part of the application, with no permit trigger for this component of the works, this outcome is acceptable and would allow for the development and use of the land via a proposal that largely complies with all necessary provisions of the Scheme.

Objector concerns

222. The majority of the issues which have been raised by the objectors have been addressed within this report, the following section provides a recap of the issues raised by objectors.
- (a) *Excessive building height;*
 - (i) This issue has been discussed extensively throughout the report, with a condition recommended to remove two levels from the overall height of the development. Based on this amendment, it is considered that these concerns have been addressed.
 - (b) *Lack of integration with adjacent heritage dwellings/heritage precinct;*
 - (i) These matters have been discussed in details within paragraphs 87-102 of this report.
 - (c) *Off-site amenity impacts (overlooking, overshadowing, loss of daylight);*
 - (i) These matters have been discussed in detail within paragraphs 184-211 of this report.
 - (d) *Traffic and car parking;*

- (i) These matters have been discussed in detail within paragraphs 212-218 of this report.
- (e) *Pedestrian safety;*
 - (i) The enhancements to the public realm and subsequent improvement to the pedestrian experience and safety have been discussed in paragraphs 103-112 of this report.
- (f) *Disruption during construction phase.*
 - (i) While impacts during the construction phase are not able to be directly addressed through the requirements of the Planning Scheme, a condition of permit for a Construction Management Plan would be included to assist with minimising disruption to the area.

Conclusion

223. The proposal, subject to the conditions recommended throughout this report, is considered to achieve an acceptable planning outcome that demonstrates clear compliance with the relevant council policies, and approval of the development is recommended.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN18/0613) for use (dwellings) and development of the land for a multi-storey building and removal of party wall easements at 49-53 Bedford Street, Collingwood subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by SJB Architects, dated 24/10/2018 and numbered SD02_02 – SD02_11 (inclusive) and SD05-01 – SD05_04 (inclusive) but modified to show;
 - (a) The total number of on-site car parking spaces notated on the basement plan (SD02_03) as 10;
 - (b) The deletion of Level 2 and Level 6, with the angled design of the development to commence above the newly created Level 2, and any associated internal changes;
 - (c) The provision of Apartment Type Plans, with the following Clause 58 Standards met :
 - (i) Standard D17 (Accessibility), with adaptable bathrooms to specify the design option, bathroom doorways to be annotated and confirmation that at least 50% of new dwellings comply with this Standard;
 - (ii) Standard D19 (Private Open Space);
 - (iii) Standard D20 (Storage);
 - (iv) Standard D24 (Functional Layout);
 - (v) Standard D25 (Room depth);

- (vi) Standard D26 (Windows); and
- (vii) Standard D27 (Natural Ventilation).
- (d) Any internal reconfiguration of apartments must not result in unreasonable overlooking opportunities to surrounding properties;
- (e) Confirmation that the perforated screening proposed on any boundary will meet the relevant fire regulations. If not, alternative screening that adheres with these regulations and continues to limit overlooking is required;
- (f) The following changes within the eastern/south-eastern setback of the land;
 - (i) The proposed pedestrian passageway adjacent to the eastern boundary of the site to have a minimum width of 1.5m, with this passageway to be delineated (with a 300mm wide bluestone dressed kerb) to ensure a clear path of travel is maintained along Bedford Street for pedestrian movement;
 - (ii) A designated clearance zone of 1.8m X 0.6m provided for the bike repair station;
 - (iii) A garden bed in the south-east corner of the site, with the scale and location of the landscaping to ensure a clear pedestrian passage can be maintained;
 - (iv) The setback area in front of the Bedford Street garage door (within the subject site) to be constructed in a different material to that of the asphalt footpath;
- (g) A notation confirming that the service cabinet doors opening onto the ROW must swing 180-degrees and be latched to the building when opened;
- (h) The green brick finish to be replaced with a more muted, natural colour;
- (i) The pre-cast concrete to be treated with an appropriate finish to combat future deterioration and weathering;
- (j) The garage entrance width from the ROW to be dimensioned on all relevant drawings;
- (k) Manufacturers specifications of the proposed vehicle 'warning system' associated with the garage entrances;
- (l) Confirmation that the proposed car stacking system satisfies the vehicle clearance height outlined in *Design Standard 4 – Mechanical parking*;
- (m) The grade of the ramp sections from Bedford Street and the ROW to be fully dimensioned, with the lengths of the ramps also included;
- (n) The position of the proposed Bedford Street vehicle crossing to be shown on the drawings;
- (o) Any changes to the plans as a result of the amended Sustainable Management Plan required at Condition 3;
- (p) Any changes to the plans as a result of the amended Daylight Assessment required at Condition 5;
- (q) Any changes to the plans as a result of the amended Waste Management Plan required at Condition 6;
- (r) Any changes to the plans as a result of the Acoustic Report required at Condition 8;
- (s) Any changes to the plans as a result of the amended Landscape Plan required at Condition 10;

- (t) Any changes to the plans as a result of the Stormwater Catchment Analysis required at Condition 12.
- 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. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Hip V. Hype and dated July 2018, but modified to include or show:
 - (a) Clear details and identification of the proposed raingardens;
 - (b) A review of the commitment to an energy efficiency standard, with reliance on the heat pump of the hot water system removed.
 - (c) Confirmation that none of the dwellings will exceed the maximum NatHERS annual cooling load specified (30MJ/m2 per annum) for Climate Zone 21 (Melbourne).
- 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.

Daylight Assessment

- 5. Before the use and development commences, an amended Daylight Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Daylight Assessment will be endorsed and will form part of this permit. The amended Daylight Assessment must be generally in accordance with the Daylight Assessment prepared by Hip V. Hype and dated 15 November 2018, but modified to show:
 - (a) Living rooms for all dwellings to achieve a daylight factor greater than 1% for a minimum of 90% of the floor area, with the bedrooms for all dwellings to achieve a daylight factor greater than 0.5% for a minimum of 90% of the floor area.

