



**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda – Part 1 of 2**

**to be held virtually on**  
**Wednesday 13 May 2020 at 6.30pm**

**Rostered Councillor membership**

Councillor Amanda Stone  
Councillor Daniel Nguyen (substitute for Cr Chen Yi Mei)  
Councillor Bridgid O'Brien

**I. ATTENDANCE**

Mary Osman (Manager Statutory Planning)  
Danielle Connell (Senior Co-Ordinator Statutory Planning)  
Michelle King (Acting Principal Planner)  
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 Woi-wurrung 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."***

## **Internal Development Approvals Committee Submissions**

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.”

*Extract from the Council Meeting Operations Policy, September 2019*

## 1. Committee business reports

Item		Page	Rec. Page
1.1	PLN19/0312 - 194 Bridge Road, Richmond - Development of the land for partial demolition, construction of a five storey extension to the existing building (plus basement) and a reduction of car parking requirements of the Yarra Planning Scheme	5	34
1.2	PLN18/0183 - 19 Down Street Collingwood - the construction of an eight-storey (plus basement levels) building including office and food and drinks (cafe) premises (no permit required for uses) and a reduction in the car parking requirements.	41	73
1.3	PLN15/0947.02 - 1-3 Otter Street, Collingwood - Amendment to the planning permit for a change of use from a 7 storey mixed-use building (including dwellings and food and drinks premises) to an 8 storey hotel (inclusion of an internal mezzanine) with ancillary food and drinks premises including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking	80	128

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**1.1 PLN19/0312 - No. 194 Bridge Road, Richmond - Development of the land for partial demolition, construction of a five storey extension to the existing building (plus basement)**

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## **Executive Summary**

### **Purpose**

1. This report provides an assessment of the proposed development of the land for partial demolition, construction of a five storey extension to the existing building (plus basement) and a reduction of car parking requirements of the Yarra Planning Scheme in association with a food and drink premises and medical centre at No. 194 Bridge Road, Richmond and recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Built form and Heritage (Clauses 15.01, 15.03, 21.05, 22.02, 34.01-8, 43.01 and 43.02 of the Yarra Planning Scheme)
  - (b) Off-site amenity impacts (Clauses 13.07 and 22.05); and
  - (c) Car 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) Heritage and Urban design;
  - (c) ESD and Waste Management;
  - (d) Parking layout, traffic and bicycle parking; and
  - (e) Objector concerns.

### **Submissions Received**

4. Forty two (42) objections were received to the application, these can be summarised as:
  - (a) Visual bulk and height issues; out of character from Waltham Street/residential area;
  - (b) Proposal not respectful of heritage place and neighbourhood character;
  - (c) Increased traffic demand for on-street parking spaces and this is compounded by loss of two existing on-street car spaces;
  - (d) Shadowing concerns (including neighbouring skylights and solar panels);
  - (e) Blocking views to landmarks;
  - (f) Use of Waltham Street footpath trading imposition on residents/privatization of public space;
  - (g) Nuisance to Bridge Road and Waltham Street and structural damage to neighbouring properties during construction period; and
  - (h) Impact to property values.

### **Conclusion**

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

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

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**1.1 PLN19/0312 - No. 194 Bridge Road, Richmond - Development of the land for partial demolition, construction of a five storey extension to the existing building (plus basement)**

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Reference: D20/76035  
 Authoriser: Senior Coordinator Statutory Planning

**Ward:** Melba  
**Proposal:** Development of the land for partial demolition, construction of a five storey extension to the existing building (plus basement) and a reduction of car parking requirements of the Yarra Planning Scheme in association with a food and drink premises and medical centre  
**Existing use:** Shop  
**Applicant:** Tract Consultants  
**Zoning / Overlays:** Commercial 1 Zone  
 Heritage Overlay (Schedule 310)  
 Design and Development Overlay (Schedule 5)  
 Design and Development Overlay (Schedule 21 -Precinct 1)  
**Date of Application:** 16 May 2019  
**Application Number:** PLN19/0312

**Planning History**

1. Planning Permit No. 97/268 was issued 8 April 1997 for *the purpose of alterations to an existing commercial building.*
2. Planning Permit No. 97/293 was issued 1 May 1997 for *the purpose of alterations to an existing commercial building and a reduction in the car parking requirement in association with an existing shop.*
3. Planning Permit No. 97/621 was issued 24 July 1997 for *the purpose of erecting and installing two non-illuminated signs.*

**Background**

Original application

4. The application was lodged on 16 May 2019 for a 5 storey addition to the existing building with a food and drinks premises proposed at the ground floor of the existing building. The remainder of the existing building and the proposed 5 storey addition is to be used as a medical centre and with car parking provided at the ground floor of the addition. Further information was received on 12 December 2019 and the application was then advertised by way of 375 letters and 2 signs displayed on site, one facing Bridge Road and one facing Waltham Street. A total of 42 objections were received. Figure 1 and 2 provide perspective images of the original design concept. Objector and officer concerns related principally to the setbacks of floors 3 and 4 being out of context in a heritage area and concerns relating to the materials selection.



Figure 1 and 2: Original application design

### Lodgement of Sketch plans

5. In response to the above concerns the applicant provided sketch plans dated 16<sup>th</sup> April 2020. These plans showed the following changes:
- (a) Increased upper level (levels 3 and 4) setbacks to Waltham Street (to 2.15m) and rear boundary (to 1.5m and 3.4m). This reduces the floor area of level 3 from 163sqm to 111sqm and level 4 from 151sqm to 110sqm;
  - (b) More detail on the fin shading devices to levels 3 and 4, including clarification to their colours and spacing. The vertical fins to the curved stair and lift lobby structure will be 50mm wide, 125mm deep with 160mm spacing. The horizontal fins to the remainder of levels 3 and 4 west walls will be 40mm high, 250mm deep and with 500mm spacing. Both will be an aluminum powder coated finish in grey colour (Dulux chain pearl matt);
  - (c) Clarified colours and perforation size of facade screens to levels 1 and 2 to Waltham Street to be aluminum powder coated finish in grey colour (Dulux chain pearl matt). The perforation openings will be 12.5mm in diameter and the screen opening mechanism has been revised from fully opening bi-folds to having some fixed screens allowing for the opening mechanism to be reflective of the solid wall to window void ratio of the heritage building;
  - (d) The ground floor façade colour to new building on Waltham Street revised to a pearl gold satin. More detailed images of the finish also provided showing the aluminum to the milled finish battens with an internal depth/thickness of 2mm. The battens will be 50mm deep by 500mm wide and at 50mm spacing. The garage door battens will have a perforated screen behind of the same colour, with the perforations being 6.35mm diameter with overall a 51% open ratio. The remainder of the battens to the ground floor will be backed by a fiber cement sheet painted (Pearl gold satin) (applicant confirmed- moonlight colour specified on material schedule is an error);

- (e) The art work to the south and east walls specified as a wall paper finish adhered to the wall and will have a faded appearance to present as historic images as opposed to appearing to be modern advertising signs;
- (f) The colour of the aluminum window shrouds and canopy to the medical center entry and the aluminum panel above the garage door and services area changed from Dulux doeskin to Dulux gold pearl satin;
- (g) Operable windows added to the west and recessed north wall of the curved stair/lift lobby;
- (h) Reduced the length of the proposed footpath extension to Waltham Street (by 1m) and reduced the width of the proposed crossover (from 6m to 4m) to allow for the retention of two on-street car spaces (in lieu of the one space originally proposed);
- (i) Confirm 20% of bicycle spaces in basement to be at grade; and
- (j) Confirm the garage door head height clearance to be 2.36m and the length of the 1:16 ramp inside garage door to be 4m.



Figure 3, 4 and 5: Sketch plans amended elevations.



6. The sketch plans are attached to this report and will be referenced throughout this assessment. The assessment of the application will be based on the advertised plans with conditions requiring that the changes shown on the sketch plans are formalised. Details of a link to the sketch plans contained on Council's website was included in the IDAC invite letter circulated to objectors.

### **The Proposal**

7. The application proposes the partial demolition, construction of a five storey extension to the existing building (plus basement) and a reduction of car parking requirements of the Yarra Planning Scheme in association with a food and drink premises and medical centre. The proposal can be summarised as follows:

#### *Demolition*

- (a) Existing single storey rear service wing;
- (b) The south-east portion of the existing three storey roof form;
- (c) Approx. 50% of the length of the inside skin of three storey eastern wall and basement wall below (partially affected by party wall easement). The outside skin of the wall and the section of the party wall located on the adjoining lot to the east is to be retained;
- (d) The full length of the three storey southern wall (including southern basement wall);
- (e) The internal and southern walls to the basement and removal of internal floors and walls apart from parts of the ground floor ceiling (no permit required for internal demolition);
- (f) Bluestone plinth below the central ground floor window to Waltham Street; and
- (g) All existing doors and windows to the three storey building.

#### *Development*

##### *General*

- (h) Increase the size of the existing basement so that it occupies approx. half the site area to accommodate a 53sqm store for the ground floor food and drinks premises with the remainder occupied by end of trip bicycle facilities (2 showers, locker area and 10 bicycle spaces), a 4sqm hard rubbish/e-waste area and the lift and stair core. A pit is proposed to the car stackers to the rear of the basement;
- (i) 102sqm food and drinks premises at ground floor accessed via the existing door on the splayed corner and a new door to Waltham Street. The entry corridor to the medical centre is centrally located on the Waltham Street frontage and provides access to the stair and lift core. The remainder of the ground floor is occupied by car parking area accommodating a circulation area for an 8-vehicle car stacker. Services cupboards are located along the Waltham Street frontage and a 5000ltr water tank and second 5sqm bin store area to the rear of the vehicle circulation area;
- (j) 273sqm of medical centre on each levels 1 and 2 (within the existing building and addition);
- (k) 163sqm and 151sqm of medical centre on levels 3 and 4 (respectively);
- (l) The medical centre is to be accessed by a stair and lift lobby which extends above the existing roof in a two storey curved structure located on the north-east corner of the original heritage building;
- (m) A flat roof form is proposed to the addition with the curved stair/lift lobby being 0.6m lower than roof of the remainder of the addition. The lift over-run and the top of the solar panels are approx. 1m higher than the rear addition roof. The plant screens located atop the curved stair/lift lobby are 1.9m in height, with the plant screens located on the higher roof form being 1.6m in height (to a maximum overall height of 18.9m above NGL);

- (n) There is an existing kerb extension to the Waltham Street frontage accommodating 2 trees and a bicycle hoop. It is proposed to extend this by approx. 7m to accommodate two outdoor seating areas with permanent tables and curved banquette style seating. 3 new bicycle hoops are proposed to the south of the seating area. The existing metal hatch to the cellar located on the Waltham Street footpath is to be replaced with glass blocks.

*New facades*

- (o) The five storey eastern boundary wall has a maximum height of 18m, with the lift overrun exceeding this height by approx. 1m. This wall is 25.3m in length and is to be constructed of fibre cement sheets/pre-cast concrete painted in grey tones;
- (p) The southern wall also has a maximum height of 18m and is built to the boundary apart from level 4 which is partly setback 1.91m to the boundary. This wall is 10.6m in length and is to be constructed of fibre cement sheets/pre-cast concrete painted in grey tones;
- (q) The new walls to Waltham Street and Bridge Road will have a maximum height of 17.67m. The walls will comprise a number of components, as follows:
- (i) The two storey lift/stair lobby curved wall atop the existing roof will be setback 6m from the west and north boundaries. The wall will be constructed of fibre cement sheets/pre-cast concrete with double height windows and the entire wall clad in vertical aluminium louvres. The remaining northern wall located behind the existing retained building will also match this appearance, with two large windows behind the metal louvres;
  - (ii) The new three storey street wall to the addition will have a maximum height of 10.77m. This wall will contain the medical centre entry lobby in what appear to be masonry finish (material not specified- applicant confirmed a masonry rendered wall painted light grey). The ground floor door will have a small aluminium metal canopy above it (doeskin satin- beige) with shrouds to the two windows above of the same colour;
  - (iii) To the south of the ground floor entry is a large window with remainder of ground floor frontage being silver aluminium battens to the front of services cupboards and garage door, with a flat aluminium panel above (doeskin satin). The garage door and associated new crossover are to be 6m wide (resulting in the loss of one on-street car space);
  - (iv) The remainder of the first and second floor street wall will be a bi-fold perforated mesh screens (colour not specified); and
  - (v) Directly above this perforated screen wall, the western wall of levels 3 and 4 is to be setback approx. 0.25m from Waltham Street (with a planter box in this setback). This wall will be entirely glazed with fixed horizontal battens (aluminium in silver colour).
- (r) A mixture of new sash and single glazed aluminium framed windows are proposed to the existing building at first and second floor. The two new doors and shop windows at ground floor are to be timber framed. Canvas awnings are proposed above the ground floor windows and the new door. The floor levels throughout the existing building will be repositioned to match the floor levels in the new addition. The existing walls will be rendered and painted Dulux "brume" (light grey) while the existing friezes below the windows will be painted "Charcoal fusion" (dark grey); and
- (s) Two wall paper art works are to be adhered to the new walls, one to the east wall of the lift/stair lobby (5.45m in height x 3.52m in width) and one to the level 3 and 4 south wall (3.92m in height x 6m in width). The images will contain historic images Eucalyptus oil advertising materials.

*ESD commitments*

- (t) A total BESS score of 55% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%;

- (u) Operable windows to allow for natural ventilation across all levels;
- (v) The buildings thermal fabric aims to reduce heating and cooling energy consumption 10% below the reference case (BCA Section J);
- (w) Utilise a centralised gas hot water system;
- (x) A 3kW Solar PV system is to be located on the roof;
- (y) Individual cold and hot water, electricity meters will be provided to all levels, major tenancies and communal areas and water efficient fixtures are applied throughout;
- (z) A 5,000-litre rainwater tank connected to all basement to level 2 WC's;
- (aa) A Melbourne STORM rating of 140%; and
- (bb) 10 secure bicycle spaces are to be provided for employees at basement, 6 bicycle spaces for visitors and end of trip facility including 2 showers, 10 lockers and changing facilities at basement.

## Existing Conditions

### Subject Site

8. The subject site is located on the south-east corner of Bridge Road and Waltham Street in Richmond. Church Street is approximately 155m to the west. The site has a northern boundary of 10.84m, a staggered southern boundary of 11.53m, a western boundary of 29.4m and an eastern boundary (splayed on southern end) of 31.39m, yielding a lot area of approx. 300sqm. The eastern boundary has a slight indentation along its northern end to accommodate a party wall, with half the width of this wall located within the title boundaries of the adjoining site. The easement is 10.08 m in length. There is a land fall of approx. 1.5m across the site (from south to north).
9. The building is in the Moderne style and is graded "individually significant" to the Bridge Road heritage precinct. Council's heritage advisor has indicated a construction date range of 1850-1930. The ornate part of the building with heritage significance occupies approximately 40% of the site, is three storeys in height and fronts onto Bridge Road and Waltham Street. A single storey service wing is located to the rear with a small courtyard on the rear boundary.
10. Council's heritage advisor has indicated the building has been significantly modified over time, principally including the following alterations:
  - (a) Removal of original ground floor façade tiles to reveal bluestone behind;
  - (b) the existing ground floor windows elongated to accommodate full height shopfront windows;
  - (c) The original Australia Hotel sign concealed by the existing signage; and
  - (d) Alteration of the Victorian style of the building to the Moderne style in the inter-war period.

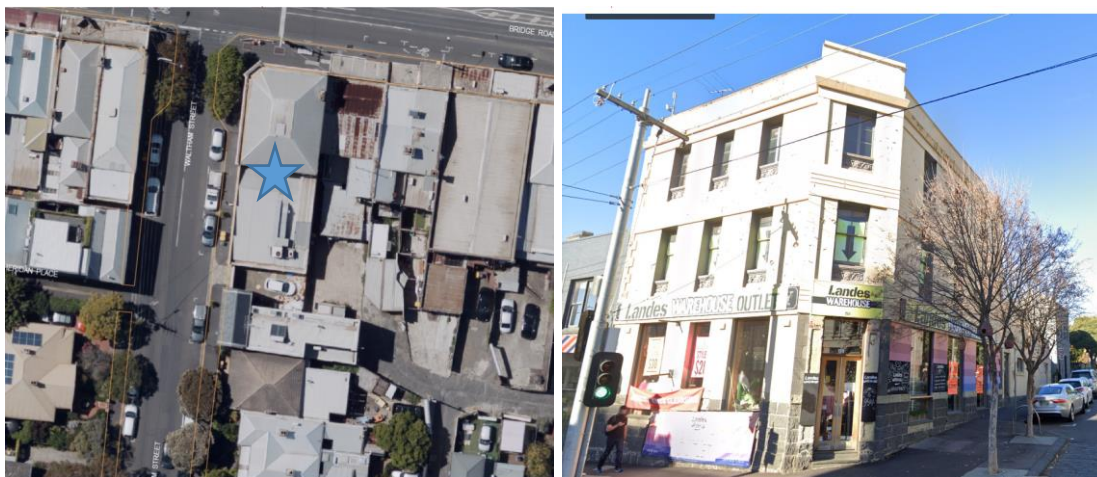


Figure 6 and 7: Subject site

### Surrounding Land

*General*

11. Bridge Road provides an east-west connection linking the suburbs east of the City of Yarra with the CBD, intersecting with major arterials of Burnley Street, Church Street and Punt Road. The subject site is located within the Bridge Road Major Activity Centre (MAC), an important business, entertainment and retailing strip within the City of Yarra. The activity centre provides a range of business types, including offices, local convenience shops, restaurants and bars, interspersed with a number of dwellings (particularly larger apartment developments on the north side of Bridge Road).
12. The area is well serviced by a number of transport options, with tram routes No. 48 and 75 travelling in front of the subject site and tram route No. 78 travelling along Church Street approx. 155m east of the site.

*East*

13. Adjoining the site to the east is a double storey modern building, with single storey additions and courtyard to the rear (serviced by a laneway that accesses Waltham Street and Church Street via Berry Street). This building has two ground floor shops fronting Bridge Road with the remainder of the building also appearing to be used for commercial purposes. The west side of this building appears to be directly attached to the eastern wall at the subject site (with no separate fire-rated wall located within their title boundaries). For this reason the three storey east wall at the subject site forms a party wall that benefits this site.
14. Further east are four more double storey modern shop fronts. All of these buildings are graded 'non-contributory' to the Bridge Road precinct. The remaining buildings further to the east and to the intersection with Church Street are single or double storey and are mainly graded 'contributory' to the heritage precinct, with two being individually significant and one being non-contributory.

*West*

15. To the immediate West and on the opposite side of Waltham Street is a two storey 'contributory' shop. To the rear of this building, fronting Waltham Street, is a double storey redbrick building with a second floor addition dwelling. Both of these buildings are constructed flushed to the Waltham Street frontage. The remaining shop fronts along Bridge Road to the west to Peluso Street are either single or double storey and are 'contributory or individually significant' to the Bridge Road precinct.

*South*

16. To the immediate south of the subject site is a former stables building associated with the hotel which has been converted into a dwelling. This building has been heavily modified and is graded 'non-contributory' to the Bridge Road precinct and is located within a Commercial 1 Zone. The site has been developed with a double storey addition to the rear, with a sheer double storey boundary wall (with no windows) interfacing with the subject site. A first floor balcony is located to the rear and is fully enclosed by side walls and a roof, with the only opening to the east side. The dwelling has two PV panels on its roof and 5 skylights along the northern edge of the roof.
17. Further south are dwellings located in a Neighbourhood Residential Zone Schedule 1, with the dwellings having frontages to Waltham Street. The dwellings are generally low scale and single storey in height, with only a handful of two and three storey buildings further to east towards the end of the street.

*North*

18. On the opposite side of Bridge Road is a number of commercial shop frontages with a number of the buildings having taller residential apartment development to the rear (generally 7- 11 storeys).

**Planning Scheme Provisions**

Zoning

*Commercial 1 Zone*

19. 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.*
20. Pursuant to Clause 34.01-1 of the Scheme, food and drinks premises and an office (medical centre) are section 1 uses and therefore a planning permit is also not required for these uses.
21. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required for buildings and works.

Overlays

*Heritage Overlay (HO310 – Bridge Road Precinct, Richmond)*

22. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works.
23. The buildings on the subject site are located within Schedule 310 and identified as ‘Individually Significant’ to the Bridge Road precinct as outlined in the incorporated document *City of Yarra Review of Heritage Areas 2007 Appendix 8*.

*Design and Development Overlay (Schedule 21) – Bridge Road Activity Centre*

24. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The subject site is located in Precinct 1- Bridge Road West-with the following requirements:
- (a) A mandatory maximum building height of 18 metres applies to the whole of subject site.
  - (b) A preferred maximum street wall height of 11 metres applies to Waltham Street.
  - (c) A mandatory 6m upper level setback applies to Individually Significant heritage buildings.
  - (d) A preferred 6m upper level setback to Waltham Street.

Particular Provisions

*Clause 52.06 – Car Parking*

25. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause. Pursuant to Clause 52.06-5 of the Scheme, the car parking requirements for the proposed development are taken from column B of table 1 as the land is identified as being within the Principal Public Transport Network Area. The car parking requirements for the advertised application are as follows:

Proposed Use	Quantity / Size	Statutory Parking Rate (Column B)	No. of Spaces Required	No. of Spaces Allocated
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Medical centre	860sqm	3.5 to each 100 sqm of net floor area	30	8
Food and drinks premises	102sqm	3.5 spaces to each 100 m <sup>2</sup> of leasable area	3	0
<b>Total</b>			<b>33</b>	<b>25</b>

26. Eight car parking spaces are provided on site in the form of a car stacker. With a shortfall of 25 car parking spaces, this application therefore seeks a reduction in the car parking requirement of the Scheme.
27. The car parking requirements for the revised sketch plans are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate (Column B)	No. of Spaces Required	No. of Spaces Allocated
Medical centre	767sqm	3 to each 100 sqm of net floor area	26	8
Food and drinks premises	102sqm	3.5 spaces to each 100 m <sup>2</sup> of leasable area	3	0
<b>Total</b>			<b>29</b>	<b>21</b>

*Clause 52.34 – Bicycle Facilities*

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Medical centre	28 practitioners	1 employee space to each 8 practitioners	4 employee spaces	10 employee spaces
		1 visitor space to each 4 practitioners	7 visitor spaces	6 visitor spaces
Food and Drink premises	102 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	0 visitor space	
<b>Bicycle Parking Spaces Total</b>			<b>4 employee spaces</b>	<b>10 employee spaces</b>
			<b>7 visitor spaces</b>	<b>6 visitor spaces</b>
<b>Showers / Change rooms</b>		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>1 showers / change rooms</b>	<b>2 showers / change rooms</b>

29. The proposal exceeds the employee requirements by 6 spaces and falls short of the visitor space requirements by 1 space. End of trip facilities (EOFT) exceed the requirements.

General Provisions

*Clause 65 – Decision Guidelines*

30. 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 Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

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

*Clause 11.02-1S – Supply of Urban land*

32. The objective of this Clause is:

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

*Clause 11.03-1S – Activity Centres*

33. The objective of this Clause is:

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

*Clause 11.03-1R – Activity Centres – Metropolitan Melbourne*

34. The relevant strategy of this Clause is:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they are able to accommodate significant growth for a broad range of land uses.*

*Clause 15.01-1S – Urban Design*

35. The objective of this Clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

*Clause 15.01-1R – Urban Design – Metropolitan Melbourne*

36. The objective of this Clause is:

- (a) *To create a distinctive and liveable city with quality design and amenity.*

*Clause 15.01-2S – Building Design*

37. The objective of this Clause is:

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

*Clause 15.01-5S – Neighbourhood Character*

38. The objective of this Clause is:

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

*Clause 15.02-1S – Energy and Resource Efficiency*

39. The objective of this Clause is:

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

*Clause 15.03-1S – Heritage Conservation*

40. The objective of this Clause is:

(a) *Encourage appropriate development that respects places with identified heritage values.*

(b) *Retain those elements that contribute to the importance of the heritage place.*

*Clause 17.01-1S – Diversified Economy*

41. The objective of this Clause is:

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

*Clause 17.02-1S – Business*

42. The objective of this Clause is:

(a) *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*

43. The objective of this Clause is:

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

*Clause 18.01-2S – Transport System*

44. The objective of this Clause is:

(a) *To coordinate development of all transport modes to provide a comprehensive transport system.*

*Clause 18.02-1S – Sustainable Personal Transport*

45. The objective of this Clause is:

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

*Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne*

46. The relevant strategy of this Clause is:

(a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*

*Clause 18.02-2S – Public Transport*

47. The objective of this Clause is:

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

*Clause 18.02-2R – Principal Public Transport Network*

48. The relevant strategy of this Clause is:

(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.*

*Clause 18.02-4S – Car Parking*

49. The objective of this Clause is:

(a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

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

*Clause 21.03 – Vision*

51. The relevant sections of this Clause are:



- (a) *Yarra will have increased opportunities for employment.*
- (b) *The complex land use mix characteristic of the inner city will provide for a range of activities to meet the needs of the community.*
- (c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.*
- (d) *Most people will walk, cycle and use public transport for the journey to work.*

*Clause 21.04-2 – Activity Centres*

52. The relevant objectives of this Clause are:

- (a) *To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
- (b) *To maintain the long term viability of activity centres.*

*Clause 21.04-3 – Industry, Office and Commercial*

53. The relevant objective of this Clause is:

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

*Clause 21.05-1 Heritage*

54. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

55. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
  - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (ii) *Strategy 14.2 Support the restoration of heritage places.*
  - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
  - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
  - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
  - (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*

*Clause 21.05-2 – Urban Design*

56. The relevant objectives of this Clause are:

- (a) *To reinforce the existing urban framework of Yarra.*
- (b) *To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
- (c) *To ensure that new development contributes positively to Yarra's urban fabric.*
- (d) *To enhance the built form character of Yarra's activity centres.*

*Clause 21.05-3 – Built Form Character*

57. The relevant objectives of this Clause are:

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

*Clause 21.05-4 – Public Environment*

58. The relevant objectives of this Clause are:

- (a) *To provide a public environment that encourages community interaction and activity.*

*Clause 21.06 – Transport*

59. The relevant objectives of this Clause are:
- (a) *To provide safe and convenient pedestrian and bicycle environments.*
  - (b) *To facilitate public transport usage.*
  - (c) *To reduce the reliance on the private motor car.*
  - (d) *To reduce the impact of traffic.*

*Clause 21.07 – Environmentally Sustainable Development*

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

*Clause 21.08-10 – Central Richmond (Area between Bridge Road and Swan Street)*

61. Clause 21.08-10 describes the Central Richmond area in the following way:
- (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

Within Figure 23 of Clause 21.08-10, the subject site is located within the Bridge Road major activity centre.

Relevant Local Policies

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

*Clause 22.02-5.1 – Demolition*

*Full demolition or removal of a building*

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

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

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

*Clause 22.05 – Interface Uses Policy*

64. This policy applies to applications for use or development within the Commercial 1 Zone (amongst others). The relevant objective of this clause is to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity. It is policy that:

- (a) *New non-residential use and development within Business (now Commercial) and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

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

- 65. Clause 22.16-3 requires the use of measures to “*improve the quality and reduce the flow of water discharge to waterways*”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

*Clause 22.17 – Environmentally Sustainable Development*

- 66. 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**

- 67. The application was advertised between December 2019 and January 2020 under the provisions of Section 52 of the *Planning and Environment Act (1987)* by way of 375 letters and 2 signs displayed on site, one facing Bridge Road and one facing Waltham Street. A total of 42 objections to the application were received.
- 68. The grounds of objection are summarised as follows:
  - (a) Visual bulk and height issues; out of character from Waltham Street/residential area;
  - (b) Proposal not respectful of heritage place and neighbourhood character;
  - (c) Increased traffic demand for on-street parking spaces and this is compounded by loss of two existing on-street car spaces;
  - (d) Shadowing concerns (including neighbouring skylights and solar panels);
  - (e) Blocking views to landmarks;
  - (f) Use of Waltham Street footpath trading imposition on residents/privatization of public space;
  - (g) Nuisance to Bridge Road and Waltham Street and structural damage to neighbouring properties during construction period; and
  - (h) Impact to property values.
- 69. A consultation meeting was held on 11<sup>th</sup> February 2020 and attended by 9 objectors, the applicant’s development team and Council officers. Objector and officer concerns related principally to the setbacks of levels three and four and the materials selection being out of context in a heritage area. In response, the applicant submitted sketch plans dated 16<sup>th</sup> April 2020. A link to these plans were circulated in the objector invites to the IDAC meeting.

**Referrals**

- 70. The referral comments are based on the advertised plans and, where required, additional referral comments were sought on the April 2020 sketch plans.

External Referrals

- 71. No external referrals were required.

Internal Referrals

- 72. The application was referred to the following units within Council:
  - (a) Engineering services
  - (b) ESD Advisor
  - (c) Heritage Advisor (Advertised and Sketch plans)
  - (d) Strategic Planning
  - (e) Strategic Transport
  - (f) Urban Design

- (g) Contracts Services
- (h) Open Space

73. Referral comments have been included as attachments to this report.

## **OFFICER ASSESSMENT**

74. The following key issues and policies will be used to frame the assessment of this planning permit application:
- (a) Strategic justification;
  - (b) Heritage and Urban design;
  - (c) ESD and Waste Management;
  - (d) Parking layout, traffic and bicycle parking; and
  - (e) Objector concerns.

### Strategic justification

75. The proposal satisfies the various land use and development objectives within the PPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment. There is strong strategic direction to support the redevelopment of the site to provide higher density commercial use. This is demonstrated by the proposed uses not requiring a planning permit in a Commercial 1 Zone. Policy at clauses 11, 16, 18 and 21.04 of the Scheme encourage the accumulation of commercial activities and the intensification of development in and around activity centres. This ensures efficient use of existing infrastructure and supports planning policy and Council's preference for larger scale developments to locate in existing Activity Centres.
76. The site has excellent access to amenities including 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 food and drinks premises at ground level, addressing both Bridge Road and Waltham Street, will activate the streetscape, an outcome that is also consistent with the purpose of the C1Z.
77. The subject site is well connected to public transport infrastructure, with tram routes 48 and 75 travelling in front of the subject site and tram route 78 travelling along Church Street approx. 155m east. This encourages the use of alternative modes of transport to and from the site, rather than full reliance on motor vehicles. This is supported by both State and local policies, at Clause 18.02-2S (*Movement Networks*), Clause 21.06-3 (*Transport*) and Clause 21.07 (*Environmental Sustainability*) of the Scheme.
78. Overall, and in a strategic sense, the proposed construction of a multi-storey mixed use building is consistent with the relevant State and local policies (Clauses 11.03-1S, 17.02-1S, 21.04-2, 21.04-3 and 21.04-4 of the Scheme) and the purpose of the Commercial 1 Zone which supports a vibrant mixed-use commercial centre. Notably the proposal also demonstrates a high level of compliance with the built form requirements of the Design and Development Overlay Schedule 21 (as will be discussed in detail later).
79. That said, any policy support for more intensive development needs to be balanced with built form guidance at Clauses 15.01, 21.05-2, 22.02 and 43.02 of the Scheme which call for development that appropriately responds to the surrounding context and heritage character.

