

**Internal Development Approvals Committee
meeting**

MINUTES

**held on Wednesday 9 June 2004 at 6.00 pm
at the Richmond Town Hall Meeting Room 3**

I. Attendance

Councillor Kay Meadows
Councillor Gurm Sekhon
Councillor Deborah Di Natale (Chairperson)

II. Apologies

Nil

III. Declarations of pecuniary interest

IV. Confirmation Of Minutes

Internal Development Approvals Committee Resolution:

Moved: Councillor Meadows **Seconded:** Councillor Sekhon

That the minutes of the meeting of IDAC held on 26 May 2004 be confirmed.

Carried

***Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

Councillor Sekhon nominated Councillor Di Natale as Chairperson.

There being no other nominations, Councillor Di Natale was appointed Chairperson.

Councillor Di Natale assumed the Chair.

Internal Development Approvals Committee meeting

Item		Page	Resolution
1.	200-208 Noone Street, Clifton Hill – Planning Permit Application No. PL03/1299 (Part demolition, alterations and additions for the construction of 14 dwellings and partial waiver of car parking).	5	31
2.	192 Gore Street, Fitzroy – Planning Permit Application No. PL04/0192 (Partial demolition, alterations and additions to an existing residential building).	61	72
3.	285A Bridge Road, Richmond – Planning Permit Application No. PL03/1068 (Change of use to food and drink premises, including buildings and works, partial demolition, and waiver of car parking).	80	83
4.	170-176 Victoria Street, Richmond – Planning Permit Application No. PL03/0330 (Buildings and works associated with the construction of a shop, waiver of the car parking requirement pursuant to clause 52.06 and the waiver of the loading facilities pursuant to clause 52.07).	103	105

1. 200-208 Noone Street, Clifton Hill – Planning Permit Application No. PL03/1299 (Part demolition, alterations and additions for the construction of 14 dwellings and partial waiver of car parking).

Proposed Use/Development:	Part demolition, alterations and additions for the construction of 14 dwellings and partial waiver of car parking
Existing Use:	Vacant- Former Industrial Storage Building
Applicant:	Fulcrum Town Planners
Zoning:	Mixed Use Zone, Heritage Overlay (Area 316) and Environmental Audit Overlay.
Relevant YPS Controls:	clause 32.04 (Mixed Use Zone), clause 43.02 (Heritage Overlay), clause 45.03 (Environmental Audit Overlay), clause 14.01 (Planning for urban settlement), clause 15.11 (Heritage), clause 15.12 (Energy Efficiency), clause 16 (Housing), clause 18.02 (Car Parking and Public Transport Access to Development), clause 21.04 (Vision), clause 21.05-7 (Heritage Conservation), clause 21.05-2 (Residential Land Use and Development), clause 22.02 (Development Guidelines for Heritage Places) and clause 55 (ResCode).
Date of Application/s:	5 December 2003
Application No/s:	PL03/1299

Background

1. The subject site has a long history, the most recent being a planning permit (No. 000161) issued for the subject site on 1 May 2001 at the direction of the Tribunal for part demolition, works and construction (development) of 18 dwellings and associated car parking. Works have not commenced in association with the planning permit and an extension of time was granted on 17 May 2004, allowing for the use/ development to commence no latter that 1 May 2005 with works to be completed within two years from the date of commencement.
2. This current application before Council is for the use and development of land at 200 Noone Street, Clifton Hill, for the purpose of 14 dwellings and associated car parking. The application was lodged on 5 December 2003.
3. The application was advertised and 11 objections were received. Following the advertising period, it was made clear to the applicant that Council had concerns with the proposed setbacks from the north boundary. Following receiving this advise, the applicant submitted new plans showing an increased setback from the north boundary (plans received 22 April 2002).

4. A consultation meeting was held on 26 April 2004 at the Collingwood Town Hall where objectors and the applicant met to discuss the proposal. The plans received by Council in 22 April 2004 were circulated and discussed at the meeting. Objectors suggested further changes to these plans and at the conclusion of the meeting the applicants indicated that they would consider further amendments.
5. Following the consultation meeting the applicants submitted another set of revised plans (received 12 May 2004). These plans have been circulated to all objectors with the IDAC invitations, and these plans will be conditioned on the permit and form the basis of discussion within this report.

The Proposal

6. In accordance with the application plans, it is proposed to construct 14 dwellings, including partial demolition, and a waiver of car parking. More specifically:

Dwellings 1 to 11

- (a) that dwellings 1 to 11 be constructed over three levels and primarily contained within the existing building envelope;
- (b) the ground level will contain two car spaces for each of the dwellings;
- (c) access to dwellings 1 to 11 is via a common pedestrian pathway located along the eastern boundary (approximately 1.6 metres wide), leading to individual secure doors for each of the dwellings;
- (d) the first floor level will contain a study and the living/ kitchen areas with direct access to a terrace area ranging from 14 square metres to 16 square metres;
- (e) the second floor level will contain two bedrooms and bathroom;

Dwellings 12 to 14

- (f) that dwellings 12 to 14 be constructed over two 2 levels and be accommodated within a new building constructed to rear of the site;
- (g) the ground level will contain two car spaces (in the form of a stacker), two bedrooms, a bathroom and a courtyard ranging in area from 6 square metres to 21 square metres;
- (h) the first floor will contain an additional bedroom, the living/ kitchen area and a terrace area of 9 square metres;
- (i) the new building accommodating dwellings 12 to 14 has a setback from the eastern boundary ranging from 800mm to 980mm. Along the north, the terrace areas are proposed to be built along the boundary and the dining areas setback 1.9 metres. The new building extends for approximately 18.4 metres along the north boundary and has a wall height of 3.2 metres rising to 5.0 metres;

General

- (j) vehicle access to all 14 dwellings is achieved via a secure gate on Noone Street servicing a common driveway within the western boundary of the site;
- (k) the proposal substantially retains the existing red brick facades, corrugated metal roof and the existing window frames within the buildings façade and at first floor level on the eastern elevation; and

- (l) proposed alterations and additions adopt a range of material and finishes that include metal sheeting, timber garage doors and screens between areas of private open space, and rendered brickwork.
7. After receiving a number of objections and following the consultation meeting process, the applicants prepared schematic plans (received 12 May 2004) in an attempt to address some of the concerns raised. The main differences between the application plans (discussed above) and the schematic plans are as follows:
- (a) north facing terrace areas of dwellings 12 to 14 setback 1.4 metres from the north boundary;
 - (b) dining/ living area of dwelling 14 setback 1.8 metres from the east boundary;
 - (c) provision of timber solid core doors on the eastern elevation;
 - (d) use of glass blocks within the window openings at ground level on the eastern elevation;
 - (e) second floor windows on the eastern elevation to comprise a fixed bottom pane and a top hung upper pane (both in opaque glazing), the latter openable outwards no more than 300mm;
 - (f) installation of a timber acoustic fence along the eastern boundary of the site finished with 'fence toppers' (interwoven timber);
 - (g) use of diagonally angled timber screens on the northern side of the terraces to dwellings 12 to 14 to prevent overlooking and facilitate solar access; and
 - (h) confirmation that the gate on the eastern boundary comprises pedestrian access only.
8. This assessment will be based on the schematic plans received by Council on 12 May 2004

Existing Conditions

Subject Site

9. The subject site is rectangular in shape with a frontage to Noone Street of approximately 20.15 metres, an average depth of 64.5 metres, providing a total site area of approximately 1300m². The site is located approximately 85 metres west of its intersection with Grey Street and slopes by approximately 800mm from the rear site boundary to the Noone Street frontage.
10. The land is in part occupied by a large red brick Edwardian warehouse building which is built to the Noone Street frontage and extends back into the site approximately 44 metres. A two storey corrugated iron building then extends from the rear of the brick building to the rear (north) site boundary. A two storey brick building constructed in the 1980's but with an interpretive Edwardian façade is located on the western side of the site and directly abuts the higher Edwardian building on the eastern side of the site.

Surrounding Land

11. The site is adjoined to the east by a single storey timber Edwardian dwelling. To the west and south (beyond Noone Street) land is used for industrial purposes. Buildings are characterised by robust forms, concrete, brick and steel material and chimney stacks. To the north the site adjoins the private open space areas of dwellings that front onto Roseneath Street.

Planning Controls

Zoning & Overlay Controls

Clause 32.04 – Mixed Use Zone (MUZ)

12. Pursuant to clause 32.04-5 a planning permit is required for the construction of two or more dwellings on a lot within a Mixed Use Zone. The requirements of clause 55 (ResCode) are applicable

Clause 42.01- Heritage Overlay (HO)

13. Pursuant to clause 43.01-1 a planning permit is required for demolition and construct and carry out works.

Clause 45.03 – Environmental Audit Overlay (EAO)

14. Pursuant to clause 45.03-1 before a sensitive use (such as residential) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
 - (a) a certificate of environmental audit must be issued for the land in accordance with Section 57AA of the Environmental Protection Act 1970, or
 - (b) an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of the land are suitable for a sensitive use.