Waste Management Plan

- 6. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 3 August 2018, but modified to include:
 - (a) Waste generation rates to meet Yarra's standard allocation;
 - (b) Private collection for residential and commercial waste;
 - (c) Collection arrangements to reference Yarra Local Laws;
 - (d) Organic waste disposal options; and
 - (e) The plan to show enough space to allow access on kerbside at position where bins are to be placed.
- 7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

8. Before the use and development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Road traffic noise assessed to the following targets:
 - (i) Day and night average levels no greater than:
 - 40 dB LAeq,16h in living areas and bedrooms;
 - 35 dB LAeq,8h in bedrooms.
 - (b) Maximum day and night period criteria to be no greater than:
 - (i) 45 dBA Leq,1h in habitable rooms between 7 am and 10 pm;
 - (ii) 40 dBA Leq,1h in bedrooms between 10 pm and 7 am the following morning.
 - (c) Potential noise impacts to existing and new dwellings from the proposed garage doors, rooftop mechanical equipment and car stacking systems;
 - (d) Any mitigation and design measures required to alleviate unreasonable noise impacts.
9. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

10. Before the use and development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated November 2018, but modified to include:
 - (a) A Planting Plan & Schedule, to include the following information;
 - (i) A plant schedule with botanical name, common name, mature height, and spread, installation size, planting spacing's, locations and quantities;
 - (ii) A legend containing key features and materials;
 - (iii) Proposed levels including top of walls;
 - (iv) Details of any raised planter beds including height, width and materials;
 - (v) Information on irrigation and drainage systems;
 - (vi) Specification of works to be undertaken prior to planting; ,and
 - (vii) Notes on the maintenance schedule, tasks and maintenance period. If maintenance will require working at height with safety ropes, this should be included.
 - (b) Specific details on the raingarden design, including;
 - (i) The type of mulch layer proposed (something that won't blow away);
 - (ii) Growing media – suitable for roof top gardens;
 - (iii) Filter media;
 - (iv) Irrigation method / stormwater inlet;
 - (v) Drainage system; , and
 - (vi) Root barrier / water proofing layer.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Stormwater Assessment

12. Before the use and development commences, a stormwater catchment analysis and stormwater surface flow assessment must be carried out by a qualified drainage engineer to determine if surface stormwater from the Right of Way and Bedford Street will enter the building during a 1 in 100 year storm event. If it is determined that surface stormwater may enter the building during a 1 in 100 year storm event appropriate measures must be taken to protect the property to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
15. 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.
16. 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.
17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
18. 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.
19. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures, fire hydrants or service pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
21. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
24. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin
- to the satisfaction of the Responsible Authority.
25. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
26. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
27. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations.
- 28. 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.
- 29. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 30. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 31. This permit will expire if:
 - (a) The dwelling use is not commenced within five years of the date of this permit;
 - (b) the development is not commenced within two years of the date of this permit;
 - (c) 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.

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

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

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

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

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

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

The permit holder must obtain approval from the relevant authorities to remove the easements.

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

Attachments

- 1** PLN18/0613 - 49 Bedford Street, Collingwood - ESD Referral comments
- 2** PLN18/0613 - 49-53 Bedford Street Collingwood - WMP referral
- 3** PLN18/0613 - 49-53 Bedford Street Collingwood - Heritage referral comments
- 4** PLN18/0613 - 49 - 53 Bedford Street Collingwood - Advertising S52 - Plans Part 1
- 5** PLN18/0613 - 49 - 53 Bedford Street Collingwood - Advertising S52 - Plans Part 2
- 6** PLN18/0613 - 49-53 Bedford Street, Collingwood - Urban Design comments

1.2 PLN18/0650 – 1 Michael Street, Fitzroy North – Part demolition and construction of a double storey extension with associated roof terrace and basement.

Executive Summary

Purpose

1. This report provides Council with an assessment of an application at No. 1 Michael Street, Fitzroy North, for part demolition and construction of a double storey extension with associated roof terrace and basement. The report recommends approval of the application subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 – Neighbourhood Residential Zone (Schedule 1);
 - (b) Clause 43.01 – Heritage Overlay; and
 - (c) Clause 54 – Rescode.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 of the Yarra Planning Scheme (Rescode);
 - (b) Heritage;
 - (c) Development Abutting Laneways; and
 - (d) Objector concerns.

Submissions Received

4. Ten objections were received to the application, these can be summarised as:
 - (a) non-compliance with provisions of Clause 54;
 - (b) potential off-site amenity impacts;
 - (c) inappropriate design (height and bulk);
 - (d) overdevelopment of the site;
 - (e) results in inequitable development opportunities;
 - (f) negatively impacts the amenity and usability of the laneway.

Conclusion

5. The proposal is considered to achieve an appropriate balance between all relevant policies in the Scheme, including heritage policies and the provisions of ResCode, subject to the conditions as detailed within the “Recommendation” section of this report.
6. The conditions, in summary, require some minor design changes to improve energy efficiency and further detail to plans.

CONTACT OFFICER: Jessica Sutherland
TITLE: Statutory Planner
TEL: 9205 5365

1.2 PLN18/0650 - 1 Michael Street Fitzroy North - Part demolition and construction of a double storey extension with associated roof terrace and basement.

Trim Record Number: D19/66468

Responsible Officer: Coordinator Statutory Planning

Proposal:	Part demolition and construction of a double storey extension with associated roof terrace and basement
Existing use:	Single dwelling
Applicant:	Chris and Ingrid Crozier
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (Schedule 327)
Date of Application:	30 August 2018
Application Number:	PLN18/0650

Planning History

1. Planning Permit PL04/0540 was issued by Council on 21 December 2004 for *partial demolition, alterations and first floor additions to the rear of the existing dwelling*. The permit was subsequently amended pursuant to Section 72 of the *Planning and Environment Act* (1987) on 29 June 2007 to allow demolition of the rear paling fences including the trellis, and to construct a new roller door and masonry walls to match existing. The permit was acted upon and the works were completed by 2009.
2. Planning Permit PLN12/0007 was issued on 23 February 2012 for the *development of the land for construction of a roller door and fences, including part demolition*. The permit was acted upon and the works were completed in 2013.

Background

3. The application was received by Council on 30 August 2018, with additional information received on 24 December 2018. The application was advertised in January 2019, with ten (10) objections received.
4. A consultation meeting was held on 12 March 2019 and was attended by the applicant and Council Officer's. No objectors attended, thus no resolution was reached.
5. The subject site is angled to face Michael Street in a north-easterly direction. For ease of reference the south-east boundary abutting Barruth Lane will be referred to as the southern boundary; the north-western boundary abutting No. 3 Michael Street will be referred to as the northern boundary, the north-eastern boundary facing Michael Street will be referred to as the eastern boundary and the south-western boundary abutting the rear laneway as the western boundary throughout the remainder of this report.