### Heritage and Urban design

80. In considering the design and built form of the proposed development, the most relevant Scheme policy is at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*), Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*) and Clause 43.02 (*Design and Development Overlay Schedule 21*) of the Yarra Planning Scheme. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings.

*Built form context*

81. The existing character of the surrounding area is somewhat varied, with the majority of built form along Bridge Road being double storey in height on the south side and with an emerging character of taller development behind double storey frontages on the northern side of Bridge Road. To the east of the site are four double storey non-contributory buildings with the remaining buildings to Church Street being all being either single or double storey and mainly contributory graded. The only exception to this are two individually significant and one non-contributory buildings. To the west and extending to Peluso Street, buildings are all either single or double storey contributory buildings apart from one, which is individually significant. On the opposite side of Bridge Road are two to three storey commercial shop frontages with a number of the buildings having taller residential apartment development above (generally 7- 11 storeys).
82. In this context, the proposed development at five storeys will not appear an incongruous element, particularly given the proposed upper level setbacks to Bridge Road and Waltham Streets and compliance with the mandatory height and setback requirements of DDO21. Council's Heritage advisor has also stated the height when viewed from Bridge Road "*when compared against the second tier of recent higher development evolving behind heritage buildings along Bridge Road, it is considered the proposed development is not out of keeping*". Height and setbacks will be discussed in further detail later in this assessment.

*Demolition*

83. Council's Heritage Advisor is supportive of the extent of demolition of the rear wall of the three storey existing building and the removal of the single storey rear service wing, as they are not clearly visible from Bridge Road and do not form part of the significant heritage fabric. The advisor is also supportive of the demolition required to accommodate the new door to the food and drinks premises from Waltham Street as the extent of additional demolition proposed is minimal and the new opening maintains the symmetrical appearance of the western elevation.
84. However as outlined by Council's Heritage Advisor, justification has not been provided for the removal of the existing windows and doors, nor sufficient detail of the proposed windows provided. However, the following images provided by the applicant (Figure 8) demonstrate the original windows were sash form without the central dividers as present on the existing windows. The applicant has confirmed these photos (from left to right) date circa 1938, 1908, 1974 and 1928. As such the existing windows are not considered to be original fabric and so their removal is considered justified. Discussion of the appropriateness of the replacement windows will be provided later in this assessment.
85. The Heritage Advisor is also not supportive of the removal of the south-eastern corner of the existing three storey roof form, citing the individually significant grading of the building justifies the retention of the roof in its entirety. Figure 8 shows the original roof has been significantly modified (with an ornate roof vent feature being originally present), and as such the fabric itself is not of significance. Further as this part of the roof is only visible on oblique views from the east above the non-ornate side wall, it is not considered to be a contributory factor to the heritage significance of the building (particularly as its roof is not visible above the existing parapets when viewed behind the ornate Bridge Road and Waltham Street principal heritage façades). For these reasons, the proposed demolition of this section of the roof is considered acceptable.



Figure 8: Historic images

*Conservation/restoration works*

86. The proposed conservation works as set out on Pg 8 of the submitted Heritage Impact Statement include the renewal of the corrugated roof cladding, sheet metal box guttering and down pipes (where needed), spot repair to roof trusses, capping of the chimney and render repairs to backs and tops of parapets and façade with complimentary render and painted grey. It is also proposed to expose the original expressed render "Australia Hotel" located beneath the existing modern sign. These conservations works are supported by Council's Heritage Advisor.
87. As discussed earlier, support is recommended for the removal of the existing non-original windows. Council's Heritage advisor has indicated that insufficient detail of the proposed window and doors has been provided to ensure they will be complimentary to the building. A condition will require this detail.
88. Council's Heritage Advisor also suggested further conservation be carried out, including the replacement of tiles in its original Victoria style tiles to the bluestone plinth along both the Bridge Road and Waltham Street facades. As the building has been substantially altered from its original Victorian appearance to the Moderne style, it is not considered beneficial to require Victorian style tiling given it is not reflective of/complimentary to the existing Moderne appearance of the building.
89. The application proposes canvas awning to shop front windows, citing restoration benefits as they are characteristic of the original style of the building. Council's Heritage advisor disagreed with this claim stating they are not characteristic and requested their deletion. A condition will address this.

*Heritage, Urban design and DDO21 assessment of the proposed addition.*

90. The design principles of DDO21, along with policy at Clause 22.02 (Development Guidelines Subject to the Heritage Overlay) provide most guidance on the issues relating to heritage and urban design. DDO21 provides significant heritage-based design guidance that aligns with policy objectives at clause 22.02 and provides site/precinct specific heritage objectives that are not found in clause 22.02. For this reason, this policy will be used to also frame heritage considerations and analysis. This built form control also provides urban design guidance on non-heritage built form outcomes including impacts on views lines landmarks, wind effects, equitable development amenity impacts on residential land and street activation issues. The guidance provided with this policy is also supplemented by a number of State and Local polices, with reference provided to them where relevant.

*Mandatory DDO21 requirements.*

91. The subject site is located in Precinct 1- Bridge Road West Precinct of DDO21. The following requirements are specified:
  - (a) A mandatory maximum building height of 18 metres applies to the whole of subject site.
  - (b) A preferred maximum street wall height of 11 metres applies to Waltham Street.
  - (c) A mandatory 6m upper level setback applies to Bridge Road and to above the Waltham Street three storey existing wall (i.e. individually significant part of the building).
  - (d) A preferred 6m setback above the new 11m street wall to Waltham.
  - (e) A permit also cannot be granted to construct a building or construct or carry out works that would overshadow any part of the southern footpath of Bridge Road, measured as 3.0m from the kerb between 10am and 2pm at 22nd September.
92. The proposed sketch plans satisfies all of the DDO's 'mandatory' requirements with no additional shadowing proposed to the southern footpath of Bridge Road, the 18m overall height achieved, 6m upper level setbacks to the individually significant three storey building and the 11m maximum street wall achieved to Waltham Street. The proposed setbacks to Bridge Road also satisfy the figure 2 setbacks requirements. These compliances allow for further compliance with the relevant Precinct 1 Design Requirements which encourage the visual prominence of the heritage building is retained (including façade returns around corners), maintains a sense of openness along Bridge Road and respects the low scale of residential development adjoining activity centres (with upper level setbacks provided to both the southern and western boundaries allowing a transition in scale as shown in the sketch plans). This high level of compliance demonstrates the proposal is in-line with Council's strategic built form aspirations for Bridge Road.
93. The 18m height limit expressed by DDO21 expresses the heritage aspiration that the heritage character of this part of Bridge Road is not overwhelmed by taller development. As the proposal is compliant with this mandatory requirement, the proposed additional height is acceptable from a heritage perspective. This assessment is reflected in the support for the proposed height from both Council's Heritage Advisor and Urban Design Unit.
94. In terms of compliance with the DDO's "preferred" requirements, the policy indicates a preferred 6m setback to the new building along Waltham Street, above the 11m street wall. In non-compliance the decision/advertised plans provide a 0.27m setback. Council's Heritage Advisor and Urban Design Unit raised concerns with the proposed 0.27m setback to levels 3 and 4 to Waltham Street and the 1.9m setback to the southern interface with residential area. Both indicated the 5 storey wall to Waltham Street had an effective sheer appearance that would overwhelm the individually significant heritage building and the Waltham Street streetscape/residential interface.
95. Council's Heritage advisor recommended a 2m setback to level 3 and a further increased setback to level 4 to Waltham Street and an increased setback of the upper levels to the southern residential interface. The Urban Design Unit recommended a 3m setback to levels 3 and 4 to Waltham Street and a further increased setback of these levels to the southern boundary. The sketch plans responded positively to these recommendations and include a 2.15m setback to levels 3 and 4 to Waltham Street and an increased 1.5m setback (to a total maximum of 3.4m) to the southern boundary.
96. These increased setbacks have successfully addressed the visual bulk concerns to the upper levels. Council's Heritage Advisor reviewed the amended sketch plans and supported the 2.15m setback to level 3 but recommended a further setback to Waltham Street to level 4 and an increased 3m setback to levels 3 and 4 to the southern boundary (i.e. total maximum of 4.9m) in lieu of the increased 1.5m setback.

Given the modest height of the addition (in comparison to the existing building), a staggered setback approach for the two uppermost levels is not considered appropriate and would undermine the architectural expression and cohesiveness of the upper western façade; and further drawing attention to the addition and contrary to policy. On-balance the proposed setbacks shown on the sketch plans are thought to successfully address visual bulk concerns and further setbacks are not warranted.

97. It is acknowledged that the DDO does indicate a preferred setback of 6m above the 11m street wall. However, this being a preferred rather than a mandatory requirement acknowledges that a number of sites will not have sufficient floor area to reasonably accommodate this preference. The difficulties of reasonably applying this preferred setback is demonstrated by Council's Heritage Advisor, Strategic Planning Unit and Urban Design Unit not requesting this policy preference be satisfied. Should this preferred setback be imposed, the subject site at a width of 11m would have a remaining width of only 5m. This combined with providing rear and front setbacks would place significant constraint on the developable footprint. For all of these reasons and on-balance, support is recommended for the 2.15m setback shown on the sketch plans above the 11m street wall.
98. Council's Heritage Advisor also requested the setback to the southern boundary be further increased. Figure 1 of the DDO21 requirement is not applicable to the subject site as it does not abut a Residential zone. Levels 3 and 4 nevertheless almost comply with its suggested 10m setbacks to the Residential zone above a 10m height (max setback of 9.5m proposed under the sketch plans). It is therefore considered there is insufficient justification to require further setbacks when the proposal largely complies with policy guidance on achieving appropriate transition in height between the activity centre and residential areas.
99. Finally, both Council's Heritage Advisor and Urban Design Unit are not supportive of the proposed 6m setbacks of the proposed stair/lift lobby located atop the south-east portion of the individually significant heritage building on site. It is acknowledged that it is reasonable from a heritage preservation perspective that both Council's Heritage Advisor and Urban Design Unit would seek the roof form be retained in its entirety. Council's Heritage has also cited this element would visually dominate the existing building. However, with proposed setbacks of 6m that comply with DDO21 requirement and a height of only 2 storeys above the existing three storey building, this excessive visual bulk position is not considered justified.
100. Further the applicant has provided some compelling massing images which show the structure will align with future developments along Bridge Road (given these properties will also have to satisfy the DDO21 mandatory 6m setback to Bridge Road). Should the deletion of the lobby be required, this would result in the blank boundary western wall of any future development to the immediate east being highly exposed and visible in the streetscape. As proposed, the stair/lift lobby would conceal this future adjoining boundary wall.
101. While it is acknowledged that this departure from the advisors' recommendation is hypothetical and based on a future scenario, the 'non-contributory' heritage grading of the four adjacent properties and the plethora of policy support for more intensive development in and around MACs make this proposition highly likely and one that should be given weight. Additionally, the curved lobby form provides a visually interesting appearance that successfully transitions between the 5 storey addition to the rear of the subject site and future developments to the east along Bridge Road. For these reasons, support of the stair/lift lobby structure is recommended.





Figure 9: Massing Diagram

*Proposed facades design*

102. DDO1 provides the following advice in this regard, with similar sentiments expressed at clauses 43.02 and 22.02.
- (a) *Be expressed in the round and provide detail on facades when viewed from all directions;*
  - (b) *Incorporate an architectural expression at upper levels that is distinct from but complimentary to the street wall.*
  - (c) *Maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.*
  - (d) *utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades;*
  - (e) *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape;*
  - (f) *be articulated to reflect the fine-grained character of the streetscape.*
103. In relation to the upper levels of the addition, the proposal successful responds to these policy objectives through the use of lightweight materials (glazing and fins) that juxtapose with the masonry of the heritage building and the use of simple architectural details. Council's Heritage Advisor and Urban Design Unit were supportive of this element of the design subject to further detail being provided on the materials finish, spacing and operating mechanism of the shading fins. The sketch plans satisfactorily provided this detail and significantly showed the fins are fixed and so do not have the opportunity to be fully closed creating an inactive façade.
104. Council's Heritage Advisor expressed concerns with the proposed perforated screen to levels 1 and 2 to Waltham Street, while the Urban Design Unit were supportive of it, including its height above ground and projection from the building when in an open position (subject to clarification on materials-shown on the sketch plans).

The screen shown on the advertised plans were fully operable and of a galvanised finish. The Heritage Advisor indicated that the application of faded images of the existing buildings windows on the screen may be one approach to successfully address heritage concerns and articulate this façade.

105. In response the sketch plans showed the aluminium screens would have a light grey powder coated finish and perforations of 12.5mm diameter. The opening mechanism was also altered to be reflective of the solid to void ratio of the existing heritage buildings windows and walls, and with fixed horizontal bands of screen running the width of the building to match the expressed horizontal banding on the heritage building. Council's Heritage Advisor was more comfortable with this design approach but indicated concerns that the façade would remain boxy and inactive if the screens were not opened by the occupants.
106. It is not considered necessary to require a new façade design as suggested by the Heritage Advisor. While it is acknowledged that there may be times when the screens may not be opened, it is more likely that some will be opened most of time creating a dynamic and visually interesting appearance. Further the large perforation size will allow for views through the façade creating further visual interest (particularly at night with light streaming through the perforations). This perforation density, along with revised opening mechanisms that are reflective of the form of the heritage building and that a high quality powder coated finish will be used (as opposed to the galvanised finished originally proposed) successfully demonstrate the appearance of the façade will be acceptable.
107. Council's Urban Design Unit suggested for the rear and eastern boundary walls to be further articulated (to improve the building appearance in the round) while also expressed concern with the proposed artwork to these walls (used to provide articulation) may be too large and create additional visual bulk. The sketch plans show that the artworks have a faded appearance so as to present as historic signage rather than large advertising billboards.  
  
This faded appearance of these murals is thought to successfully address this matter, mitigating concerns that they will be visually prominent. They are also considered to provide sufficient articulation to the boundary walls.
108. The proposal also proposed to reposition the inter-floor levels to the heritage building in non-compliance with the above policy objectives. However, Council's Heritage advisor has supported this change as the floors do not intersect the heritage windows and so will not alter the visual presentation of the building to the street

*Streetscape interface/Active frontages*

109. DDO21 encourages the streetscape interface to provide for active street frontages that improve the pedestrian environment and 4m floor to ceiling heights for commercial frontages. With a 4.64m high floor to ceiling height proposed to the food and drinks premises, the proposal is acceptable in this regard. The retention of the existing commercial frontages with the individually significant heritage portion of the building allows for the existing level of street activation to be retained to this portion of the site.
110. Both Council's Heritage Advisor and Urban Design Unit raised concerns with the ground floor interface of the new build to Waltham Street, citing a lack of activation due to the dominance of the batten finish to the services cupboards and the garage door. The Urban Design Unit has acknowledged the inability to provide services and the garage door in an alternate location and was accepting of the design once it was demonstrated a high quality finish would be achieved.
111. Through the submission of sketch plans, it has been demonstrated that a high-quality finish will be achieved. The battens will be backed by fibre cement sheeting of the same colour (pearl gold) apart from to the garage door where a perforated screen of the same colour will be located behind the garage door. The sketch plans also show the aluminium used will have a depth/thickness of 2mm demonstrating it is a durable finish and unlikely to dent and become unsightly due to normal wear and tear.

112. The applicant has indicated the aluminium finish has been purposely selected due to its ability to maintain a high-quality appearance in the future. This relates in particular to its ability to remove graffiti without any underlying scarring or residues being present, an issue that is problematic with timber or steel finishes. It is acknowledged that a large proportion of this façade will have this batten finish with no views available into internal occupied spaces which undermines the policy active frontages aspiration.
113. However, given the entire Bridge Road frontage will be active, along with approx. 60% of the Waltham Street frontages including the new entrance to the medical centre, this lack of ground level activation to the rear of the site is acceptable. Particularly given the lack of any other suitable locations, this is the most suitable position to provide these service items (separated from the individually significant portion of the building and to the rear of the site where such service sites are typically found- as per the existing conditions).
114. Further the proposed finish to these services areas is a higher quality than the material finishes typically found to these back of house service areas of buildings. As such it is considered the proposed design has successfully balanced the need to accommodate services with the high quality design outcomes anticipated for new buildings adjoining individually significant heritage fabric. The battens will be backed by a fibre cement sheet to prevent views to unsightly services, apart from to the garage door which will be backed by a perforated screen of the same colour. This additional texture will provide for some further visual interest and interesting light spill patterns at night. Further the subservient nature of the ground floor façade finish allows for the visual prominence of the heritage fabric to be retained at street level.
115. The proposal also adds to the pedestrian experience and street activation through the elongation of the existing footpath extension to Waltham Street. It is proposed to accommodate permanent street furniture for the exclusive use of the food and drinks premises during opening hours and 3 bicycle hoops (6 visitor spaces). While the extension to the footpath is welcome from a streetscape activation perspective, the installation of permanent fixed furniture as part of the development for the exclusive use of the food drink premises (during opening hours) is not something that is generally supported by Council. It is considered to result in the privatising of a public space and is not supported for this reason. Regardless of this, it remains possible for the operator of the food and drinks premises to apply to Council's Local Law Unit for a footpath trading permit, but would be required like all traders to remove furniture items from the footpath at the end of the trading. The applicant is accepting of a condition to this effect.
116. Council's Open Space Unit was also not supportive of the permanent furniture items and requested an additional tree be planted in the new part of the footpath extension. Given this is likely to result in the need to remove some of the proposed bicycle hoops and that there are two existing trees located in the kerb extension, it is not considered necessary to require another tree. Residents have also raised concerns with the large footpath extension creating additional activity in Waltham Street that may disturb residential properties. However given the separation of this area to the residential properties (in the NRZ1) and the inability to accommodate large numbers of tables, it is not anticipated this area would have unreasonable impacts on residential amenity.
117. Finally, Council's Urban Design Unit were also not supportive of the proposed permanent furniture, which will be addressed by conditions. They also requested the proposed bluestone cobble finish be removed and replaced with a bitumen finished to match the rest of the footpath (to avoid trip hazard issues). They also requested a slip resistance finish to the new glass blocks to the basement hatch. These will be requested by way of conditions. Council's engineers also requested full specification of the kerb extension be submitted for their approvals (including the relocations of existing pits). This will be addressed by way of condition. All of these improvements satisfy public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2S, 18.02-1S and 21.05-2.

*Remaining DDO21 Design Objectives*

*Impact on view lines to the Pelaco Sign and St. Ignatius Church*

118. The proposal does not impact on the specified view lines to the Pelaco Sign and St. Ignatius Church Spire outlined in the 'General Requirements'. The "Decision Guidelines" also requires consideration of broader views to the Pelaco Sign and the tower belfry and spire of St. Ignatius Church.
119. The only views to the Pelaco Sign that could potentially be impacted by the proposal are from the east along the northern footpath of Bridge Road. The sign is visible from approximately Gleadell Street to the intersection with Church Street and briefly visible again to the front of the Coles development site on Bridge Road. Given the position of the proposed addition to the north of the Pelaco Sign, it will not block any of these view lines from Bridge Road and so is acceptable in this regard. The St. Ignatius Church spire and belfry tower are not visible from the streets within immediate proximity to the subject site.

*Impacts of vehicles access arrangements on the operation of trams along Bridge Road, appearance of garages and efficiency of vehicle arrangements.*

120. With only 8 car spaces proposed, the proposal would not have a negative impact on tram services. Council engineers are also satisfied the stacker and egress arrangement will operate in a safe and efficient manner. As discussed earlier the garage door is a high quality design and so satisfies this policy objective to improve the interface of parking areas with the street.

*Wind effects*

121. At a height of 5 storeys and with numerous upper level setbacks proposed, the proposal would not generate significant wind effects and so is acceptable in this regard.

*Equitable Development*

122. The relevant 'Building Separation Requirements' require a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk. The Scheme aims to facilitate equitable development opportunities for neighbouring properties within the context of the site's location. In this instance, the site has direct abuttal with two properties; the double storey dwelling to south and the double storey shops to the east (both located in a Commercial 1 Zone).
123. In relation to the building to the south, given its small area at approx. 115sqm, it would not be able to accommodate the type of large scale development where equitable development considerations come into play. Regardless of this, should this site wish to accommodate additional floor levels in the future, at only 19m in length and with an extremely narrow width, it is not unreasonable to assume that any design response would seek to rely on its Waltham Street and rear lane way interfaces for daylight access. As such it would not be reliant of its interface with the subject site for daylight access. Regardless of this, the proposed setback of levels 3 and 4 could accommodate daylight access for a future development to the south.
124. In relation to the property to the east, given the DDO21 mandatory 6m setback requirement for any future upper level development to Bridge Road, this leaves a maximum developable length to the rear of 25m. This depth is sufficient to allow for reasonable daylight access from the upper level north and south facing windows. Further the upper level setback proposed to the south boundary at the subject site allow for reasonable westerly aspect and additional light penetration for any window's or balconies that may be proposed to the rear wall. As such it is not considered necessary to require additional setbacks to the proposed east wall at the subject site to accommodate equitable development outcomes for the property to the east.

*Residential amenity*

125. The "Design objectives" encourage development to minimise amenity impacts on residential properties adjoining the activity centre with the 'Decision guidelines' and Figure 1 (while not strictly applicable) encouraging a transition to low scale residential properties. These sentiments are echoed by Council's local policy at clause 22.05 (Interface Uses policy).

As indicated throughout the report, the additional setbacks of levels 3 and 4 (under the sketch plans) provide a height transition to these properties in line with policy objectives. The site is sufficiently separated from the dwellings located in the Residential 1 Zone to the south to prevent overshadowing, overlooking, noise or unreasonable visual bulk impacts to them, apart from to No.1 Waltham Street. The advertised plans show some additional shadow to this property's rear private open space between 2pm and 3pm. However the proposed additional setbacks to the southern boundary shown on the sketch plan removes this additional shadowing and so the proposal is acceptable in this regard.

126. In relation to the property to the east, it does have some west and south facing windows to the rear. Given the commercial use of this land and policy goals that higher density developments be directed to Activity centres, the shadow impact and visual bulk impact of the proposed east wall is considered acceptable.
127. The abutting dwelling to the south (No.1A Waltham Street) is located in a Commercial 1 Zone. The next property to the south (No.1 Waltham Street) is located in a Neighbourhood Residential Zone 1. It is noted that residences in commercial areas should not have unrealistic expectations of the level of amenity which can be achieved. Irrespective of the commercial zoning of the land, the decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate);
- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
128. No.1A Waltham Street has east and west-facing windows, with a balcony to the rear enclosed by the side boundary walls and roof above and 5 skylights on the roof. Given the enclosed nature of the balcony, it will not be overshadowed by the proposed development. With no south-facing windows proposed, this property will not be overlooked by the proposal. An objector has raised concerns with the shadow impact of the proposed development on the 5 skylights and the two roof mounted solar panels. It is acknowledged that the light quality to the skylights will be affected by the proposal, but as they face directly to the sky they will still receive ample access to daylight.
129. It is acknowledged the original proposal did significantly overshadow the existing solar panels. The revised design shown in the sketch plans significantly improves sunlight access to the panels with both panels almost fully shaded at noon and at 1pm but with at least one panel in full sun at 11am and 2pm and both in full sun outside of these times.
130. Having regard to this policy context, Council acknowledges that the protection of existing photovoltaic solar panels on lower-scale buildings will be more difficult to achieve. This has been confirmed by VCAT in *Babaniaris v Greater Geelong CC* [2015] VCAT 1793 and *Bagnato v Moreland CC* [2016] VCAT 5, where the Tribunal stated:
- In my view the question of whether or not overshadowing of solar panels is unreasonable is to be determined by a consideration of the scale of buildings, and therefore the degree of overshadowing, that might reasonably be expected having regard to the planning policies and controls relevant to the locality and the existing and preferred character of development within the neighbourhood. It should not be the case that one property owner can unreasonably compromise what would otherwise be entirely reasonable development on a neighbour's land on the basis that, the development might overshadow solar panels installed by the property owner.*
131. Waste storage areas are located inside the building and so will not be a nuisance to this property. Roof plant equipment is also located at sufficient distance from this property to ensure reasonable amenity is maintained.

#### Site Coverage

132. The level of site coverage proposed is 100 percent. However, as the existing level of site coverage in the surrounding (and immediate) area is similar (including the subject site at approx. 90% coverage), it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Bridge Road.

*Landscape architecture*

133. While landscaping is not a typical feature of commercial developments in the area, the proposal does include a degree of visible landscaping in the form of planters atop the Waltham Street addition street wall. The application was referred to Council's Open Space Unit, who requested a number of additional standard details. These can all be required via a landscape plan, which can form a condition of any permit issued should the application be supported. Council's Urban design Unit raised concerns that plant species may interfere with the operable of the Waltham Street façade screens. A condition will require an appropriate species selection to address this outcome.
134. They also requested an additional street tree to Waltham Street, but as discussed earlier, this is not considered warranted. In relation to the existing street trees, it is not considered necessary that a Tree Management Plan be provided to ensure their protection during construction, as they are located outside the area of the where the addition and the extended basement construction are and so would not be thought to be detrimentally impacted.
135. The reconstruction of the footpath and the work associated with the kerb extension are also considered acceptable given the nature of these would not require deep trenching or excavation with proximity to the trees. The relocated stormwater entry pit associated with the kerb extension is to the south of the extension and so has sufficient separation to prevent impacts to the trees. Further the Open Space Unit did not raise this as a concern.

*Internal amenity*

136. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office space, with large expanses of glazing provided at all levels. The building will also receive adequate ventilation opportunities with west and north-facing operable windows provided. The shading devices provided to the west and north-facing windows will also provide for excellent protection from western and northern sun impacts and so provide a high level of internal amenity. The end-of trip facilities will also offer staff a high level of amenity in this regard.

*Circulation Spaces*

137. The main pedestrian entrance from Bridge Road and Waltham Street provides access to the lift core and stair well, with clearly defined entrances also provided to the food and drinks premises. The entrance and lift lobby area are provided with adequate sightlines from the street so people can see both in and out when entering or leaving. The circulation spaces afford a good level of amenity to future building occupants.

Environmentally Sustainable Design and Waste Management

138. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce occupants and visitors from relying on private vehicles. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. Council's ESD officer has reviewed the applicant submitted ESD advice and outlined the following application ESD commitments and application ESD Deficiencies/Outstanding information;
139. ESD Commitments:

- (a) A total BESS score of 55% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.
- (b) Operable windows to allow for natural ventilation across all levels.
- (c) The buildings thermal fabric aims to reduce heating and cooling energy consumption 10% below the reference case (BCA Section J).
- (d) Utilise a centralised gas hot water system.
- (e) A 3kW Solar PV system is to be located on the roof.
- (f) Individual cold and hot water, electricity meters will be provided to all levels, major tenancies and communal areas and water efficient fixtures are applied throughout.
- (g) A 5,000-litre rainwater tank connected to all basement to level 2 WC's.
- (h) A Melbourne STORM rating of 140%.
- (i) 10 secure bicycle spaces are to be provided for employees at basement, 6 bicycle spaces for visitors and end of trip facility including 2 showers, 10 lockers and changing facilities at basement.

140. ESD Deficiencies/Outstanding information:

- (a) Internal bicycle spaces inappropriately located in basement accessed by lift. Recommend some provided at ground level.
- (b) Absence of communal spaces for staff.
- (c) Recommend organics collection from food and drinks premises.
- (d) Provide a full copy of the BESS report (not just results),
- (e) Provide evidence of daylight modelling results,
- (f) Consider installing operable windows on the north wall of floor 3 and 4,
- (g) Consider a green roof or wall,
- (h) Consider greater capacity for solar PV generation.

141. Council's ESD officer is generally supportive of the application given BESS and STORM compliance is to be achieved and adequate daylight access. In line with the advice, conditions will require the submission of a full copy of the BESS report and evidence of reported daylight factors achieved. The sketch plans show operable windows to the north wall, as requested by the ESD advisor. The position of the staff bike store in the basement is considered acceptable given it is facilitated by lift access. Further Council's Strategic Transport Unit was supportive of the lift access to the bicycle store. It is considered onerous to require further PV generation or a green wall/roof when compliance with BESS practice is already achieved. The lack of staff communal spaces is considered acceptable, particularly given the food and drinks premises at ground floor is likely to be used by staff for this purpose.

142. The ESD advice also requested organic collection. The submitted Waste Management Plan details that organic collection is provided. Council's Contracts Services Unit has reviewed this plan and indicated it is acceptable apart from the bin storage area needing to be increased in size. A condition will also require this (while also ensuring it is appropriately located to be clear of vehicle circulations areas). Private collection twice per week is proposed from within the site, thus bins will not be placed on the footpath ensuring pedestrian access is maintained at all times. Based on the above analysis and subject to the suite of conditions addressing Council's ESD officers and Contracts Services Unit concerns, the proposal is considered acceptable from an ESD and Waste Management perspective.

Parking layout, traffic and bicycle parking

*Traffic and car parking reduction*

143. In relation to traffic considerations, this area has strong strategic justification to support buildings of this scale, along with associated car parking reductions. With tram services along Bridge Road and Church Street, the site is ideally located to take advantage of multiple modes of existing public transport infrastructure within the immediate vicinity.

144. Encouraging the use of public transport as well as, walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking is contrary towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.
145. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion. Further Council's traffic engineers are supportive of the proposed reduction of 25 car spaces (21 under the sketch plans scheme). A previous planning permit at the site (97/293), allowed for shop and dwelling uses and provides approval for an 18 car space reduction. Applying this existing credit, the proposed reduction for the current application is 7 spaces (or 3 for the sketch plans). Given the site is currently operating well below the required car parking and that the sketch plans seek a reduction for a further 3 car spaces beyond the rate required for the existing use, the proposed car parking reduction is considered reasonable.
146. Given the proximity of the site to public transport and on-street car parking restrictions, it is considered unlikely that staff would drive to work as they would be aware of these restrictions. Visitors also have the option to use the public car park located at Hull Street. Given the proximity of public transport options servicing the site and multiple commercial uses along Bridge Road, it is considered likely that a large proportion of visitors (particularly to the food and drinks premises) will be in the area for more than one purpose and will be short term stays. The provision of six bicycle spaces on the Waltham Street footpath will further facilitate visitors to the site, along with 10 on-site bicycle spaces to facilitate staff. For all of these reasons, the proposed car parking reduction is considered acceptable.
147. Objectors have raised concerns that staff and visitors may increase pressure on existing on-street car parking. However, the development will not be eligible for on-street staff or visitor parking permits which will minimise the impact the development will have on existing on-street car spaces. A permit note could detail this.