Melbourne 2030 (Planning for sustainable growth)

15. Planning for Sustainable Growth is a strategic document that was released by the State Government in October 2002. It was developed with a view to providing a strategic framework for the orderly and sustainable development of metropolitan Melbourne. Melbourne 2030 provides nine key directions as a framework in order to achieve sustainable population growth. These key directions include:
 - (a) a more compact city;
 - (b) better management of metropolitan growth;
 - (c) networks with the regional cities;
 - (d) a more prosperous city;
 - (e) a great place to be;
 - (f) a fairer city;
 - (g) a greener City of Yarra;
 - (h) better transport links; and
 - (i) better planning decisions, careful management.

16. Key direction 1 ('A more compact city') states:

'The valued character of established parts of the city will be protected through application of the residential development provisions (Rescode) and other planning measures. This includes items of cultural heritage, historic buildings, green spaces and valued suburban streetscapes.'

17. The proposal is generally consistent with this principle, particularly in relation to the provision of well-located housing and continues the objectives of urban consolidation. In addition, the development is of an appropriate scale limiting impact on adjoining residences.

18. It is key direction 5 ('A great place to be'), which is the principle direction in contention for many residential redevelopments. The direction has the following relevant policy objectives (selected):

- (a) *promote good urban design to make the environment more liveable and attractive;*
- (b) *recognise and protect cultural identity, neighbourhood character and sense of place;*
- (c) *improve community safety and encourage neighbourhood design that makes people feel safe;*
- (d) *protect heritage places and values; and*
- (e) *promote excellent neighbourhood design to create attractive, walkable and diverse communities.*

19. These policy objectives will be discussed in the context of the state and local planning policy framework, but in essence the proposal is generally a site responsive design that retains the existing heritage building. Furthermore the proposal provides for well-designed accommodation with amenity impacts on proximate residential properties that are not considered unreasonable.

State Planning Policy Framework (SPPF)

20. The proposed development responds well to the particular requirements contained within the State Planning Policy Framework (SPPF) of the Yarra Planning Scheme. The following is a discussion of relevant extracts of the SPPF.

Clause 14.01 – Planning for urban settlement

21. The proposed residential use and development of the subject site satisfies a key component of the SPPF, as outlined within clause 14.01, which states that:

- (a) *"In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes."*

22. The proposal incorporates consolidation of an existing urban area, by introducing new dwellings into this established neighbourhood. In accordance with clause 14.01, the proposed higher density development is appropriately located near public transport routes.

Clause 15.11 - Heritage

23. Clause 15.11 of the State Planning Policy Framework provides guidelines for the consideration of Heritage noting that the objective of clause 15.11 is:
- (a) *“To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria’s image and making a contribution to the economic and cultural growth of the State”*
24. As will be discussed in detail within the ‘heritage’ section of this report, the application proposes the retention of the existing building with some alterations and additions (including some demolition works) that, subject to further modifications, will not impact on the heritage significance of the building.

Clause 15.12 – Energy efficiency

25. This clause encourages land use development, which is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
26. Given that the application retains an existing heritage building, the majority of open space areas do not receive northern light, with only dwellings 12 to 14 being orientated to the north. All dwellings will receive cross ventilation, and a FirstRate energy report has been submitted detailing that all dwellings will receive a minimum 4 star energy rating.
27. Clause 16 of the State Planning Policy relates to the provision of Housing. The objective of clause 16.02 Medium Density Housing is to encourage the development of well-designed medium density housing which:
- (a) *respects the neighbourhood character;*
 (b) *improves housing choice;*
 (c) *makes better use of existing infrastructure; and*
 (d) *improves energy efficiency of housing.*
28. The proposal provides for a high standard of dwelling amenity with good access to light and amenity and a well defined sense of address.
29. The sites proximate location to an excellent range of services, recreational land and public transport is of relevance to a medium density development of this nature.
30. Clause 18.02 of the State Planning Policy sets out the objective for Car Parking and Public Transport Access to Development, as follows:
- “To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas”.*

31. The proposal seeks vehicles to enter and exit the site from Noone Street. Noone Street is a relatively wide street and is capable of accommodating residential traffic generated by the proposal. The application was referred to Council's engineering department and details of comments received will be discussed within a latter section of this report.

Local Planning Policy Framework (LPPF)

32. The Municipal Strategic Statement (MSS) provides strategic guidance to use and development across the municipality. The following is a discussion of relevant components of Council's MSS:

Vision (clause 21.04)

33. Key strategies of this clause include:
- (a) *emphasise major new residential development opportunities within designated mixed use areas, combined commercial / residential strips, major redevelopment sites and renewal areas, to meet the increasing demand for inner city living;*
 - (b) *limit development within established residential areas, in order to protect and enhance the highly valued urban character and amenity of these locations; and*
 - (c) *maintain the prevailing 19th century heritage character and low rise / human scale of the City, whilst providing opportunities for innovative, contemporary development on major redevelopment sites and renewal areas;*
34. The MSS outlines individual elements of the built, natural and landuse context for achieving the strategic vision.

Heritage Conservation (clause 21.05-7)

35. This clause considers a Heritage Conservation Framework for the municipality. Selected relevant objectives include:
- (a) *conservation of places of aesthetic, archaeological, architectural, cultural, historical, scientific and social significance which reflect Yarra's historic development;*
 - (b) *retention and enhancement of the integrity of cultural heritage places;*
 - (c) *a heritage that is understood and appreciated by an informed community; and*
 - (d) *a coordinated and informed approach to heritage conservation by management organisations, property owners and the wider community.*
36. Strategies to achieve these objectives relevant to this application include:
- (a) *ensure that our heritage places maintain their integrity through:*
 - (i) *the conservation of individual sites and areas of cultural heritage significance; and*
 - (ii) *managing future development on and around heritage places.*
 - (b) *ensure that our heritage fabric continues to be a living fabric through:*

- (i) *considering alternative uses on individual sites of heritage significance, where appropriate; and*
- (ii) *ensuring historic places and infrastructure are adequately maintained.*

Residential Land Use and Development (Clause 21.05-2)

37. Within the Municipal Strategic Statement (MSS), the subject site is identified as being included in an 'Existing Residential Area'.
38. This clause considers residential development within the municipality and examines broader concepts including impacts on the existing heritage fabric, housing diversity and affordability, and amenity. Selected relevant objectives include:
- (a) *greater range in both the type and affordability of new housing stock;*
 - (b) *enhanced levels of residential amenity including, a reduction in the impacts from traffic and business activities and high levels of community safety; and*
 - (c) *high quality design outcomes in respect to all new residential development, with emphasis on amenity for occupants and neighbours (adequate open space, privacy and daylight), energy efficiency in design, and a positive contribution to streetscape character.*
39. The redevelopment of the site retains the original building fabric and proposes internal and external works which will provide a visually interesting response to the existing streetscape character of Noone Street. Each dwelling will have adequate open space and good access to on site car parking.
40. The objectives contained within clause 21.05-2 of the LPPF – Residential Land Use and Development, are also achieved by providing a high quality design outcome with an emphasis on amenity for occupants and neighbours and a positive contribution to streetscape character.

Clause 22.02- Development Guidelines for Heritage Places

41. Clause 22.02 Development Guidelines for Heritage Places is a local policy applicable to the application. The relevant objectives are:
- (i) *to conserve Yarra's unique cultural heritage to ensure its future conservation and continued relevance to the community; and*
 - (ii) *to conserve the historic quality of heritage places through careful consideration of proposed additions and works.*
42. The proposal complies with the above objectives, with a detailed assessment of this policy found in later sections of this report.

Other Policies

43. There are no local planning policies relevant to the proposed development.

Advertising

44. The application was advertised by giving notice to surrounding owners and occupiers and by one sign being displayed on site.

45. Eleven objections were received to the application. The grounds of objection can be summarised as follows:
- (a) balconies intrude into neighbouring properties;
 - (b) overdevelopment/ bulk;
 - (c) overlooking;
 - (d) environmental audit has not be carried out;
 - (e) overshadowing;
 - (f) parking;
 - (g) traffic;
 - (h) impact on heritage; and
 - (i) noise.
46. A consultation meeting was held on the 26 April 2004 at the Collingwood Town Hall where the objectors and the applicant met to discuss the proposed development.
47. A number of issues were discussed at the consultation meeting which can be summarised as follows;
- (a) overlooking of adjoining private open space areas and habitable room windows was a concern raised. Issues relating to overlooking are a planning consideration and will be addressed within the ResCode assessment of this report;
 - (b) the impact of noise from the new dwellings on the amenity of neighbouring residential properties (mainly residential properties to the east and north) was discussed. In response to this the applicants have indicated that they are prepared to erect a timber acoustic fence along the eastern boundary, adjacent to the pedestrian entrances. In addition, plans received on 12 May 2004 show solid core doors at these entrances and the first floor terrace areas setback 1.4 metres from the north boundary;
 - (c) overshadowing was discussed. Issues relating to overshadowing will be discussed within the ResCode assessment of this report;
 - (d) the impact of bulk from the private open space areas of properties to the north (fronting Roseneath Street) was also discussed. The application plans propose that terrace areas be built along the north boundary. The schematic plans received on 12 May 2004 address this concern by setting back these terrace areas 1.4 metres from the northern boundary;
 - (e) the impact on traffic and the waiver of the visitor parking was discussed. This will be addressed within the assessment section of this report;
 - (f) concern was raised from objectors of the potential use of the laneway off Grey Street for vehicular access. The applicants made it clear at the meeting that this laneway will only be used for pedestrian access and that all vehicle access will be from Noone Street;
 - (g) a number of objectors questioned why an Environmental Audit had not be undertaken. It is noted that clause 45.03-1 of the scheme requires that prior to the commencement of a sensitive use (residential included), either a certificate confirming that an environmental audit has been undertaken must be issued, or an environmental auditor must make a statement confirming that the environmental conditions of the land are suitable for the proposed use.