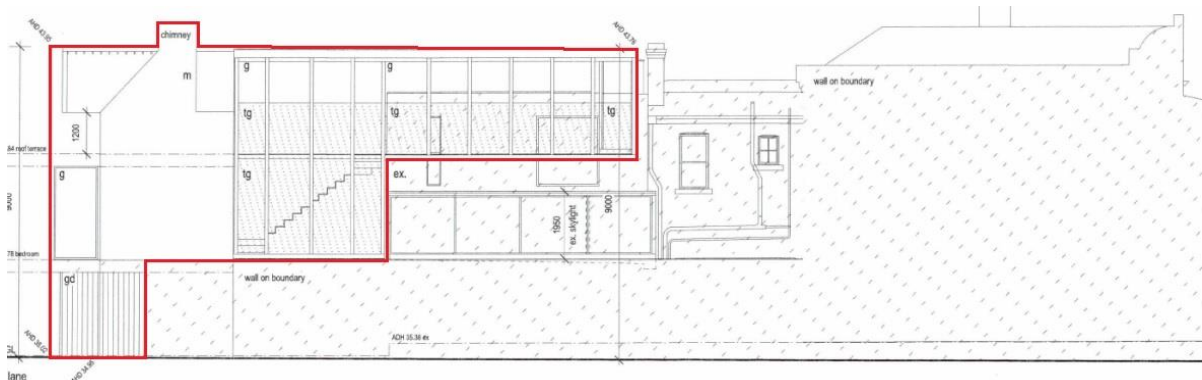
The Proposal

6. The proposed development is for part demolition and construction of a double storey extension with associated roof terrace and basement.
7. The development can be summarised as follows:
Demolition
8. A section of roof from the first floor addition (to allow for the construction of a stairway);
9. The roller door;
10. A shed in the north-west corner;

11. A portion of southern masonry wall will be required to be removed to allow the construction of the proposed garage doorway, however, this is not shown in the submitted Demolition Plan. A Condition will be included on any permit issued requiring this to be shown, should a permit be issued.

Stair and walkway connecting the extension to the existing dwelling

12. A staircase is to be constructed on the southern boundary between the proposed outbuilding (garage, bedroom and roof terrace) and the existing dwelling. The staircase will provide access to each level, including the basement, from the ground floor courtyard.
13. A walkway will connect the staircase to the existing dwelling. The walkway will extend along the southern boundary, over the ground floor kitchen, and will connect to the existing dwelling via stairs protruding from the roof (this is clearly shown in the Roof Plan on TP 14A). The walkway is setback 1.25 metres from the southern boundary.
14. The walkway and stairs will be constructed to a height of 9 metres on the southern boundary with translucent glazing (to a height of 1.5 metres above floor level) and clear glazing above. A Condition will be included on any permit issued confirming the material used to construct the frame, should a permit be issued.



15. *Image 1: Extent of proposed works in red (South Elevation taken from dwg 1709/TP/15A of Decision Plans). The existing dwelling is beyond the walkway.*

Extension

16. A two storey extension (garage and bedroom) with a basement and roof terrace will be constructed to the rear of the site. Stairs, providing access to each level, will be constructed along the southern boundary, connecting to the walkway to the existing dwelling (discussed in paragraph 12).
17. Overall, the two storey addition and roof terrace will result in the following boundary walls:
 - (a) 9 metre high boundary walls to the south and west laneways; and
 - (b) 7.3 metre boundary wall to No. 3 Michael Street.
18. The overall height of the extension is 9 metres. The extension will be constructed with Daniel Robertson traditional bricks and glazing.

Basement

19. The basement will comprise of a 'games room', bathroom, store and a water tank. It will be constructed to a depth of 3.09 metres below natural ground level (**NGL**), with an overall area of approximately 52sqm (9.2 metre long by 6.8 metre wide). Stair access (and associated garden) is provided to the south. Four (4) bicycle racks are provided on the northern internal wall.

Ground floor (garage and courtyard)

20. The garage will incorporate the existing north and west masonry walls, with a 5.33 metre wide doorway, incorporating a splay, constructed using retractable polycarbonate to the laneway to the south. The garage will have an internal floor to ceiling height of 2.4 metres.

21. A courtyard, 20sqm in area, will be provided centrally. Sliding doors will be constructed between the courtyard and garage. A grate is provided in the flooring of the courtyard over the stairwell to the basement.
22. A retractable roof will be constructed at a height of 7.7 metres above NGL – allowing for the roof to transition from a stored position on the dwelling roof to a position over the courtyard, completely enclosing the courtyard from above. A Condition will be included on any permit issued requiring the confirmation of the roof material, should a permit be issued.

First floor

23. A first floor bedroom (with ensuite and robe) will be constructed above the footprint of garage, with an internal floor to ceiling height of 2.7 metres.

Roof terrace

24. A roof terrace, 29sqm in area, will be constructed above the footprint of the garage and first floor. A planter box will be provided along the north boundary and an outdoor fire place and associated chimney will be constructed to the southern boundary. A 'retractable blind' will be installed over the roof terrace at a height of 3 metres above floor level. The roof terrace will be enclosed by 3.18 metre high (above floor level) walls to south and west and a 1.5 metre boundary wall and planter box to the north.

Existing Conditions

Subject Site

25. No. 1 Michael Street (**subject site**) is located on the south-west (west) side of Michael Street, approximately 35 metres north from the junction with Queens Parade, in Fitzroy North. The site is bound to the south by Barruth Lane and to the west by an un-named bluestone laneway.
26. The site is essentially rectangular in shape, with a street frontage to Michael Street of 6.7 metres and a maximum site depth of 36.6 metres, yielding a total site area of 243.4sqm. There is no appreciative fall across the site. The site is splayed on the south-west corner.
27. The site is developed with a two-storey, Victorian-era terrace dwelling, forming a pair of substantially intact terraces, including front parapets (reaching an overall height of 9.8 metres), chimneys and arcaded front verandahs at ground and first floor level. The two storey original terrace dwelling is constructed to the south and north title boundaries for its entire length.



Image 2: Subject site and dwelling as viewed from Michael Street

28. A later contemporary ground and first floor addition is constructed to the rear (approved under Planning Permit PL04/0540). The ground floor is constructed to the north and south boundaries, with a courtyard provided internally along the southern boundary. The first floor addition is constructed to the north boundary for its entire length and is setback from the south boundary by a minimum of 1 metre, the west (rear) boundary by 9.58 metres and reaches an overall height of 7.6 metres above NGL.



Image 3: The rear addition of the subject site (as approved under PL04/0540) and fencing and roller door (as approved under PLN12/0007) as viewed to from the south-east laneways. The pink building beyond is the double storey extension of No. 5 Michael Street (two properties to the north).

