



YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

**to be held on Wednesday 25 March 2020 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Amanda Stone
Councillor Mi-Lin Chen Yi Mei
Councillor Bridgid O'Brien

I. ATTENDANCE

Julian Larkins (Co-ordinator Statutory Planning)
Nish Goonetilleke (Senior 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	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.	5	37

-
- 1.1 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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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

1.1 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.

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
Office	2236 sqm* net floor area	3 car parking spaces per 100sqm of net floor area	67	14	53
Food and Drinks Premises	39.5 sqm leasable floor area	3.5 spaces per 100sqm of leasable floor area	1	0	1
Total			68	14	54

* 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
Office	2236 sqm* net floor area	<i>Employee spaces</i> 1 space to each 300m ² net floor area (if the net floor area exceeds 1000m ²)	7		
		<i>Visitor spaces</i> 1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m ²)	2		
		<i>Showers / Change Rooms</i> 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2		
Food and Drinks Premises	39.5 sqm leasable floor area	<i>Employee spaces</i> 1 space to each 300m ² leasable floor area	0		
		<i>Shopper spaces</i> 1 space to each 500m ² leasable floor area	0		
		<i>Showers / Change Rooms</i>			

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus
Total		Only applicable if 5 or more bicycle spaces required by use	0		
		Employee spaces	7	68	61
		Visitor / Shopper spaces	2	25	23
		Showers / Change Rooms	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.

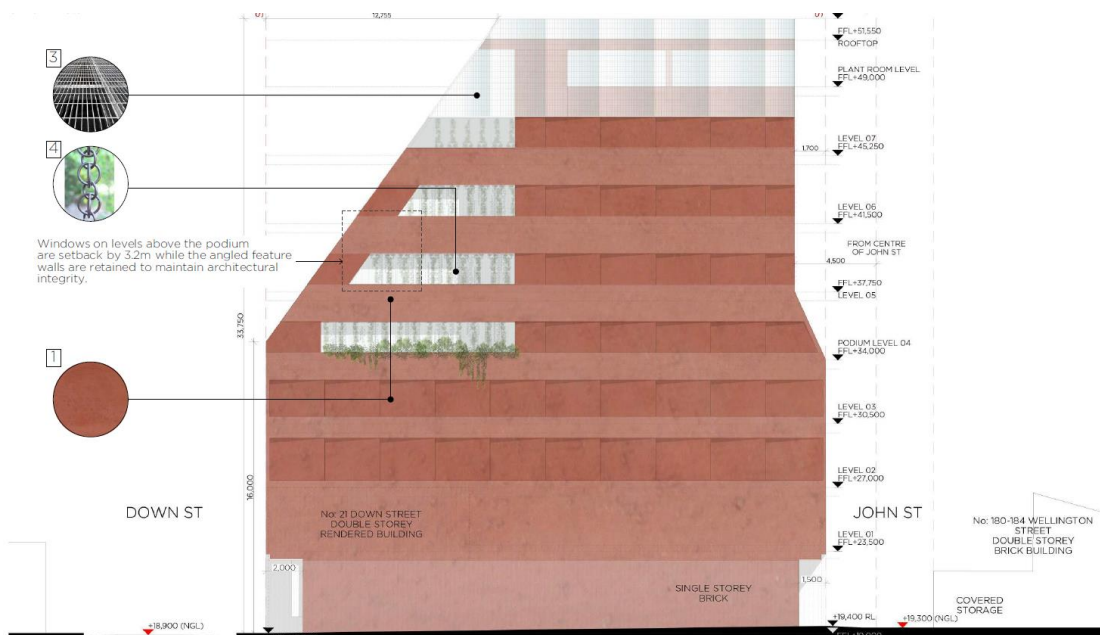


Figure 5: Image expressing the massing of the development as it ascends from east to west.

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).

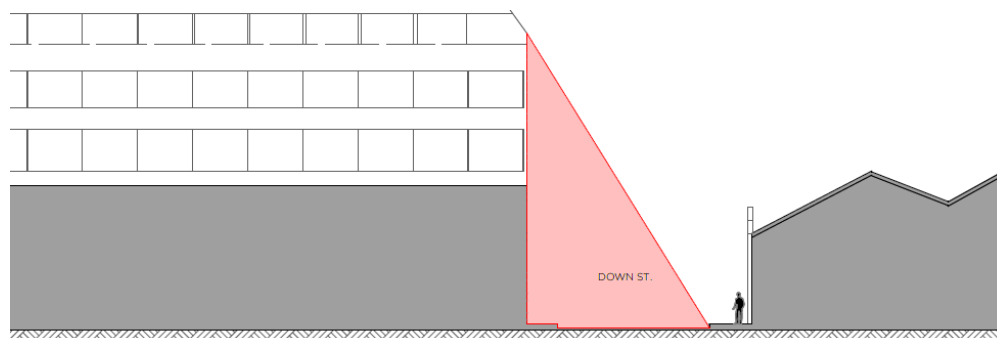


Figure 7: Section shadow diagram showing the extent of equinox shadows to the opposite footpath at 1:45pm

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