*Parking layout/access*

148. The 8 car parking spaces will be provided within three stacking systems, accessed via Waltham Street. The layout of the car stackers and garage was assessed by Council's Engineers, who were supportive of the design. Council's Traffic Engineers were also satisfied that waste vehicles can safely and efficiently access the site. Concerns were raised with the loss of two of the three car spaces to the front of the site, and in response, the applicant has reduced the proposed 6m wide crossovers to 4m allowing for the retention of two on-street car spaces. This satisfactorily addresses this issue with Council's Engineers confirming that safe and efficient access is maintained for cars and waste trucks utilising the 4m wide crossover.
149. Remaining outstanding issues raised by the Engineers include detail of headroom clearance to the garage, dimension of the crossover width on plans, recheck the convex mirror position and indicated the length of 1:16 Grade ramp on the plans. The sketch plans have shown the head clearance to be 2.36m, the ramp to be 4m in length and have corrected the mirror position. Council's Engineers have reviewed these changes and indicated they are acceptable.
150. In addition, a number of standard conditions and notes were outlined by Council's Engineers. These include matters relating to protection of Council's assets, construction of the crossover, re-sheeting the footpath post development, drainage, the submission of a Construction Management Plan, detailed engineering plans of the proposed kerb extension, adjustment of car parking restriction signs and liaising with the relevant service authorities regarding adjustments to their assets. The Engineers did request the existing crossover be instated as footpath.



They have confirmed this was an oversight as the proposed crossover is in this location. They also requested the entire footpath be re-sheeted to Waltham Street and Bridge Road. Given limited work to the existing building is proposed, it may not be necessary to re-sheet the Bridge Road frontage. A condition will allow the flexibility for the existing footpaths in this area to be retained if they are not damaged by the development.

#### *Bicycle parking*

151. The development proposes a total of 16 bicycle spaces, with ten located in a secure storage room in the basement for staff, accessed by lift, three bicycle hoops are proposed on the Waltham Street footpath to accommodate 6 bicycles. Two showers/change rooms are provided with only one required by the Scheme. The application was referred to Council's Strategic Transport Unit who indicated the provision of bicycle spaces was acceptable. While the visitor spaces fall short of the requirements by 1 space, with four additional staff spaces beyond the 6 required, the short fall for visitors is considered acceptable. The reduced length of the kerb extension shown in the sketch plans continues to allow for the retention of the 3 proposed bicycle hoops and with their separation maintained as per the advertised plans.
152. Transport Unit is also supportive of lift access to the bicycle store but requested that at least 20% of the bike spaces be provided at grade. The sketch plans address this and so on-balance bicycle parking is acceptable. A condition will also require the SMP is updated to show the revised bicycle parking layout. The Strategic Transport Unit also requested Electric Vehicle charging points for all car spaces. However, with only 8 car spaces proposed it is not considered justified to require this.

#### Other matters

153. The sketch plans contain an error whereby the elevation external finishes legend state PC2 will be a 'Dulux pearl gold satin' colour, while the material schedule states it will be 'Dulux moonlight satin'. The applicant has confirmed the colour will be 'pearl gold satin'. A condition will require this is corrected.
154. The west elevation does not show the material of the new three storey western wall in the area of the medical centre entrance. The applicant has confirmed it will be a grey coloured rendered masonry wall. A condition will require this detail is shown on the plans.

#### Objector concerns

155. 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) Visual bulk and height issues; out of character from Waltham Street/residential area.
    - (i) This issue has been discussed extensively within paragraphs 90-117 of this report.
  - (b) Proposal not respectful of heritage place and neighbourhood character.
    - (i) This issue has been discussed extensively within paragraphs 75-119 of this report.
  - (c) Increased traffic demand for on-street parking spaces and this compounded by loss of an existing car space.
    - (i) This issue has been discussed extensively within paragraphs 143-152 of this report.
  - (d) Shadowing concerns (including neighbouring skylights and solar panels); and.
    - (i) This issue has been discussed extensively within paragraphs 125-131 of this report.

- (e) Blocking views to landmarks.
  - (i) This issue has been discussed extensively within paragraphs 118-119 of this report.
- (f) Use of Waltham Street footpath trading imposition on residents.
  - (i) This issue has been discussed extensively within paragraphs 116 of this report
- (g) Nuisance to Bridge Road and Waltham Street and structural damage to neighbours during construction period.
  - (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.
  - (ii) It is noted that the inside skin of the eastern wall is proposed to be removed, including an approx. 4m length on an existing party wall and their reconstruction to an average height of 18m. Structural issues in relation to the removal and reconstruction of this wall is a building matter with requirements that appropriate structural engineering assessments are provided in relation to protection works on the boundary. As such this is not a relevant planning matter. It is noted that should these work result in a variation being required to the party wall easement, a planning application would be required, with appropriate public notification and assessment of the application to occur should such an application be lodged. A note on the permit will remind the applicant of this requirements should any variations to the easement be required.
- (h) Impacts to property values.
  - (i) The Yarra Planning Scheme does not include any policy objectives in relation to the protection of property values, and so this is not a relevant planning consideration.

## Conclusion

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

## RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN19/0321 for the development of the land for partial demolition, construction of a five storey extension to the existing building (plus basement) and a reduction of car parking requirements of the Yarra Planning Scheme at No 194 Bridge Road Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by BG Architects, dated 11 December 2019 (TP004-A, TP100-A, TP101-A, TP102-B, TP103-B, TP200-D, TP201-D, TP202-D, TP203-D, TP300-D, TP500-C, TP600, TP601-A and TP602-B) but amended to include:

(a) The changes shown in the sketch plans prepared by BG Architects, dated 16 April 2020 (TP004-B, TP100-C, TP101-C, TP102-C, TP103-C, TP200-G, TP201-F, TP202-G, TP203-F, TP300-G, TP500-E, TP600-A, TP601-B, TP602-D and TP603) as follows:

- (i) Increased upper level setbacks of levels 3 and 4 to Waltham Street to 2.15m and rear/south boundary to 1.5m and 3.4m;
- (ii) Clarification of material finishes to the 5 storey additions;
- (iii) Clarification of the faded appearance of the artwork to the east and south walls;
- (iv) Operable windows added to the proposed west wall of the curved stair/lift lobby and north wall to the medical centre;
- (v) Reduced length of Waltham Street footpath extension by 1m;
- (vi) Reduced width of crossover to 4m,
- (vii) The garage door head height of 2.36m clearance and the 1:16 ramp length in garage as 4m, and
- (viii) 20% of bicycle spaces in garage at grade:

And further modified to show the following:

- (b) Deletion of canvas awnings;
- (c) Deletion of fixed tables and chairs to the Waltham Street footpath;
- (d) Update the material schedule to show the colour of PC2 as “Dulux pearl gold satin”;
- (e) Identify the masonry construction with grey rendered finish to the new three storey wall above the medical centre entryway to the Waltham Street frontage;
- (f) An updated schedule of all external materials and finishes (including materials samples). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, fascias, window frames and cladding;
- (g) Any requirement of the amended Waste Management Plan required by condition 6 of this planning permit (where relevant to show on plans); and
- (h) Any requirement of the Conservation Management Plan required by condition 8 of this planning permit (where relevant to show on plans).

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

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

#### Sustainable Management Plan

4. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 15 May 2019, but modified to include:

- (a) Two of the proposed bicycle spaces provided at grade in the basement;
- (b) A full copy of the BESS report; and
- (c) Evidence of daylight modelling results.

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

Waste Management Plan

6. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio consultants and dated 26 September 2019, but modified to include:

- (a) An enlarged waste storage area and to be clear of vehicle circulation areas in garage.

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.

Conservation Management Plan Required

8. Before the development commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:

- (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The render treatment to the heritage facades including detail of any repair works required;
    - (ii) Detail of all new windows and doors to the retained heritage building and to show their style and materials will be appropriate to the heritage character of the building;
    - (iii) The proposed reconstruction, restoration or works to the existing three storey Waltham Street and Bridge Road heritage façades, existing "Australia Hotel" sign, roof, with notations clearly outlining any changes from existing conditions or use of new materials; and
    - (iv) Any specific requirements.

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

Landscape Plan

10. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) indicate the location and widths and depth of planter boxes; and
  - (c) demonstrate appropriate selection of plant species to ensure the operation of the perforated façade screen is not impeded by plantings.

to the satisfaction of the Responsible Authority.

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

Waltham Street kerb extension

12. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works plan including detailed engineering designs for the proposed kerb extension to Waltham Street to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscape Works plan will be endorsed and will form part of this permit. The plan is to show/include the following:

- (a) Footpath surface materials to be asphalt to match existing footpath surface and details of non-slip surface treatments to the glass bricks to the basement hatch; and
- (b) Location and details of relocated stormwater drainage pits, kerb and channel footpath, setbacks of bicycle hoops to kerb edge (0.4m minimum required) and road pavement modifications.

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure (including the re-sheeting of the entire Bridge Road footpath for the width of the property frontage if required by the Responsible Authority) resulting from the development must be reinstated:

- (a) at the permit holder's cost, and
- (b) to the satisfaction of the Responsible Authority.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the entire footpath frontage to Waltham Street must be demolished and re-instated as standard footpath with a maximum 1-40 cross-fall and with bluestone kerb and channel retained/reinstated:

- (a) at the permit holder's cost; and
- (b) 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, the 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.

16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way and with all redundant property drains to be removed.

17. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of street signs, pits, drainage infrastructure, power poles and car parking spaces (including car space line markings and footpath parking sensors) necessary to facilitate the development must be undertaken:

- (a) in accordance with any requirements or conditions imposed by the relevant authority;
- (b) at the permit holder's cost; and

to the satisfaction of the Responsible Authority.

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

General

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity, and
  - (e) 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, all new on-boundary walls must be cleaned and finished 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. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
23. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
24. 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.

25. 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.

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

27. 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.

28. 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:

Pursuant to clause 52.02 (Easements, Restrictions and Reserves) of the Yarra Planning Scheme a permit may be required to vary an easement.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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

Provision must be made for drainage of the site to a legal point of discharge.

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch on 9205 5555 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 business owners and employees within the development approved under this permit will not be permitted to obtain resident, business or visitor parking permits.**

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

Council will not permit clean ground water from below the ground water table to be discharged into Council's drainage system. Basements that extend into the ground water table must be waterproofed/tanked.

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

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

**Attachments**

- 1 PLN19/0312 - 194 Bridge Road, Richmond - Subject Site
- 2 PLN19 0312 - 194 Bridge Road Richmond - Advertising Plans
- 3 PLN19/0312 - 194 Bridge Road, Richmond - Sketch Plans
- 4 PLN19/0312 - 194 Bridge Road, Richmond - Heritage Comments (Advertised Plans)
- 5 PLN19/0312 - 194 Bridge Road, Richmond - Heritage Comments (Sketch Plans)
- 6 PLN19/0312 - 194 Bridge Road, Richmond - Urban Design Comments
- 7 PLN19 0312 - 194 Bridge Road, Richmond - Engineering Comments
- 8 PLN19/0312 - 194 Bridge Road, Richmond - Contracts Services Comments
- 9 PLN19/0312 - 194 Bridge Road, Richmond - ESD Comments
- 10 PLN19/0312 - 194 Bridge Road, Richmond - Strategic Planning Comments
- 11 PLN19/0312 - 194 Bridge Road, Richmond - Open Space Comments
- 12 PLN19/0312 - 194 Bridge Road, Richmond - Strategic Transport Comments



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- 1.2 PLN18/0183 - 19 Down Street Collingwood - the construction of an eight-storey (plus basement levels) building including office and food and drinks (cafe) premises (no permit required for uses) and a reduction in the car parking requirements.**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of Planning Application PLN18/0183 which is for the construction of an eight-storey (plus basement levels) building including office and food and drinks (cafe) premises (no permit required for uses) and a reduction in the car parking requirements at No. 19 Down Street Collingwood. The report recommends approval subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
- (a) Clause 15.01 – Urban Environment – Higher Density Guidelines;
  - (b) Clause 22.10 – Built Form and Design Policy;
  - (c) Clause 34.02 – Commercial 2 Zone; and
  - (d) Clause 52.06 – Car Parking.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
- (a) Policy and strategic support;
  - (b) Built form, and;
  - (c) Off-site amenity.

### **Submissions Received**

4. Thirty eight objections were received to the application, these can be summarised as:
- (a) Concerns regarding the proposed design, including the building height and scale not in accordance with the existing neighbourhood character and insufficient upper level setbacks from the rear boundary (i.e. John Street).
  - (b) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);
  - (c) Discordance with the objectives of the Design and Development Overlay (Schedule 11);
  - (d) Overshadowing of the public realm;
  - (e) Traffic and car parking concerns;
  - (f) Concerns regarding construction noise and traffic;
  - (g) Waste impacts (during and post-construction);
  - (h) Concerns about maintenance of the proposed landscaping, and;
  - (i) Concern that businesses in the surrounding area have been labelled incorrectly.

### **Conclusion**

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

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

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**1.2 PLN18/0183 - 19 Down Street Collingwood - the construction of an eight-storey (plus basement levels) building including office and food and drinks (cafe) premises (no permit required for uses) and a reduction in the car parking requirements.**

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Reference: D20/38841  
 Authoriser: Senior Coordinator Statutory Planning

**Ward:** Langridge  
**Proposal:** The construction of an eight-storey (plus basement levels) building including office and food and drinks (cafe) premises (no permit required for uses) and a reduction in the car parking requirements.  
**Existing use:** Office  
**Applicant:** 19 Down Street Pty Ltd  
**Zoning / Overlays:** Commercial 2 Zone / Design and Development Overlay (Schedule 11)  
**Date of Application:** 21 March 2018 (original lodgement)  
 15 October 2019 (Section 57A Amendment)  
**Application Number:** PLN18/0183

**Planning History**

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

**Background**

Section 57A Amendment

2. The application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 15 October 2019. The amendment resulted in a completely revised built form response, changing from a twelve-storey building down to an eight-storey building. All relevant reports and documents were also revised as part of the amendment to correspond with the amended plans. The amended application was re-advertised pursuant to Section 57B of the *Planning & Environment Act 1987*.

**The Proposal**

3. The proposal is for the construction of an eight-storey (plus basement levels) building including office and food and drinks (cafe) premises (no permit required for uses) and a reduction in the car parking requirements.. The proposal can be described in more detail as follows:

Use

- (a) The application proposes to use the land for:
  - (i) office, with a net floor area of 2,236sqm (inclusive of 130sqm ancillary gallery / theatre) and;
  - (ii) food and drinks premises (café), with a leasable floor area of 39.5sqm
- (b) A planning permit is not required for either of the proposed uses.

Development

Basement

- (c) Two basement levels will be accessed via John Street, with the following features:
  - (i) 14 car stacker spaces, located across both basement levels.

- (ii) 68 employee bicycle spaces and end of trip facilities located at basement level 01;

#### *Ground Floor*

- (d) The ground level will be constructed to the northern and southern boundaries and will adopt:
  - (i) a street setback of 2m from Down Street (save for a services area at the southern section of the eastern façade), and;
  - (ii) a rear setback of 1.5m (i.e. from John Street).
- (e) The ground floor provides a lift core along the northern boundary with the café located to the east. The proposed gallery / theatre is located in the southeast corner of the ground floor. A central, internal thoroughfare links the Down Street pedestrian entrance to the rear pedestrian entrance.
- (f) The Down Street frontage will be composed largely of glazing, with the main pedestrian entrance and front windows / bi-fold doors along the ground floor façade. Served windows associated with the café use will be located towards the northern end of the ground floor façade.
- (g) Along John Street, access to the car stacker basement is provided as well as a substation. As outlined above, a pedestrian entrance is provided along John Street, which is adjacent to 25 visitor bicycle spaces which will be visible from John Street through a window in the rear facade. A waste storage area and bathrooms are provided central to the building.

#### *First, Second and Third Floors*

- (h) Each of these levels feature 366sqm of office floor space with planter boxes along the eastern and western boundaries. The walls are set back 1.85m from the eastern boundary and 0.85m from the west. The lift and services core is provided along the northern boundary.

#### *Fourth, fifth, sixth and seventh floors*

- (i) As the development ascends above the four-storey podium, each floor is provided with a greater eastern setback and lesser floor area:
  - (i) The fourth floor has an eastern setback of 0.85m and the same setback provided from the rear (western) boundary with an office floor area of 353sqm;
  - (ii) The fifth floor has an eastern setback of 1.98m and a rear setback of 1.7m, with an office floor area of 295sqm;
  - (iii) The sixth floor has an eastern setback of 4.95m and a rear setback of 1.7m with an office floor area of 215sqm;
  - (iv) The seventh floor has an eastern setback of 7.7m and a rear setback of 1.7m, with an office floor area of 150.8sqm;
  - (v) Landscaping is provided across all building facades, and;
  - (vi) The fourth floor has a north-facing balcony of 32sqm to the northeast of the building.

#### *Roof Level*

- (j) A 39sqm open plant area is provided on the roof, with a Down Street street setback of 10.01m and a rear setback of 1.7m. The lift overrun and service stairs are located at roof level, as are 10 solar panels and A/C units.

#### *General*

- (k) The development seeks a four-storey street wall, above which the development increases in height from east to west, providing greater street setbacks as the development ascends.
- (l) The development proposes a maximum building height of 33.75m.

#### *Materials and finishes*

- (m) The development proposes a mix of pigmented concrete (in a light red colour), glazing, timber cladding (ground floor facades only) and metal elements including metal balcony balustrades and vertical chains for climber plants.
- (n) The form of the proposed building is rectilinear with vertical-rectangular format fenestration across the facades of the building. Side boundary walls are composed of the pigmented concrete but provided with alternating strips of lighter and darker shades. The darker-shaded strips feature a pattern of indented panels.
- (o) The plant and services area is provided with a metal mesh screen which continues the raked line of the east-facing upper levels.

4. A three-dimensional perspective of the development is provided below at Figure 1.



Figure 1: Three dimensional render of the proposed development showing the northern façade of the building as viewed from Down Street (application package)

## Existing Conditions

### Subject Site

5. The subject site is rectangular in shape and located on the western side of Down Street, approximately 45 metres east of Wellington Street, in Collingwood. The site has a frontage to Down Street of 15.22m and a depth of 30.79m, with a total site area of 469 square metres. The site abuts John Street at the rear of the site, with a rear boundary width of 15.18m.



Figure 2: The subject site (red outline) and surrounding land (Nearmap, February 2020)

6. The site is developed with a single-storey brick warehouse building which forms part of a large, multi-lot warehouse building which extends south to Singleton Street. The subject site is currently used as an office for a video production business. The existing building presents to Down Street with a street wall that is equivalent to two storeys in height and punctuated with a recessed pedestrian entrance, windows and a roller door typical of warehouse building, which provides vehicle access. To the rear, the building presents to John Street with a blank wall with three, low garage doors. The building has a flat roof and a site coverage of 100%.

Surrounding Land

7. The surrounding land is mixed and is located within 350m of the Smith Street Major Activity Centre (MAC) and within 450m of the Johnston Street Activity Centre. Public transport is readily available to the site with tram services on Smith Street, bus services along Johnston Street and Hoddle Street (450m east) as well as Collingwood Railway Station located 550m east.
8. The subject site is located in the Commercial 2 Zone (C2Z), with the Mixed Use Zone (MUZ) to the east, the Neighbourhood Residential Zone (NRZ1) further east, and the Public Use Zone (PUZ2) east of the NRZ1 land. The MUZ is also to the west of Wellington Street. The surrounding land is mixed, and this pattern is most clearly demonstrated by the zoning context depicted at figure 3 below.



**Figure 3:** The zoning context of the surrounding land. (Council GIS, March 2020)

9. The subject site forms part of a large commercial precinct zoned C2Z in southern Collingwood, which, pursuant to the Spatial Economic and Employment Strategy (SEES), is referred to as the Gipps Street Major Employment Precinct. This area generally extends east to Hoddle Street, north to Vere Street and south to Victoria Parade. The area has a range of commercial offerings including small-scale office, recreation facilities, studios, education centres and warehouses with some retail and hospitality offerings located along Gipps Street (south of the subject site) . The precinct is typified by low-rise, older (Edwardian through to early post-war eras) industrial and commercial buildings of 1-3 storeys as well as an emergent character of mid-rise contemporary office (and some apartment) developments of up to 17 storeys. The older building stock typically has high site coverage with buildings presenting to the public realm with sheer walls and minimal (if any) street setbacks. The emerging developments in the area provide contemporary architectural responses, typically with rectilinear forms and materials including concrete, metal cladding and facades with high proportions of glazing. Examples of this emergent character include the following:

- (a) A seven-storey office building at No. 48 – 50 Gipps Street (120m south) approved under Planning Permit PLN18/0902. Construction works have not yet commenced.
  - (b) A part-six, part-eleven storey office development at No. 71 – 93 Gipps Street (250m southeast) approved under Planning Permit PLN16/1150. Construction works have commenced.
  - (c) A six-storey office building at No. 89 Rokeby Street (350m south) approved under Planning Permit PLN18/0158. Construction works have not yet commenced.
  - (d) A four-storey extension to an existing office building (total six storeys) at No. 23 – 25 Gipps Street (150m south), approved under Planning Permit PLN19/0109. Construction works have not yet commenced.
  - (e) A nine-storey apartment building at No. 195 Wellington Street (150m northwest), approved under Planning Permit PLN13/0103. This development has been completed.
  - (f) A part-six, part-eleven storey office development at No. 9 – 16 Northumberland Street (420m south) approved under Planning Permit PLN16/0450. The development is currently under construction, nearing completion.
  - (g) A ten-storey office development at No. 51 Langridge Street (400m south) approved under PLN17/0332. The development has been recently constructed.
  - (h) An apartment development of up to 17 storeys at the Yorkshire Brewery site (1-21 Robert Street – 280m south) approved under Planning Permit PLN11/0750. This development has been completed.
10. These developments (and other recent developments of six or more storeys) have been shown on the following aerial image, with the subject site shown in blue.



**Figure 4:** The subject site (blue star) and nearby sites with approvals for developments of six storeys or greater.

11. In addition to the above, Planning Permit PLN15/0104 allowed for the construction of a four-storey office building at No 18 – 24 Down Street (i.e. opposite the subject site). Works have not commenced and from Council records, it is evident that the permit has expired.

12. To the east of this commercial precinct is a residential pocket which includes parts of Dight Campbell, Rupert and Sturt Streets. This area is partly zoned MUZ (both sides of Dight Street, north of Singleton Street) which has a mix of single dwellings and warehouse buildings. Further east, this area is zoned NRZ1, which is largely made up of older, single dwellings of one – two storeys. These dwellings are typically constructed of timber or brick on narrow lots and feature shallow front setbacks and high site coverage.
13. North of Vere Street, the land is zoned General Residential Zone (GRZ3) and includes a large public housing estate comprising three high rise towers (two fronting Hoddle Street and one fronting Wellington Street) and low-rise townhouses and apartment buildings of two-three storeys. These developments are of the post-war era and largely constructed of concrete.
14. Nearby properties to the subject site include the following:
  - (a) To the north at No. 21 Down Street is a double-storey warehouse building similar to the subject site with 100% site coverage and vehicle access from both Down and John Streets. The building is constructed flush to the common boundary with the subject site and is currently used as a warehouse / office for a seafood trading business. The building includes windows fronting Down and John Streets.
  - (b) To the south at No. 20 John Street is a warehouse of the same size and height as that of the subject site. This site forms part of the larger warehouse of which also includes the subject site and is constructed flush to the common boundary with the subject site. The site has vehicle access from John Street, windows fronting Down and John Street and is currently used as an office for a construction company.
  - (c) To the west of the subject site, opposite John Street are a number of warehouse buildings which front Wellington Street and feature vehicle access from John Street. All such buildings have windows fronting John Street. These buildings are currently used as follows:
    - (i) No. 180 Wellington Street, is used as a restricted retail business which sells furniture;
    - (ii) No. 172 Wellington Street, is used as an office for a photography studio at ground floor and an office for a digital production company at first floor.

## Planning Scheme Provisions

### Zoning

#### *Commercial 2 Zone*

15. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for the use of the land for offices.
16. Pursuant to Clause 34.02-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
17. Pursuant to Clause 34.02-1, a planning permit is not required to use the land for an art gallery. Pursuant to Clause 73.03, the use 'theatre' is an innominate use, and would therefore require a planning permit for such a use. The proposed development includes a section of the ground floor which has an in-built amphitheater-style seating and is labelled 'gallery / theatre'. At the time of the advertising of the original iteration of the application, it was considered that this use was ancillary to the larger office use given that it is open to the ground floor of the development and that it can be used for office-type functions such as meetings and staff training exercises etc. The Section 57A plans, however, provided a new notation to the 'gallery / theatre' area stating 'potential tenancy'. This notation could allow the 'gallery / theatre' area to be used separately from the larger office use, and would therefore enable the 'gallery/theatre' to be used in a manner that would not be ancillary to the larger office use. As such, a condition is recommended for this notation to be deleted.

Overlays

18. The subject site is affected by the Design and Development Overlay (Schedule 11). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works. Schedule 11 to the overlay covers the *Gipps Precinct* which provides built form guidance. The overlay does not have any mandatory built form requirements.

Particular Provisions

*Clause 52.06 – Car parking*

19. Clause 52.06-1 of the Scheme prescribes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table overleaf outlines the car parking requirements for the proposed office use (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
<b>Office</b>	2236 sqm* net floor area	3 car parking spaces per 100sqm of net floor area	67	14	53
<b>Food and Drinks Premises</b>	39.5 sqm leasable floor area	3.5 spaces per 100sqm of leasable floor area	1	0	1
<b>Total</b>			<b>68</b>	<b>14</b>	<b>54</b>

\* this figure is inclusive of the ancillary gallery / theatre proposed at the ground floor

20. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of 54 spaces is sought.

*Clause 52.34 – Bicycle facilities*

21. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land. The table below outlines the bicycle parking requirements for the proposed use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus
<b>Office</b>	2236 sqm* net floor area	<i>Employee spaces</i> 1 space to each 300m <sup>2</sup> net floor area (if the net floor area exceeds 1000m <sup>2</sup> )	7		
		<i>Visitor spaces</i> 1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m <sup>2</sup> )	2		
		<i>Showers / Change Rooms</i> 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2		
<b>Food and Drinks Premises</b>	39.5 sqm leasable floor area	<i>Employee spaces</i> 1 space to each 300m <sup>2</sup> leasable floor area	0		
		<i>Shopper spaces</i> 1 space to each 500m <sup>2</sup> leasable floor area	0		
		<i>Showers / Change Rooms</i> Only applicable if 5 or more bicycle spaces required by use	0		



Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus
<b>Total</b>		<i>Employee spaces</i>	7	68	61
		<i>Visitor / Shopper spaces</i>	2	25	23
		<i>Showers / Change Rooms</i>	2	5	3

\* this figure is inclusive of the ancillary gallery / theatre proposed at the ground floor

22. As detailed in the above table, the proposal provides a surplus of 61 employee spaces, 23 visitor spaces and 3 showers / change rooms. As such, a planning permit is not triggered under this provision.