The environmental audit is not required to be submitted prior to a planning permit being issued and Council consistently requires this as a permit condition. Should a planning permit be granted, this will be included as a condition on the permit.

Referrals

48. The application was referred to Council's Engineering Services Branch and Council Heritage Adviser. A summary of the comments received is provided below:

Engineering

- (a) *the vehicle crossing is to be reconstructed in accordance with Council's Engineering Standard Drawings and Specifications;*
- (b) *no objection to proposed vehicle entrance;*
- (c) *dimensions of all the car parking spaces/ tandem parking sets are satisfactory;*
- (d) *traffic would be readily absorbed into the surrounding road network fairly efficiently;*
- (e) *the applicant is required to make a written request to Council's Transport Unit for the removal of Loading Zone Parking restrictions for the creation of unrestricted parking; and*
- (f) *protection of Council's Assets, Drainage and Refuse Collection conditions.*

Heritage

- (a) *verify that existing multi-paned window frames in south façade and side elevations upper levels are to be retained;*
 - (b) *consider retention and refurbishment of existing early roof sign 'dye work'*
 - (c) *skylights to be traditional Deluge gel framed or similar; and*
 - (d) *any upgrade of the existing concrete crossover should include repaving in asphalt with radiused bluestone kerbs.*
49. In response to the comments received by Council's Heritage Adviser, the applicants have indicated that the existing multi-paned window frames in the south façade and side elevations upper levels are to be retained. This notation will be required to be included on the plans as a condition on the permit.
50. The applicants have indicated that they are prepared to except all the recommendations made by Council's Heritage Adviser as a condition on the permit.

Planning Considerations

51. When assessing this application there are two main issues requiring discussion, these can be categorised as;
- (a) compliance with ResCode-Clause 55; and
 - (b) heritage.

Assessment against Rescode

55.02 Neighbourhood Character and Infrastructure

Standard B1 - Neighbourhood Character

52. *The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.*
53. The character of Noone Street is fragmented into two sections, the low scale, single storey Victorian cottages concentrated to the north eastern side of Noone Street and the taller industrial natured buildings also found in the area. The skyline of this section of Yarra includes industrial roof lines, smoke stacks and other features, which clearly identify this areas industrial past, which to some degree, still forms part of the precinct's character. Intermixed are a number of smaller Victorian cottages which highlight a residential component that developed in the area in conjunction with the larger industrial sites.
54. The proposal incorporates the retention of the original brick Edwardian warehouse and the adjoining interpretive façade and proposes additions, which are respectful to the heritage value of the building. The proposed alterations and additions are considered to incorporate an appropriate scale and form in the context of neighbouring buildings within the immediately surrounding area.
55. The proposed alterations and additions represent a site responsive design that will not adversely impact upon the residential character of this neighbourhood.

Standard B2 – Residential Policy

56. *An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
57. The proposal demonstrates a consistency with State Policies by contributing to urban consolidation and utilising existing infrastructure without adversely affecting the existing character of the surrounding neighbourhood. Housing choice within the municipality is improved as a result of the proposed development.
58. The proposed development also displays a suitable degree of consistency with local planning policies contained within the Yarra Planning Scheme, including relevant components of the MSS. Accordingly, the proposed development is considered to adequately respond to the requirements of this Standard.

59. Standard B3 – Dwelling Diversity

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- (a) *dwellings with a different number of bedrooms; and*
- (b) *at least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.*

60. The proposal incorporates a mix of two bedroom plus study and three bedroom dwellings. It is also noted that the size of the dwellings vary.

61. Standard B4 – Infrastructure
*Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.
 Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.*
62. The development is located within an area that is established. Councils' engineers have not commented that the proposal will exceed the capacity of existing utility services.
63. Standard B5 – Integration With The Street
*Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.
 Development should be oriented to front existing and proposed streets.
 High fencing in front of dwellings should be avoided if practicable.
 Development next to existing public open space should be laid out to complement the open space.*
64. As will be discussed in more detail within the 'heritage' section of this report, it is considered that the development integrates with and complements the existing character along Noone Street. The application incorporates appropriate vehicle access to the new dwellings via an existing accessway on Noone Street. The pedestrian entry to the dwellings is located away from the vehicle access and is easily identified from Noone Street.
- 55.03 Site Layout and Building Massing
65. Standard B6 – Street Setback
The site is on a corner- If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, which is greater.
66. Given that the application proposes the retention of the existing building, the existing street setback will remain as existing.
67. Standard B7 – Building Height
The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. Changes of building height between existing buildings and new buildings should be graduated.
68. The existing building reaches a maximum height of 12.8 metres and it is proposed that this height will remain given that the application proposes the retention of the existing heritage building. Although this height is higher than the 9 metres specified within Standard B7, it is considered acceptable as this height exists.
69. The proposed new building to the north of the site reaches a maximum height of 7.1 metres. This height is less than the maximum 9 metres specified under Standard B7.
70. Standard B8 – Site Coverage
Maximum site coverage should not exceed 60 per cent.

71. The proposed development has site coverage of approximately 80 per cent. Although the site coverage exceeds the 60 per cent maximum it is considered acceptable given that it is an improvement on the existing situation, where buildings occupy almost the entire site.
72. Standard B9 – Permeability
At least 20 per cent of the site should not be covered by impervious surfaces.
73. The application does not comply with the above standard however it is considered acceptable as the proposal represents an improvement on the current level of permeability.
74. Standard B10 – Energy Efficiency
Buildings should be:
- (a) oriented to make appropriate use of solar energy;*
 - (b) sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced;*
 - (c) living areas and private open space should be located on the north side of the development, if practicable; and*
 - (d) developments should be designed so that solar access to north-facing windows is maximised.*
75. The application was accompanied with a FirstRate energy report demonstrating that all dwellings will receive a minimum four star energy rating (some of the dwellings will receive higher ratings). It is noted that only dwellings 12 to 14 (located within the new building to the north of the site) will have terrace areas and living spaces receiving northern light. The remaining dwellings (located within the existing heritage building) will have terrace areas located to the east. Given that the application incorporates the retention of an existing heritage building, it is considered that this outcome is acceptable.
76. Standard B11 – Open Space
If any public or communal open space is provided on site, it should:
- (a) be substantially fronted by dwellings, where appropriate;*
 - (b) provide outlook for as many dwellings as practicable;*
 - (c) be designed to protect any natural features on the site; and*
 - (d) be accessible and useable.*
77. No public or communal open space is proposed as part of the application.
78. Standard B12 - Safety
Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.
Planting which creates unsafe spaces along streets and accessways should be avoided.
Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.
Private spaces within developments should be protected from inappropriate use as public thoroughfares.
79. The proposed vehicular and pedestrian entryways are secure and easily identifiable from the public realm.

80. Standard B13 - Landscaping
*Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.
 Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
 The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.*
81. The proposed development will not result in the removal of any significant vegetation.
82. Standard B14 - Access
Accessways should:
- (a) *be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network;*
 - (b) *be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone;*
 - (c) *be at least 3 metres wide;*
 - (d) *have an internal radius of at least 4 metres at changes of direction; and*
 - (e) *provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone;*
- The width of accessways or car spaces should not exceed:*
- (a) *33 per cent of the street frontage, or*
 - (b) *if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.*
83. The application proposes the use of an existing crossover along Noone Street to allow for vehicle access. As noted earlier, Council's Engineering Services Branch have no objection to the vehicle access and a condition will be included on the permit requiring that the vehicle crossing to be reconstructed in accordance with Council's Engineering Standard Drawings and Specifications.
84. Standard B15 – Parking Location
*Large parking areas should be broken up with trees, buildings or different surface treatments.
 Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms.
 This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.*
85. The proposed ground level garages associated with the new dwellings are secure, allow for safe and efficient movements within the site, and provide convenient access into the ground level of the dwellings via an internal door and/or staircase.

86. Standard B16 – Parking Provision

Car parking for residents should be provided as follows:

- (a) one space for each one or two bedroom dwelling; and*
- (b) two spaces for each three or more bedroom dwelling, with one space under cover.*

Developments of five or more dwellings should provide visitor car parking of one space for every five dwellings. The spaces should be clearly marked as visitor parking. In developments of five or more dwellings, bicycle parking spaces should be provided.

Car spaces in garages/carports/constrained by walls should be at least 6m x 3.5m single space and 5.5m wide for a double space (internal dimensions).