29. An area of private open space (**POS**) is provided within the rear setback, approximately 65sqm in area. A roller door (approved under Planning Permit PLN12/0007) is constructed on an angle across the south-east corner of the site, allowing for vehicle access from the laneway.
30. A carriageway easement (A-1) and a party wall easement (E-1) are shown on Plan of Subdivision 20764R. Neither easement is impacted by the proposal.

Surrounding Land

31. The site forms part of the North Fitzroy Heritage Precinct (Schedule 327 of the Heritage Overlay) and the immediate surrounding area is a mix of residential and commercial uses. Michael Street presents as an intact streetscape of predominantly single and double storey dwellings of the Victorian era.
32. The subject site abuts the Queens Parade Activity Centre to the south, which is zoned Commercial 1. Land to the immediate west (relating to properties at the rear of Queens Parade) is also zoned Commercial 1. The land to the north and east of the site is located under the Neighbourhood Residential Zone (Schedule 1).



Image 4: aerial of the subject site (December 2018) and surrounds

33. To the north is No. 3 Michael Street, which is the subject site's only immediately abutting property. No. 3 Michael Street is developed with a two storey, Victorian-era terrace which forms a pair with the dwelling of the subject site. The dwelling is constructed to the shared boundary for its entire length so that there are no habitable room windows (**HRW**) facing the subject site. A single storey garage is constructed to the rear of the site, allowing for an area of POS, 30sqm, between the dwelling and rear garage.
34. Further north, at No. 5 Michael Street, is a two storey Victorian/Edwardian-era terrace, formerly a shared accommodation building (visible in the background in Image 3). Planning Application PLN19/0282 was submitted to Council on 8 May 2019 to allow for alterations and additions to the existing building to construct a second dwelling on the lot. The application is in the early stages of being processed by Council. No decision has been made.
35. To the west, across the 3 metre wide un-named laneway, is No. 312 – 318 Queens Parade (rear), which is developed with single-storey brick warehouse/outbuildings and an open yard. The site is unusual in that it does not have a direct street frontage, rather is enveloped by laneways to south, east and north. Planning Permit PLN16/0078 was issued for the site (at the direction of the VCAT on 22 June 2017) allowing the development of a three (3) storey building (plus roof terraces) accommodating dwellings. Endorsed plans are yet to be issued and works have not begun; as such, this application will be assessed against the existing conditions of the neighbouring site.
36. Further west, is No. 304 – 308 Queens Parade (rear), which is also developed with a single storey warehouse. Planning Permit PLN15/0350 was issued on 8 June 2016 at the direction of the VCAT for the development of a three storey dwelling. Plans were endorsed on 15 August 2016, however, works have not begun on this site.

37. To the south, across the 3 metre wide Barruth Lane, are the rear boundaries of shops and offices with frontages to Queens Parade to the south. The properties present garages, car parking and outbuildings to the laneway (as seen in Image 5).



Image 5: The rear of commercial properties as they present to Barruth Lane.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

38. Pursuant to Clause 32.09-1 of the Yarra Planning Scheme (**the Scheme**), a permit is not required to use the land for a dwelling.
39. Pursuant to Clause 32.09-5 of the Scheme, a permit is required to construct or extend one dwelling on a lot that is less than 500sqm (as specified in Schedule 1 of the Neighbourhood Residential Zone). As the lot is 243.4sqm in area, a permit is required to extend the dwelling. The development must meet the requirements of Clause 54.
40. In accordance with Clause 32.09-8 a building used as a dwelling or residential building must not exceed a height of 9 metres or two storeys.
- (a) The roof of the proposed extension is a maximum height of 9 metres. Although the proposed chimney exceeds this, with an overall height of 9.7 metres, pursuant to Clause 73.01 (General Terms) building height is defined as “*the vertical distance from natural ground level to the roof or parapet at any point*”. Council’s position is that this does not include a chimney; thus, this aspect of the mandatory requirement is met.
 - (b) The submitted Elevations show the extension to be a maximum height of 9 metres, however, Section C of the decision plans displays built form slightly higher than 9 metres (above the orange line in Image 6 below). As such, a condition will be included if any permit is issued requiring the Section to be consistent with the Elevations and to show the maximum height of the extension to be 9 metres above NGL.
 - (c) The proposed extension will have stairs and walkways connecting the existing dwelling to the roof terrace (above the two storey extension). As shown in the below section (taken from Section 2 of 2, dwg 1709/TP/18A of the Decision Plans), the upper level walkway must remain open to the sky otherwise it will constitute a third storey (which is prohibited). It is important to note that it is the walkway which creates the third storey, not the stairs. A condition of any permit issued should require the walkway to be unroofed.

Condition will require this level to be unroofed, thus it will not constitute a 'storey'

Three storey

Two storey

One Storey



Built form over the orange line is greater than 9 metres in height.

Image 6: Section C of dwg 1709/TP/18A

The outbuilding consists of two floors (garage and bedroom above) with an associated basement and roof terrace. Pursuant to Clause 73.01 of the Scheme, a storey is defined as "that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine". Council does not consider a basement, which is below ground level, to be storey. Similarly, a roof terrace is not considered to be a storey if it is uncovered by a 'ceiling'. The proposal shows a 'retractable blind' but does not specify the material. Council considers that an operable light weight fabric/material would not constitute a ceiling. Thus, a condition will be included if any permit is issued to require the retractable blind to be lightweight fabric or similar.

(d) Subject to condition, the proposal meets the mandatory provisions of Clause 32.09-8.

41. Pursuant to Clause 32.09-4 of the Scheme a mandatory minimum garden area requirements for lots greater than 400sqm and above applies. As the subject site is a total area of 243.4sqm, the garden area requirements do not apply.

Overlays

Heritage Overlay (Schedule 327)

42. The subject site is located within the Heritage Overlay (Schedule 327). The following provisions apply:
 - (a) Pursuant to Clause 43.01-1 a permit is required to:
 - (i) Demolish or remove a building
 - (ii) Construct or carry out works.

Particular Provisions

Clause 54 – One dwelling on a lot

43. Pursuant to Clause 54 of the Scheme this provision applies to an application to construct a dwelling on a lot less than 500sqm. A development must meet the objectives of Clause 54.