General Provisions

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

Planning Policy Framework (PPF)

24. Relevant clauses are as follows:

*Clause 11.01-1R (Settlement - Metropolitan Melbourne)*

25. Relevant strategies include;

- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
- (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

26. The objective is:

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

*Clause 11.03 (Planning for Places)*

*Clause 11.03-1R (Activity centres – Metropolitan Melbourne)*

27. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
  - (i) *Are able to accommodate significant growth for a broad range of land uses.*
  - (ii) *Are supported with appropriate infrastructure.*
  - (iii) *Are hubs for public transport services.*
  - (iv) *Offer good connectivity for a regional catchment.*
  - (v) *Provide high levels of amenity.*

*Clause 15.01 (Built Environment and Heritage)*

28. This clause outlines the following guidelines;

- (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*

- (b) *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
- (d) *Planning should promote excellence in the built environment and create places that:*
  - (i) *Are enjoyable, engaging and comfortable to be in.*
  - (ii) *Accommodate people of all abilities, ages and cultures.*
  - (iii) *Contribute positively to local character and sense of place.*
  - (iv) *Reflect the particular characteristics and cultural identity of the community.*
  - (v) *Enhance the function, amenity and safety of the public realm.*

*Clause 15.01-1S (Urban design)*

29. The objective is:

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

*Clause 15.01-1R (Urban design - Metropolitan Melbourne)*

30. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

*Clause 15.01-2S (Building Design)*

31. The objective is:

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

32. The strategies of this clause are:

- (a) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (f) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (g) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

*Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)*

33. The strategy is:

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

*Clause 15.01-5S (Neighbourhood character)*

34. The objective is:

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

35. Strategies are:

- (a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
- (b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
  - (i) *Pattern of local urban structure and subdivision.*
  - (ii) *Underlying natural landscape character and significant vegetation.*
  - (iii) *Heritage values and built form that reflect community identity.*

*Clause 15.02 (Sustainable Development)*

*Clause 15.02-1S (Energy and resource efficiency)*

36. The objective is:

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

*Clause 17 (Economic development)*

37. The clause states:

- (a) *Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

*Clause 17.01-1S (Diversified economy)*

38. The objective is:

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

39. Relevant strategies are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Improve access to jobs closer to where people live*

*Clause 17.01 -1R (Diversified economy – Metropolitan Melbourne)*

40. Strategies include:

- (a) *Facilitate the development of National Employment and Innovation Clusters by ensuring they:*
  - (i) *Have a high level of amenity to attract businesses and workers;*
  - (ii) *Are supported by good public transport services and integrated walking and cycling paths;*
  - (iii) *Maximise investment opportunities for the location of knowledge intensive firms and jobs.*

*Clause 17.02-1S (Business)*

41. The objective is:

- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*

42. Relevant strategies include:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

*Clause 18.02-1S – (Sustainable personal transport)*

43. The objective is:
- (a) *To promote the use of sustainable personal transport.*
44. Relevant strategies are:
- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
  - (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
  - (c) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
  - (d) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

*Clause 18.02-1R (Sustainable personal transport- Metropolitan Melbourne)*

45. Strategies of this policy are:
- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
  - (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

*Clause 18.02-2S (Public Transport)*

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

*Clause 18.02-2R (Principal Public Transport Network)*

47. A relevant strategy of this clause is to:
- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

*Clause 18.02-4S (Car Parking)*

48. The objective is:
- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*
49. A relevant strategy is:
- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

50. Relevant clauses are as follows:

*Clause 21.04-3 (Industry, office and commercial)*

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

52. The clause also acknowledges that Yarra's *commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.*

*Clause 21.05-2 (Urban design)*

53. The relevant objectives and strategies are:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra;*
  - (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    - (i) *Strategy 17.2 encourages new development to be no more than five – six storeys unless it can be demonstrated that the development can achieve specific benefits such as:*
      - *Significant upper level setbacks*
      - *Architectural design excellence*
      - *Best practice environmental sustainability objectives in design and construction*
      - *High quality restoration and adaptive re-use of heritage buildings*
      - *Positive contribution to the enhancement of the public domain*
      - *Provision of affordable housing.*
  - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
  - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
  - (e) *Objective 21 To enhance the built form character of Yarra's activity centres;*
    - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
  - (f) *Objective 22 To encourage the provision of universal access in new development.*

*Clause 21.05-4 (Public environment)*

54. The relevant objective and strategies are:
- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
    - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings*
    - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
    - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*

*Clause 21.05-3 (Built form character)*

55. The relevant objective is:
- (a) *Objective 27 To improve the interface of development with the street in non-residential areas.*

*Clause 21.06 (Transport)*

56. This clause builds upon the objectives outlined at clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

*Clause 21.06-1 (Walking and cycling)*

57. This clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

- (a) *Objective 30 To provide safe and convenient bicycle environments:*
  - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

*Clause 21.06-2 (Public transport)*

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

*Clause 21.06-3 (The road system and parking)*

- (c) *Objective 32 To reduce the reliance on the private motor car.*

*Clause 21.07-1 (Environmentally sustainable development)*

58. The relevant objective of this clause is:

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

*Clause 21.08-5 Neighbourhoods (Collingwood)*

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

- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
- (b) *The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses. To allow flexibility for large sites which may have difficulty in finding new industrial tenants, rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.*

Relevant Local Policies

60. Relevant clauses are as follows:

*Clause 22.05 (Interface Uses Policy)*

61. The relevant policy is:

- (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

*Clause 22.10 (Built form and design policy)*

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

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

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

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

64. This policy applies to (as relevant) new buildings and contains the following objectives;
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
  - (b) *Currently, these water quality performance objectives require:*
    - (i) *Suspended Solids - 80% retention of typical urban annual load*
    - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
    - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
    - (iv) *Litter - 70% reduction of typical urban annual load*
  - (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
  - (d) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
  - (f) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

*Clause 22.17 (Environmentally Sustainable Design)*

65. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other relevant documents

*Gipps Street Local Area Plan*

66. The Gipps Street Local Area Plan (GSLAP) was adopted by Council in February 2010. This plan includes objectives, strategies and actions which deal with future land use and form of development, physical improvements and infrastructure investments. It provides the strategic basis for future development and activity mix, preferred future character, a guide for new public works and infrastructure, design guidance and an overall approach to implementation and priorities.
67. This plan pre-dates the rezoning of the subject land from Industrial to Commercial and influenced the implementation of Schedule 11 to the Design and Development Overlay affecting the site.
68. The GSLAP aims to reduce car travel into the precinct, as follows;
- (a) *A broader policy objective to implement Council's Strategic Transport Statement is to reduce the proportion of trips into and out of the precinct by car.*

- (b) *Reduced car travel will depend primarily on broader initiatives beyond the scope of this plan.*
- (c) *Local initiatives should aim to improve walking and cycle access and connections to public transport and slowing car and other vehicle traffic in and around the precinct.*

#### *Spatial Economic and Employment Strategy*

- 69. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
- 70. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
- 71. The Gipps Street Major Employment Precinct (located between Smith, Johnston and Hoddle Streets and Victoria Parade) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street south, Cremorne and Victoria Parade.
- 72. A Strategy of the SEES relevant to this application is Strategy 2: Retain and grow Yarra's Major Employment precincts:

*To accommodate projected demand for commercial floor space, Yarra's two large consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities. These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts.*

- 73. The strategy includes the following precinct specific directions for the Gipps Street precinct:

*Given projected demand for employment floor space, and office floor space in particular, the precinct should retain its employment focus. Recent zoning changes have already provided greater flexibility in the range of permissible employment land uses.*

*Although there are many retail and hospitality business beyond the immediate Gipps Street precinct, the lack of retail within the precinct could be a barrier to attracting new businesses. The collection of smaller business on Glasshouse Road at the western edge of the precinct might be interpreted as evidence of the attractiveness of the more vibrant quarters of the precinct.*

*More detailed built form guidance would provide greater clarity about opportunities for additional development and the scale and form envisaged.*

*This precinct could accommodate future demand for floor space generated by both the Victoria Parade health precinct and the Johnston Street Activity Centre, where capacity for growth is more constrained.*

- 74. The SEES also acknowledges that *employment across the precinct is changing, with the evolution of a more diverse commercial employment base focused around the creative sector, service industries, and hybrid office/industrial businesses.*

#### **Advertising**



75. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1,066 letters sent to surrounding owners and occupiers and by two signs displayed on site. Council received 30 objections, the grounds of which are summarised as follows:
- (a) Concerns regarding the proposed design, including the building height and scale not in accordance with the existing neighbourhood character and insufficient upper level setbacks from the rear boundary (i.e. John Street).
  - (b) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);
  - (c) Discordance with the objectives of the Design and Development Overlay (Schedule 11);
  - (d) Overshadowing of the public realm;
  - (e) Traffic and car parking concerns;
  - (f) Concerns regarding construction noise and traffic;
  - (g) Waste impacts (during and post-construction);
  - (h) Concerns about maintenance of the proposed landscaping, and;
  - (i) Concern that businesses in the surrounding area have been labelled incorrectly.
76. Section 57A amended plans were lodged and resulted in a reduction of the development. The key changes include:
- (a) Reduction in building height from 12 to 8 storeys;
  - (b) Application of a raked, east-facing wall to upper levels, with reduced floor area as the development ascends above the street wall;
  - (c) Ground floor street setback increased from 0.6m to 2m;
  - (d) Provision of a rear setback of 1.5m.
77. The amended plans were re-advertised under the provisions of Section 57B of the *Planning and Environment Act 1987* by 212 letters sent to surrounding owners and occupiers and by two signs displayed on site. An additional eight objections were received (4 of which were from new objectors that had not objected to the original proposal). The grounds of these objections can be summarised in the same way as the previous paragraph.
78. A planning consultation meeting was held on 11 February 2020 and attended by three objectors, the applicant and Council planning officers to discuss concerns raised in the letters of objection. No changes to the application were made following the meeting.

## Referrals

79. The referral comments are based on the Section 57A amendment plans (i.e. the decision plans). This is because the Section 57A amendment resulted in an entirely new development proposal with a suite of revised reports and documentation.

### External Referrals

80. The application was referred externally as follows:
- (a) External urban design consultant (MGS Architects).
81. Referral responses/comments have been included as attachments to this report.

### Internal Referrals

82. The application was referred to the following units within Council:
- (a) Engineering Services Unit;
  - (b) ESD Advisor;
  - (c) Waste Unit;
  - (d) Open Space Unit;
  - (e) Strategic Transport Unit; and
  - (f) Urban Design Unit (public realm only).

83. Referral comments have been included as attachments to this report.

## OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Built form;
- (c) On-site amenity;
- (d) Off-site amenity;
- (e) Car parking, vehicle access, traffic, loading and waste;
- (f) Bicycle facilities; and
- (g) Objector concerns.

### Policy and Strategic Support

85. The proposed development has strong strategic support at State and local level. The subject site is located within a C2Z, which has a key purpose *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

86. Consistent with the zone, the use of the land for office does not require a planning permit and only the buildings and works are triggered by this provision. This indicates strong strategic support for office use within the precinct. Additionally, policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport.

87. The site and adjacent land are located in the C2Z and form part of the Gipps Street Major Employment Precinct, as identified by the SEES (or Gipps Street Industrial Precinct as identified by the DDO11). The proposal complies with the strategic direction outlined for this precinct within the SEES by continuing the industrial/commercial use of the site in a more intensive form, in order to facilitate greater employment opportunities in the area.

88. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or public transport commute. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.

89. The site fulfils this criteria as it is within proximity (approximately 350m) to the Smith Street MAC, which provides a wide range of retailing, services and food and drinks premises with good public transport (tram) services. The site is also within 420m of the Collingwood segment of Johnston Street, which, whilst not a MAC, is an emerging commercial precinct located on a busy bus route with numerous retail and hospitality offerings.

90. This site context thereby encourages the use of alternative modes of transport to and from the site rather than encouraging the reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*. Further, the site is located within proximity to a comprehensive cycling network; with particular regard to the ‘Copenhagen-style’ bicycle lanes established along Wellington Street to the west which are highly utilised by cyclists.

91. The zoning of the land preferences uses such as offices. This outcome is further supported by both the *GSLAP* and the *SEES*, two documents referenced earlier in this report that aim to promote the Gipps Street Industrial Precinct, and in particular land within the C2Z as neighbourhoods where larger office developments are encouraged. The subject site is thus clearly located within an area where higher intensity commercial uses have been directed to be located.

92. In light of the above considerations, the proposed development of the site for a mid-rise office development is considered to have strong strategic support. However, such strategic direction must be balanced against site constraints, the local built form context, the proposed architectural response and the potential for off-site amenity impacts. These aspects of the development will be discussed in the following section of this report.

#### Built Form

93. This section of the report considers the built form of the proposed development and is guided by decision guidelines of the Commercial 2 Zone at clause 34.02-7. This assessment is also based on State and local planning policy at clauses 15.01-2 – Urban design principles; 21.05 – Urban design; 22.05 – Interface Uses Policy, 22.07 – Development abutting laneways policy and 22.10 – Built form and design policy.
94. These provisions and policies seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the site context, building height, massing, architectural response, the pedestrian experience and the development's interface with sensitive uses. These will be considered in the following paragraphs.

#### *Site Context*

95. As outlined earlier within this report, built form in the immediate area is mixed, with an emergence of contemporary, higher-scale development evident in the Gipps Street Precinct. These developments are interspersed throughout a streetscape that is defined by robust commercial and industrial buildings, typically provided with modest (if any) street setbacks. Down Street is characterised by one – two storey warehouse buildings with no street setbacks and 100% site coverage. Notably the site has no sensitive interfaces on adjoining lots – both sites are warehouse buildings constructed flush to the subject site.
96. The surrounding context is also defined by the low-scale, residential development which occurs further east of Down Street, located in either the MUZ or NRZ. Dwellings in this area are typically one to two storeys and situated on narrow allotments. The nearest of these dwellings are on the western side of Dight Street, roughly 50m from the subject site. This separation from residentially-zoned land results in minimal off-site amenity impacts to sensitive uses, which will be discussed in greater detail within the balance of the report.
97. The proposed street wall of the development is four stories as measured at the Down Street boundary. This is considered to be an appropriate response given that Down Street has a moderate width (approximately 12m), which ensures that the street wall will not overwhelm the street. It is a generally accepted urban design principle that the narrower a street, the lower the street wall of a development must be. The height of the street wall (four storeys) will exceed the two-storey street wall height that exists along Down Street, however this is supported given the strong strategic direction for intensified development. The merits of the street wall height will be discussed further in the *Massing* section of this assessment.
98. As outlined previously, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C2Z and within proximity to a MAC, with excellent access to cycling networks, public transport, services and facilities. The site also benefits from a lack of immediate residential interfaces. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.

#### *Building Height*

99. The development proposes a solid built-form ranging from four-storey street wall at the Down Street interface, to eight storeys towards the western end of the lot, with upper levels provided with a steep rake away from Down Street. This graduating scale from east to west acknowledges the aspirations for commercial development in the Gipps Street precinct while also ensuring that the upper levels do not overwhelm the public realm along Down Street.

The upper levels will be highly visible from John Street towards the rear, however this is acceptable given that this street is similar to a laneway context and is not a primary pedestrian thoroughfare, with businesses fronting both Wellington Street and Down Street.

100. The DDO11 sets out recommendations for proposed developments exceeding four stories. With the proposed development seeking eight stories, these requirements must be assessed. The DDO11 states the *development above 4 storeys should:*

(a) *Demonstrate a high standard of architectural design*

The proposed development is considered to provide a high standard of architectural design with a highly contemporary, raked design balanced with an articulated materiality composed mostly of coloured concrete.

The development also provides a recessed street setback at ground floor, balconies facing Down Street and significant landscaping across the development. A more detailed assessment of the architectural response will be provided in a latter section of the report.

(b) *Minimise overshadowing of adjoining streets, public spaces or private properties*

The subject site benefits from no sensitive interfaces to the south – in fact, all sites along Down Street (south of the subject site) feature full site coverage. As such, there are no outdoor spaces on these sites that would be affected by overshadowing. Overshadowing of the public realm will also not be unreasonable, detailed in a latter section of this report.

(c) *Be set back from along the northern side of Gipps Street and Langridge Street*

This is not applicable to the subject site.

101. Strategy 17.2 of Clause 21.05 states that new development should not exceed 5 – 6 storeys unless the specific benefits outlined below can be achieved. The development exceeds this six storey preference by two stories and so the development must be assessed against each benefit as follows:

(a) *Significant upper level setbacks*

The development proposes upper level setbacks that will minimise views of the upper levels. The most significant street setbacks (of 6.22m and 8.93m from Down Street) are associated with the seventh and eighth floors respectively – i.e. the floors which exceed the preferred height. These setbacks, combined with the graduating setbacks from levels 5 onwards ensure that the upper levels are not unreasonably visible from within Down Street itself, thereby ensuring the building does not overwhelm the street.

(b) *Architectural design excellence*

As detailed in a latter section of this report, the proposed development incorporates a high quality architectural response with massing and materials that provide a well resolved, articulated presentation.

(c) *Best practice environmental sustainability objectives in design and construction*

As detailed in a latter section of this report, the proposed development achieved a BESS score of 57%, exceeding the best practice rate (50%).

(d) *High quality restoration and adaptive re-use of heritage buildings*

Not applicable to the subject site.

- (e) *Positive contribution to the enhancement of the public domain*  
As detailed in a latter section of this report, the development will provide a high-quality response to the public realm, most notably through active frontages at both streets and a 2m street setback at ground floor, enabling enhanced pedestrian circulation along Down Street. The proposal also adopts a 1.5m rear setback at ground floor, allowing for improved vehicular and pedestrian movements along John Street. Extensive landscaping has been proposed across the development which will soften the built form and create visual interest from the public realm. Finally, the development has been designed to have limited overshadowing of the public realm.
- (f) *Provision of affordable housing.*  
Not applicable to the subject site as dwellings are prohibited in the C2Z.

102. The external urban design consultant was supportive of the proposed building height, but highlighted that there is opportunity for the plant area to be reduced in height by 2m, resulting in the parapet height being reduced from FFL 52.750 down FFL 50.750. This recommendation will be pursued as it will help to reduce the verticality of the plant / lift overrun area and ensure that this area is secondary and recessive in the visual hierarchy of the overall architectural form. A condition will require this recommendation.
103. Based on these considerations, the proposed building height is supportable in this commercial precinct.

#### *Massing*

104. The development provides a four-storey street wall presenting to Down Street and then applies a raked wall to the upper levels, creating a progressively recessed built form above the street wall.
105. The proposed street wall responds appropriately to the street context, with Down Street being wide enough to handle a four-storey street wall. The street wall height will also obscure views of the upper levels from street level and will thereby be largely perceived as a four – five storey building when near the site. Upper levels will be appreciable from oblique views and further afield, however this is acceptable given that the design response has minimised these views through the application of a raked wall and will be read in a larger context.
106. The proposed massing of the development also satisfies the DDO11 which provides the following vision for the preferred future character (emphasis added):

*A consistent streetscape with active street-frontages and well-articulated buildings **with street facades built to a height of up to 3-4 storeys. Taller built form will be set back from property boundaries** and spaced to create new interest and variety in building forms.*

107. The proposed development satisfies this preferred character by providing a four-storey street wall with recessive upper levels. The proposed massing of the development thus has strategic support from the DDO11, which anticipates higher density office developments in the precinct.



Figure 5: Image expressing the massing of the development as it ascends from east to west.

*Public realm and pedestrian spaces*

108. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the use. This outcome has been achieved at ground level, with a high degree of glazing along the Down Street frontage, allowing views between the ground floor office area and the street.  
The principal pedestrian entry point at the Down Street frontage will provide a high level of street activation along Down Street in accordance with policy objectives of clause 22.10 and the DDO11. Further passive surveillance opportunities are provided by the balconies proposed within the eastern street wall at first, second and third floors (see figure 6).
109. This active street frontage along Down Street has strong support from the DDO11, which calls for a vibrant and safe street environment due to an increasing amount of street-oriented development and also encourages that new buildings be provided with active frontages.
110. The proposal also responds to Down Street by providing a 2m street setback at ground floor which allows for a sense of spaciousness to be achieved within the pedestrian realm, and provides space for patrons of the ground floor café to wait for take away food / drink goods. A 2.6m-wide section of the building would be constructed to Down Street at ground level to be used for site services. This is considered appropriate given that this is only 17% of the street frontage, where other buildings in the street are built entirely to the footpath at ground level.
111. The external urban design consultant was also supportive of the response to the pedestrian realm and noted that the ground floor street setback will provide increased pedestrian capacity along Down Street.



**Figure 6:** Cropped image from the east elevation showing a high level of active frontages presenting to Down St

112. Vehicle access and the majority of services (including switch room, substation and waste area) have been provided off John Street to the rear. This ensures that vehicles do not unduly interrupt the pedestrian experience along the site's principal street frontage at Down Street and allows the majority of this frontage to be dedicated to active frontages as previously described. This approach also provides an opportunity to remove the existing crossover along Down Street, which will be made redundant by the proposal. A condition will require the reinstatement of the footpath, which is in accordance with the recommendations made by both Council's Urban Design Unit and Engineering Services Unit.
113. Council's Urban Design Unit commented on the proposed development from the perspective of the public realm, the unit was largely supportive of the proposal but made the following recommendations at the Down Street interface:
- (a) *The asphalt footpath is to be reinstated for the full length of the site, including the removal of the redundant vehicle crossover, and reinstatement of bluestone picher kerb and channel to match existing. Refer Yarra Standard Drawings for material and construction details.*
  - (b) *The developer is requested to contribute to the cost of planting two (2) new street trees within the roadway adjacent the subject site, which would cover tree sourcing, planting and 2 years of maintenance. Exact species and locations are to be determined by Council, and a cost for this planting can be provided on request.*
  - (c) *All streetscape materials and details are to be as per Yarra Standard Drawings.*
114. With respect to items (a) and (c), these can be addressed through inclusion of associated standard conditions. With regard to item (b), this is considered unnecessary given the lack of street trees in this highly built-up, urban environment and that Down Street has narrow footpaths, which make street tree plantings difficult. For these reasons, this recommendation will not be pursued.
115. Based on the above considerations, the presentation of the development to the public realm is well designed and will provide a positive interface with the street. The response to the public realm of John Street will be discussed in a latter section of this report.

*Architectural quality*

116. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.10 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form and materials if the surrounding area.

117. As noted earlier, an increasing degree of contemporary, higher built form is now forming part of southern Collingwood. These developments provide robust, rectilinear designs, high proportions of glazing across facades, and roof forms that are either flat or pitched in a contemporary fashion.
118. The dominant materials proposed by the application are pigmented concrete (in a light red colour) and glazing. The proposed material palette also includes limited expressions of metal mesh (associated with the plant area atop the proposed building) metal planter chains for landscaping, metal balustrades and timber cladding (the latter being applied to the ground floor walls at both Down and John Street facades).
119. The proposed concrete is expressed across all building facades. This material is reflective of materials in the surrounding area. Specifically, concrete is the primary building material across the entire western side of Down Street and is also found in surrounding streets.
120. A large proportion of the building is to be composed of concrete. To ensure that this results in an excellent architectural response, a condition will require a Façade Strategy to be submitted. This will include high level details on the building façade and must be to and approved by the satisfaction of the Responsible Authority prior to commencement of works.
121. The elevations also show that the development will have a vertically-graduating colour scheme (i.e. upper levels will become progressively lighter as the development ascends). To ensure that this outcome is achieved, a condition is recommended for the materials schedule to be updated with colour samples showing the vertical colour graduation.
122. The high proportion of glazing across the development is consistent with the emerging character for office developments in the surrounding area. The extent of the glazing across the Down Street wall facade is effectively broken down through the use of metal balustrades of each balcony fronting the street and associated landscaping. Similarly, landscaping will help to break up the extent of glazing across the rear building façade presenting to John Street.
123. The southern boundary wall has a height of five storeys, while the northern boundary wall will reach a height of eight storeys. Given that adjoining sites are effectively only two storeys in height, these boundary walls will be highly visible and thus warrant a close assessment. The proposal achieves articulation across these boundary walls by providing horizontal strips of alternating lighter and darker shades of red. The darker shaded strips feature three-dimensional patterns which add texture to the boundary walls and alleviate visual bulk when viewed from the public realm.
124. Sections of the front and rear ground floor walls are proposed to be clad in timber. This is considered to be an effective treatment as these walls are set back from the street. A light material treatment such as timber will also aid in drawing the pedestrian eye line to ground level, given that the remainder of the street consists of masonry, thereby enhancing the pedestrian experience.

#### *Landscaping*

125. The development provides a substantial extent of landscaping across the development with planters provided across all facades to varying extents. This will soften the development and provide articulation across each façade and is considered to be an appropriate outcome. Council's Open Space Unit raised no issues with the detail shown on the submitted landscape plan, however recommended that it be updated to include notes on the following matters:
  - (a) Show the type, location, quantity, size at planting, size at maturity and botanical and common name of all proposed plants;



- (b) Detailed drawings of planters clearly showing materials, dimensions, layers, drainage and irrigation;
- (c) Provision of a clear maintenance schedule.

126. These recommendations can be pursued by way of a condition for an amended landscape plan.

*Site coverage*

127. The entirety of the land will be covered in built form. Whilst the development does not achieve the recommended maximum site coverage of 80% in accordance with Clause 22.10, this is acceptable because the proposed site coverage (100%) reflects that of commercial buildings in proximity to the land, with intensive development a characteristic of the surrounding area. The extent of site coverage is considered acceptable based on the context of the land and is not considered to result in an imposing building or in any unreasonable visual bulk impacts. Further, the provision of a 2m ground floor street setback will provide a sense of spaciousness when viewed from Down Street.

*Laneway Abuttal*

128. Clause 22.07 of the scheme aims to maintain the unique character of laneways, ensure that development abutting laneways respects the scale of surrounding built form and that vehicle access via laneways will not detrimentally impact other users of the laneway. The subject site abuts John Street, which, while it is not technically a laneway, has many features that would classify it as such. This includes its narrow width (5.86m) back-of-house context on both sides of the street and that it only has one footpath. For these reasons, it is considered appropriate to assess the development against Clause 22.07.

129. John Street is a narrow street, providing a 'back of house' context with no residential abuttal. The laneway connects Singleton Street in the south to Vere Street in the north. Whilst it can be used as a thoroughfare, it is not considered to be highly utilised by pedestrians, and only has one building which addresses this street.

130. The ground floor façade along John Street, whilst partly dedicated to vehicle and services access, also provides a pedestrian entrance as well as glazing which allows public views into the building. These measures, together with the consistent ground floor rear setback of 1.5m, provides an improved pedestrian experience along John Street. The rear setback at ground floor also allows additional space for vehicle access and vehicle flow along John Street. Council's Engineering Services Unit have assessed the car stacker arrangement (accessed off John Street) and found it to be acceptable. This will be expanded upon in a latter section of this report, however it clarifies that vehicle access will not pose an unreasonable safety or access issue to other users of the laneway.

131. Council's Urban Design Unit also made the following recommendations about the John Street interface:

- (a) *The proposed ground floor setback is supported to create a pedestrian refuge around the building entrance, however, it is unclear whether the building and car-stacker entrances are intended to be flush with John St or whether a step and/or ramp is proposed. Currently, Section A (Page: 029) shows a 100mm level difference between the building and the roadway, however no details around the vehicle entry are provided.*
- (b) *Provide details showing how the proposed building will tie-in to existing levels at John St, including any proposed step or ramp to pedestrian entrance, and any proposed ramp / change in grade between vehicle entrance and John St.*

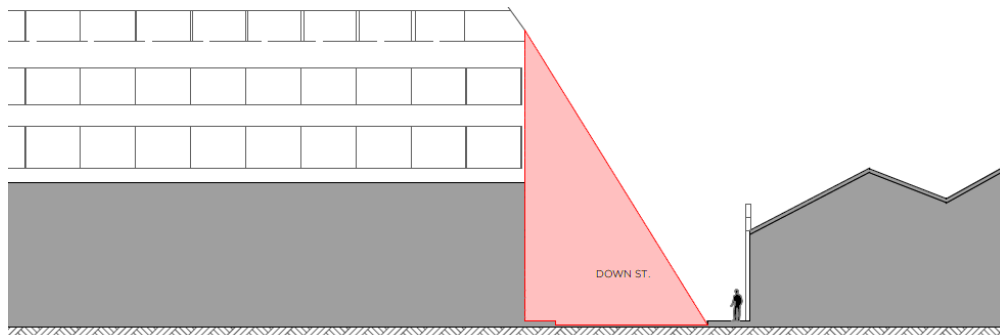
- (c) *Some form of pedestrian protection needs to be provided around the building entrance. This could be through the installation of a step, or if a flush threshold is preferred, bollards should be installed along the site boundary.*
- (d) *NOTE: If a ramped / flush threshold solution is proposed, the applicant must provide civil engineering details demonstrating how water ingress into the proposed building will be prevented.*

132. The critical issue being raised in the above items is that of pedestrian protection within the rear setback at ground floor. The most practical way in which to address this is to require that a step be shown at the rear pedestrian entrance, which both satisfies the urban design comments and also precludes the need for submission of civil engineering details.

133. Clause 22.07 also encourages new development to acknowledge any unique character of the laneway. As previously outlined, the proposed development will be visible from John Street, presenting largely as a four-five storey building with upper levels somewhat visible. This presentation to John Street will stand out from the largely two-storey built form along John Street. Notwithstanding this, John Street is not considered to have any intrinsically 'unique' character. There are no sites covered by a Heritage Overlay along John Street and there are no other identifiable factors that would warrant a unique context.

*Light and shade*

134. The proposed development will result in new shadowing to the eastern footpath of Down Street, with new equinox shadows commencing at 2pm. The application material confirms that there will not be any new overshadowing of the footpath at 1:45pm (refer to figure 7).



**Figure 7:** Section shadow diagram showing the extent of equinox shadows to the opposite footpath at 1:45pm

135. The footpaths along Down Street are quite narrow and are affected by a number of existing vehicle crossovers. This is reflective of the commercial nature of the area. In this context, the proposed equinox overshadowing of the western footpath from 2pm is considered acceptable. It is also considered that the design response has minimised shadows to the eastern footpath through a steep rake applied to the upper levels and is thereby in accordance with the policy objectives of the DDO11, which seeks that development minimise shadowing of opposite footpaths.

On-Site Amenity

136. The development is considered to achieve a good level of internal amenity through the following:

- (a) provision of a suite of ESD features which include natural ventilation to all floors, excellent daylight access with the majority of office space provided with daylight from the eastern, western and in some cases southern and northern aspects;
- (b) majority of floors provided with balconies;
- (c) all floors provided with landscaped planters;
- (d) provision of a ground floor food and drink premises, providing convenience for employees;

- (e) bicycle parking for both employees and visitors and end of trip facilities for employees.
137. With regards to the wider ESD features proposed for the development; the following have been proposed:
- (a) double-glazing for thermal comfort;
  - (b) rainwater captured in a 10,000L tank for irrigation of landscaping and flushing of toilets at basement, ground, first and second floor of the development (achieving a STORM score of 114%, exceeding best practice);
  - (c) a 10kW array of solar panels will be located on the roof,
  - (d) utility meters provided to individual tenancies, with common area services sub-metered separately, and;
  - (e) sustainable products used throughout the design.
138. These features (amongst others) achieve a BESS score of 57%, with a score of 50% signifying 'best practice'. The rainwater tank has not been shown on the plans – a condition will address this.
139. To further increase the development's energy efficiency (and to ensure that the development will actually achieve the stated BESS score), Council's ESD Advisor recommended a number of modifications and additions to the Sustainability Management Plan (SMP). These include the following:
- (a) Provision of a heat pump to be used for showers within the end of trip facilities;
  - (b) Commitment to collection of organic waste;
  - (c) Clarify the VLT used for daylight calculations and update BESS report to remove reference to 60% daylight target;
  - (d) Provision of a preliminary energy modelling report and glazing calculations to demonstrate commitments beyond NCC minimum requirements;
  - (e) Clarification as to how the choice of materials will reduce urban heat island effect;
140. These improvements and updates can be included as conditions for an updated SMP. Further, a condition can be added to condition 1 to ensure that all details associated with the endorsed SMP be included on the development plans.
141. Council's ESD Advisor also recommended that a Green Travel Plan with performance targets and monitoring and reporting components included. This has also been recommended by Council's Strategic Transport Unit. This requirement will be sought separate to the SMP so that it can form a standalone report.

#### Off-Site Amenity

142. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 22.05 and 22.10 as well as the decision guidelines of the Commercial 2 Zone at Clause 34.02-7.
143. Situated within the C2Z, the subject site does not have any interface with residential uses. The nearest dwellings to the subject site are those located on the western side of Dight Street, approximately 45m east. Adjoining properties to the north and south are both warehouse buildings with boundary walls constructed flush to the common boundary with the subject site. Neither of the adjoining properties have any windows opposite the subject site. On the opposite side of John Street are a number of commercial properties with windows fronting John Street. Given this highly-built up, commercial context, the proposed development will not result in any unreasonable amenity impacts. This will be discussed in greater detail in the following paragraphs.

*Daylight to windows*

144. The closest habitable room windows (for a dwelling in a residential zone) addressing the subject site are the west-facing windows of the dwellings located at Nos. 15 - 19 Dight Street, which have a minimum setback of roughly 46 metres from the proposal's eastern boundary wall. Whilst not strictly applicable, this would comply with Standard A12 (Daylight to habitable room windows) of ResCode as the setback (45m) from the eastern boundary wall is greater than half (8m) of the height of the eastern boundary wall (16m). Whilst not applicable in the C2Z, this gives evidence to the minimal impacts on nearby dwellings proposed by the development.
145. The commercial properties on the western side of John Street (those with windows facing the street) will have reduced daylight as a result of the proposed development, however this is acceptable for the following reasons:
- (a) The affected properties will continue to enjoy daylight from the light court associated with John Street which is 5.86m wide.
  - (b) Given that the rear façade of the development is proposed to be finished in a medium red colour with a high level of glazing, the affected properties will benefit from reflected daylight from the building façade in the afternoon hours.
  - (c) The affected properties are commercial uses in the C2Z and as such are afforded very limited amenity expectations by the Planning Scheme.

*Overshadowing private open space*

146. Although not strictly applicable in this instance, Standard B21 of Clause 55 notes:
- (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September; and*
  - (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
147. The proposed development does not result in any new equinox overshadow of nearby areas of secluded private open space between the hours of 9am and 3pm. Overshadowing of the public realm has already been discussed under the Built Form section of this report.