87. Dwellings 1 to 11 have two bedrooms plus a study. In accordance with Standard B16, these dwellings have been allocated two car spaces each. Dwellings 12 to 14 have three bedrooms and have also been allocated two car spaces each (in the form of car stackers). The provision of car parking for the dwellings complies with Standard B16.
88. Given that a maximum of 14 dwellings are proposed, the development should provide for three visitor car spaces. The application does not incorporate any visitor parking on site however the applicants have indicated on the proposed plans that three visitor spaces will be made available at the front of the subject site with the removal of the Loading Zone Parking Restrictions. As discussed earlier, a condition will be included on the permit requiring the applicants make a written request to Council's Transport Unit for the removal of the Loading Zone Parking restrictions that currently exist at the front of the existing building (this Loading Zone will no longer be required as the previous warehouse use will be converted to residential). Based on the assumption that the existing Loading Zone will be transformed to unrestricted parking, it is considered acceptable that the development does not provide for visitor parking on site as new car spaces will be made available on Noone street as a result of the development.

55.04 Amenity Impacts

89. Standard B17 – Side and Rear Setbacks

One metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

90. In accordance with the schematic plans received by Council on 12 May 2004, the first floor deck areas will be setback 1.4 metres from the north boundary, at a height of 5 metres. In accordance with Standard B17, a 5 metre high wall should be setback 1.4 metres from the boundary, therefore the proposed height/ setbacks from the north comply with Standard B17.

91. Along the east elevation, where the new building is proposed, the first floor has a setback ranging from 800mm to 1.6 metres (in accordance with the schematic plans received 12/5/04). Where the first floor is setback 800mm from the boundary the height of the wall is 7.1 metres. In accordance with Standard B17, at 7.1 metres high the wall should be setback 2.2 metres. While it is acknowledged that the proposed setback does not comply with the above Standard it is considered to comply with the objective as this section of wall does not adjoin any area of useable secluded private open space and a utilitarian storage shed currently exists to the east where this section of wall is proposed.
92. Along the east elevation, where the wall height reduces to 6.2 metres, the schematic plans (received 12/5/04) show this wall setback 1.6 metres from the boundary. In accordance with Standard B17 a 6.2 metres high wall should be setback 1.7 metres from the boundary. This section of non compliance is minimal and is considered acceptable.
93. Along the west elevation, where the second floor addition is proposed to the existing heritage building (dwellings 8 to 11), the additions are setback 4 metres from the west boundary at a height of 9.4 metres. In accordance with Standard B17, a 9.4 metres high wall should be setback 4 metres from the boundary, therefore complying with the above Standard.
94. Along the west elevation, where the new building is proposed (dwelling 12) the addition has a height of 7.1 metres and is built along the boundary (zero setback). This is considered acceptable as this wall will adjoin an existing two-storey factory warehouse building.
95. Standard B18 – Walls on Boundaries
A new wall constructed on a side or rear boundary of a lot should not abut the boundary for a length of more than:
- (a) *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*
 - (b) *where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.*
- The height of a new wall constructed on a side or rear boundary should not exceed an average of 3 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.*
96. To the north elevation. the proposal retains the existing blockwork wall at a height of 3.2 metres. Given that this wall is existing and has a maximum height of 3.2 metres, it is acceptable.
97. To the east elevation, in accordance with schematic plans (received 12/5/04) a new boundary wall is proposed to a height of 3.4 metres at a length of 6.2 metres. This wall will predominantly adjoin a neighbouring shed's wall and is therefore considered appropriate.
98. Along the west elevation, a new 13.8 metre long wall is proposed with a maximum height of 7.1 metres. While this height exceeds the 3.6 metre height specified under the above standard, it is considered acceptable given that this wall will adjoin a neighbouring boundary wall.

99. Standard B19 – Daylight to Existing Windows
Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
Walls more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.
100. The proposed development will not detrimentally impact on the levels of daylight into neighbouring habitable rooms.
101. All existing habitable room windows will continue to receive their current level of light access given that the application incorporates the retention of the existing building. It is noted that where new built elements are proposed, no existing habitable windows exist within close proximity.
102. Standard B20 – North Facing Windows
If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
103. Due to the orientation of the land, no abutting properties have north facing windows located within 3 metres of the subject site.
104. Standard B21 – Overshadowing Open Space
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 9.00 am and 3.00 pm on 22 September.
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.
105. The proposal will not unreasonably overshadow any neighbouring private open spaces, in accordance with the requirements of this Standard. This outcome is principally the result of the orientation of the site with the majority of shadows falling over the neighbouring factory to the west in the morning and the rear portion of private open space of residential properties to the east. It is noted that all new shadows to the residential properties to the east will satisfy the requirements of Standard B21.
106. All shadows comply with Standard B21.

107. Standard B22 – Overlooking

A habitable room window 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. Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7 metres above floor level.

A habitable room window with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window should be either:

- (a) offset a minimum of 1.5 metres from the edge of one window to the edge of the other;*
- (b) have sill heights of at least 1.7 metres above floor level;*
- (c) have fixed, obscure glazing in any part of the window below 1.7 metre above floor level; and*
- (d) have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.*

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- (a) perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels;*
- (b) permanent, fixed and durable; and*
- (c) designed and coloured to blend in with the development.*

108. At the first floor, within the existing heritage building, terrace areas are proposed along the west boundary (dwellings 1 to 11). These terrace areas adjoin a factory/ warehouse and will not have any views within 9 metres of secluded open space or habitable room window, therefore do not require to be screened.
109. At first floor, along the north elevation, terrace areas are proposed to dwellings 12 to 14. The schematic plans (received 12 May 2004) show a timber screen along the north elevation of these terrace areas however no details of the level of transparency and whether the screens will be fixed have been noted. A condition will be included requiring that these terrace areas be screened in accordance with Standard B22.
110. At first floor, within the existing heritage building, along the east elevation, study windows are proposed for dwellings 1 to 11. These windows are located at a height whereby no views into private open space or habitable room windows of the adjoining property will be obtained.
111. At second floor, along the north and west elevations new windows are proposed. These windows are not located within 9 metres of secluded private open space or habitable room windows and therefore do not require to be screened.

112. At second floor, along the east elevation, new bedroom windows are proposed. In accordance with the schematic plans (received 12/5/04) these windows will have opaque glazing, with the upper pane being top hung and only openable outwards 300mm. This level of screening is considered acceptable and will ensure no overlooking.
113. Standard B23 – Internal Views
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.
114. The proposed terrace areas at first floor of all 14 dwellings have the potential to overlook one and other. A condition will be included on the permit requiring a 1.7 metre screen be erected between all terrace areas to avoid any potential overlooking.
115. In addition, it is noted that the south facing bedroom 3 windows of dwellings 12 and 13 have the potential to overlook the living room window of dwelling 11. A condition will be included on the permit requiring the south facing bedroom 3 windows of dwellings 12 and 13 to be screened in accordance with Standard B22.
116. Standard B24 – Noise Impacts
Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.
117. The proposal will not cause any unreasonable acoustic impacts on neighbouring properties. As discussed earlier, the schematic plans show a timber acoustic fence along the east elevation, adjacent to the pedestrian entrances to the dwellings within the heritage building. This acoustic fence will ensure to negate noise impacts to the adjoining property to the east.

55.04 On-Site Amenity and Facilities

118. Standard B25 - Accessibility
The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.
119. Only the ground floors of dwellings 12 to 14 will be accessible to people with limited mobility. While this level of accessibility does not satisfy Standard B25, it is considered acceptable given that the other dwellings are located within the existing heritage building and that car parking has to be provided for the new dwellings.
120. Standard B26 – Dwelling Entry
Entries to dwellings and residential buildings should:
- (a) *be visible and easily identifiable from streets and other public areas; and*
 - (b) *provide shelter, a sense of personal address and a transitional space around the entry.*

121. The vehicular and pedestrian entries to the dwellings are easily identifiable from the public realm and each dwelling is provided with an individual sense of address through the incorporation of canopies over the entrances for dwellings 1 to 11 and the design of dwellings 12 to 14.
122. Standard B27 – Daylight to New Windows
A window in a habitable room should be located to face:
- (a) *an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or*
 - (b) *a verandah provided it is open for at least one third of its perimeter, or a carport provided it has two or more open sides and is open for at least one third of its perimeter; and*
 - (c) *a carport provided it has two or more open sides and is open for at least one third of its perimeter.*
123. All habitable rooms within the proposed development receive adequate daylight. The proposal complies with Standard B27.
124. Standard B28 – Private Open Space
A dwelling or residential building should have private open space consisting of:
- (a) *an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
 - (b) *a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
 - (c) *a roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*
125. Dwellings 1 to 11 have private open space in the form of a first floor terrace area ranging from 14 to 16 square metres. These terrace areas have direct access from the living area, and comply with Standard B28.
126. Dwellings 12 to 14 have north facing open space at both ground and first floor. At ground floor, courtyards areas range from 6 to 12 square metres, while the first floor terrace areas range from 13 to 14 square metres. The provision of private open space complies with Standard B28.
127. Standard B29 – Solar access to open space
The private open space should be located on the north side of the dwelling or residential building, if appropriate.
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.
128. Dwellings 1 to 11 have east facing private open space areas. Given that the application proposes the retention of a heritage building, the location of open space is acceptable and will still receive an adequate degree of solar access.
129. Dwellings 12 to 14 have north facing open space, ensuring they receive an excellent level of solar access.