General Provisions

Clause 65 – Decision Guidelines

44. 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. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
45. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

Clause 11.02 – Managing growth

46. The clause includes several strategies to achieve this objective including *‘planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.’*

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban design

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

Clause 15.03-1S – Heritage conservation

48. The objective of this clause is *‘to ensure the conservation of places of heritage significance’.*

Clause 16 – Housing

Clause 16.01-3S – Housing diversity

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

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

50. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and housing

51. The relevant objectives and strategies of this clause are *‘to retain a diverse population and household structure’* and to *‘encourage the retention of dwellings in established residential areas that are suitable for families with children’.*

Clause 21.05 – Built form

Clause 21.05-5 – Heritage

52. The principal objective of this clause are *‘to protect and enhance Yarra’s heritage places’.*

Clause 21.05-6 – Urban Design

53. This clause incorporates the following relevant objectives:

- (a) Maintain and strengthen the preferred character of each Built Form Character Type within Yarra; and

- (b) Ensure development is designed having particular regards to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.

Clause 21.08-8 – North Fitzroy

- 54. The subject site is identified as 'Heritage Overlay' on the *Figure 20 (Built Form Character Map)*. The objective for this area 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 under the heritage overlay

- 55. This policy applies to all land within a Heritage Overlay. The clause incorporates the following relevant objectives;
 - (a) *To conserve Yarra's natural and cultural heritage;*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - (c) *To preserve the scale and pattern of streetscapes in heritage places;*
 - (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
 - (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.07 – Development abutting laneways

- 56. The policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The clause incorporates the following relevant objectives;
 - (a) *To provide an environment what 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; and*
 - (c) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

- 57. This policy applies to extensions greater than 50sqm in area. The objective of this clause is:
 - (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- 58. In response to the above provision, a STORM assessment has been submitted (by Katja Wagner, dated 13 December 2018). The assessment commits to a 5000Lt rainwater tank, achieving a STORM rating of 103%. A condition will be included on any permit issued requiring the size of the tank to be shown on plans.

Incorporated Document

- 59. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 (revised May 2017) – The site is identified as being Contributory to the North Fitzroy Heritage Precinct (Schedule 327).

Advertising

- 60. The application was advertised in January 2019 under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 21 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received ten (10) objections, the grounds of which are summarised as follows):
 - (a) non-compliance with provisions of Clause 54;
 - (b) potential off-site amenity impacts;
 - (c) inappropriate design (height and bulk);

- (d) overdevelopment of the site;
- (e) results in inequitable development opportunities;
- (f) negatively impacts the amenity and usability of the laneway.

Referrals

61. The referral comments are based on the decision plans (dated December 2018).

External Referrals

62. The application was not required to be referred to any external referrals.

Internal Referrals

63. The application was informally referred to Council's Traffic Engineering Unit who provided the following comments:
- (a) A (minimum) 4.5 metre wide garage doorway width is required for a Standard B85 vehicle to safely enter from a 3 metre wide laneway (*a 5.3 metre wide doorway is proposed*). Thus, the proposed garage entry will allow for safe vehicular access from the laneway.
64. The application was not referred to Council's Heritage Advisor as it was considered that the proposal generally complies with the relevant heritage policy of the Scheme.

OFFICER ASSESSMENT

65. The primary considerations for this application are as follows:

- (a) Clause 54 (Rescode)
- (b) Heritage
- (c) Development abutting laneways
- (d) Objector concerns

Clause 54

66. 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 22.16 (Stormwater Management).

Neighbourhood Character

Standard A1 – Neighbourhood Character

67. The subject site is situated in an established residential area, bordering a Major Activity Centre. The objective of the Neighbourhood Character Standard is to ensure the design respects the existing and preferred neighbourhood character as well as responds to the features of the site.
68. The context of the site is particularly poignant when considering the proposed design. The subject site immediately abuts only one residential property to the north. The south and west interfaces of the site are to 3 metre wide laneways and the rear car parks and outbuildings to properties zoned Commercial 1 beyond. Within this inner city context, development to a laneway is a prominent feature, with the permitted development to the west contributing to that existing and emerging character. The immediate residential area is developed with single and double storey, on boundary terraces, many of which are provided outbuildings to rear boundaries.

As such, it is typical for dwellings to have an outlook to neighbouring built form. The network of laneways behind Queens Parade allows for many properties to have rear car access.

69. The extension responds to this site context, proposing built form against the abutting built form of No. 3 Michael Street and to the laneways. As such, the proposal will result in high site coverage and high walls on boundaries.

However, it is considered that this will not appear out of character within the existing and emerging character of the immediate area. The lots within the surrounding area are notably narrow so that two storey walls of a heritage dwelling, constructed to a boundary, is very common. Further, built form to the rear of properties in the form of traditional and contemporary outbuildings results in a noticeable pattern of high site coverage. New development in the area, such as the properties to the west, are reinforcing that existing character as will be discussed further.

70. The properties to the west (No. 304- 308 Queens Parade and No. 312 – 316 Queens Parade) have been issued permits for three storey buildings with high site coverage (over 80%). Although these properties are located within the Commercial 1 Zone, the development of these sites contribute to the emerging neighbourhood character; as such, the Tribunal decision (*Ciullo & Yarra CC & Ors* [2016] VCAT 921) for Planning Permit PLN15/0350 (No. 304 – 308 Queens Parade) is relevant as it expresses the view that this building typology is supportable in the context:

[9] I find that there are various factors that combine to result in the proposed building height and design as being appropriate to its setting. These include:.....

Even though the buildings fronting Queens Parade are included in the Heritage Overlay, I consider that they maintain capacity for increased height, particularly to the rear in line with planning policies that seek to activate commercial areas and increase the potential of sites within activity centres. The built form proposed would be consistent with these expectations of emerging built form character and would provide a reasonable transition between these more substantial commercial buildings and the ‘finer grain’ character of narrow residential properties further north.

71. Similarly, the subject site will act as a buffer between the commercial properties to the south and other residential properties to the north. This proposition that the transition to the residential zone to the north is appropriate is further supported in the following Rescode assessment which demonstrates that the design of the building will not have unreasonable amenity impacts on other residential properties. Issues in relation to the suitability of the proposed development to the heritage character of the area will be discussed in detail in the following *Heritage* assessment.
72. For the reasons outlined above, the proposal is considered to comply with the Neighbourhood Character Standard.