*Overlooking*

148. Standard B22 of Clause 55 (ResCode) of the Scheme includes requirements for managing overlooking, and requires that:

*A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*

149. The strict application of the Standard is not required in this instance because the proposal is for an office development and there are no dwellings within 9m of the subject site. The development may result in some overlooking into commercial properties on the opposite sides of Down and John Streets (those with windows fronting the street). This is acceptable as privacy of non-residential uses is not protected in any way under the Scheme. Notwithstanding this, the proposed design response has minimised overlooking impacts to nearby business by providing non-trafficable areas for landscaping (which includes vertical chains for climbers).

This is considered to be a responsive design for the purposes of mitigating overlooking to nearby properties, however it is not something that is required by the Scheme.

*Visual Bulk*

150. Given the site context, visual bulk impacts for properties to the north and south are of no relevance as these sites are constructed flush to the common boundaries with the subject site and have no windows opposite the subject site.
151. Sites to the east (i.e. on the opposite side of Down Street) will not be unreasonably compromised in terms of visual bulk as a steep rake has been applied to the upper levels of the development. These sites will continue to enjoy outlook provided by Down Street which is approximately 12m wide. Further east, the dwellings located on the western side of Dight Street will not be unreasonably impacted by visual bulk because the site is set back generously from these sites (approximately 45m). These dwellings already have visual bulk impacts associated with the double-storey built form of warehouse buildings located on the eastern side of Down Street, and as such, views of the proposed development from these dwellings will be limited.
152. For sites to the west (i.e. on the opposite side of John Street), the proposed development will be visible from these sites and will impose some visual bulk impacts. However, the affected sites are commercial buildings located in the C2Z which have very limited amenity and are often dedicated to vehicle access and loading bays. These properties will continue to enjoy outlook provided by John Street, which is 5.86m. The proposed rear upper level setbacks of the development (1.7m) are considered appropriate in this laneway context and expressive of the strategic ambitions of the employment precinct.

*Wind Impacts*

153. Wind impacts relate to the public realm, with a particular focus on potential impacts to pedestrians using the public realm. A wind assessment was undertaken for the original submission (i.e. the 12 storey proposal). Council engaged an independent wind consultant to peer review this assessment, who largely agreed with the assessment but recommended that a full 'wind tunnel modelling' report should be submitted given the significant height proposed by the original submission. An amended wind report was not provided with the Section 57A amendment. Given that the proposed development would exceed the height of nearby development by five storeys, a wind report will be required by condition to ensure that no unreasonable wind is generated by the proposed eight-storey development.

*Equitable Development*

154. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. All nearby properties are located in the C2Z, with none having any heritage controls (excepting the east side of Down Street). It is thus considered that all adjacent properties have robust development potential.
155. The site is separated from land to the east by Down Street, which is approximately 12m wide and will ensure continued equitable development opportunities for the properties on the eastern side of Down Street.
156. Land to the west is separated from the subject site by John Street which is 5.86m wide. Whilst overlooking requirements are not applicable for office developments in the C2Z, the proposed development has considered equitable development for these properties by setting the upper levels of the development 4.5m from the centre of the John Street. This is equitable because if the same setback is mirrored for sites on the opposite side of John Street, then a clearance of 9m would be achieved, which satisfies the overlooking objective and provides reasonable upper level setbacks in this laneway context.

157. The property to the south (No. 20 John Street), is constructed flush to the subject site and has a similar capacity for future development. The proposed development has responded to the southern interface with a concrete boundary wall (with no windows) from ground floor to fourth floor, and therefore has no sensitive interfaces that would limit development potential for No. 20 John Street at these floors. At fifth, sixth and seventh floors, the development includes south-facing windows with southern setbacks ranging from 1.12m to 4.22m. These windows are not considered to unreasonably limit development potential at No. 20 John Street because they are south-facing windows (and therefore do not receive high levels of daylight) but also because the fifth, sixth and seventh floors benefit from north, east and west-facing windows which will ensure adequate daylight levels to these floors regardless of the south-facing windows.
158. The property to the north (No. 21 Down Street), is constructed flush to the subject site and has a similar capacity for future development. The proposed development has responded to the northern interface with a concrete boundary wall (with no windows) from ground floor to third floor, and therefore has no sensitive interfaces that would limit development potential for No. 21 Down Street at these floors. Similarly, the western section of the northern façade of the fourth, fifth, sixth and seventh floors has been provided with concrete boundary walls, providing a similarly non-sensitive interface. At fourth floor, a north-facing balcony has been proposed along the eastern section of the northern boundary. Whilst this constitutes a sensitive interface, it is not considered to hinder development opportunities at No. 21 Down Street because the balcony is provided with an open void above, which means it is largely clear to sky and will thus maintain adequate daylight levels. Further, balconies associated with offices in the C2Z are not afforded significant amenity expectations by the Planning Scheme. At fifth, sixth and seventh floors, the eastern section of the northern façade has north-facing windows set back 3.2m from the northern boundary. This is not considered to unreasonably affect equitable development for No. 21 Down Street as the setback proposed will allow for a sizeable light court for these windows. Further, as previously outlined, these floors also have east, west and south-facing windows which will act as alternate sources of daylight.
159. In light of these considerations, the proposal's equitable development response is appropriate and will not unreasonably restrict future development on nearby land.

Car parking, vehicle access, traffic, loading and waste

*Provision of car parking*

160. The proposed development would provide 14 on-site car parking spaces, all within the proposed stacker system accessed from John Street. As previously outlined, the proposal triggers a car parking reduction of 54 spaces.
161. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:
- (a) The site has excellent access to public transport, including tram services on Smith Street, bus services on Johnston Street and Hoddle Street as well as Collingwood Railway Station, all of which are within walking distance. This level of public transport access will encourage employees and visitors to arrive to the development via non-vehicular means;
  - (b) The provision of bicycle infrastructure in the surrounding area, including the 'Copenhagen-style' lanes on Wellington Street (60m west) which is a highly utilised commuter route for cyclists. The surrounding area also has shared lane markings for bicycles on many streets including Vere and Gipps Street. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme as well as the best practice rates set by Council. These measures (as well as the proposed end of trip facilities) will encourage employees to arrive via bicycle.

Visitor spaces will be easily accessible at ground floor and visible from outside the subject site on John Street – this will similarly encourage visitors to ride to the development;

- (c) On-street car parking in the surrounding area consists largely of unrestricted spaces (along Down Street) and permit spaces (on the eastern side of Dight Street). Singleton Street has a no standing restriction between 7:30am and 5:30pm weekdays and 7:30am and 12:30pm Saturdays. The unrestricted spaces along Down Street suggest that there is capacity in the surrounding network to accommodate car parking demand generated by the proposal. The permit-restricted spaces on Dight Street in the area will continue to protect car parking availability for existing, permit-holding residents.
- (d) Local planning policy at clauses 18.02, 21.03, 21.06-3 and 21.07 encourages reduced rates of car parking provision for development sites within close proximity to public transport routes and activity centres. This policy direction is also found within the SEES and GSLAP strategic documents which reiterate the strategic importance of steering new development towards sustainable transport options;
- (e) Traffic is a key issue affecting the road network. By providing a lower rate of on-site car spaces, it will ensure that the development does not generate any unreasonable increase in traffic levels for the surrounding road network.
- (f) Council's Engineering Services Unit reviewed the proposed car parking provision and raised no issue to the proposed reduction, stating that it is appropriate for the site, which is *ideally located with regard to sustainable transport alternatives*. Further, Council's Engineering Services Unit highlighted that the proposed car parking provision (at a rate of 0.67 car spaces per 100sqm of floor area) is similar to that of other office developments recently approved by Council in Collingwood and Cremorne which ranged from rates of 0.85 to 0.96 spaces per 100sqm floor area.

#### *Vehicle Access*

162. The application provides vehicle access from John Street, with access to the basement car stacker via a single width access door and ramp. The ground floor of the development is proposed to be set back 1.5m from the rear boundary, allowing additional space for vehicle movements.

Other than requesting additional information to be shown on the plans, Council's Engineering Services Unit did not raise any issues with vehicle access and safety. The additional items recommended are as follows:

- (a) The width of the car park entrance is to be dimensioned on the drawings.
- (b) Convex visibility mirrors for the car stacker entrance are to be shown on the drawings;
- (c) Floor to ceiling height clearance of the ground floor to be shown on the drawings;
- (d) For any new internal concrete work, the finished floor levels along the edge of the slab must be set 40 mm above the edge of John Street – Council Infrastructure requirement.

163. These items can be included on the development plans by way of conditions.

164. A number of additional recommendations were made by Council's Engineering Services Unit; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holder's cost.

165. The majority of these additional recommendations can be appropriately captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type.

#### *Traffic*

166. As a general principle, the proposed on-site car parking provision for the development (which is significantly lower than that prescribed by Clause 52.06) will ensure that the development does not unreasonably burden the surrounding street network with an influx of new traffic.

167. Council's Engineering Services Unit reviewed the plans and found that the proposed development would likely result in 7 individual trips in the morning peak and 7 in the evening peak (adopting a traffic generation of 0.5 trips per space per peak hour). Council's Engineering Services found that these were not unduly high and would not pose adverse impacts on the surrounding road network.

*Loading, unloading and waste*

168. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. A loading bay has not been provided as part of the development. This is considered to be an acceptable outcome given that the development is largely associated with an office use. There will not be any sales of goods occurring on the land associated with the office use. Some deliveries will be required for the café use, however given the limited scale of the use (39.5sqm of leasable floor area), the café use is not anticipated to unreasonably impact the loading capacity of Down or John Street. Furthermore, the development has provided a ground-floor, rear setback of 1.5m, which will create additional space for vehicle movements along John Street, including any delivery vehicles that may visit the site.
169. Waste will be collected on John Street via a private collection service which is appropriate given the back-of-house context along John Street. This will also ensure that Down Street remains unaffected by stationary waste vehicles during collection.
170. The submitted Waste Management Plan (WMP) and the plans show an internal waste storage area on site located at ground floor towards the southwest corner of the site. The WMP illustrates that occupants can move the bins from the waste storage area to John Street, where the bins will be collected. The WMP has been assessed by Council's Civil Works Unit, who raised a two minor items that need to be addressed, as follows:
- (a) *Please provide the total size of the bin storage area by square metres.*
  - (b) *Please investigate reducing the proposed three collections per stream.*
171. These recommendations can be included as conditions for a revised WMP.

Bicycle Provision

172. With regards to visitor spaces, the development will provide 25 visitor spaces, in-excess of the statutory requirements outlined in Clause 52.34 (4 spaces) and also exceeds Council's best practice rate (7 spaces). Council's Strategic Transport Unit confirmed this and was supportive of the number provided. However, Council's Strategic transport Unit highlighted that all visitor spaces are hanging, which limits the accessibility of the visitor spaces. The following recommendations, were made for the visitor spaces:
- (a) *At least 50% of visitor spaces must be provided as horizontal, at-grade spaces to improve visitor bicycle access to the site. It is acceptable if the total number of visitor spaces is reduced to achieve this requirement.*
  - (b) *All hanging visitor spaces must be staggered vertically by 30mm, or spaces a minimum of 700mm apart to meet AS2890.3 standards.*
173. These items can be addressed by way of conditions, and will ensure that the visitor bicycle spaces are more accessible – horizontal spaces are more easily used as they do not require any lifting of the bicycle.
174. With regards to employee bicycle spaces, the development (68 spaces) exceeds the statutory requirements outlined in Clause 52.34 (8 spaces), and also Council best practice rates (23 spaces) along with the provision of adequate end-of-trip facilities for employees. The employee spaces are well located at basement level 01 which is accessible for cyclists via lift. The employee spaces are located adjacent to the end-of trip facilities – a total of five separate shower / change rooms and 84 lockers.



More generally, the ground floor plan is open and has a wide internal thoroughfare which will enable cyclists to arrive both from Down Street and John Street. Whilst largely supportive of the employee spaces, Council's Strategic Transport Unit made the following additional recommendation:

- (a) *A 'pram ramp' (pedestrian ramp) constructed at the Down Street entrance to facilitate bicycle and wheelchair access into the building. Line marking to remind vehicles not to park across the ramp must also be provided.*

175. These recommendations can be included on the plans by way of condition.

#### Objector Concerns

176. Objector concerns are discussed as follows:

- (a) *Concerns regarding the proposed design, including the building height and scale not in accordance with the existing neighbourhood character and insufficient upper level setbacks from the rear boundary (i.e. John Street). This has been discussed at paragraphs 94 -136.*
- (b) *Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk) This has been discussed at paragraphs 143 – 160.*
- (c) *Discordance with the objectives of the Design and Development Overlay (Schedule 11) This has been discussed at paragraphs 101, 107-112;*
- (d) *Overshadowing of the public realm This has been discussed at paragraphs 135-136;*
- (e) *Traffic and car parking concerns This has been discussed at paragraphs 161 – 168;*
- (f) *Concerns regarding construction noise and traffic. This has not been discussed throughout the report as construction matters are not planning issues. Notwithstanding this, a Construction Management Plan is required by condition which will ensure that construction practices are carried out to Council satisfaction.*
- (g) *Waste impacts (during and post-construction) This has been discussed at paragraphs 169 – 172;*
- (h) *Concerns about maintenance of the proposed landscaping, This has been discussed at paragraphs 126 – 127, and;*
- (i) *Concern that businesses in the surrounding area have been labelled incorrectly This has not been discussed within the report. The application material refers to a number of former commercial uses that are nearby the subject site. The objector stated that different commercial uses have replaced the former commercial uses shown in the application material. This is of no consequence because the former and current uses of nearby sites are both commercial and have the same amenity expectations within the C2Z.*

#### **Conclusion**

177. As outlined throughout this assessment there is strong policy support at both State and local levels for urban consolidation. Given the site's strategic location, proximity to the Smith Street MAC, Johnston Street and excellent public transport links; the site lends itself as an ideal development site for higher density office development. The design of the proposal has effectively considered the site context and creates a positive contribution to its urban environment with many initiatives for a highly sustainable development.

#### **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN18/0183 for the construction of a multi-storey office building and a reduction in the car parking requirements at 19 Down Street Collingwood, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans must 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 SLAB + DKO (Revision 02, dated 11 November 2019) but modified to show:
  - (a) Reduction in the height of the plant area / lift overrun by 2m, resulting in a parapet height of FFL 50.750;
  - (b) Materials schedule updated to include colour samples which demonstrate the vertical colour graduation associated with the concrete of the building facades;
  - (c) Deletion of the notation stating that the 'gallery / theatre' is a potential tenancy;
  - (d) Location, capacity and connection of the rainwater tank as detailed in the endorsed Sustainability Management Plan;
  - (e) Provision of a step at the John Street adjacent to the rear pedestrian entrance;
  - (f) Notation to confirm that the redundant crossover along Down Street will be reinstated as footpath, kerb and channel to the satisfaction of the Responsible Authority;
  - (g) Width of car stacker entrance dimensioned;
  - (h) Convex visibility mirrors for the car stacker entrance shown and notated;
  - (i) Floor-to-ceiling clearance of the ground floor dimensioned;
  - (j) Notation to state that for any new internal concrete work, the finished floor levels along the edge of the slab must be set 40 mm above the edge of Down Street;
  - (k) A minimum of 50% of the visitor bicycle spaces to be provided as horizontal-at-grade spaces or otherwise be to the satisfaction of the Responsible Authority.
  - (l) All remaining hanging bicycle visitor spaces staggered vertically by 30mm or separated by 700mm clearances;
  - (m) Pram ramp shown at the Down Street pedestrian entrance with line marking on the road to state that vehicles cannot be parked in front of the ramp.
  - (n) Any change required by the endorsed Sustainability Management Plan (as required by condition 4), where relevant to show on the plans;
  - (o) Any change required by the endorsed Landscape Plan (as required by condition 6), where relevant to show on the plans;
  - (p) Any change required by the endorsed Waste Management Plan (as required by condition 8), where relevant to show on the plans;
  - (q) Any changes required by the endorsed Wind Assessment Report (as required by condition 13), where relevant to show on the plans.
  
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  
3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy will be endorsed and will then form part of this permit. This must detail:
  - (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors and utilities and typical upper level façade details;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Information about how the façade will be maintained, including any vegetation, and;
  - (d) A sample board and coloured drawings outlining colours, materials and finishes.

## **Sustainability Management Plan**

4. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wood & Grieve Engineers (Stantec), Revision 010, dated 11 November 2019) but modified to include:
  - (a) Provision of a heat ramp to be used for showers within the end of trip facilities;
  - (b) Commitment to collection of organic waste;
  - (c) Clarify the VLT used for daylight calculations and update BESS report to remove reference to 60% daylight target;
  - (d) Provision of a preliminary energy modelling report and glazing calculations to demonstrate commitments beyond NCC minimum requirements;
  - (e) Clarification as to how choice of materials will reduce urban heat island effect.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Plan**

6. Before the 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 Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan produced by Etched, dated October 2019 but modified to include:
  - (a) Show the type, location, quantity, size at planting, size at maturity and botanical and common name of all proposed plants;
  - (b) Detailed drawings of planters clearly showing materials, dimensions, layers, drainage and irrigation;
  - (c) A clear maintenance schedule,to the satisfaction of the Responsible Authority.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

8. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit.

The Waste Management Plan must be generally in accordance with the Waste Management Plan produced by Low Impact Development Consulting dated 26 February 2019, but modified to include:

- (a) Clarification of the total size of the bin storage area (in square metres)
  - (b) Investigate reducing the proposed number of collections per stream.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Green Travel Plan**

11. Before the development is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee resident welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) details of bicycle parking and bicycle routes;
  - (f) details of GTP funding and management responsibilities;
  - (g) security arrangements to access the employee bicycle storage spaces; and
  - (h) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (i) provisions for the Green Travel Plan to be updated not less than every 5 years.
12. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Wind Assessment Report**

13. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
14. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Infrastructure**

15. 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.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing along the Down Street frontage must be demolished and reinstated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the footpath along the property's Down Street frontage, with these footpaths to be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **General**

18. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. 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.

### **Construction Management Plan**

23. 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.
  - (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.
24. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

26. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit;

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5095 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.

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's parking management unit.

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

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

**Attachments**

- 1 PLN18/0183 - 19 Down Street Collingwood - Internal Urban Design comments (public realm only) (s57A plans)
- 2 PLN18/0183 - 19 Down Street Collingwood - Open Space Comments (s57A plans)
- 3 PLN18/0183 - 19 Down Street Collingwood - Waste Comments (s57A plans)
- 4 PLN18/0183 - 19 Down Street Collingwood - Engineering comments (57A plans)
- 5 PLN18/0183 - 19 Down Street Collingwood - Strategic Transport Comments (57A plans)
- 6 PLN18/0183 - 19 Down Street Collingwood - External Urban Design Comments (57A plans)
- 7 PLN18/0183 - 19 Down Street Collingwood - S57B Advertising Plans
- 8 PLN18/0183 - 19 Down Street Collingwood - Locality Plan

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- 1.3 PLN15/0947.02 - 1-3 Otter Street, Collingwood - Amendment to the planning permit for a change of use from a 7 storey mixed-use building (including dwellings and food and drinks premises) to an 8 storey hotel (inclusion of an internal mezzanine) with ancillary food and drinks premises including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking**
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## Executive Summary

### Purpose

1. This report provides Council with an assessment of planning permit application No. PLN15/0947.02 which affects land at 1-3 Otter Street, Collingwood.

### VCAT Proceedings

2. An application has been lodged at the Victorian Civil Administrative Tribunal (VCAT) by the applicant under section 79 of the *Planning & Environment Act 1987* (the Act) against Council's failure to determine the application within the statutory time period.
3. The purpose of this report is to form Council's position on the application for the upcoming VCAT proceedings. Both the practice day and compulsory conference scheduled for March and April respectively have been vacated as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.
4. Whilst a 3 day hearing continues to be scheduled to commence on 1 July 2020, an Order circulated by VCAT on 3 April 2020 advised that if all parties agree in writing to the proceeding (merits) being determined 'on the papers' the parties must file with the Tribunal and serve on all parties an agreed proposed timetable regarding submissions to be made. A position on whether the application is suitable to be determined 'on the papers' will be made once Council's position is formed.

### Key Planning Considerations

5. Key planning considerations include:
  - (a) Built form and urban design (Clauses 15.01, 21.05 and 22.10);
  - (b) Land Use (Clauses 13.07, 17, 21.04, 22.05, 34.01-2);
  - (c) Internal amenity (Clause 22.17);
  - (d) Off-site amenity impacts (Clauses 13.05-1S, 13.07, 22.05); and
  - (e) Car and bicycle parking (Clauses 18.02, 21.06, 52.06 and 52.34).

### Key Issues

6. The key issues for Council in considering the proposal relate to:
  - (a) Policy and Strategic Support;
  - (b) Land use;
  - (c) Built form and Urban Design;
  - (d) On-site amenity;
  - (e) Off-site amenity;
  - (f) Car parking, traffic, access and layout, loading and bicycle parking;
  - (g) Contamination considerations;
  - (h) Other matters; and
  - (i) Objector concerns.

### Submissions Received

7. Twenty-eight objections were received to the application, these can be summarised as:



Building form, design and massing:

- (a) Services do not integrate with Bedford Street elevation;
- (b) The size and scale of the building is out of character with the area and an overdevelopment;
- (c) Finishes on the southern wall to integrate with overall building; and
- (d) Loss of heritage character.

Use and Amenity impacts:

- (e) Not feasible use for the residential location;
- (f) 78 rooms is too many and will result in an increased transient population;
- (g) Noise (arrivals, parties in hotel rooms, from the food and drinks premises, deliveries, garbage collection);
- (h) Overshadowing; and
- (i) Privacy and overlooking.

Car parking and traffic:

- (j) Increased traffic and congestion;
- (k) Not enough car parking available in the surrounding area to support the use with zero car parks on-site;
- (l) The back of house and loading/unloading facilities are inadequate; and
- (m) Inadequate drop-off/pick-up areas.

Other:

- (n) Concern the hotel rooms will later be converted to apartments;
- (o) Construction impacts;
- (p) Impacts from the demolition (already undertaken); and
- (q) Lack of parks and police stations within the area.

8. One letter of support was received to the application.

**Conclusion**

9. 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) Implementation of a Hotel Management Plan;
  - (b) The reduction in services along the ground floor facing Bedford Street; and
  - (c) Additional information on public transport to be provided within the hotel lobby with front of house hotel staff to be trained to provide assistance with finding public and sustainable transport options.

**CONTACT OFFICER: Michelle King**  
**TITLE: Senior Statutory Planner**  
**TEL: 9205 5333**

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**1.3 PLN15/0947.02 - 1-3 Otter Street, Collingwood - Amendment to the planning permit for a change of use from a 7 storey mixed-use building (including dwellings and food and drinks premises) to an 8 storey hotel (inclusion of an internal mezzanine) with ancillary food and drinks premises including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking**

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Reference: D20/78350  
 Authoriser: Manager Statutory Planning

**Ward:** Langridge  
**Proposal:** Amendment to the planning permit for a change of use from a 7 storey mixed-use building (including dwellings and food and drinks premises) to an 8 storey hotel (inclusion of an internal mezzanine) with ancillary food and drinks premises including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking.  
**Existing use:** Vacant allotment  
**Applicant:** Flagship (Otter Street) Pty Ltd C/O SJB Planning Pty Ltd  
**Zoning / Overlays:** Commercial 1 Zone / No overlays  
**Date of Application:** 24/09/2019  
**Application Number:** PLN15/0947.02

**Planning History**

1. Planning Permit No. PLN15/0947 was issued on 30 June 2016 by Council at the direction of the VCAT. The permit allowed the use and development of the land for the construction of a seven storey mixed-use building (including dwellings), a reduction in car parking requirements, waiver of visitor bicycle requirements and a waiver of loading bay requirements. Specifically, the permit approved:
  - (a) Two commercial tenancies at the ground level fronting Otter Street.
  - (b) 17 apartments across level 01 – level 06 comprising of two and three bedrooms accessed from a residential lobby fronting Bedford Street.
  - (c) Basement car parking containing 37 car spaces, accessed from Bedford Street with egress via the Right-of-way [ROW]. Parking was provided using a car stacker system. Twenty bicycle spaces are provided at ground level.
  - (d) An overall building height of seven storeys (approximately 26.2 metres) with the building expressed as two distinct elements, being the four storey podium with three glazed upper levels.
2. Plans were subsequently endorsed on 12 July 2017. An Acoustic Report (Condition 8), Sustainable Management Plan (Condition 4), Waste Management Plan (Condition 7) were also endorsed on this day. A Construction Management Plan was endorsed on 21 December 2016 to satisfy Condition 27.
3. On 17 September 2018, the applicants were advised that the Certificate of Environmental Audit submitted satisfied conditions 10 and 12.
4. All buildings on site were demolished between 17 September 2017 and 10 October 2017. No planning permit was required for the demolition works.

5. A Section 72 amendment was approved on 21 December 2018 to include an additional condition on the permit relating to the provision of a Section 173 Agreement for public lighting. The agreement was registered on the title on 16 July 2019, satisfying Condition 23.
6. A secondary consent amendment was approved on 8 August 2019 for general changes to the internal layout of the development, changes to the extent of basement and changes to the window openings. Amended plans and an amended Waste Management Plan were endorsed on 8 August 2019.
7. Three extension of time requests have been approved to the permit, the permit now expires on 30 June 2021 for commencement of works.

## **Background**

### Application process

8. The application was lodged on 24 September 2019, and further information subsequently requested in October 2019. The information was received on November 2019 and the application was then advertised with 1,459 letters being sent. Twenty-eight objections have been received and 1 letter of support.
9. Whilst this process was occurring, Council had sought and received advice from Council internal units including Environmental Sustainable Design (ESD), City Works Unit, Engineering Unit, Urban Design and Strategic Transport. Advice was also sought from an external consultant in respect of Acoustics. Referral advice is an attachment to this report.
10. The applicant provided updated acoustic advice on 19 December 2019 following comments from the external Acoustic Consultant. This updated acoustic advice was re-referred to the external acoustic consultant with the updated comments attached to this report.
11. The applicant provided updated ESD advice on 13 January 2020 following comments from Council's ESD advisor. This updated ESD advice was re-referred to Council's ESD advisor with the updated comments attached to this report.
12. A response to Council's Urban Design review, including sketch plans, as well as a response to the objections was provided by the applicant on 28 February 2020 and is attached to this report. The sketch plans make the following key changes to reduce the number of services located along the Bedford Street elevation:
  - (a) Relocation of fire pump room from Bedford Street and replace with staff access from ground level to mezzanine level. Staff entrance to be fully glazed.
  - (b) Fire pump room to be relocated to the western portion of the building (interface with the ROW).
  - (c) Secondary staff entrance from ROW removed and replaced with linen store. Chem store and waste room reconfigured accordingly.
  - (d) Reconfigure mezzanine level to accord with relocated stair access at ground level. Subsequent modifications to window locations required to suit these changes.

### VCAT Proceedings

13. On 7 February 2020, Council was informed that the Applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with VCAT. Seven objectors have lodged a statement of grounds with only two objector parties indicating they intend to appear and present a submission at the hearing.
14. A practice day was set down for 20 March 2020. This practice day was vacated on 19 March 2020 as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic. In order to protect the health of VCAT members and staff and participants in a proceeding, VCAT is limiting face-to-face hearings.

15. The Order circulated by VCAT on 19 March 2020 required the permit applicant to file with the Tribunal and serve on the other parties evidence that planning permit PLN15/0947 has not expired. The applicant has applied for three extensions of time to the permit expiry date and the permit now expires on 30 June 2021 for commencement of works. Council considers that the permit is still valid with the latest approval attached to this report. This approval was circulated to all parties on 25 March 2020 by the permit applicant.
16. A compulsory conference was scheduled for 27 April 2020. This compulsory conference was vacated on 3 April 2020 as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.
17. The Order circulated by VCAT on 3 April 2020 required further evidence to be provided demonstrating that the permit had not expired and required the permit applicant to file with the Tribunal and serve on all parties copies of all extensions of time to the permit granted by the Responsible Authority. This was required to be undertaken by 27 April 2020 with the permit applicant providing copies of the following to all parties on 20 April 2020:
  - (a) Permit issued 30 June 2016;
  - (b) Extension of time granted 20 April 2018;
  - (c) Extension of time granted 5 April 2019; and
  - (d) Extension of time granted 1 February 2020.
18. Whilst a 3 day hearing continues to be scheduled to commence on 1 July 2020, the Order circulated by VCAT on 3 April 2020 advised that if all parties agree in writing to the proceeding (merits) being determined 'on the papers' the parties must file with the Tribunal and serve on all parties an agreed proposed timetable about submissions to be made.

### The Proposal

19. The proposal is for an amendment to the planning permit for a change of use from a mixed-use building (including dwellings and food and drinks premises) to a residential hotel with an ancillary food and drinks premises including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking.

20. The proposal is described in more detail below:

#### Changes to the permit preamble

21. Due to the proposed changes, described below, the applicant proposes to change the permit preamble to remove reference to the use of land for dwellings, the reduction in car parking and the waiver of the loading bay as these are no longer requirements. The preamble is also proposed to be updated to reference the proposed hotel use, as follows (Additional words shown as **bold & underlined** and deleted words shown in ~~strikethrough~~).

*For the purpose of the following, in accordance with the endorsed plan(s).*

- ~~Construction of two or more dwellings;~~
- **Use of the land for a residential hotel;**
- *Construct a building or carry out works;*
- **Waiver of the visitor bicycle parking requirement.**
- ~~Reduction in the car parking requirement associated with visitor car parking for the residential and commercial premises; and~~
- ~~A waiver of the loading and unloading requirements~~

*In accordance with the endorsed plans.*

#### Changes to existing conditions

22. The applicant also seeks the following in respect of the existing permit conditions:

- (a) Updates to existing conditions 1, 4 (proposed condition 6) and 8 (proposed condition 11) to reflect the amended plans and documents provided with the amended plans and documents provided within the amendment.
- (b) Deletion of existing conditions 20 (proposed condition 27) and 21 (proposed condition 28), as these conditions relate to the car parking arrangements that are no longer applicable to the amended scheme.
- (c) Modification of existing conditions 15 (proposed condition 22) and 19 (proposed condition 26), as follows (Additional words shown as **bold & underlined** and deleted words shown in ~~strikethrough~~):

*Condition 15*

*Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, ~~four~~ **eight** bike spaces must be installed on the Otter Street footpath:*

- (a) at the permit holder's cost; and*
  - (b) in a location and manner,*
- to the satisfaction of the Responsible Authority.*

*Condition 19*

*Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for ~~the car parking spaces~~, access lanes, driveways and associated works must be:*

- (a) constructed and available for use in accordance with the endorsed plans;*
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;*
  - (c) treated with an all-weather seal or some other durable surface; and*
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;*
- to the satisfaction of the Responsible Authority.*

Development

23. The following changes to the approved built form are proposed:

*Basement Levels*

- (a) All basement levels and associated on-site car parking is proposed to be deleted.