130. Standard B29 is satisfied.
131. Standard B30 – Storage
Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.
132. The submitted plans to not show an area allocated for storage for each of the dwellings. This will be required as a condition.

55.06 Detailed Design

133. Standard B31 – Design detail
The design of buildings, including:
- (a) *facade articulation and detailing;*
 - (b) *window and door proportions;*
 - (c) *roof form; and*
 - (d) *verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character.*

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

134. The application retains the external walls and roof of the original heritage building as well as the interpretive façade of the adjoining building. The proposed additions are sympathetic to the existing building and will not have a negative impact on the existing streetscape character. The new building to the rear of the site adopts a design that will not be confused or dominate the existing heritage building.
135. Standard B32 – Front Fences
The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed 1.5m in height.
136. Not applicable- no front fences are proposed.
137. Standard B33 – Common property
Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.
138. The driveway (west boundary), pedestrian access (east boundary) an open area between the existing and proposed building will be common property. These areas have been design for efficient management.
139. Standard B34 – Site services
*The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.
Bin and recycling enclosures should be located for convenient access by residents.*

Mailboxes should be provided and located for convenient access as required by Australia Post

140. The application plans do not show the provision of mailboxes. A condition will be included on the permit requiring that the location of mailboxes for all dwellings be included on the plans.
141. Bins can be located in the garages.
142. It is considered that Standard B34 is satisfied.

Heritage

143. As discussed earlier, the application was referred to Council's Heritage Adviser who noted that the application should be supported subject to the following:
 - (a) *verify that existing multi-paned window frames in south façade and side elevations upper levels are to be retained;*
 - (b) *consider retention and refurbishment of existing early roof sign 'dye work';*
 - (c) *skylights to be traditional Deluge gel framed or similar;*
 - (d) *any upgrade of the existing concrete crossover should include repaving in asphalt with radiused bluestone kerbs.*
144. In relation to point (a) the applicants have indicated that the existing multi-paned window frames in the south façade and side elevations within the upper levels will be retained. A condition will be included on the permit requiring this notation of the plans.
145. In relation to points (b), (c) and (d) the applicants have indicated that they are prepared to except these requirements as conditions on the permit.
146. In considering the development proposal as a whole, it is considered that the proposal satisfies Council's Development Guidelines for Heritage Places. Clause 22.01-2 notes the following objective:

Additions and New Works to Existing Buildings

147. *To conserve the historic quality of heritage places through careful consideration of proposed additions and works*

Infill Development

148. *To ensure that new development respects the scale, height and set backs of streetscapes of cultural heritage significance.*
149. The application retains the existing heritage building and proposes buildings and works that are sympathetic to the heritage building. The alterations to the existing floor levels will have no material effect on the external appearance of the building and the proposed materials and finishes reflect the industrial nature of the existing built form.

150. The proposed new building to the rear of the site is setback approximately 50 metres from the Noone Street and is limited to two levels. The proposed scale, height and setback of the new building respects the cultural heritage significance of the existing streetscape and will not dominate the existing heritage building.
151. Clause 22.02-3.6 of the Yarra Planning Scheme relates specifically to infill development: all heritage places. The following policy guidance are relevant to this application:
- (a) *may be contemporary;*
 - (b) *avoids 'reproduction' architecture;*
 - (c) *will not be confused with the original historic fabric;*
 - (d) *ensure that the original historic fabric remains in-tact; and*
 - (e) *does not visually dominate an existing heritage place or street in terms of size, height and bulk from the surrounding street.*
152. The proposed new building to the rear of the site satisfies the above policy guidelines as the proposed built form is contemporary in appearance, does not incorporate reproduction architecture and will not be confused with the existing heritage fabric. The proposed new building to the rear of the site satisfies clause 22.02-3.6

Conclusion

153. The proposed development of 14 dwellings is considered to appropriately respond to the particular requirements contained within the SPPF, LPPF and MSS of the Yarra Planning Scheme.
154. The proposed development will not detrimentally impact on the heritage character and amenity of the surrounding neighbourhood, and is considered to be a suitable design response for the subject site.

RECOMMENDATION

155. That a Notice of Decision to Grant a Permit be issued for part demolition, alterations and additions for the construction of fourteen (14) dwellings and partial waiver of car parking at 200 Noone Street, Clifton Hill subject to the following conditions:
1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with schematic plans received by Council on 12 May 2004, which show:
 - (a) north facing terrace areas of dwellings 12 to 14 setback 1.4 metres from the north boundary;
 - (b) dining/ living area of dwelling 14 setback 1.8 metres from the east boundary;
 - (b) provision of timber solid core doors on the eastern elevation;
 - (c) use of glass blocks within the window openings at ground level on the eastern elevation;

- (d) second floor windows on the eastern elevation to comprise a fixed bottom pane and a top hung upper pane (both in opaque glazing), the latter openable outwards no more than 300mm;
- (e) installation of a timber acoustic fence along the eastern boundary of the site finished with 'fence toppers' (interwoven timber); and
- (f) use of diagonally angled timber screens on the northern side of the terraces to dwellings 12 to 14 to prevent overlooking and facilitate solar access.

And further modified to show:

- (g) a notation to be included on the elevation plans that the existing multi-paned window frames, along the south face and the side elevations at the upper levels, are to be retained, to the satisfaction of the Responsible Authority;
- (h) the south elevation to show the retention and refurbishment of the existing roof sign 'dye work', to the satisfaction of the Responsible Authority;
- (i) the skylight to be traditional Deluge gel framed, or similar, to the satisfaction of the Responsible Authority;
- (j) the north elevation of the first floor terrace areas of dwellings 12 to 14 to be screened in accordance with Standard B22 of clause 55 (ResCode), to the satisfaction of the Responsible Authority. The screen detail to be submitted;
- (k) the east elevation of the first floor terrace area of dwelling 14 to be screened in accordance with Standard B22 of clause 55 (ResCode), to the satisfaction of the Responsible Authority. The screen detail to be submitted;
- (l) a 1.7 metres high screen to be erected between all terrace areas to the satisfaction of the Responsible Authority;
- (m) the south facing bedroom 3 windows of dwellings 12 and 13 to be screened in accordance with Standard B22 of clause 55 (ResCode);
- (n) an area of storage to be provided for all fourteen (14) dwellings, in accordance with Standard B30 of clause 55 (ResCode);
- (o) the location of mailboxes to be shown, in accordance with Standard B34 of clause 55 (ResCode);
- (p) details of the proposed acoustic fence, prepared by a suitably qualified engineer;
- (q) schedule of construction materials and finishes necessary to achieve a minimum 4 star energy rating for dwellings within the development. All dwellings should receive a rating of minimum 4 stars to the satisfaction of the Responsible Authority;
- (r) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures. The schedule of materials and finishes, must be limited and correspond with palette of early buildings in vicinity (predominantly red brick, terracotta, slate, weatherboard timber grey and non reflective metal panels including the proposed terraces/ gates) and must include information regarding paint removal techniques which will not damage any surfaces or joints of the existing dwelling, to the satisfaction of the Responsible Authority;

2. All works must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The new crossings/driveways shall be constructed in accordance with Council's Vehicle Crossing Standards.
4. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
5. No fewer than 28 car parking spaces must be provided on the land for the use and development
6. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
7. A written request to Council's Transport Unit must be made for the removal of the Loading Zone Parking restrictions that currently existing at the front of the site, along Noone Street.
8. Rubbish, including bottles and packaging material (recyclables), shall at all times be stored within the building and screened from external view. All waste collection to be undertaken by private contractors from within the development and must not be undertaken between the hours of 7.00 am and 7.00 pm.
9. Before the residential use commences or before the construction or carrying out of buildings and works in association with the residential uses commences, either:
 - (a) Certificate of Environmental Audit or a statement indicating the land is suitable for residential use must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act 1970*; or
 - (b) an environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of the Act that the environmental conditions of the land are suitable for the proposed sensitive use.
10. Prior to the commencement of construction or any works on the site (including demolition and material removal) the applicant must submit for approval to the Responsible Authority a Construction Management Plan in line with the requirements of the City of Yarra's Building Code of Practice. The plan must address, but not be limited to following:
 - (a) site contamination and disposal of contaminated matter;
 - (b) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - (c) on site facilities for vehicle washing;
 - (d) parking facilities for construction workers;
 - (e) delivery and unloading points and expected frequency;
 - (f) a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced; and

- (g) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
11. During the construction phase of the development, the following conditions shall be met:
- (a) only clean rainwater shall be discharged to the stormwater drainage system;
 - (b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
 - (d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
 - (f) all site operations shall comply with the *Environmental Protection (Residential Noise) Regulations 1997*.
12. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
13. This permit will expire if the development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Note: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

Note: Vehicle crossings must be located on the endorsed plan and constructed to the satisfaction of the Responsible Authority.

Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

Note: All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

Submissions

Mr Ken Whiteman and Mr Andrew Kelly addressed the Committee.

The following people also addressed the Committee:

*Ms Suzanne Horny;
Ms Margaret Power;
Ms Merylyn Parker; and
Mr Wells Trenfield.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Sekhon **Seconded:** Councillor Meadows

That a Notice of Decision to Grant a Permit be issued for part demolition, alterations and additions for the construction of fourteen dwellings and partial waiver of car parking at 200 Noone Street, Clifton Hill subject to the following conditions:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with schematic plans received by Council on 12 May 2004, which show:
 - (a) north facing terrace areas of dwellings 12 to 14 setback 1.4 metres from the north boundary;
 - (b) dining/ living area of dwelling 14 setback 1.6 metres from the east boundary;
 - (b) provision of timber solid core doors on the eastern elevation;
 - (c) use of glass blocks within the window openings at ground level on the eastern elevation;
 - (d) second floor windows on the eastern elevation to comprise a fixed bottom pane and a top hung upper pane (both in opaque glazing), the latter openable outwards no more than 300mm;
 - (e) installation of a timber acoustic fence along the eastern boundary of the site finished with 'fence toppers' (interwoven timber); and
 - (f) use of diagonally angled timber screens on the northern side of the terraces to dwellings 12 to 14 to prevent overlooking and facilitate solar access.

And further modified to show:

- (g) a notation to be included on the elevation plans that the existing multi-paned window frames, along the south face and the side elevations at the upper levels, are to be retained, to the satisfaction of the Responsible Authority;
 - (h) the south elevation to show the retention and refurbishment of the existing roof sign 'dye work', to the satisfaction of the Responsible Authority;
 - (i) the skylight to be traditional Deluge gsi framed, or similar, to the satisfaction of the Responsible Authority;
 - (j) the north elevation of the first floor terrace areas of dwellings 12 to 14 to be screened in accordance with Standard B22 of clause 55 (ResCode), to the satisfaction of the Responsible Authority. The screen detail to be submitted;
 - (k) the east elevation of the first floor terrace area of dwelling 14 to be screened in accordance with Standard B22 of clause 55 (ResCode), to the satisfaction of the Responsible Authority. The screen detail to be submitted;
 - (l) a 1.7 metres high screen to be erected between all terrace areas to the satisfaction of the Responsible Authority;
 - (m) the south facing bedroom 3 windows of dwellings 12 and 13 to be screened in accordance with Standard B22 of clause 55 (ResCode);
 - (n) an area of storage to be provided for all fourteen (14) dwellings, in accordance with Standard B30 of clause 55 (ResCode);
 - (o) the location of mailboxes to be shown, in accordance with Standard B34 of clause 55 (ResCode);
 - (p) details of the proposed acoustic fence, prepared by a suitably qualified engineer;
 - (q) schedule of construction materials and finishes necessary to achieve a minimum 4 star energy rating for dwellings within the development. All dwellings should receive a rating of minimum 4 stars to the satisfaction of the Responsible Authority;
 - (r) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures. The schedule of materials and finishes, must be limited and correspond with palette of early buildings in vicinity (predominantly red brick, terracotta, slate, weatherboard timber grey and non reflective metal panels including the proposed terraces/ gates) and must include information regarding paint removal techniques which will not damage any surfaces or joints of the existing dwelling, to the satisfaction of the Responsible Authority; and
 - (s) fixed obscure glazing to the first and second floor northern stairwells to Unit 11 to the satisfaction of the Responsible Authority.
2. All works must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
 3. The new crossings/driveways shall be constructed in accordance with Council's Vehicle Crossing Standards.

4. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
5. No fewer than 28 car parking spaces must be provided on the land for the use and development
6. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
7. A written request to Council's Transport Unit must be made for the removal of the Loading Zone Parking restrictions that currently existing at the front of the site, along Noone Street.
8. Rubbish, including bottles and packaging material (recyclables), shall at all times be stored within the building and screened from external view. All waste collection to be undertaken by private contractors from within the development and must not be undertaken between the hours of 7.00 am and 7.00 pm.
9. Before the residential use commences or before the construction or carrying out of buildings and works in association with the residential uses commences, either:
 - (a) Certificate of Environmental Audit or a statement indicating the land is suitable for residential use must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act 1970*; or
 - (b) an environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of the Act that the environmental conditions of the land are suitable for the proposed sensitive use.
10. Prior to the commencement of construction or any works on the site (including demolition and material removal) the applicant must submit for approval to the Responsible Authority a Construction Management Plan in line with the requirements of the City of Yarra's Building Code of Practice. The plan must address, but not be limited to following:
 - (a) site contamination and disposal of contaminated matter;
 - (b) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - (c) on site facilities for vehicle washing;
 - (d) parking facilities for construction workers;
 - (e) delivery and unloading points and expected frequency;
 - (f) a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (g) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
11. During the construction phase of the development, the following conditions shall be met:

- (a) only clean rainwater shall be discharged to the stormwater drainage system;
 - (b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
 - (d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
 - (f) all site operations shall comply with the *Environmental Protection (Residential Noise) Regulations 1997*.
12. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
13. This permit will expire if the development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Note: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

Note: Vehicle crossings must be located on the endorsed plan and constructed to the satisfaction of the Responsible Authority.

Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

Note: All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

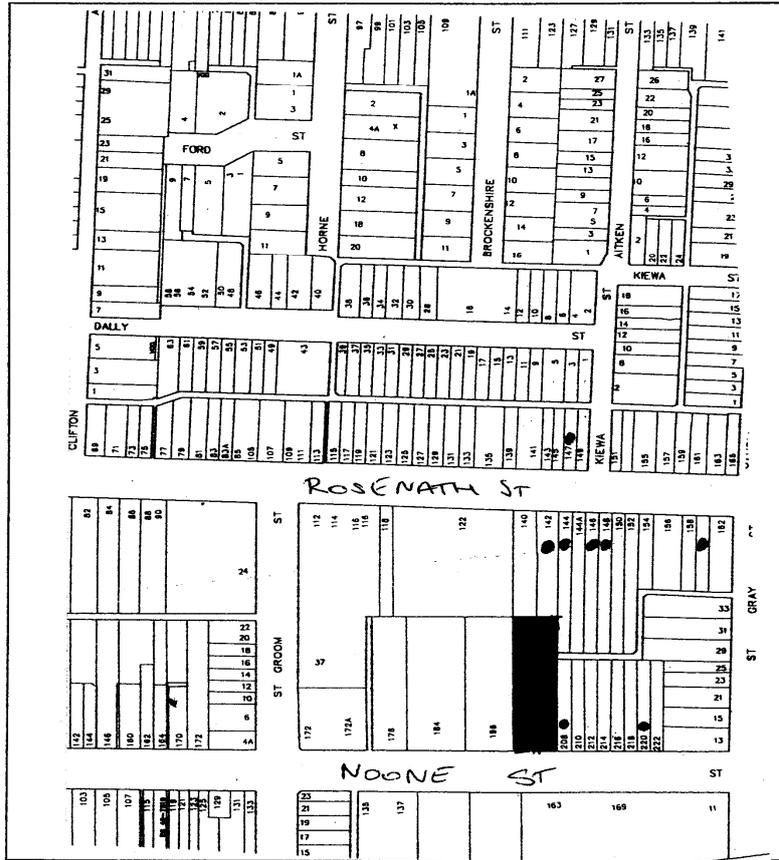
Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

CARRIED

- Attachment 1 – Subject Land – 200 Noone Street, Clifton Hill**
- Attachment 2 – Site Locality Plan – 200 Noone Street, Clifton Hill**
- Attachment 3 – Advertised Plans Site Analysis 1**
- Attachment 4 – Advertised Plans Site Analysis 2**
- Attachment 5 – Advertised Plans Design Response**
- Attachment 6 – Advertised Plans Design Response Street Elevation**
- Attachment 7 – Advertised Plans Shadow Diagrams**
- Attachment 8 – Advertised Plans Proposed Ground Floor Plan**
- Attachment 9 – Advertised Plans Proposed First Floor Plan**
- Attachment 10 – Advertised Plans Proposed Second Floor Plan**
- Attachment 11 – Advertised Plans Typical Layout Townhouses G.01-G.07**
- Attachment 12 – Advertised Plans Typical Layout Townhouses G.08-G.11**
- Attachment 13 – Advertised Plans East Elevation**
- Attachment 14 – Advertised Plans West Elevation**
- Attachment 15 – Advertised Plans South Elevation**
- Attachment 16 – Advertised Plans North Elevation**
- Attachment 17 – Revised Plans Proposed Ground Floor Plan**
- Attachment 18 – Revised Plans Proposed First Floor Plan**
- Attachment 19 – Revised Plans Proposed Second Floor Plan**
- Attachment 20 – Revised Plans East Elevation**
- Attachment 21 – Revised Plans West Elevation**
- Attachment 22 – Revised Plans South Elevation**
- Attachment 23 – Revised Plans North Elevation**
- Attachment 24 – Revised Plans Elevation CC**
- Attachment 25 – Revised Plans Shadow Diagrams**