Standard A2 – Street Integration

73. No change is proposed to the existing Michael Street frontage, thus the Standard is not relevant to the application.

Site Layout and Building Massing

Standard A3 – Street setback objective

74. No change is proposed to the street setback, thus the Standard is not relevant to the application.

Standard A4 – Building Height Standard

75. The building height must not exceed 9metres (as specified in Schedule 1 of the Neighbourhood Residential Zone). The maximum height of the proposed works (not inclusive of the chimney) is 9 metres. This complies with the Building Height prescribed at Standard A4.

76. As previously discussed, a Condition should be included requiring the height to be shown consistently as 9 metres in all plans.

Standard A5 – Site Coverage Standard

77. As no minimum site coverage is specified in Schedule 1 of the Neighbourhood Residential Zone, the maximum site coverage under the Standard of 60% applies.

78. The proposal has an overall site coverage of 80.6% and therefore does not comply with the Standard. However, the proposal is considered to meet the objective of the Standard, *to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site*, for the following reasons:
- (a) As previously discussed under Standard A1 (Neighbourhood Character objective), high site coverage is a prominent characteristic of the immediate area. It is particularly apparent on the existing adjacent residential properties to the north and the existing and emerging character of the properties to the west of the laneway.
 - (b) The subject site has a current site coverage of 64%, thus already does not comply with the Standard under existing conditions.
 - (c) The design responds to the features of the site, providing adequate on-site and off-site amenity.

Standard A6 – Permeability Standard

79. As no minimum permeability is specified in Schedule 1 of the Neighbourhood Residential Zone, pervious surfaces must cover at least 20% of the site.
80. The proposed development will result in site permeability of 9.5% and therefore does not comply with Standard. However, it is considered to meet the objective of the Standard, *to reduce the impact of the increased storm-water run-off on the drainage system*, for the following reasons:
- (a) The rear POS is currently concreted, thus, there will be no reduction in permeable surfaces from existing conditions. Although the basement garden and roof terrace planter boxes are not 'permeable' surfaces, they will allow for some rainwater absorption, lessening the impact of storm water run-off.
 - (b) Clause 22.16 (Stormwater Management [Water Sensitive Urban Design]) applies to an extension of a dwelling greater than 50sqm in area. A STORM Rating Report has been submitted with the application, with the inclusion of a 5000Lt rainwater tank shown on plans to be located in the garage, resulting in a score of 103%. This meets the objectives of Clause 22.16 of the Yarra Planning Scheme and will improve the storm water impact of the proposal.

Standard A7 – Energy Efficiency Protection Standard

81. With regards to the amenity of the dwelling, subject to conditions, the proposal provides an adequate level of energy efficiency opportunities for cross ventilation and solar and daylight access to the extension. Each aspect of the proposal will be discussed in turn.
82. The walkways are constructed with glazing which is not specified in the plans to be operable. Although the walkways are not 'habitable', they do connect habitable living areas and may trap heat due to the high levels of glazing. Bedroom 3 is provided with glazing to the east and south-west. A condition will be included on any permit issued requiring that the window/s be operable. This is appropriate considering the bedroom is accessed directly from the glazed walkways.
83. The basement level is provided with windows which will receive daylight access from the stairwell and perforated grate above. Although the daylight to this area will somewhat limited (due to the windows location to the south of the site under the walkways) it will provide an acceptable amount of daylight to a room that will function as the dwelling's third living area. Similarly, the grate and stairwell will allow for an acceptable level of ventilation to an area denoted to be used as a 'games room'.
84. The proposal is designed to abut existing built form and laneways as to not unreasonably reduce daylight access to neighbouring dwellings. Thus, the proposal will not unreasonably reduce the energy efficiency of neighbouring dwellings.

It is noted that No. 3 Michael Street has solar panels located on the first storey roof; however, as they are to the north, the proposal will not impact their energy efficiency.

85. Subject to conditions to improve cross-ventilation, the proposal is considered to comply the Energy Efficiency Protection Standard.

Standard A8 – Significant Tress Standard

86. No trees are proposed to be removed and no trees are within the immediate surrounds of the proposal, thus the Standard is not relevant to the application.

Amenity Impacts

Standard A10 – Side and Rear Setbacks Standard

87. The setbacks of the dwelling are summarised in the below table:

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
walkway (connecting dwelling to extension) from southern boundary	9.00	4.09	1.25	-2.84	No
walkway from the northern boundary	9.00	4.09	4.50	0.41	Yes

88. The table above demonstrates that the proposed walkway will be constructed closer to the southern boundary than Standard A10 prescribes.
89. Based on the site context within a built up inner city area, it is considered that some variation to the setbacks prescribed under the Standard is reasonable. Whether the proposal meets the objective to the Standard *to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings* is the relevant test.
90. The walkway is adjacent to the southern laneway and is opposite the rear of commercial properties facing southward to Queens Parade. The laneway is a width of 3 metres, thus the walkway will be 4.25 metres from the rear title boundaries of these property, exceeding the required setback if the width of the laneway were to be included. As such, the walkway will not negatively impact any sensitive interfaces or existing dwellings.
91. Further, as the walkway will be constructed with significant amounts of glazing it is unlikely to appear as unreasonable bulk to the laneway, particularly when considering the existing character of the laneway. The proposal will likely appear as a contemporary addition of the existing heritage built form which is constructed high to the laneway.
92. For these reasons, it is considered that the proposal meets the objective of the Side and Rear Setback Standard.

Standard A11 – Walls on Boundaries Standard

93. The proposed extension results in walls to the south, west and north boundaries.
94. The walls on boundary Standard requires that the length of the wall should not exceed:
- 10metres plus 25% of the remaining length of the boundary, or
 - the length of the existing adjacent wall on boundary.
95. Accordingly, the standard requires a maximum length of 16.65 metres for the north and south boundaries and 6.7 metres for the west boundary. The southern and northern boundary walls both exceed the prescribed length.
96. Further, the Standard requires the height of this wall not to exceed an average of 3.2 metres or have a part higher than 3.6 metres unless abutting a higher existing wall. Thus, the south, west boundary walls, 9 metres in height, and the north boundary wall 7.3 metres in height do not comply with the Standard in regards to the prescribed height.

97. However, it is considered that the proposal meets the objectives of the proposal for the reasons discussed below.

Southern boundary

98. The southern boundary wall is adjacent to the laneway (3 metres in width) and is opposite the rear of commercial buildings which are traditionally a less sensitive interface. High walls on boundary are a common feature to the laneway, with the existing dwelling presenting a 9.6 metre high wall to the boundary.