*Ground Floor*

- (b) Vehicle exit to the Right-of-way (ROW) modified to align with the vehicle entry from Bedford Street.
- (c) Deletion of tenancy 01 and 02 and replacement with an ancillary food and drinks premises and lobby, with the finished floor level lowered by 0.59 metres. Primary hotel access is from Otter Street, secondary hotel access is from Bedford Street and the staff entrance is from the ROW.
- (d) Modification to the services and building entrances along the ROW and Bedford Street.
- (e) Internal changes to the services and waste room and provision of amenities for hotel guests (e.g. bathrooms, bike store, lobby).

- (f) Modification to the lift core and stairwell.

*Mezzanine Level*

- (g) Addition of a mezzanine to accommodate back of house services such as a staff room, office, pre-function area and conference room (staff and guests) and end of trip facilities for staff.

*Level One*

- (h) Conversion of apartments to hotel rooms, with seventeen on this level and window locations modified to adapt to the layout change.
- (i) Deletion of the terrace to the south, replaced with a non-trafficable roof.
- (j) Implementation of 1.7 metre high internal screens along the rooms where interfacing with No. 282-284 Smith Street.

*Level Two and Three*

- (k) Conversion of apartments to hotel rooms, with seventeen on this level and window locations modified to adapt to the layout change.
- (l) Implementation of 1.7 metre high internal screens along the rooms where interfacing with No. 282-284 Smith Street.

*Level Four*

- (m) Conversion of apartments to hotel rooms, with nine on this level and window locations modified to adapt to the layout change.
- (n) Implementation a solid wall along the rooms where interfacing with No. 282-284 Smith Street. The gate on the north-eastern corner of the outdoor terrace relocated and raised to 1700mm where opposite 282-284 Smith Street.
- (o) Introduction of additional terrace dividers (1700mm high) in between terraces to each hotel room.

*Level Five and Six*

- (p) Conversion of apartments to hotel rooms, with nine on this level and window locations modified to adapt to the layout change.
- (q) Implementation of a solid wall along the rooms where interfacing with No. 282-284 Smith Street.

*Roof Level*

- (r) Deletion of all plant related to basement, kitchen and car stacker exhausts.
- (s) Setback of the service screening modified, from the buildings edge, as follows:
  - (i) North: 3.38 metres to 3.39 metres;
  - (ii) South: 3.82 metres to 3.91 metres;
  - (iii) East: 2.68 metres to 2.7 metres; and
  - (iv) West: 2.79 metres to 3.27 metres.

*Elevations*

- (t) Previously operable windows were proposed, now all windows are fixed. As identified, the window locations have been modified as a result of the change of use. The applicant has provided diagrams showing the proposed window locations with the previously approved window locations overlaid over in red, as shown in Figure 1 and Figure 2.



Figure 1: Otter Street (northern) and Bedford Street (eastern) elevations

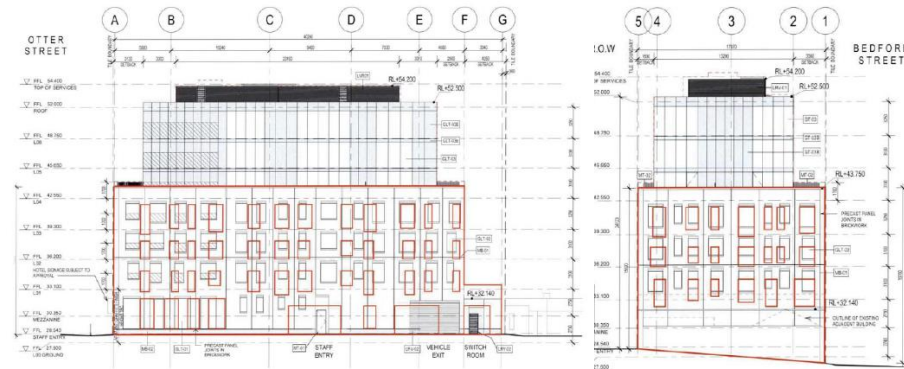


Figure 2: ROW (western) and southern elevations

- (u) Overall height of building services reduced from RL 27.189 to RL 26.79 (0.4 metre reduction).
- (v) The southern boundary wall is reduced in height from RL 33.6 to RL 32.140 (1.46 metre reduction).



Figure 3: Image of the proposed development from the northern side of Otter Street

Use

- (w) The proposed hotel is to operate 24 hours a day and seven day a week, providing 78 hotel rooms from Level 01 to Level 06. The hotel lobby is to be accessed from Otter Street, with a secondary entrance to a bicycle store area provided from Bedford Street and a staff access point provided from the Right of Way (ROW).
- (x) Each hotel room will accommodate one bed and a shower, desk, toilet, tv and clothing rail. No cooking facilities are provided within the hotel rooms.

- (y) At ground floor, a food and drinks premises and lobby fronting Otter Street with an open dining area, lounge area serving hotel patrons is proposed. This food and drinks premises does not function as a café or a restaurant, and operates in an ancillary nature to the residential hotel.
- (z) At the mezzanine level, predominately back of house areas for staff are provided, with a pre-function room and conference room that can be utilised by guests also located on this level.
- (aa) No car parking spaces are provided on-site, however, a loading area accessed from Bedford Street, with egress to the adjoining ROW is proposed.
- (bb) Fourteen bicycle spaces are accommodated on-site with the provision of four visitor spaces on Otter Street proposed to be increased to eight.

## Existing Conditions

### Subject Site

- 24. The subject site is on the southern side of Otter Street, Collingwood, and on the western side of its intersection with Bedford Street. A ROW is along the western boundary of the subject site.
- 25. The site has a 17.96m frontage along Otter Street with a 40.75m frontage onto Bedford Street, resulting in a total site area of 714.7sqm. The site was previously occupied by a large, single storey warehouse building used for wholesale electrical supply store, 'Lecky's Electrical & Data.'
- 26. This building has since been demolished (Figure 4) between 17 September 2017 and 10 October 2017. There is a slope along the land falling from west to east. A large central vehicle crossover provides vehicular access into the site from Otter Street.



Figure 4: Image of the subject site from the northern side of Otter Street

### *Restrictive Covenants*

- 27. There are no restrictive covenants which affect the subject site.

### Surrounding Land

- 28. A description of the surrounds was provided within the officer report for the original application, as follows:



*The surrounding area is genuinely mixed in terms of its land uses and built form. The site is located within a Commercial 1 Zone (to the west, north and south) with General Residential Zone (Schedule 1) and Public Use Zone to the east along the southern and northern (respectively) sides of Otter Street and Mixed Use Zone to the south of Otter Street and to the east of the Commercial 1 Zone. These areas include residences as well as light industrial, offices, education centre, and warehouse uses.*

*This site is located within the Smith Street Major Activity Centre (Smith Street MAC). The locality is well served by various modes of public transport (including tram routes along both 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.*

*The built form types in the area are mixed with some older style, industrial buildings, remnant workers cottages, modern residential developments and warehouse residential conversions. Heights range from single storey to six storeys in the immediate vicinity, with taller buildings further in the distance. 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.*

*The surrounding area has changed considerably within the last decade. There are a number of developments in this southern end of Collingwood which are currently under construction, have progressed beyond the planning permit stage or are fully constructed. Nearby developments are as follows:*

- (a) 32-34 Bedford Street (4/5 storeys)
- (b) 36-38 Bedford Street (5 storeys)
- (c) 44-48 Bedford Street (5 storeys)
- (d) 4-10 Stanley Street (5 storeys)
- (e) 8 Stanley Street (5 storeys)
- (f) 18-22 Stanley Street (part 4, part 5 storeys)
- (g) 24-28 Stanley Street (7 storeys)
- (h) 34-44 Stanley Street (6 storeys)
- (i) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys)
- (j) 5-7 Napoleon Street (4 storeys)
- (k) Yorkshire Brewery 1-21 Robert Street (up to 17 storeys)
- (l) 132 Smith Street (Banco Development) (9 storeys)
- (m) 9-17 Smith Street (7 storeys)
- (n) 237 Smith Street (6 storeys)
- (o) 311 Smith Street (6 storeys)
- (p) 86 Smith Street (5 storeys)
- (q) 22 Peel Street (5 storeys)
- (r) 41 Peel Street (6 storeys)
- (s) 4-12 Langridge Street (5 storeys)
- (t) 23 Little Oxford Street (4 storeys)
- (u) 195 Wellington Street (9 storeys)
- (v) 109 Wellington Street (9 storeys)
- (w) 7 and 9-15 Little Oxford Street (8 storeys)

*In addition to these approved developments, there are three planning applications in this section of Collingwood which are currently under assessment:*

- (a) 61-71 Wellington & 37-39 Langridge (13 storeys)
- (b) 73-77 Wellington Street (12 storeys)

(c) 72-90 Cambridge Street (11 Storeys)

*There are also a number of sites towards the northern end of Collingwood, beyond Johnston Street which have planning approval, are about to undergo construction or have been constructed.*

*East*

*Directly to the east of the subject site, beyond Bedford Street is No. 5 Otter Street, which is occupied by a large double storey dwelling with on-boundary walls along Bedford and Otter Streets. The site includes a first floor south-facing terrace visible from Bedford Street as well as a ground floor courtyard with a crossover onto Bedford Street.*

*To the south is No. 30 Bedford Street which presents to Bedford Street as a part single, part three storey townhouse with a north-facing ground floor open area to the rear of the site.*

*Nos. 32-34 Bedford Street is to the south and is a two storey brown brick building, constructed to the street frontage which (as per the list above) has a planning permit (PLN12/0972) for two additional levels resulting in a five storey residential building. Due to the slope in the land, the development will present as four storeys to Bedford Street but is five storeys in height overall.*

*Further to the south at Nos. 34-38 Bedford Street, a five storey building has been approved via planning permit PL08/0658.*

*Further to the east along Otter Street is a mixture of built form, generally comprising single to double storey dwellings along the southern side with the five storey, Northern Melbourne Institute of Technology (NMIT) building and St Joseph's Church along the northern side of Otter Street. The Department of Housing public housing towers are located on Wellington Street at its intersection with Otter Street.*

*North*

*To the north of the site, across Otter Street (8m in width) are two single storey dwellings at Nos. 2 and 4 Otter Street and a single storey, older warehouse building with car spaces fronting onto the street at No. 6 Otter Street. No. 4 Otter Street currently has a planning permit application (PLN16/0208) for a three storey extension. These three properties are all within the Commercial 1 Zone.*

*To the north-east of the subject site is a single storey residential complex at No. 20 Bedford Street. The dwellings are constructed behind an original industrial style façade, with the contemporary additions largely single-storey in scale. Single-storey brick walls extend along the Bedford Street boundary.*

*Further to the north are a mixture of the rear of properties along Smith Street, large double storey buildings as well as single storey dwellings.*

*South*

*Directly to the south of the subject site are a row of attached, remnant workers cottage terraces (Nos. 33-47 Bedford Street). This row is named 'Purfleet Cottages' and is within its own Heritage Overlay (Schedule 96). The following is an excerpt from its Statement of Significance:*

- (a) *Purfleet Cottages is a single-storey Victorian brick residential terrace. It formerly comprised twelve or thirteen identical attached houses; now only eight remain. The houses are extremely modest, and are built directly on the property line and have no verandahs. The facade of each house has a front door and single timber-framed double-hung sash window with a bluestone sill. There is a single transverse gabled corrugated iron roof, penetrated by brick chimneys with unpainted rendered moulded caps and terracotta chimney pots.*

*Each of these dwellings is construed deep into their site with 3m to 4m rear setbacks. Nos. 33 and 35 Bedford Street both have constructed along their northern boundary with their private open space area along their southern boundary.*

*No. 33 Bedford Street has a current planning permit (PLN12/0822) which was granted on 10 April 2013. The permit allows for a double storey dwelling with the ground floor extending the full length of the site with a first floor and deck above it facing Bedford Street. Plans have not yet been submitted for endorsement. The permit has now expired as the date for commitment of the works was 10 April 2016.*

*To the east of these cottages are other large scale recent development of at least five storeys (with the exception of No. 42 Bedford Street which remains as single storey). Along Bedford Street the rear of recent developments along Napoleon and Stanley Street are visible. The five storey development at No. 4-10 Stanley Street presents as a five storey form to Bedford Street at the street's termination, it is generally built to the rear boundary and punctuated by windows and balconies.*

*This southern portion of Bedford Street has experienced significant change.*

*Further to the south, along Stanley Street, between Smith and Wellington Streets are a row of sites which have all been developed between five and nine storeys in height along the northern side. Along the southern side of Stanley Street are the MacRoberston Buildings which present as large, red brick warehouses which dominate Stanley, Oxford and Cambridge Streets. A number of recent planning applications have been approved or are currently under assessment within this area also for high density residential development.*

#### *West*

*Directly to the west of the site is a ROW with the rear of properties facing Smith Street, also fronting onto it. The building at No. 284 Smith Street is constructed along the intersection of Otter and Smith Streets with a small setback to the ROW. It presents as double storey to Smith Street, has a prominent sideage and is four storeys to the ROW (although its height is over five storeys in comparison to an equivalent recently constructed residential building).*

*At the front of this site, facing Smith Street, is a bar with a 3am liquor license within the ground floor and basement area. At the rear of the site, facing the subject site, is a dwelling constructed over split levels, with the primary living area (including a small balcony) at second floor (with views over the subject site) with a secondary, third floor living space facing the subject site with direct access to a roof terrace to its west. This roof terrace affords views along Smith Street.*

*There is a small bin enclosure area within the rear setback of the site facing the ROW. To the south of this are buildings generally either built to the ROW or with rear services areas.*

*The east side of Smith Street displays a more consistent pattern of attached two storey Victorian-era buildings, interspersed with infill development. The buildings are generally constructed flush to Smith Street, with consistent vertical window openings and fine grain rhythm. The ground floor of these buildings is taken up with a retail or food and drinks premises uses.*

*The west side of Smith Street consists of predominantly two-storey buildings punctuated by some taller heritage buildings further to the north of the subject site.*

29. There have not been any notable changes since the previous report in the immediate context. In respect of the three planning applications identified as being currently before Council at the time of the original assessment, these have been approved with the following respective heights:
  - (a) 61-71 Wellington & 37-39 Langridge (14 storeys);
  - (b) 73-77 Wellington Street (10 storeys); and
  - (c) 72-90 Cambridge Street (9 Storeys).
  
30. Within the broader surrounding area, the following changes have also occurred:
  - (a) Planning Permit PLN17/0313 issued 28 December 2017 for a seven storey residential building at 32 - 34 Bedford Street, Collingwood. This site is located opposite the southern end of the east boundary at the subject site. The officer report for application PLN17/0313 considered the proposed development at 33-34 Bedford Street in light of the existing approval at 1-3 Otter Street and deemed that both sites could be developed without unreasonably affecting the internal amenity of both buildings. It was also considered a satisfactory outcome from an urban design/streetscape perspective that both sites would be developed.
  - (b) Planning Permit PLN18/0613 issued 5 July 2019 for a five storey residential building at No. 49-51 Bedford Street. An amended planning permit was issued on 10 December 2019 for a six storey residential building. This permit had regard to the permit that is the subject of this application.
  
31. The mix of zoning is demonstrated in Figure 5 and surrounding built form shown in Figure 6.

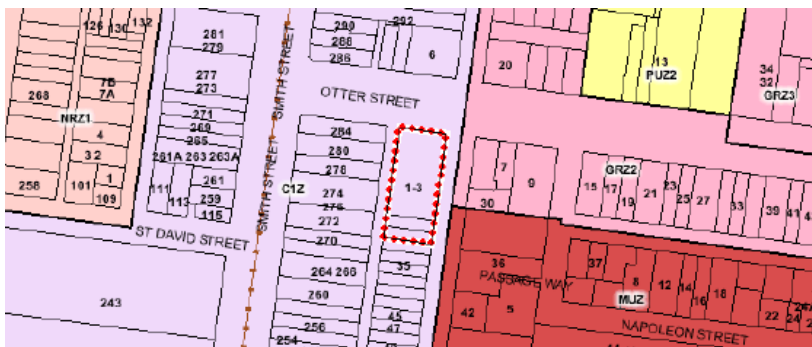


Figure 5: The subject site and surrounding land around Smith St shown as C1Z, with MUZ and GR22 to the east (Source: DELWP)



Figure 6: Aerial imagery of the subject site and surrounding built form  
(Source: City of Yarra GIS: Dec 2019)

## Legislation Provisions

32. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act).
33. Section 72 of the Act states:
  - (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
  - (2) *This section does not apply to—*
    - (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
    - (b) *a permit issued under Division 6.*
34. The planning permit was issued on 30 June 2016 by Council at the direction of the Tribunal. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.
35. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

## Planning Scheme Provisions

### Zoning

#### *Clause 34.01 – Commercial 1 Zone*

36. 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.*
37. Pursuant to clause 34.01-1, 'accommodation' (inclusive of a residential hotel) is a Section 2 – permit required use as the frontage at ground level exceeds 2 metres.

38. The food and drinks premises is part of, and ancillary to, the hotel function and is not a standalone use in its own right. Whilst the Scheme does not provide a formal definition of ‘ancillary’, it is defined in the Macquarie Dictionary as: *an accessory, subsidiary or helping thing or person*. In this instance, the food and drinks premises is provided for the use of hotel guests, and are therefore an accessory to the overall hotel use. Further, the food and drinks premises forms part of the main entrance, circulation space and lobby area and therefore seating within this space is likely to be used for both purposes (waiting area and food and drinks).
39. Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.

Overlays

40. N/A

Particular Provisions

*Clause 52.06 – Car Parking*

41. Pursuant to clause 52.06-2 of the Scheme, before a new use commences the number of car parking spaces required under Table 1 at Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
42. Clause 52.06-6 notes that where a use of land is not specified in Table 1, car parking spaces must be provided to the satisfaction of the responsible authority. The use of the land as a Residential Hotel is not specified in this table, therefore the provision of car parking is to the satisfaction of the responsible authority.
43. No car parking is proposed to be provided on-site.

*Clause 52.34 - Bicycle facilities*

44. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3 and the provision on site.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Residential hotel	78 rooms	In developments of four or more storeys, 1 employee space to each 10 lodging rooms	8 employee spaces	14 employee spaces
		In developments of four or more storeys, 1 visitor space to each 10 lodging rooms	8 visitor spaces.	0 visitor spaces
<b>Bicycle Parking Spaces Total</b>			16 employee/visitor spaces	14 employee/visitor spaces
<b>Showers / Change rooms</b>	<b>1 to the first 5 employee spaces and 1 to each additional 10 employee spaces</b>		1 showers / change rooms	2 showers / change rooms

45. The development exceeds the number of on-site employee parking spaces required, along with the shower/change rooms required by the clause.
46. Whilst eight bicycle spaces are provided on the footpath for visitors, this is not provided on-site and therefore a reduction of eight visitor spaces is proposed as part of this application.

*Clause 53.18 – Stormwater Management in Urban Development*

47. In accordance with the transitional provisions listed at Clause 53.18-1 of this provision, Clause 53.18 does not apply to an application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC154.
48. The original permit application was lodged on 22 September 2015. Amendment VC154 was gazetted into the Scheme on 26 October 2018 and therefore the provisions of Clause 53.18 are not applicable to this amendment.

General Provisions

*Clause 65 – Decision Guidelines*

49. 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.

*Clause 66.02 – Use and Development Referrals*

50. In accordance with Clause 66.02-11 of the Yarra Planning Scheme, an application to construct a building or to construct or carry out works for a residential building comprising 60 or more lodging rooms must be referred to the Head, Transport for Victoria. The Head, Transport for Victoria, is a determining referral authority for this application.

Planning Policy Framework (PPF)

51. Relevant clauses are as follows:

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

52. The objective is:

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

*Clause 11.03 (Planning for Places)*

*Clause 11.03-1S (Activity Centres)*

53. The relevant objectives of this clause include:

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

54. Relevant strategies are:

- (a) *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:*
- (i) *Comprise a range of centres that differ in size and function*

- (ii) *Is a focus for business, shopping, working, leisure and community facilities*
- (iii) *Provide different types of housing, including forms of higher density housing*
- (iv) *Is connected by transport*
- (v) *Maximises choice in services, employment and social interaction*

*Clause 11.03-1R (Activity centres – Metropolitan Melbourne)*

55. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
  - (i) *Are able to accommodate significant growth for a broad range of land uses.*
  - (ii) *Are supported with appropriate infrastructure.*
  - (iii) *Are hubs for public transport services.*
  - (iv) *Offer good connectivity for a regional catchment.*
  - (v) *Provide high levels of amenity*

*Clause 13.05-1S (Noise abatement)*

56. The relevant objective of this clause is:

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

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

*Clause 13.07 (Amenity)*

*Clause 13.07-1S (Land use compatibility)*

58. The objective of this clause is:

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

*Clause 15.01 (Built Environment and Heritage)*

*Clause 15.01-1S (Urban design)*

59. The relevant objective of this clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

*Clause 15.01-1R (Urban design - Metropolitan Melbourne)*

60. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

*Clause 15.01-2S (Building design)*

61. The relevant objective of this clause is:

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



62. Relevant strategies of this clause are:

- (a) *Ensure a comprehensive site analysis as the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (h) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- (i) *Encourage development to retain existing vegetation.*

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

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

*Clause 15.01-4S (Healthy neighbourhoods)*

64. The objective is:

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

*Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)*

65. The strategy is:

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

*Clause 15.01-5S (Neighbourhood character)*

66. The relevant objective of this clause is:

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

*Clause 15.02 (Sustainable Development)*

*Clause 15.02-1S (Energy Efficiency)*

67. The objective of this clause is:

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

*Clause 17.01 – (Employment)*

*Clause 17.01-1S – (Diversified economy)*

68. The objective of this clause is:

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

69. The relevant strategies of this clause are:

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

*Clause 17.02 – (Commercial)*

*Clause 17.02-1S – (Business)*

70. The relevant objective of this clause is:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

71. The relevant strategies of this clause is:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

*Clause 17.04-1S – (Facilitating Tourism)*

72. The relevant objective of this clause is:

- (a) *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

73. The relevant strategy of clause 17.04-1R Tourism in Metropolitan Melbourne is:

- (a) *Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:*
  - (i) *Developing city precincts and promenades.*
  - (ii) *Revitalising the retail core of the Central City.*
  - (iii) *Supporting artistic and cultural life.*
  - (iv) *Improving public facilities, amenities and access.*
  - (v) *Maintaining city safety.*
  - (vi) *Providing information and leisure services.*
  - (vii) *Improving transport infrastructure.*

*Clause 18.02 (Movement Networks)*

*Clause 18.02-1S – (Sustainable personal transport)*

74. The relevant objectives of this clause is:

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

75. Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

*Clause 18.02-1R – (Sustainable personal transport- Metropolitan Melbourne)*

76. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

*Clause 18.02-2S (Public Transport)*

77. The objective of this clause is:

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

*Clause 18.02-2R (Principal Public Transport Network)*

78. A relevant strategy of this clause is to:

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

*Clause 18.02-4S – (Car Parking)*

79. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

80. A relevant strategy is:

- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

*Municipal Strategic Statement*

81. The relevant policies in the Municipal Strategic Statement can be described as follows:

*Municipal Strategic Statement (MSS)*

82. Relevant clauses are as follows:

*Clause 21.04-2 (Activity Centres)*

83. The relevant objectives of this clause are:

- (a) *To maintain the long term viability of activity centres.*

84. Relevant strategies to achieve this objective include:

- (a) *Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (b) *Strategy 5.3 - Discourage uses at street level in activity centres which create dead frontages during the day.*

*Clause 21.04-3 (Industry, office and commercial)*

85. The objective of this clause is:

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

*Clause 21.05-2 – (Urban design)*

86. The relevant objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
  - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
    1. *Significant upper level setbacks*
    2. *Architectural design excellence*
    3. *Best practice environmental sustainability objectives in design and construction*
    4. *High quality restoration and adaptive re-use of heritage buildings*
    5. *Positive contribution to the enhancement of the public domain*
    6. *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 19 To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*

- (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
  - (ii) *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
  - (iii) *Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
  - (iv) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
- (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
- (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
  - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

*Clause 21.05-3 – (Built form character)*

87. The general objective of this clause is:

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

88. The subject site is located within a non-residential area, where the built form objective is to *"improve the interface of development with the street"*.

89. The strategies to achieve the objective are to:

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

*Clause 21.05-4 (Public environment)*

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

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
  - (i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
  - (ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
  - (iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*
  - (iv) *Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.*
  - (v) *Strategy 28.8 - Encourage public art in new development.*

*Clause 21.06 – (Transport)*

91. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

- (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
  - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
  - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*

- (b) *Objective 31 – To facilitate public transport usage.*
- (c) *Objective 32 – To reduce the reliance on the private motor car.*
- (d) *Objective 33 To reduce the impact of traffic.*
  - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

*Clause 21.07-1 – Ecologically sustainable development*

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

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

*Clause 21.08-5 Neighbourhoods (Collingwood)*

93. This clause outlines the Collingwood neighbourhood as follows:

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

*The Activity centre has developed a strong factory outlet focus including a sports retail focus, at the north of the centre between Johnston Street and Alexandra Parade. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes. The southern precinct, south of Gertrude Street is home to an array of galleries and clothing stores.*

94. 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. The site is also located within a portion of Collingwood where the objective is to improve on street pedestrian and cycle links to open space.

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

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

*Clause 22.10 – Built form and design policy*

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

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

97. Clause 22.16-3 requires the use of measures to “*improve the quality and reduce the flow of water discharge to waterways*”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

*Clause 22.17 – Environmentally Sustainable Design*

98. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Relevant Documents

*Plan Melbourne*

99. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.
100. The Smith Street area is identified as a Major Activity Centre. The plan identifies that *Melbourne will develop and deliver infrastructure to support its competitive advantages in sectors such as business services, health, education, manufacturing and tourism.*

*Smith Street Structure Plan [SSSP]*

101. In November 2008, Council adopted the *Smith Street Structure Plan* Specific to the subject site, the SSSP aims to maintain the mix of uses in the area, whilst embracing opportunities for new housing and protecting residential amenity. In the SSSP, the subject site is shown as being part of the Smith Street Shopping Strip and contains the following relevant guidance:

(a) *Future character statement*

- (i) *The existing heritage character of this traditional strip retained and reinforced, while ensuring that the dominance of the higher emporia buildings continues.*
- (ii) *Southern sections of the street with non-heritage buildings rebuilt in scale with nearby and adjacent properties on the street.*

(b) *Built form guidelines*

- (i) *The street frontage façade of infill development must match the predominant street frontage height of nearby and abutting buildings.*
- (ii) *Upper levels of buildings must not dominate.*
- (iii) *Emporia and identified landmarks must remain dominant in the streetscape.*

(c) *Preferred maximum building height*

- (i) *Two to three storeys to the street frontage.*

- (ii) *Upper level development must be set back so as to appear recessive from street view.*
- (iii) *The overall height of buildings in the section between Gertrude and Johnston Streets must be at least one storey lower than emporia and identified landmarks, so as to maintain the dominance of these buildings in the streetscape.*

*Amendment C140 – Smith Street Structure Plan*

102. In 2011, Council prepared Amendment C140 to implement some of the objectives of the Smith Street Structure Plan. The Amendment proposed to update the MSS to reference the Smith Street Structure Plan at clause 21.08 (Neighbourhoods) and include it as a reference document at clause 21.11.

A new schedule to the Design and Development Overlay (DDO14) was to apply to the Smith Street Activity Area, effectively implementing the built form vision, objectives and strategies of the Smith Street Structure Plan. The Smith Street Structure Plan was the sole strategic basis for Amendment C140.

103. An independent planning panel, appointed by the Minister for Planning **[Minister]** considered the amendment in June 2012 and recommended that it be abandoned. The Panel report was highly critical of a number of aspects of the Amendment, including that the MAC context of Smith Street has not been fully appreciated within the framing of the Smith Street Structure Plan and Amendment C140. In summary (page 22):

... the Panel is not convinced of the strategic basis of the Smith Street Structure Plan. In particular, it is not convinced that the Structure Plan is consistent with the state and metropolitan policy settings for Major Activity Centres. The Panel agrees with those submitters who suggested that this would lead to a 'restrained' development potential in the Activity Centre.

104. In light of the above, Council at its Meeting on 17 September 2013, resolved to abandon Amendment C140 (the planning scheme changes), though the SSSP remains an adopted Council position. Accordingly, whilst this document can be considered, it has very limited statutory weight and is not relied upon in the assessment of this application.

*Amendment C270 – Fitzroy and Collingwood Stage 1 Interim*

105. On the 17 December 2019, Council requested the Minister for Planning to consider the approval of proposed interim built form controls through the implementation of several Design and Development Overlays (DDOs) for activity centres in Fitzroy and parts of Collingwood.

106. If approved, the proposed interim DDOs would be temporary only and be included in the Yarra Planning Scheme for approximately 2 years. The subject site falls into proposed Schedule 30 (Smith Street Shops) to the DDO.

107. The proposed DDO30 includes a number of discretionary and mandatory built form guidelines in regards to the street wall, upper level front and side setbacks, overall building height, rear interface, overshadowing and daylight access, common boundary and building separation, building layout, façade design, access and parking and loading areas to achieve the following objectives:

- (a) *To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:*
  - (i) *a new lower- to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street; and*
  - (ii) *a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.*



- (b) *To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.*
- (c) *To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.*
- (d) *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.*
- (e) *To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*

108. The proposed DDO23 would introduce a mandatory height limit of 24 metres and 11.2 metre streetwall. The proposed amendment does not propose to increase the building height or podium height of the approved built form.

*Yarra Spatial Economic and Employment Strategy*

109. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
110. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
111. In regards to the strategic context of the site, the SEES provides the following:

*The key shaper of Yarra's retail precincts has been the tram network. This will continue to be the strongest influence from a transport perspective on retail development. In particular, the five major retail strips Brunswick Street, Smith Street, Victoria Street, Bridge Road and Swan Street have benefited from this infrastructure. Compared to Hoddle and Johnston Streets, Yarra's main streets with tram lines heritage and quality of place attracts dynamic businesses esp in hospitality and entertainment. These streets have a more fine-grained urban structure, less intrusive traffic and better performing retail precincts.*

112. The strategy includes the following precinct specific directions for the Brunswick Street, Fitzroy and Smith Street, Fitzroy/Collingwood precinct:

*Brunswick Street and Smith Street offer a consolidated core of retail and hospitality for the suburbs of Fitzroy and Collingwood and a wider catchment beyond. The C1 zoning throughout this area allows a range of employment and housing in mixed use developments. The development of the Community Arts Precinct (on Johnston Street) is an emerging trend, supported by state. Council values its arts and culture sector.*

113. In respect of the capacity of the differing precincts to accommodate future growth, with regard to future demand, the following comments are made in respect of the Smith Street Major Activity Centre:

*Smith Street has undergone rapid gentrification in recent years. It has a well-regarded hospitality offer, and is increasingly considered a destination for people seeking a high quality, diverse food and drink experience. It also accommodates the area's largest supermarket, with a second full line supermarket also opening in recent times, creating two focal points for local retail activity.*

*The northern end of the street lacks the fine-grained characteristics of the southern end, with a significant concentration of homeware stores and factory outlets. The precinct still has capacity to develop, particularly at the precinct's northern end. With strong demand for residential development across the precinct, there is some risk that residential developments could reduce the precinct's employment floor space capacity.*

#### *Yarra Housing Strategy*

114. The Yarra Housing Strategy (YHS) was adopted by Council in September 2018 and includes 4 directions which will inform future policy for the Scheme. The adopted YHS will guide and inform decisions on how residential land in the municipality will evolve and develop into the future.
115. The subject site is located in a 'moderate change area' that covers mixed use and commercial areas that have the capacity to accommodate moderate housing growth over time. The YHS identifies that sites with a 'moderate change' designation will support increased residential densities and housing diversity through mixed use, infill and shop-top apartment development on individual and consolidated lots.
116. Key attributes of land designated within the 'moderate change area' including sites that are within or close to activity centres, have excellent access to services, open space and public transport and have mixed lot sizes.