ATTACHMENT 1

SUBJECT LAND: 200 Noone Street, Clifton Hill

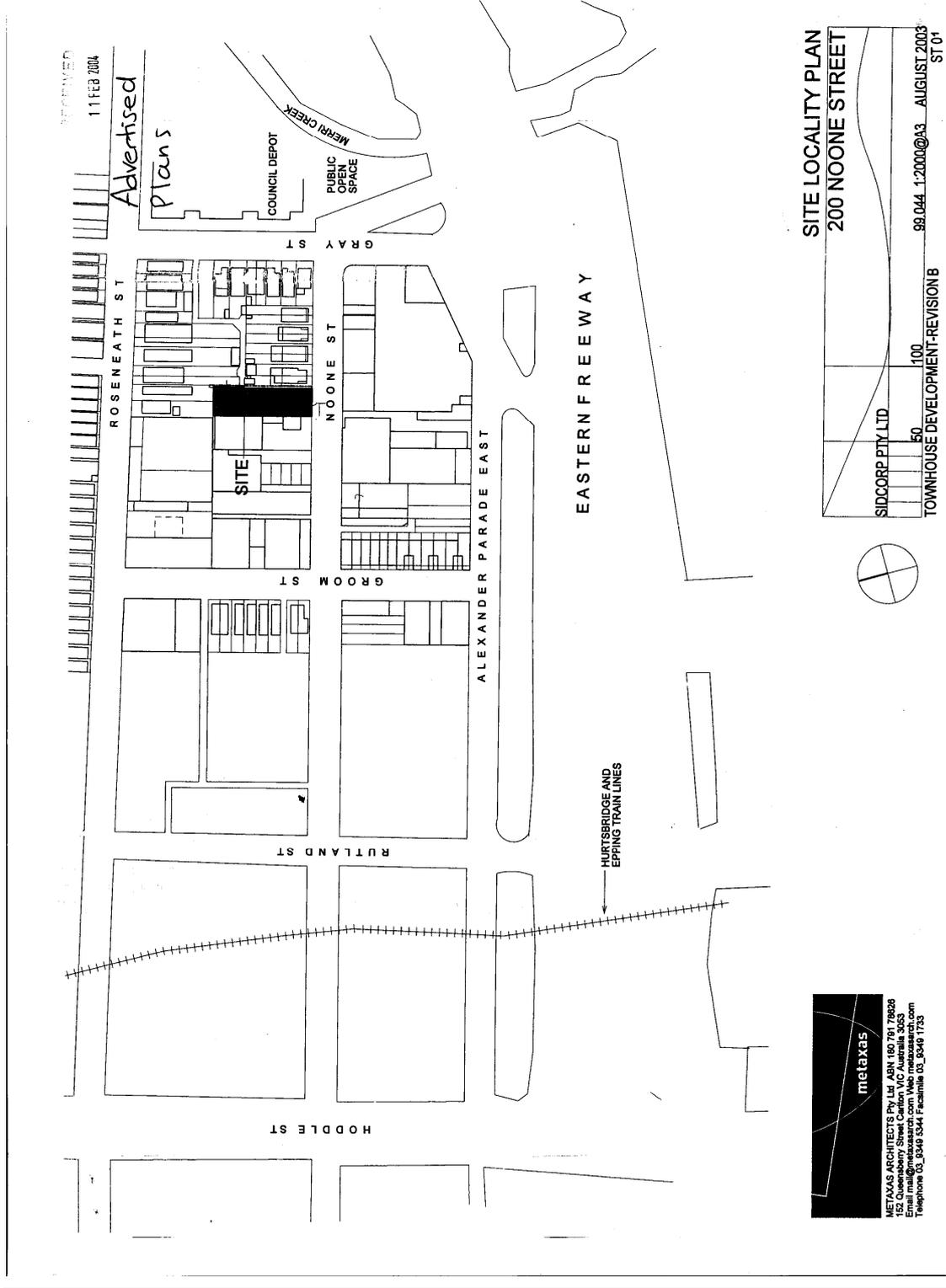


↑ North

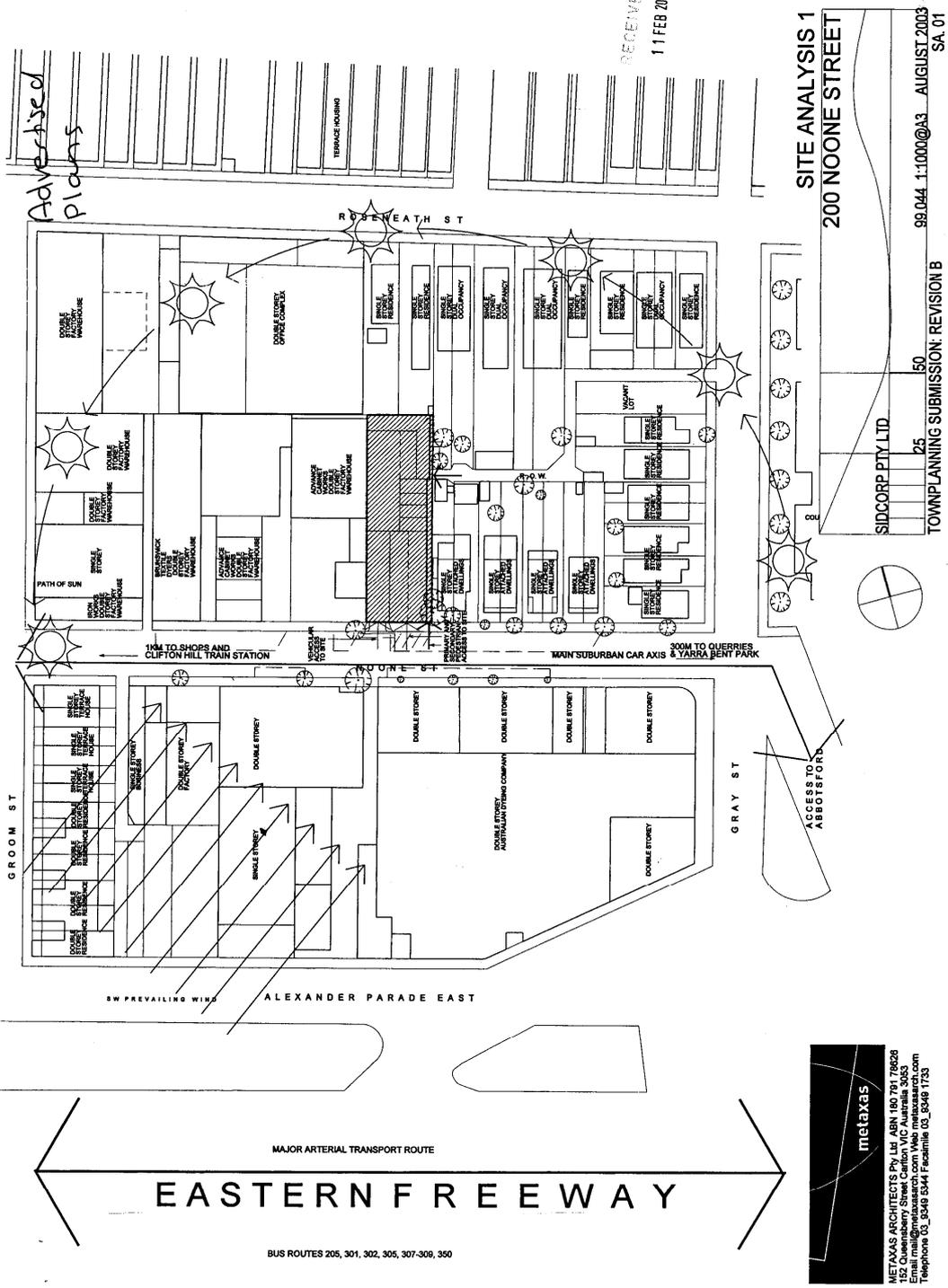
- Subject Site
- Objectors

NOTE: NOT ALL OBJECTORS COULD BE INCLUDED ON THIS MAP

ATTACHMENT 2



ATTACHMENT 3



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Advised
plans

SITE ANALYSIS 1
200 NOONE STREET

SIDCORP PTY LTD

TOWNPLANNING SUBMISSION: REVISION B

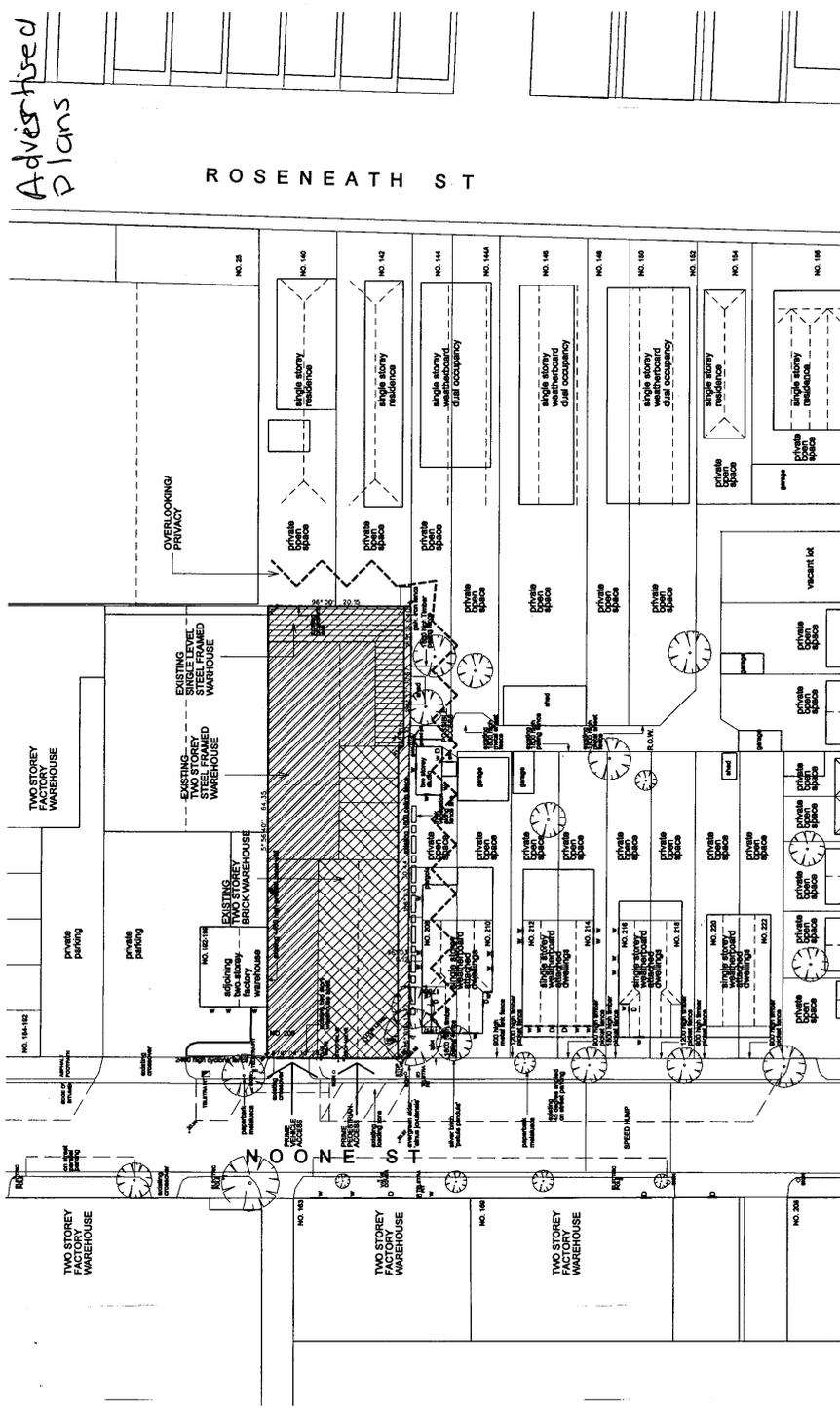
99.044.1:1000@A3 AUGUST 2003 SA.01

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ATTACHMENT 4