Western boundary

99. The western boundary wall is also adjacent to laneway, which will buffer the impacts to neighbouring properties (zoned Commercial 1). The property across the laneway, at No. 312 – 318 Queens Parade (rear), is currently developed with a single storey outbuilding and does not present a sensitive interface that may be impacted by the proposal.
100. If the development approved under Planning Permit PLN16/0078 (No 312 – 318 Queens Parade) were to be constructed it would include an 8.5 metre sheer wall to the laneway boundary facing the subject site. No areas of POS would be opposite the proposal and the second floor HRW facing the subject site would be a reasonable distance (over 5 metres from) the proposed wall and of a comparable height.

Northern boundary

101. A 7.3 metre high boundary wall is proposed to abut the garage of No. 3 Michael Street to the north. The garage is an overall height of 3.6 metres.
102. Despite being a high boundary wall to a residential property, it is considered that the wall will not result in unreasonable amenity or visual bulk to No. 3 Michael Street for the following reasons:
- (a) The wall is located to the south of the neighbouring property, thus will not result in any overshadowing to the POS of No. 3 Michael Street. Further, it will not restrict daylight to the dwelling which is a distance of 4.5 metres north from the proposed wall.
 - (b) The northern boundary wall is adjacent to the 3.6 metre high garage of No. 3 Michael Street, which will somewhat buffer the visual impact of the 7.3 metre high wall of the proposal. Although the wall will be visible above the garage from the POS and potentially from the rear windows of No. 3 Michael Street, it is likely that their own garage (which is setback 4.5 metres from the rear of their dwelling) will be their primary outlook with the laneway beyond that.
 - (c) Further to this, within an inner city context, an outlook to built form is not unreasonable. As is noticeable from Image 3, a character of visible development exists and further visible development will not be out of keeping. The fenestration of the eastern elevation, through incorporating louvres and roof top planters, will assist in breaking up the visual bulk of the development when it is viewed to from No. 3 Michael Street.
 - (d) An opportunity exists for the northern wall to reflect daylight to the dwelling and POS of No. 3 Michael Street. As such, a condition should be included on any permit issued requiring the masonry boundary wall to be a light colour finish to increase the northern light reflection and soften any perceived bulk.

Standard A12 – Daylight to Existing Windows Standard

103. There are no habitable room windows facing the subject site, thus the Standard is not applicable to the application.

Standard A13 – North Facing Windows Standard

104. No north facing windows face the subject site (from within 3 metres). As such, no assessment is required against this Standard.

Standard A14 – Overshadowing

105. Due to the orientation of the site, any overshadowing of the proposal is to the south and west laneway and the rear car parking areas of the commercial properties to Queens Parade. No areas of POS are impacted and as such the proposal complies with the Standard.

106. The terraces of No. 312 – 318 Queens Parade (to the west across the laneway) approved under Planning Permit PLN16/0078 are located on the third floor, thus, the subject proposal will not overshadow those dwelling's POS should they be constructed in the future.

Standard A15 – Overlooking

107. Standard A15 requires that any new habitable room windows or terraces be located or designed to avoid direct views into secluded private open space (**SPOS**) and habitable room windows of an existing dwelling within a horizontal distance of 9metres. Each aspect of the proposal will be assessed against the Standard below.

Walkways

108. The walkways have south and north facing glazing; however, as they are not habitable rooms they are not required to be screened to show compliance with objectives of Standard A15.
109. Nonetheless, there are no HRW or areas of SPOS to the south of the walkway within a 9 metre radius and the applicant has provided louvres on the north elevation.

First floor bedroom

110. The first floor bedroom is provided with an east facing window (to the internal courtyard) and a south-west facing window (to the laneways).
111. No HRWs or areas of SPOS are within a 9 metre radius of the south-west window to the laneways, thus, the window is not required to comply with the Standard.
112. Within 9 metres of the east facing window is No. 3 Michael Street's HRWs and area of SPOS. The window is shown to have 'external venetian blinds'; however, this will not appropriately limit views in accordance with the Standard. A condition will be included should any permit be issued requiring the east facing window of bedroom 3 to be screened in accordance with the objective of the Standard A15 (Overlooking objective) of Clause 54.04-6 of the Yarra Planning Scheme.

Roof terrace

113. Within 9 metres of the roof terrace is the SPOS and HRWs of No 3. Michael Street and the SPOS of No. 5 Michael Street. Planter boxes have been employed to limit views downwards. An overlooking diagram is provided on the Overlooking Diagram shown on plan TP/25 attempting to demonstrate compliance with Standard A15. While Council Officers are generally satisfied that the planter boxed will limit views from the roof terrace to neighbouring HRWs and areas of SPOS in accordance with the Standard, they lack some details required to demonstrate full compliance.
114. The overlooking diagram submitted does not show the dimensions of the proposed planter box, nor does it notate the 9 metre view line horizontally (from ground level).
115. As such, if a permit were to be issued a condition will be included requiring an overlooking diagram from the roof terrace to any POS within 9 metres, notating the width and height of proposed planter box and a nine metre horizontal view line, in accordance with the objective of the Standard A15 (Overlooking objective) of Clause 54.04-6 of the Yarra Planning Scheme.
116. Subject to conditions included on any permit issued, the proposal will meet the objective of Standard A15.

On-site Amenity and Facilities

Standard A16 – Daylight to New Windows Standard

117. The proposed design of the extension ensures that all new HRWs face an outdoor space clear to sky, with a minimum area of 3sqm and a minimum dimension of 1metre clear to the sky.

Standard A17 – Private Open Space Standard

118. Standard A17 requires that *a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.*
119. The proposal will provide two areas of POS. An internal courtyard, with an area of 26sqm with a minimum dimension of 4.3 metres accessed directly from a living area and a roof terrace, 29sqm in area. The proposal therefore meets the objective of the Standard.

Standard A18 – Solar Access to Open Space Standard

120. This Standard applies to new dwellings and therefore is not relevant to this application given that it is for an extension to an existing dwelling.

Detail Design

Standard A19 – Design Detail Standard

121. The contemporary design responds appropriately to the existing residential character of the area. The proposed works are appropriately designed for the site context, incorporating varied materials and modulated forms. Overall, the proposed development is considered appropriate in the context of the neighbourhood. The appropriateness of the design detail with the heritage character of the area will be discussed in detail in the following *Heritage* assessment.