#### **Advertising**

117. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1,459 letters sent to surrounding owners and occupiers and by two signs displayed on site, one each on Otter Street and Bedford Street. Council received 28 objections and 1 letter of support, the grounds of which are summarised as follows:

##### Building form, design and massing:

- (a) Services do not integrate with Bedford Street elevation;
- (b) The size and scale of the building is out of character with the area and an overdevelopment;
- (c) Finishes on the southern wall to integrate with overall building; and
- (d) Loss of heritage character.

##### Use and Amenity impacts:

- (e) Not feasible use for the residential location;
- (f) 78 rooms is too many and will result in an increased transient population;
- (g) Noise (arrivals, parties in hotel rooms, from the food and drinks premises, deliveries, garbage collection);
- (h) Overshadowing; and
- (i) Privacy and overlooking.

##### Car parking and traffic:

- (j) Increased traffic and congestion;
- (k) Not enough car parking available in the surrounding area to support the use with zero car parks on-site;
- (l) The back of house and loading/unloading facilities are inadequate; and

- (m) Inadequate drop-off/pick-up areas.

Other:

- (n) Concern the hotel rooms will later be converted to apartments;
- (o) Construction impacts;
- (p) Impacts from the demolition (already undertaken); and
- (q) Lack of parks and police stations within the area.

118. A planning consultation meeting was held on 11 February 2020 and attended by six objectors, the Applicant and Council Officers to discuss all issues and concerns raised in the letters of objection. The Applicant did not make any commitments to make changes, moreover the proposal, as originally submitted to Council, forms the basis of assessment and decision.
119. Pursuant to Clause 52.34-3 an application for a reduction of the bicycle requirements is exempt from the notice requirements of section 52 (1) (a), (b) and (d), the decision requirements of section 64 (1), (2) and (3) and the review rights of section 82 (1) of the Act. As such, the reduction of visitor bicycle spaces was not advertised.

**Referrals**

External Referrals

120. The application was referred to the following authorities:

- (a) Head, Transport for Victoria

Internal Referrals

121. The application was referred to the following units within Council:

- (a) ESD;
- (b) City Works Unit;
- (c) Urban Design;
- (d) Engineering Services Unit;
- (e) Traffic and Civil Engineering Unit; and
- (f) Strategic Transport Unit.

External Consultants

- (g) Acoustic (SLR Consultants)

122. Referral comments have been included as attachments to this report.

**OFFICER ASSESSMENT**

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

- (a) Policy and Strategic Support;
- (b) Land use;
- (c) Built form and Urban Design;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Car parking, traffic, access and layout, loading and bicycle parking;
- (g) Contamination considerations;
- (h) Other matters; and
- (i) Objector concerns.

Policy and Strategic Support

124. The proposal satisfies the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development and use within a well-resourced inner-urban environment.
125. State and Local Policies (such as clauses 11.02-1 and 16.01-2) encourage the concentration of development in activity centres (with this site being within a Major Activity Centre (MAC)) and intensifying development within existing urban areas well connected to public transport. It is clear that the Collingwood area (as has previously been outlined) is undergoing significant change and there is strong state policy support for increased density in this area as shown through Clause 16.01-1 (amongst others).
126. This is also evidenced through recent strategic work and analysis presented within the recently adopted SEES and YHS that both identify the subject site as being located within an area that is expected to accommodate future growth and density. The proposal complies with strategic direction by continuing the commercial use of the site in a more intensive form, in order to facilitate greater employment opportunities and to assist in facilitating tourism.
127. The site is located close to several public transport options with trams operating along Smith Street, Gertrude Street and Victoria Parade as well as bus routes along the latter and Johnston Street. Yarra's first Copenhagen style bicycle lanes have been constructed along Wellington Street and provide a better connected journey for cyclists. Locating such a development satisfies the objectives of clauses 11.02-1 and 11.02-2 of the Scheme.
128. The site is located in an area suitable for redevelopment as evidence by the original approval for a seven storey form. Minor amendments are proposed to the approved built form that will maintain the responsive design, consistent with the urban form in the neighbourhood that has successfully limited off-site amenity impacts. The location of laneways and streets surrounding the subject site to the north, east and west provide a buffer from off-site amenity impacts.
129. Overarching State policy at clause 15.01-1S (urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This is reinforced at clause 15.01-2S (building design) which encourages '...building design outcomes that contribute positively to the local context and enhance the public realm.' Council's Municipal Strategic Statement seeks to 'ensure that new development contributes positively to Yarra's urban fabric' (Objective 20) and also 'maintain and strength the identified character of each type of identified built form within Yarra.' (Objective 23).
130. The subject site is located within a C1Z which aims to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The layout of the proposed use provides hotel rooms above ground level, with the operational spaces associated with the hotel (i.e. lobby, reception and food and drink premises) at ground floor and mezzanine level. This will provide an active street frontage, contributing to the vibrancy of the street and allow good interaction between the public and private realms.
131. Pursuant to State policy at clause 17, economic development is to be fostered by '...providing land, facilitating decisions and resolving land use conflicts, so that each region may built on its strengths and achieve its economic potential'. At a local level, the Municipal Strategic Statement at Clause 21.04-3 seeks to 'increase the number and diversity of local employment opportunities'. The proposal will support economic opportunities in a highly accessible, service-rich area. The uses proposed will increase employment opportunities in hospitality as well as support the surrounding commercial uses through the provision of accommodation.

132. Clause 17.04-1R seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination. The provision for a residential hotel will contribute to the availability of accommodation within the locality, while concurrently supporting the local economy through additional visitors to the area. Given the location with the Smith Street Activity Centre, this is considered an appropriate location for temporary accommodation. Furthermore, the location of the site in proximity to the Central Business District and the Gipps Street employment precinct is likely to support proximate accommodation for business travellers.
133. Having regard to the above, the proposed re-development of the site for a residential hotel of this scale is considered to have strategic planning support.

#### Land Use

134. The use of the site as a residential hotel, in lieu of a mixed-use building containing a shop, food and drinks premises and apartments, is supported by both State and Local policy, as outlined previously within the *Policy and Strategic Support* section. Additionally, the provision of a residential hotel is supported by the C1Z, which aims to create vibrant mixed use commercial centres for retail and community uses (amongst others), whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. The proposal achieves this by continuing to provide an active commercial frontage to both the Otter and Bedford Street interfaces which is in compliance with policy at Clause 21.08-5.
135. A wide range of uses currently operate within vicinity of the site; this includes restaurants, cafes, offices, bars/night clubs, clothing retailers and recreational studios, as well as dwellings. The proposed addition of a residential hotel to this mix is supported, and will further diversify the eclectic assortment of functions operating within the zone and provide a transition in the intensity of uses to the more sensitive General Residential Zoning and Mixed Use Zoning to the east.
136. By retaining land for commercial uses, Collingwood will remain a viable and thriving economic cluster, thus providing a net community benefit through employment and contributing to the local and regional economy for present and future generations. It is also Council local planning policy (Clause 21.04-3) to increase the number and diversity of local employment opportunities and by maintaining this land for the purpose it was intended for, this policy will be met and a net community benefit will be achieved. Council's local policy at Clause 21.04-3 states that the commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.
137. Clause 22.05 (Interface Uses Policy) requires new non-residential use and development within Commercial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties as well as requiring building design to ensure that the ongoing viability of surrounding industrial and commercial properties is not impacted through the introduction of more sensitive land uses. In this instance the closest residential interface is directly to the south and an assessment of this is outlined within the *off-site amenity* section of this report. A more detailed discussion regarding the internal amenity of the proposed hotel rooms will be undertaken within the *on-site amenity* section.
138. Given the proposed use of the land as a residential hotel, the premises would be open and available to guests 24 hours a day, 7 days a week. As the ground floor food and drinks premises and mezzanine level conference room and pre-function area are considered to be 'ancillary' uses to the hotel and are designed to cater predominantly to hotel guests, no specific operating hours have been nominated for these areas. Technically this would allow these spaces to operate throughout the day and night, with no restrictions to the hours proposed within the application.

139. With regard to the requirements of the Commercial 1 Zone, it is noted that a stand-alone food and drinks premises (nested under 'retail premises') would not require a planning permit to operate. Regardless, as the residential hotel will operate from a yet to be constructed new building it is imperative that an assessment on potential noise impacts be undertaken to ensure the relevant requirements and noise limits are met.
140. Council's external acoustic consultant originally requested an assessment of the potential noise impacts from the food and drinks premises to ensure potential noise impacts were addressed. Updated acoustic advice was provided by the applicant on 19 December 2019, prepared by their acoustic consultant Acoustic Logic. Relevantly, Acoustic Logic clarifies that the food and drinks premises is also to be used as a lobby and not operate as a typical food and drinks premises. On this basis, Council's external acoustic consultant was satisfied that no further testing was required.
141. If Council was in a position to support the application, the implementation of a Hotel Management Plan could be required via a permit condition. This Management Plan would include hours of operation for the various shared areas of the hotel. It is considered that the food and drinks premises function associated with the ground floor should be restricted in any Hotel Management plan to guests between 7am to 10pm each day.

This ensures that residential amenity during the sensitive night-time period (10pm to 7am) is protected in lieu of a full assessment of a stand-alone food and drinks premises and would allow for breakfast and late-night snacks to be served in this area.
142. With respect to the proposed ground floor plan, it is considered further details to show the hotel lobby and key elements of the food and drinks premises be shown on plan to ensure the operation of this space is adequately documented. This will also ensure that the areas to be closed from 10pm – 7am would be made clear.
143. To further reduce noise impacts to adjacent dwellings, the location of the ancillary food and drinks premises and lobby is generally within the location of the approved shop and café tenancies associated with the existing approval with primary access from Otter Street. Given the location of the primary access, people are likely to disperse toward Smith Street to access public transport and taxis, or the licensed venues and shops within the area.
144. In addition, the hotel guests movements in and out of the residential hotel are likely to be staggered, with hotel patrons coming and going at various times throughout the day, evening and night. Furthermore, with respect to typical check out and check in times, it is anticipated that the majority of hotel guests would be arriving outside of peak hours, also reducing impacts to surrounding residents.
145. It is highlighted that the applicant has not applied for the sale and consumption of liquor within the premises. If this was to alter in the future, further planning approval would be required.
146. Whilst a concern was raised with potential use of the rooms as apartments or the subdivision of the residential hotel it is considered an application to do so would be required to be submitted and would not be supported. The proposed layout of the use has specifically been designed for a residential hotel use, where short stay accommodation is proposed, and would not be appropriate for long term accommodation.
147. In respect of the conference room and pre-function area on the mezzanine level, it is considered that limited off-site amenity impacts would result from the use given the small areas associated with these rooms. Nevertheless, as conference/function rooms can be utilised by persons other than guests, a condition should limit operations to align with the food and drinks premises, to 7am to 10pm through the Hotel Management Plan. This will ensure the room, facing residential areas, will not operate for large groups during the sensitive nighttime period.

148. In addition, all of the approved balconies at the podium level are associated with individual hotel rooms and are not communal spaces, with the balconies adjoining the southern boundary on Level 01 proposed to be removed completely as a result of this amendment. This will reduce amenity impacts to the residences to the south. The use of the podium level balconies by individual hotel guests is considered to be akin to the dwelling use previously approved.
149. Given the requirement of a Hotel Management Plan via condition, in conjunction with the assessment outlined above, Council considers that potential noise impacts from hotel guests can be appropriately controlled.
150. Clause 22.05-6 also notes that *before deciding on an application for non-residential development, Council will consider as appropriate:*
- *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*
151. The proposed residential hotel use is largely considered to generate minimal off-site amenity impacts, given the surrounding context and approved built form, the use is unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land. However this will be discussed later in the report.
152. A loading bay is proposed within the building, with a 'drive through' arrangement from Otter Street to the ROW proposed, all unloading/loading would occur on-site. An internal waste storage room is also provided internally, with waste to be collected from the ROW, entirely within the C1Z. Waste collection will be discussed further, later in the report, however this would ensure that rubbish would be adequately concealed within the building with any emissions associated with loading/unloading contained within the building. A condition will also limit delivery hours to Council's standard delivery times to ensure deliveries are undertaken at appropriate times (7am to 10pm, Monday to Saturday and 9am to 10pm Sundays).
153. Existing Condition 24 of the existing planning permit requires the following:

*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.*

154. This condition is a mechanism to ensure the ongoing amenity of the surrounding area is protected. If verified amenity issues around noise occur then corrective works can be required by the responsible authority to ensure they are resolved and amenity restored. The condition is recommended to be retained and would apply to the residential hotel use
155. If Council had been in a position to support the proposal, further general conditions would have been included on any planning permit to ensure the amenity of the area is not unreasonably compromised due to the proposed use, as follows:

*The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).*

*The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2)*

*Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.*

*The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.*

156. Subject to the above conditions, the use of the land as a residential hotel can be supported.

#### Built form and Urban Design

157. The provisions of the Scheme relevant to design and built form are contained at clauses 15 (Built Environment and Heritage), 21.05 (Built Form) and 22.10 (Design and Built Form). In regards to the built form and urban design of the building a number of key aspects were considered in the original officer's report including those aspects under the following headings: neighbourhood character, height and massing, public realm, light and shade and pedestrian spaces, landscape architecture, energy and resource efficiency and architectural quality.
158. Only height and massing, public realm and pedestrian spaces, energy and resource efficiency and architectural quality have been modified by the proposed amendment, and will be discussed below:

#### *Height and massing*

159. The only changes that modify the height and massing of the development are as follows:
- (a) Overall height of building services reduced from RL 27.189 to RL 26.79 (0.4 m reduction) with the setback of the service screening modified, from the buildings edge, as follows:
    - (i) North: from 3.38 metres to 3.39 metres;
    - (ii) South: from 3.82 metres to 3.91 metres;
    - (iii) East: from 2.68 metres to 2.7 metres; and
    - (iv) West: from 2.79 metres to 3.27 metres
  - (b) Deletion of the terrace to the south, replaced with a non-trafficable roof and the southern boundary wall is reduced in height from RL 33.6 to RL 32.140 (1.46m reduction).
160. The above modifications to the building height and massing represent a reduction and therefore would not result in increased amenity impacts. Furthermore, the location of built form along the common boundary associated with the dwelling at No. 33 Bedford Street would assist in screening views upwards, and therefore the change to the on-boundary conditions (reduction by 1.46 metres) would not be highly perceptible.
161. With regards to the changes to the height and setbacks of the service screening, these are considered negligible differences with regard to the northern, southern and eastern interfaces. In respect of the western interface the setback would increase by 0.48 metres, resulting in screening that would be more recessive when viewed in the surrounds. The reduction in height by 0.4 metres would also assist in the services becoming more recessive when viewed from the surrounds.
162. Whilst a mezzanine level is introduced, this will not alter the overall height of the building and will result in increased windows and views to Bedford Street and the ROW.

#### *Public realm and pedestrian spaces*



163. Council's Urban Design Unit reviewed the proposed amendments commenting, in relation to the interface with the public realm, that:
- (a) The extent of service cabinets along Bedford Street should be reduced; and
  - (b) Clarification should be provided on the sill height along the Otter Street frontage to understand what benefits are provided in terms of screening any internal furniture/storage or providing seating opportunities.
164. In respect of the extent of service cabinets along the Bedford Street ground floor elevation, the applicant submitted sketch plans on 28 February 2020 that suggest the following changes:
- (a) Relocation of fire pump room from Bedford Street and replace with staff access from ground level to mezzanine level. Staff entrance to be fully glazed.
  - (b) Fire pump room to be relocated to the western portion of the building (interface with the ROW);
  - (c) Secondary staff entrance from ROW removed and replaced with linen store. Chem store and waste room reconfigured accordingly.
  - (d) Reconfigure mezzanine level to accord with relocated stair access at ground level. Subsequent modifications to window locations required to suit these changes.
165. The relocation of the fire pump room and installation of an entrance from Bedford Street is welcomed. The change to the Bedford Street elevation shown on the sketch plans break down the proliferation of services along the eastern elevation, providing adequate activation toward the rear.
166. The removal of the staff access from the ROW would result in the western elevation presenting as a larger expanse of blank wall. To ensure the wall is provided with acceptable articulation in materials and provide visual interest it will form a condition of permit that this wall be modified to provide visual interest, such as incorporating public art, blind windows or a different surface finishes.
167. This will ensure that an adequate level of articulation is retained to the ROW and also provided to Bedford Street. Subject to this condition, it is considered that the interface to Bedford Street and the ROW would be acceptable.
168. With respect to the height of the sills along Otter Street the applicant has provided further details within the additional information provided 28 February 2020.
169. The sill heights range from 250mm to 630mm due to the slope of the street. With the ground floor of the lobby/food and drinks premises lowered by 0.59 metres to ensure that the lobby entrance is level with the pavement at its lowest point. External seating opportunities are provided by the proposal and it is considered that the sill heights would adequately obscure the lounge seating provided in the north-western corner while facilitating views into the hotel from the street.

*Energy and resource efficiency*

170. An assessment against Environmentally Sustainable Design will be made later in this report. The proposal continues to propose the redevelopment of the site located in an existing built up area thus making efficient use of existing infrastructure and services, resulting in energy and resource efficiency.

*Architectural quality*

171. The development continues to be of high architectural quality and responds to the design objectives of clause 15.01-2. Council's Urban Design Unit sought clarification on some of the materials utilised, including the reflectivity of the glazing and window framing.
172. In regards to the glazing utilised, whilst the rendered images show a higher level of reflectivity, the proposed materiality is not proposed to be modified from that endorsed and is therefore considered to be acceptable. The applicant has confirmed that the glazing will have a low reflectivity of no more than 20%. This is considered satisfactory.
173. The window framing also has not been modified from the current endorsed scheme. It is noted, however, that details of the window reveals are no longer shown as provided within the current endorsed plans (Figure 7) and therefore a window strategy for the podium is to be provided via condition.

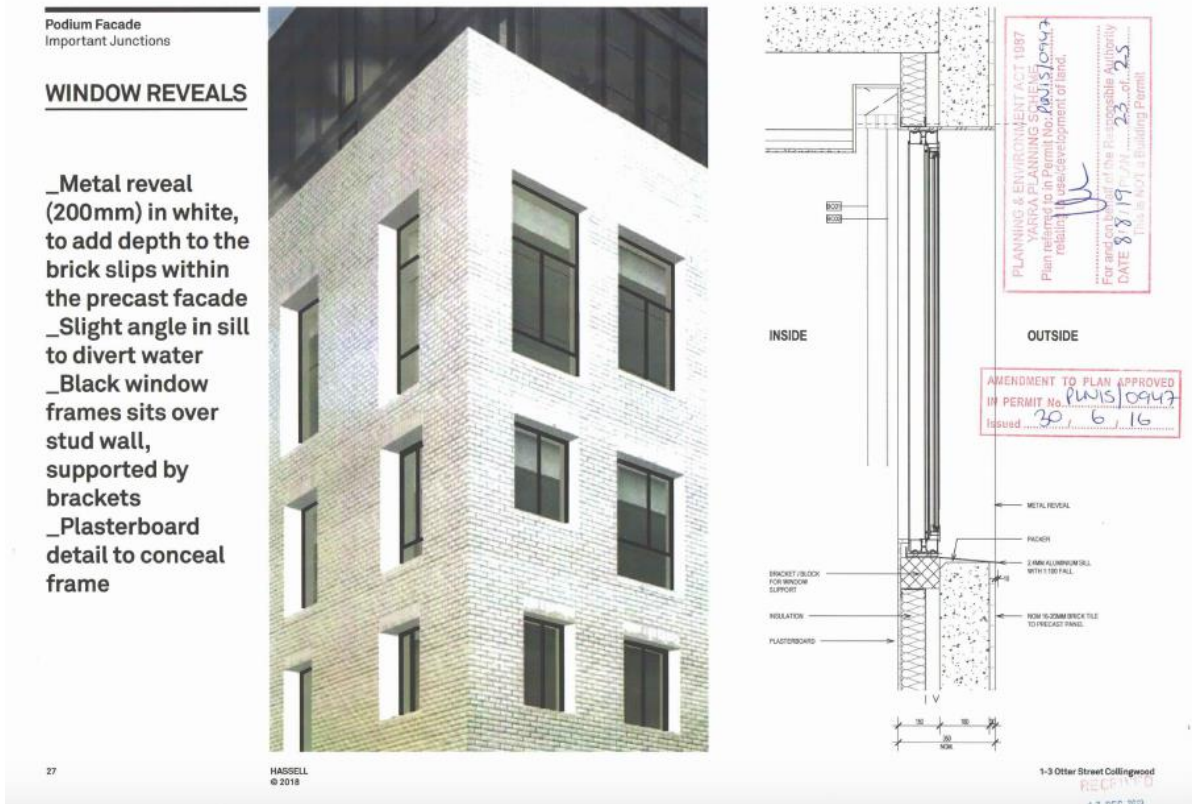


Figure 7: Details of window reveals within existing endorsed plans to be reinstated via condition

174. Whilst the windows within the podium are proposed to be modified in terms of location it is considered that the design intent of the building is maintained and is not a significant departure from the approved form.

On-site amenity

175. It has been well established by VCAT that residential hotels do not require the same standard of internal amenity as a dwelling given the short term, temporary nature of the accommodation type.
176. In the matter of *Tribe v Whitehorse CC* [2014] VCAT 212, the Tribunal made the following observations at paragraphs 59 and 62 regarding the serviced apartments, which could equally apply to a residential hotel:

[59] *The proposed apartments do not have layouts or facilities consistent with what would typically be provided for dwellings. As noted by the objectors, some apartments do not have balconies or ground level courtyards for open space, living spaces rather than some bedrooms are 'internalised' within the unit layout and facilities like storage and areas to dry clothes are not provided. The 'apartments' are, in many cases small, and more akin to a motel unit with cooking facilities.*

...

[62] *By and large, I do not see any difficulty with apartments of the size and type proposed being used for temporary accommodation. However, I would not approve them for dwellings providing permanent accommodation given the standard of amenity they provide. The absence of open space for some apartments, the internal layouts and absence of facilities do not make the proposed units suitable for permanent accommodation.*

177. However, whilst residential hotels are not expected to provide the same level of internal amenity as permanent accommodation, a level of amenity commensurate with the expectations of temporary accommodation still needs to be considered. This was explored through the recent VCAT decision of nearby site at Nos. 42-44 Oxford Street, 61-63 Cambridge Street and 16 Langridge Street, *Langridge and Cambridge Funding Development Pty Ltd v Yarra CC* [2018] VCAT 703, which at paragraph 126 stated that:

[126] *We accept there is limited guidance in the scheme as to the benchmarks that would demonstrate that a hotel room provides acceptable amenity. Clearly daylight, ventilation, safety and communal spaces are necessary starting points.*

#### *Room layout*

178. The rooms are small (between 18sqm and 48sqm), however are functional in layout and geometry. They are clearly for short stay. There are three DDA rooms provided within the development and each room is fitted with one bed and a shower, desk, toilet, tv and clothing rail. This is typical of a business-style, short stay accommodation.

179. Furthermore, high floor-to-ceiling heights of 2.85 metres will be provided to all habitable spaces within the rooms which will create a sense of spaciousness for guests. The location of the subject site within the Swan Street MAC will allow visitors easy access to a wide variety of retail, hospitality and art-based offerings, which provide additional amenity.

#### *Daylight and Ventilation*

180. Each room is provided with a window which faces outward either onto a street or laneway. The windows are not operable, however this is acceptable and typical of a residential hotel due to safety concerns. Furthermore, the applicant has also identified that operable windows can lead to water damage as they cannot be controlled by hotel management.

181. While this would not be an acceptable arrangement for long-term accommodation, it is considered suitable for short stay accommodation. A notable difference between a hotel room and an apartment is that significantly less time is spent inside the rooms, particularly in bedrooms, during the day. It is quite common for residential hotel rooms to be mechanically ventilated.

182. It is noted Council's ESD advisor raised concern with the provision of fixed glazing, this will be discussed further later in the report.

#### *Circulation Spaces and Safety*

183. Corridors are at a minimum 1.56m in width with larger areas adjacent to the lift and stair core and at the ends of each corridor, where several entrances are proposed. Due to the central location of the lifts, occupants will only be travelling a maximum of 13 metres in either direction, this will ensure an adequate line of sight from the lift/stair to the hotel room door is maintained.
184. The central location of the stairs, commensurate with the location of the lift, is seen as a positive circulation space for when occupants are not carrying their luggage.

#### *Facilities*

185. Communal facilities are provided at ground level and mezzanine area and are considered adequate in size with regard to the number of rooms proposed, being 78. It is not unusual for boutique hotels in inner city areas to provide no external communal space, it is considered that there is adequate outdoor space in the surrounding area to cater to the needs of hotel guests, if required.

#### *Environmentally Sustainable Design (ESD)*

186. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces staff and visitors from relying on private vehicles.
187. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
188. Council's ESD Advisor identified the following areas of deficiency:
  - (a) The lack of operable windows to the hotel rooms is not acceptable from an indoor environmental quality perspective.
  - (b) More information is required on how the laundry will incorporate best practice energy efficiency.
  - (c) The stormwater approach needs to be documented in an updated SMP
  - (d) An operational waste management plan needs to be provided
189. In response to these comments, the applicant submitted further supporting information on 13 January 2020 prepared by their ESD consultant, Lucid Consulting. This additional information identified reasons for why the proposed ventilation system proposed is satisfactory, outlining that the laundry is for storage only. A STORM report and stormwater strategy had been provided following the original referral and a Waste Management Plan had also been submitted, but not part of the SMP. A condition will require the stormwater management information to be included as part of the SMP.
190. Following a further review, Council's ESD Advisor identified one remaining issue, that the lack of operable windows to the hotel rooms is not acceptable from an indoor environmental quality perspective.
191. It is considered that this requirement is difficult to include due to the nature of the use of the building, operable windows present other concerns, such as concerns with safety. Fresh air will be provided to the hotel rooms in an alternative way, through a mechanical ventilation system. It is therefore considered that this outcome is acceptable.
192. Whilst the ESD pathway has been modified from a BESS pathway to a Green Star pathway, it is considered that the overall outcome is comparable. A 4 star Green Star pathway is equal to a 50% BESS score, the current approval achieves a BESS score of 49%.

193. In terms of Green Star ratings, certification by an accredited professional is required for claiming a particular star rating. The accredited professional reviews environmental sustainability in management, indoor environment quality, energy, transport, water, materials, land use & ecology, emissions and innovation.
194. The SMP submitted identifies that formal certification of a Green Star rating will not be pursued. This is not considered acceptable as there would not be a mechanism to verify the ESD measures have been implemented. Therefore, a condition should require the SMP be updated to remove this statement and include details of Green Star project registration. Council will be requiring its standard condition which requires an implementation report to confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.
195. Subject to these conditions, the proposal complies with Council's standards for Best Practice. If Council were in a position to support the application, the above would be required via permit conditions.

#### Off-site amenity

196. As identified within the original officers report, the appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Use Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the subject site and those surrounding it. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy).

#### *Setbacks and visual bulk*

197. With respect to the assessment made under *Built Form and Urban Design*, it is considered that the proposed amendment would not result in any additional visual bulk concerns.

#### *Overlooking*

198. There are two sensitive interfaces that require an assessment against overlooking requirements. This is to the south, including the residences fronting Bedford Street on the western side, and the upper level dwelling located at No. 282-284 Smith Street to the west.

#### *South*

199. As identified within Figure 8 the proposal does not result in unreasonable overlooking to the southern SPOS areas with regards to the removal of the balconies to the south of level 01 and subsequent removal of the previously included planter boxes.

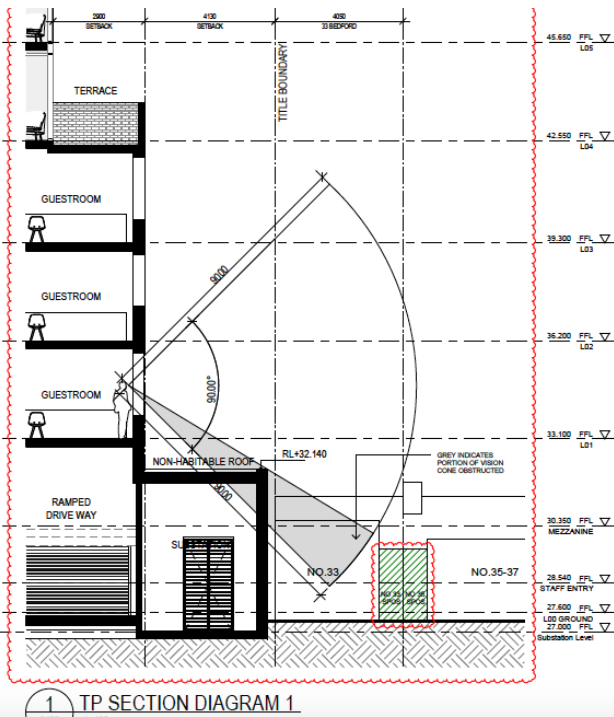


Figure 8: Overlooking diagram demonstrating compliance to the south in accordance with clause 55.04-6 (Overlooking)

**West**

- 200. The amendment retains screening to all of the west-facing windows within 9 metres of the rear of No. 282-284 Smith Street. The screening measure has been modified from obscure glazing to the provision of 1.7 metre high internal screens for rooms on Level 01 – Level 03.  
  
The specifications of these internal screens are provided within the submitted plans and identify that the screens will be fixed, permanent, 1.7 metres above the finished floor level and provided with a maximum 25% transparency therefore satisfying the standard requirement.
- 201. In respect of the rooms on Levels 04 – 06, screening has been replaced with a solid wall where within 9 metres of the rear of No. 282-284 Smith Street.
- 202. The western elevation provides hatching to the west-facing windows that are shown on the floor plans to include the internal screening. A note is included identifying that the hatch denotes 1.7 metre high fixed internal screening to address overlooking. It is recommended a condition be included requiring the note to be updated to reference the screens are also permanent and have a maximum 25% transparency.
- 203. The hatch also applies to Levels 04 – 06, however, as identified above a solid wall is proposed where within 9 metres of the habitable room windows to the south. The western elevation should also be updated to show the solid wall on these levels, in lieu of the screening.
- 204. The level 04 balcony associated with the north-western corner hotel room includes a 1.7 metre high gate along the western perimeter to restrict overlooking. No details of this gate are provided. The western elevation does not stipulate what material this gate will be and therefore it is recommended a condition be included requiring the materiality of the gate be provided in accordance with the requirements of clause 55.04-6 (overlooking).