Standard A20 – Front Fence Standard

122. No change is proposed to the existing front fence, thus, the Standard is not applicable to the application.

Heritage

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

Demolition

124. The subject site is recognised as Contributory and the front of the dwelling (being original heritage fabric) is being retained and integrated into the development as is encouraged and supported by Clause 22.02-5 of the Scheme.
125. The proposed demolition includes non-heritage fabric which is located to the rear of the dwelling. It includes the roof of the latter addition and masonry walls and roller door. The demolition of non-heritage fabric or parts is supported by Clause 22.02-5 of the Scheme.
126. Thus the extent of proposed demolition is accepted.

Development

127. The proposed development is considered acceptable for the following reasons:
- (a) The proposed extension is positioned to the rear, separated from the contributory heritage fabric.
 - (b) The proposal is lower in height than the front parapet of the heritage dwelling and is set within the sight line for Contributory dwellings as encouraged by Clause 22.02-5.7.1 of the Scheme.
 - (c) The proposed extension, particularly as it appears to the laneway, is contemporary, yet sympathetic with the style of the heritage era of the original dwelling. It is clearly distinguishable from the heritage fabric.
 - (d) The location of the works does not distract from or obscure views to neighbouring heritage places.

- (e) Views to the proposal will only be available from oblique angles down the laneway. This is acceptable as contemporary development is already visible, and will continue to emerge, to the rear of the site and thus the proposal will form part of this background.

Development abutting laneways

- 128. The proposal will meet the policy objectives of Clause 22.07-3 for the following reasons:
 - (a) The principle entry for the dwelling will continue to be off Michael Street.
 - (b) The existing context of the abutting ROWs is for higher walls on boundary, from both residential and commercial properties.
 - (c) The proposals incorporates glazing from the walkways and bedroom which will create opportunities for passive surveillance to the south and west laneways.
 - (d) The site already has vehicle access to the laneway, thus the proposal will not put unreasonable strain on the laneways. The corner splay has been retained to ensure vehicles can continue to manoeuvre the laneway corner.
 - (e) The 5.3 metre wide roller door allows for a Standard B85 vehicle to safely access the garage from the laneway. This position is supported by Council's Traffic Engineers.
- 129. The roller door is notated to 'retractable' and is shown on plans to retract on an angle, due to the location on the corner of the site. A condition will be included if any permit is issued requiring that the movement of the roller door be restricted to that it does not protrude into the laneway.

Objector Concerns

- 130. *Non-compliance with provisions of Clause 54.*
- 131. This concern has been discussed at paragraphs 66 – 122. Given the site's location within a built up inner city residential area, strict compliance with the standards is not always appropriate. Subject to conditions already outlined in the *Clause 54* section, the proposal is considered to meet the objectives of the relevant standards.
- 132. *Potential off-site amenity impacts.*
- 133. This concern has been discussed at paragraphs 87 – 116. Subject to conditions already outlined, the proposal is considered to meet the objectives of the relevant off-site amenity standards.
- 134. *Design (height and bulk) is inappropriate.*
- 135. This concern has been discussed at paragraphs 66 – 71 (Neighbourhood Character Objective), paragraphs 71 – 75 (Site Massing and Bulk objectives) and paragraphs 87 – 102 (Side and Rear Setbacks and Walls on Boundaries objectives). The proposal is considered to be appropriately designed within the site context and to have met the relevant provisions of the Yarra Planning Scheme.
- 136. *Overdevelopment of the site;*
- 137. Subject to minor conditions, the proposal satisfies the substantive provisions of the Zone, The Heritage Overlay and Clause 54, thus, the proposal is not considered to be an over development of the site.

State Government Policy, as well as Council Policy supports higher density areas that are within or near Activity Centres, or within areas with good access to public transport and other services, such as the subject site.
- 138. *Results in inequitable development opportunities;*
- 139. The proposal has appropriately responded to the site context and has not presented any boundary interfaces that would inhibit future development of neighbouring sites.
- 140. *Negatively impacts the amenity and usability of the laneway.*

141. This concern has been discussed at paragraphs 128 -129. Subject to the condition to the roller door, the proposal is considered to be a positive response to the abutting laneways. Council's Traffic Engineering Team did not object to the proposal.

Conclusion

142. 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 PLN18/0650 for part demolition and construction of a double storey extension with associated roof terrace and basement, at No. 1 Michael Street, Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Atelier Wagner Architects TP/07 (Dec18), TP/11A (Aug18), TP/12A (Dec18), TP/13A (Aug18), TP/14A (Aug18), TP/15A (Aug18), TP/17A (Aug18), TP/18A (Aug18), TP/20 (Aug18), TP/21 (Aug18), TP/22 (Aug18), TP/24 (Dec18), TP/25 (Dec18) and TP/26 (Dec18) and the STORM Reported (prepared by Katja Wagner, dated 13 December 2018) but modified to show:
 - (a) The removal of the masonry wall, to the south of the POS on the demolition plan, allowing for the construction of the proposed garage door.
 - (b) The schedule of all materials and finishes to include the material of the walkway framing and retractable roof.
 - (c) The maximum height of the extension as 9 metres, in compliance with the mandatory provision of Clause 32.09-10 of the Yarra Planning Scheme.
 - (d) The second floor walkway, adjacent to the courtyard, unroofed to comply with the mandatory provision of Clause 32.09-10 of the Yarra Planning Scheme.
 - (e) The 'retractable blind' over the roof terrace to be a lightweight fabric or similar.
 - (f) The Proposed Roof Plan to reflect the requirements of Conditions 1(d) and 1(e).
 - (g) The rainwater tank annotated to confirm it has a capacity of 5000Lt as committed to in the STORM report (prepared by Katja Wagner, dated 13 December 2018).
 - (h) Bedroom 3 with operable windows.
 - (i) The north facing boundary wall finished with a light colour.
 - (j) The east facing window to bedroom 3 screened to comply with the objective of Clause 54.04-6 (Overlooking objective) of the Yarra Planning Scheme.
 - (k) Details to confirm the roof terrace complies with the objective of Clause 54.04-6 (Overlooking objective) of the Yarra Planning Scheme through the provision of an Overlooking Diagram, including the dimensions of the planter boxes and a 9 metre horizontal view line to demonstrate compliance.
 - (l) The movement of the garage retractable doorway restricted so that it does not protrude into the laneway.
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
4. Within two (2) months of development completion, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Within two (2) months of development completion, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes

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

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

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

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

CONTACT OFFICER: Jessica Sutherland
TITLE: Statutory Planner
TEL: 9205 5365

Attachments

- 1 PLN18/0650 1 Michael Street Fitzroy North - Site Location Map
- 2 PLN18/0650 1 Michael Street Fitzroy North - Plans