**Overshadowing**

- 205. As evidenced within the shadow diagrams submitted with the application the amendment proposal would result in a reduction of shadowing at each hour, as follows:

- (a) 9am – 6.1sqm reduction;
- (b) 10am – 4.4sqm reduction;
- (c) 11am – 2.1sqm reduction;
- (d) 12pm – 0.5sqm reduction;
- (e) 1pm – 0.8sqm reduction;
- (f) 2pm – 1.4sqm reduction; and
- (g) 3pm – 6.9sqm reduction.

206. Whilst a reduction in shadowing occurs, this is to roof space to the south and east and would not result in increased daylight to any surrounding SPOS areas. Regardless, the proposed amendment would not increase overshadowing and is therefore acceptable.

*Noise*

207. 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.

208. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the building would be used for a residential hotel. Due to the nature of the residential hotel use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Otter Street which is entirely located within the C1Z. As discussed, the use also ensures that deliveries to the site will be conducted within the title boundaries in a dedicated loading zone and also within the hours specific by Council's Local Law.

209. The applicant submitted an acoustic report which made the following key recommendations:

- (a) Loading and unloading of deliveries shall occur within the back of house delivery area with vehicle access doors to be in the closed position during the evening period.
- (b) Delivery and waste/recycling times shall be limited to after 7am, Monday to Saturday, and after 9am on Sundays and public holidays. Deliveries and waste/recycling collection should not occur during the night period.
- (c) A number of recommendations have been made in respect of the design detail of the vehicle access door.
- (d) Concrete slab construction for the roof/ceilings and concrete/masonry external walls.
- (e) Glazing specifications recommending acoustic sealing and thickness.

210. The report was peer reviewed by Council's acoustic consultant, SLR Consulting who confirmed that the report generally addresses the acoustic issues related to the proposal however they suggested the following matters be addressed further:

- (a) Further details of the food and drinks premises operation with an assessment of potential noise impacts from the food and drinks premises included within the report.
- (b) Full details of the assessment informing the façade upgrades propose to control the measured levels of mechanical plant and equipment at 282 and 284 Smith Street to hotel rooms had not been provided, and is required.
- (c) Further details of the back of house activities are to be provided including an acoustic specification for the entrance gate/s.
- (d) A full acoustic review of the mechanical plant equipment is to be undertaken during the detailed design phase of the project.

211. Updated acoustic advice was provided by the applicant on 19 December 2019, prepared by their acoustic consultant Acoustic Logic. Relevantly, Acoustic Logic clarified a number of the points raised above. On this basis, Council's external acoustic consultant was satisfied that the first three matters had been addressed, but continued to recommend a full acoustic review of the mechanical plant equipment be undertaken during the design detail phase of the project.

212. A condition will require a review of all acoustically significant mechanical plant prior to the occupation of the development.
213. For completeness, it is also recommended that the acoustic report submitted with the original documentation be updated with the information presented in the updated acoustic advice provided by the applicant on 19 December 2019.
214. Existing Condition 8 of the planning permit is as follows:

*Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Normal Disney & Young and provided to Council on 1 April 2016, but modified to include (or show, or address:*

- (a) Façade upgrade advice to achieve either the AS/NZS2107 'satisfactory' noise levels, or SEPP N-1 indoor limits (whichever is lower). The indoor level should include any adjustments for tonality if appropriate.*
- (b) Lmax noise level specified for the carpark entrance door.*
- (c) A noise level descriptor (both an Leq and Lmax level) been specified for the car lift, to be measured at the carpark entrance.*
- (d) A vibration assessment addressing:
  - (i) Vibration from the car stacker system, when measured at any other nearby dwelling, must comply with the 1.4 multiplier of the base curve from the standard AS 2670.2-1990.*
  - (ii) Noise from the car stacker system, when measured at any other nearby dwelling, must comply with the environmental noise limits set in State Environment Protection Policy No. N-1 (SEPP N-1).*
  - (iii) Maximum noise levels from the car stacker system, if measured within any other nearby dwelling, must be not greater than 25dB (LAFmax).**

*The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.*

*After the installation of the car lift system and prior to the occupation of the building, a report prepared by a suitably qualified acoustic engineer to be approved by the responsible authority, must be submitted to and approved by the responsible authority. The report must verify that the car lift system is operating in accordance with the nominated SEPP N-1 and structural vibration performance criterion.*

*The car lift system must be maintained to the satisfaction of the responsible authority and must continue to operate in accordance with the approved noise and structural vibration performance criteria. In the event that the car lift system does not meet the noise and structural vibration performance criteria, rectification action must be implemented to the satisfaction of the responsible authority, to ensure that the criteria is met.*



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

215. As the acoustic report submitted with the application would superseded the report referenced within the condition, it is considered appropriate for the condition to be updated to reference the report submitted with this application. The requirements listed at (a) to (d) have also been satisfied and therefore should be deleted, to make way for the new condition referenced above.
216. In respect of the two paragraphs referencing the car lift system these are no longer required due to the deletion of all on-site car parking and can be deleted.
217. In respect of the final paragraph, it is considered this should be a standalone condition in accordance with Council's standard conditions, this will assist with enforcement proceedings (if required).

*Fumes and air emissions, light spillage*

218. The majority of the hotel rooms are enclosed and the use conducted indoors (with the exception of the outdoor terraces associated with the individual rooms on level 04). The proposed use is not considered to result in unreasonable air emissions, with light spill from the building limited due to the nature of the use. There would be no fumes associated with the residential hotel use.

*Waste management*

219. Waste will continue to be collected from the ROW. The Waste Management Plan (WMP) specifies that a private contractor will collect waste from the development. The revised scheme will consolidate the previously approved three bin storage areas to one, with seven 660 litre bins now required in lieu of six.
220. Within the waste room there will be space for five garbage bins and two recycling bins. A space for hard rubbish, of 2sqm, will also be provided. The WMP includes a diagram of the waste room, including an area for the garbage, recycling and hard rubbish/e-waste areas. To ensure that an area is set aside for hard rubbish/e-waste in accordance with the WMP a condition could require the plans to be updated to show this, if an amended planning permit were issued.
221. The collection, storage and maintenance of the waste facilities, along with the collection of waste from the site, were all considered satisfactory by Council's Civil Works Unit. To ensure that waste is adequately managed, the WMP would be endorsed accordingly and existing Condition 7 would ensure the provisions, recommendations and requirements of the WMP would be implemented.

Car parking, traffic, access and layout, loading and bicycle parking

*Car Parking Demand Assessment*

*Residential Hotel*

222. The proposal would provide no on-site car parking spaces. As previously outlined, there is no prescribed car parking rate provided at Table 1 to Clause 52.06 associated with the use of the site as a residential hotel, and as such, car parking must be provided to the satisfaction of the Responsible Authority.

223. Council's Engineering Services Unit outlined that the proposed residential hotel can be compared to the NSW Roads and Maritime Services' *Guide to Traffic Generating Developments*, which provides a car parking rate of 1 space per four bedrooms for residential hotels (0.25 spaces per one-bedroom lodging room). Applying this rate would result in a car parking demand of 20 car parking spaces for this application.
224. In addition, Council's Engineering Services Unit included reference to two approved hotel developments within Yarra, specifically Collingwood and Fitzroy. These hotels have car parking rates in the order of 0 to 0.8 spaces per room.
225. The proposed provision of no on-site car parking spaces is considered appropriate given the following reasons:
- (a) On-street car parking in the surrounding area consists largely of time restricted and permit restricted spaces. The lack of long-stay car parking in the surrounding area will significantly reduce car parking demand. Further, the permit-restricted spaces in the area will continue to protect car parking availability for existing, permit-holding residents.
  - (b) The nature of the use generates transient visitors who would likely be attracted to the inner-city location and the retail, hospitality and art-based offerings within Fitzroy, Collingwood and Carlton which are all readily accessible on foot.
  - (c) Hotel guests typically need to book car parking as part of their reservation. It would be likely that their website and online booking information will outline that none is provided. Future guests will not expect that they will be provided one. Further, it is anticipated that the majority of visitors would stay for short periods of time and be from outside the area, which would make the use of taxis or private driver services more likely (for visitors who choose not to arrive via public transport).
  - (d) The excellent access to public transport, including tram services on Smith Street (40 metres to the west) and bus services on Johnston Street and Alexandra Parade;
  - (e) The provision of bicycle infrastructure in the surrounding area, including bicycle lanes incorporated into many streets. Further, the proposed bicycle parking facilities proposed will encourage staff associated with the use to arrive via bicycle.
  - (f) The variation of car parking demand over time – the peak parking demand would be during the check in period for hotel guests. As hotel guests would arrive at different times for check-in, it is considered that the peak parking demand would be spread out across the afternoon and evening period (i.e. typical check in hours for hotels).
226. The application seeks to reinstate the Otter Street crossover and modify the one 2P car parking space along the Otter Street frontage to become a short-stay space for guest drop-off and pick-up (Figure 9). This is outlined in Section 6.2.3 of the Traffic Assessment, which states that a short-stay parking zone in this space will be made available for the drop-off and pick-up of hotel guests.

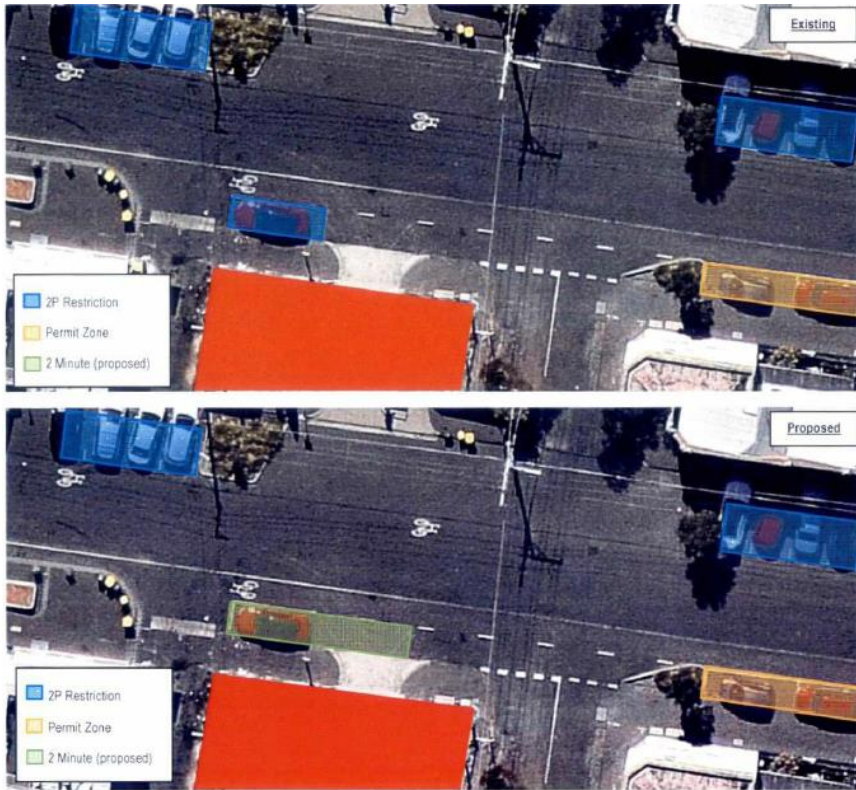


Figure 9: Proposed changes to on-street car parking

227. The Traffic Engineering Team reviewed the proposed arrangement, in conjunction with the Parking Management Team, noting that their preference would be modification to a loading bay rather than a time based restriction. Further details regarding these arrangements would have to be undertaken via a separate process involving Council’s Traffic Engineers and Parking Management Team. Whilst the Parking Management Team indicated that advertising of these applications typically occurs, due to the site being an island site this was not considered to be a potential issue.

228. It is considered that the drop-off and pick-up provisions should be included within the Hotel Management Plan.

*Traffic*

229. The Transport Impact Assessment prepared by GTA Consultants provided a break-down of potential traffic generated by the site, with an anticipated ‘modal hierarchy’ based on the context of the use, the location of the site and similar case studies within inner-city Melbourne.

This indicated that public transport and walking would be the most significant transport modes (41% and 35% respectively), with pick-up/drop off constituting 15% and cycling 5%. Given there is no on-site car parking proposed, there is not anticipated to be any traffic generated by private vehicles where the hotel user is the driver.

230. The following traffic generation for the site was adopted by the Applicant’s Traffic Engineers and reviewed by Council Engineers.

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Residential Hotel	0.12 to 0.17 trips per room in the AM peak hour 0.11 to 0.15 trips per room in the PM peak hour	14	12

231. Council's Traffic Engineers have confirmed that the traffic assumptions outlined in the table above appears reasonable, and that any increase in the volume of traffic generated by the development could be accommodated on the local road network without adversely impacting on the traffic operation of nearby streets.
232. Importantly, the amendment results in a significant reduction in traffic when compared to the approved mixed use building. The original report identified that 72 trips per day were anticipated (3 trips per day, per dwelling) with traffic entering and existing from Bedford Street. The proposal would significantly reduce the need for any traffic, other than loading vehicles, to enter Bedford Street.

*Access, layout and loading arrangements*

233. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
234. Whilst no car parking is proposed on-site, a drive-through loading bay is proposed. The loading bay is 4.3 metres by 7.2 metres with a height clearance of 3.5 metres. The loading bay will be utilised by a B99 design vehicle, equivalent to small vans.
235. Council's Engineering Unit reviewed the arrangements, including a review of the Bedford Street and ROW vehicular entry and exit, the proposed turning movements, dimensions of the loading bay and ground clearance check.
236. Council's Engineering Unit is satisfied with the proposed arrangements, however, requested that the width of the exit to the ROW be dimensioned. It is considered that this has been dimensioned, with a width of 5.125 metres shown on the ground floor plan. The swept path diagram submitted with the application clearly indicates that the 5.125 metre wide exit to the ROW can accommodate a B99 design vehicle.
237. With regard to the above, it is considered the request to delete Conditions 20 and 21 are acceptable, as these conditions are considered to be redundant with the removal of the basement containing car parking. The request to modify Condition 19 is also considered to be acceptable, again due to the removal of all on-site car parking. It is recommended, however, that in lieu of deleting reference to car parking areas, reference to the loading bay be made. Condition 10 (h) would also be required to be modified to reference the modified arrangements. It is recommended that the condition be as follows (Additional words shown as **bold & underlined** and deleted words shown in ~~strikethrough~~):

*Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for **the loading bay** ~~the car parking spaces~~, access lanes, driveways and associated works must be:*

- (e) constructed and available for use in accordance with the endorsed plans;*
- (f) formed to such levels and drained so that they can be used in accordance with the endorsed plans;*
- (g) treated with an all-weather seal or some other durable surface; and*
- (h) line-marked or provided with some adequate means of showing ~~the car parking spaces~~ **the loading bay**;*
- to the satisfaction of the Responsible Authority.*

238. The applicant also proposes to delete reference to the loading bay from the permit preamble. This is considered acceptable with regard to Amendment VC142. This amendment was gazetted on 16 March 2018 and introduced a number of changes to the Victorian Planning Provisions (VPP) and all planning schemes in Victoria.
239. This amendment deleted previous *Clause 52.07 Loading and Unloading of Vehicles* and therefore no trigger for the reduction in the loading bay requirements is required today and this can be deleted from the permit preamble.

*Bicycle parking*

240. The application exceeds the clause 52.34 statutory bicycle parking requirements for staff, as follows:
- (a) 8 staff spaces (14 bicycle spaces provided); and
  - (b) 1 shower / change room (2 are provided).
241. The bicycle storage room is conveniently located from Bedford Street, with direct access provided. The location is considered convenient and easily accessible, with the staff showers/lockers provided on the mezzanine floor. Given the back of house rooms are predominately located on the mezzanine floor (e.g. staff room, meeting rooms, etc.) this is considered to be acceptable.
242. In respect of the reduction sought for the visitor spaces, the applicant has increased the provision of bicycle spaces on the Otter Street frontage from four spaces to eight. The application was referred to Council's Strategic Transport Unit who raised no concern with the reduction sought for the residential hotel use. The ground floor plan only shows three bicycle hoops, for completeness a condition should require four hoops to be shown.
243. Design and signage requirements are also at clause 52.34-4 and 52.34-5 of the Scheme.
244. Council's Strategic Transport Unit did request that the location of the bicycle hoops as shown on the plans be modified to be outside of car door zones and to be appropriately spaced. It is considered that existing condition 15 (new condition 22) of the planning permit will ensure that the bicycle spaces would be installed at the permit holders cost and in a location and manner to the satisfaction of the responsible authority.
245. For completeness, a condition can be included to ensure the bicycle spaces are shown in accordance with Council's Street Furniture Details 01: Bicycle Hoops.
246. With regard to the above, it is considered appropriate for the applicants request for existing condition 15 (new condition 22) to be modified to reference the provision of eight bike spaces, in lieu of four. Subject to these modifications it is considered that the proposed bicycle infrastructure is satisfactory.

*Green Travel Plan*

247. The applicant also supplied a Green Travel Plan (GTP). The Strategic Transport Unit reviewed the GTP raising no issues with the proposed measures. There are a number of measures provided to encourage green travel by staff members, with the following key measures for hotel guests as follows:
- (a) *Produce a map showing safe walking routes to and from the site with times, not distances, to local facilities, such as shops and public transport stops. These maps could form part of the welcome packs for each guest of the hotel.*
  - (b) *Have a few umbrellas handy at reception for rainy days – perhaps bearing the company Logo.*

- (c) *Provide a bike share program for guests of the hotel.*
- (d) *Provide bicycle parking for visitors.*
- (e) *Develop a map showing public transport routes servicing the site. These maps could form part of the welcome packs for each guest of the hotel.*
- (f) *Place information on the hotel website 'location' page with links to appropriate external websites e.g. PTV Journey Planner Website.*
- (g) *Encourage public transport use for business travel.*

248. The application was referred to the Head, Department of Transport and whilst no objection was raised a recommendation was made for the GTP to include initiatives to address way finding for guests of the hotel, aside from the map within the welcome pack. A suggestion was made for more visible signage to be provided within the hotel lobby to assist guests with finding the abundance of public transport within the wider area.

249. This suggestion has merit, whilst this information will also be circulated within the welcome packs this is often not on hand when a hotel visitor requires the information, for example when they are leaving from the lobby. Given the small nature of the hotel, for 78 rooms, it is considered that the information should be displayed at the lobby and that all front of house hotel staff be trained to provide assistance with finding all public and sustainable transport options.

250. It is considered appropriate for the above to form a condition as this item is easily addressed through a revision of the GTP. This would be a new condition, as there is not currently a GTP associated with the development, the Hotel Management Plan too should make reference to the Green Travel Plan and its initiatives.

#### Contamination considerations

251. The original officers report identified that there was concern with the potential for the soil on the subject site to have been contaminated by chemicals. As a result, conditions were included on the permit issued requiring the submission of an environmental assessment and either a Certificate of Environmental Audit or a Statement of Environmental Audit, if required.

252. The applicant submitted an Environmental Audit Report and a Certificate of Environmental Audit prepared by Kirsas Environmental Pty Ltd on 29 August 2018. The Certificate of Environmental Audit satisfied the relevant conditions of the permit and identified that the condition of the site was neither detrimental nor potentially detrimental to any beneficial use of the site. As a result, there are no longer concerns with site contamination with respect to the sensitive use proposed to occur on the site.

#### Other Matters

253. If an amended permit were to issue, the following it noted:

- (a) The permit preamble would be required to be updated to acknowledge the modification to the uses and the removal of the requirement for a loading bay.
- (b) Conditional changes to the plans and reports will be required. As plans and reports to meet current Condition 1, 4 and 8 requirements as shown on Planning Permit PLN15/0947 have been endorsed and satisfied, it is recommended that existing Condition 1,4 and 8 be deleted and replaced with a new Conditions 1, 4 and 8 that will require the changes outlined throughout the report and reference the updated documentation.
- (c) Several new conditions have been recommended throughout the report and therefore the subsequent renumbering of the conditions is required.

- (d) No changes to the permit notes are required and the current notes should be retained on any amended planning permit, if issued, with the exception of the following:
  - (i) The permit note referencing no future residents or occupiers will be eligible for resident, employee or visitor parking permits is to be modified as no residents will reside in the building.
  - (ii) As the application is for a residential hotel, it is not considered that it will be subdivided and the reference to subdivision is to be deleted.

### Objector concerns

254. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.

#### Building form, design and massing

- (a) *Services do not integrate with Bedford Street elevation*

This is discussed within paragraphs 163 to 167.

- (b) *The size and scale of the building is out of character with the area and an overdevelopment;*

Building height and massing is discussed within paragraphs 159 to 162.

- (c) *Finishes on the southern wall to integrate with overall building; and*

The finishes on the southern wall are the same as the overall podium and have not been modified within this amendment.

- (d) *Loss of heritage character.*

The subject site is not located within a heritage overlay, whilst adjacent to one the overall design and massing has not changed to warrant a different outcome with respect to heritage.

#### Use and Amenity impacts

- (e) *Not feasible use for the residential location*

There is strong policy and strategic support for a residential hotel in this location, as discussed within paragraphs 124 to 133.

- (f) *78 rooms is too many and will result in an increased transient population;*

The use of the land as a residential hotel has been discussed within paragraphs 134 to 156.

- (g) *Noise (arrivals, parties in hotel rooms, from the food and drinks premises, deliveries, garbage collection);*

Noise has been discussed within paragraphs 207 to 217.

- (h) *Overshadowing; and*

Overshadowing is discussed within paragraphs 205 to 206.

(i) *Privacy and overlooking.*

Privacy and overlooking is discussed within paragraphs 198 to 204.

Car parking and traffic

(j) *Increased traffic and congestion;*

Traffic impacts are discussed at paragraphs 229 to 232.

(k) *Not enough car parking available in the surrounding area to support the use with zero car parks on-site;*

This is discussed at paragraphs 222 to 225.

(l) *The back of house and loading/unloading facilities are inadequate; and*

This is discussed within paragraphs 223 and 239.

(m) *Inadequate drop-off/pick-up areas.*

This is discussed within paragraphs 226 to 228.

Other

(n) *Concern the hotel rooms will later be converted to apartments;*

This is discussed at paragraph 145.

(o) *Construction impacts;*

Whilst this will be handled at the Building Permit stage it is noted a Construction Management Plan is a requirement of the permit to ensure the construction is managed in accordance with Council policies and procedures.

(p) *Impacts from the demolition (already undertaken); and*

This is not a relevant consideration and would be handled by a Building Permit for demolition works.

(q) *Lack of parks and police stations within the area.*

This is not a relevant consideration.

**Conclusion**

255. As outlined throughout this assessment, there is good policy support at both state and local levels for urban consolidation, coupled with the sites strategic location including location within the Smith Street Major Activity Centre and excellent public transport accessibility; the site lends itself as an ideal site for higher density residential hotel.

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant an Amended Planning Permit PLN15/0947 for the amendment to the planning permit for a change of use from a mixed-use building (including dwellings and food and drinks premises) to a residential hotel with ancillary food and drinks premises including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking at 1 – 3 Otter Street, Collingwood, subject to the following conditions:



## Preamble (amended)

For the purpose of the following, in accordance with the endorsed plan(s).

- Use of the land as a residential hotel;
- Construct a building or carry out works; and
- A waiver of the visitor bicycle requirements.

In accordance with the endorsed plans.

## Conditions (amended or new conditions in bold)

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Hassell Architects dated 31/10/2019 but modified to show:

(a) Ground floor plan to clearly show:

- (i) All areas of the food and drinks premises and lobby area (including but not limited to: reception desk, food and drinks area).
- (ii) The 2sqm area for hard rubbish/e-waste to be consistent with the requirements outlined within the Waste Management Plan.
- (iii) Changes to the ground and mezzanine floors in accordance with the sketch plans prepared by Hassell Architects dated 28/02/2020, showing:
  - Relocation of fire pump room from Bedford Street and replacement with staff access from ground level to mezzanine level. Staff entrance to be fully glazed.
  - Fire pump room to be relocated to the western portion of the building (interface with the ROW).
  - Secondary staff entrance from ROW removed and replaced with linen store. Chem store and waste room reconfigured accordingly.
  - Reconfiguration of the mezzanine level to accord with the relocated stair access at ground level and subsequent modifications to the window locations to suit the changes.

But further modified to show:

- The western elevation modified to incorporate a pattern, finish or surface material to the ground/mezzanine floor western boundary wall to provide visual interest.
- (iv) Four bicycle hoops (total 8 bike spaces) on the Otter Street frontage provided in accordance with *Council's Street Furniture Details 01: Bicycle Hoops*.
- (b) Provision of a window reveal strategy for the podium levels, including a detailed render of the podium windows and sectional details of the window reveals and window frames.
- (c) The western elevation updated to:

- (i) **Modify the note regarding the screening to include reference to the screens being permanent and having a maximum 25% transparency.**
- (ii) **Remove the hatching applied to Levels 04-06 and making clear the extent of the solid walls to prevent overlooking, in accordance with the floor plans of these levels.**
- (iii) **Indicate the materiality of the gate along the western edge of the north-western hotel room on Level 04, in accordance with the requirements of clause 55.04-6 (overlooking).**

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.

#### Architect involvement

3 As part of the ongoing consultant team, Hassell Architects or an architectural firm to the satisfaction of the responsible authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realized.

#### Hotel Management Plan

4 **Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must include or show;**

- (a) **The ground floor food and drinks premises operations to be open only during the hours of 7am to 10pm each day.**
- (b) **The mezzanine level pre-function room and conference room operations to be only during the hours of 7am to 10pm each day.**
- (c) **Details of the drop-off and pick-up provisions from Otter Street.**
- (d) **The provisions of the Green Travel Plan, including initiatives for hotel guests.**

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

#### Sustainable Management Plan

6 **Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Lucid Consulting, dated 8 October 2019, but modified to include or show:**

- (a) **A STORM Rating report and stormwater strategy.**
- (b) **Removal of the statement that formal certification of the Green Star rating will not be pursued with details of Green Star project registration.**

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

- 8 Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.**

Waste Management Plan

- 9 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.**
- 10 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

- 11 Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic dated 19/09/2019, but modified to include (or show, or address):**
- (a) The additional information presented within the letter prepared by Acoustic Logic dated 9/12/2019, submitted 19/12/2019.**
- 12 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
- 13 Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.**

Green Travel Plan

- 14 Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA consultants, dated 16/09/2019, but modified to include or show:**
- (a) Information on public transport within the surrounding area displayed within the lobby;**
- (b) Provision for all front of house hotel staff to be trained to provide assistance with finding public and sustainable transport options.**

**15 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Street Tree

- 16 Before the development commences, the permit holder must make a one off contribution of \$2888 to the Responsible Authority to be used for the removal of the tree and stump and the planting of three new street tree plantings that are required as a result of the development.

Environmental Audit

- 17 Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
- 18 If the assessment required by condition 10 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 19 If the assessment required by condition 10 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 12, a Statement is issued:

- (c) the:

- use; and
- development,

authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;

- (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (development pre-commencement conditions);
- (e) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (use pre-commencement conditions);
- (f) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (g) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (h) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
  - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
  - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

### Road Infrastructure

- 20 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.
- 21 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

- 22 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, **eight** bike spaces must be installed on the Otter Street footpath:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- 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, all building works and connections for underground utility services, the footpath immediately outside the property's Otter and Bedford Streets road frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 24 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing servicing the Right of Way on Otter Street shall also be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 25 Any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

#### Loading Area

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

#### Lighting

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

- (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Section 173 Agreement (Public Lighting for laneway adjacent to western boundary of the subject site):

23. Within six months of the commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the following:
- (a) The owner must provide public lighting to the laneway adjacent to the western boundary of the property at 1-3 Otter Street, Collingwood to the satisfaction of the Yarra City Council;
  - (b) The owner is responsible for maintaining (in working order) public lighting to the laneway adjacent to the western boundary of the property at 1-3 Otter Street, Collingwood at all times, at the cost of the owners of the site and to the satisfaction of the Yarra City Council;

The owner, or other person in anticipation of becoming the owner, must prepare and submit documentation for title amendments and meet all of the expenses of the preparation and registration of the agreement, including the costs borne by the Responsible Authority.

General

- 24 The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
- 25 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 26 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.
- 27 The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).**
- 28 The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).**

- 29 Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or between 9am and 10pm on a Sunday or public holiday except for those allowed under any relevant local law.**
- 30 The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.**
- 31 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Construction Management

- 32 Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to, :
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;



- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Time expiry

33 This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the issued date of this permit.
- (b) The development is not completed within four years of the issued date of this permit.
- (c) The use has not commenced within five years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**Notes:**

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

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

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

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

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

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

**CONTACT OFFICER:** Michelle King  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333

**Attachments**

- 1 PLN15/0947.02 - 1-3 Otter Street Collingwood - Site Plan
- 2 PLN15/0947.02 - 1-3 Otter Street Collingwood - Applicant Acoustic Response (19 Dec 2019)
- 3 PLN15/0947.02 - 1-3 Otter Street Collingwood - Applicant ESD Response (13 Jan 2020)
- 4 PLN15/0947.02 - 1-3 Otter Street Collingwood - Applicant ESD Response (13 Jan 2020)
- 5 PLN15 0947.02 - 1-3 Otter Street Collingwood - Sketch Plans & Applicant Response (28 Feb 2020)
- 6 PLN15/0947.02 - 1-3 Otter Street Collingwood - Extension of Time Approval
- 7 PLN15/0947.02 - 1-3 Otter Street Collingwood - Head, Transport for Victoria (referral response)
- 8 PLN15/0947.02 - 1-3 Otter Street Collingwood - ESD (referral response)
- 9 PLN15/0947.02 - 1-3 Otter Street Collingwood - City Works Unit (referral response)
- 10 PLN15/0947.02 - 1-3 Otter Street Collingwood - Urban Design Unit (referral response)
- 11 PLN15/0947.02 - 1-3 Otter Street Collingwood - Engineering Services Unit (referral response)
- 12 PLN15/0947.02 - 1-3 Otter Street Collingwood - Traffic and Civil Engineering Unit (referral response)
- 13 PLN15/0947.02 - 1-3 Otter Street Collingwood - Strategic Transport Unit (referral response)
- 14 PLN15/0947.02 - 1-3 Otter Street Collingwood - Acoustic (SLR Consultants) (referral response)

**Attachment 14 - PLN15/0947.02 - 1-3 Otter Street Collingwood - Acoustic (SLR Consultants)  
(referral response)**