Advertised Plans

ROSENEATH ST

SITE ANALYSIS 2
200 NOONE STREET



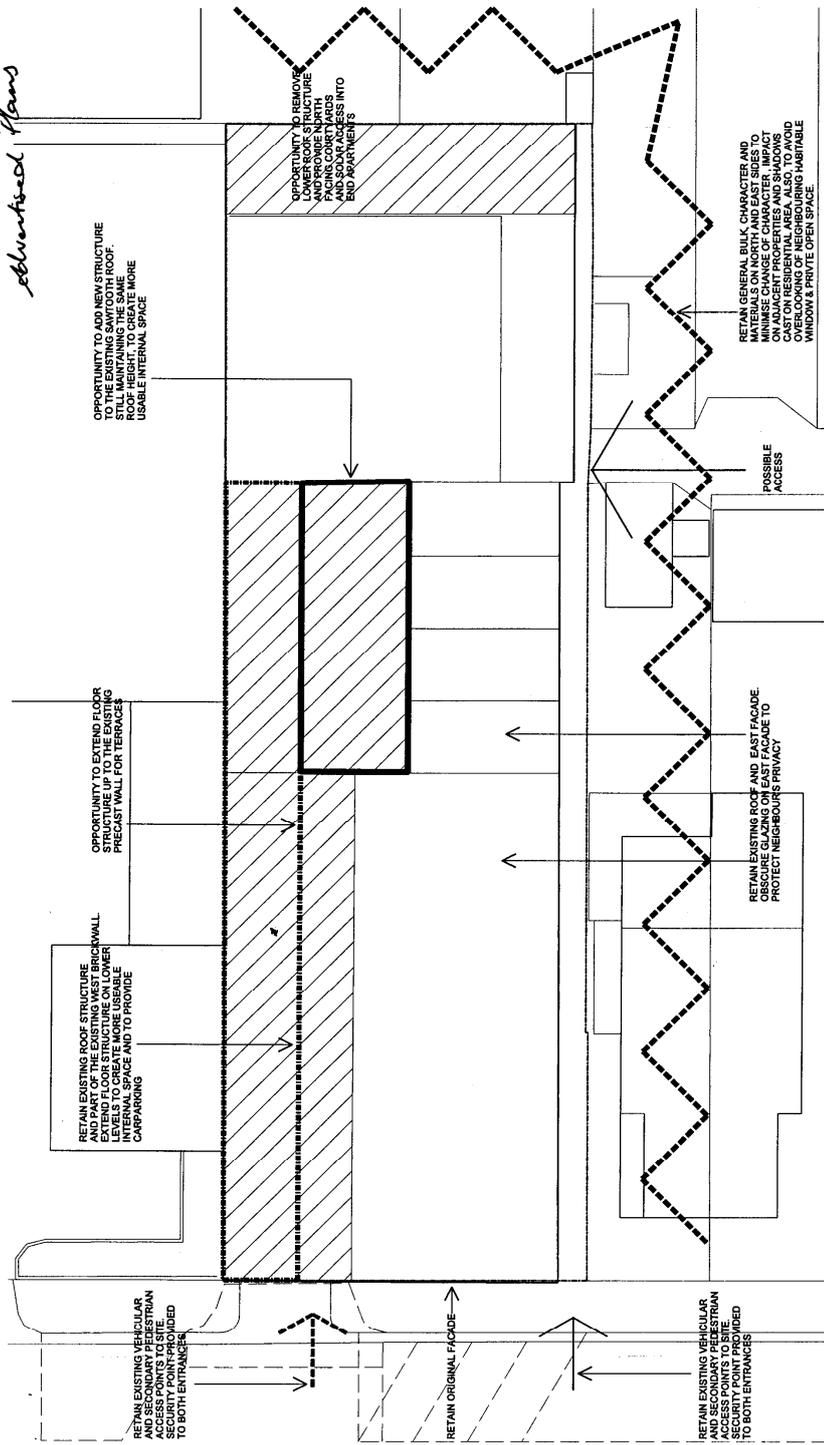
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98.044 1.500@A3 AUGUST 2003 SA.02
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ATTACHMENT 5

Advertisement Plans



DESIGN RESPONSE
200 NOONE STREET



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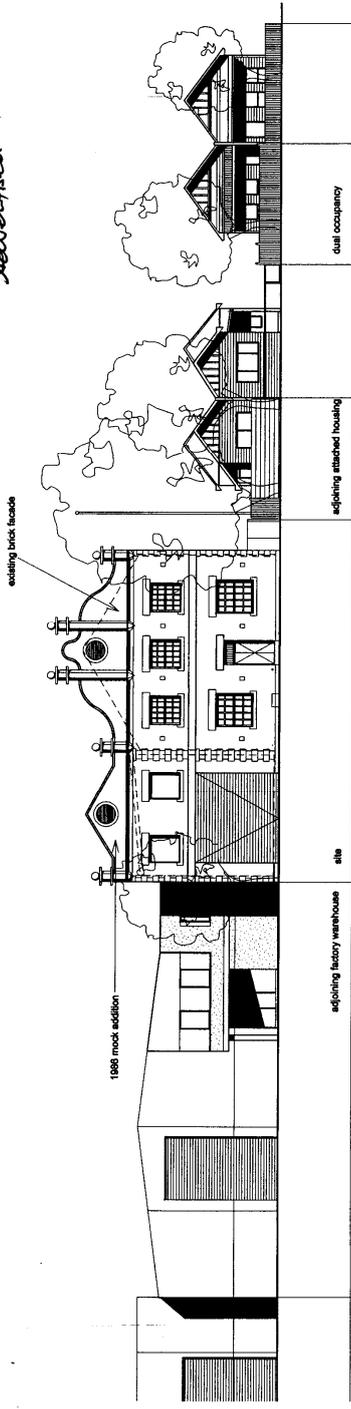
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152 Queensberry Street Carlton VIC Australia 3063
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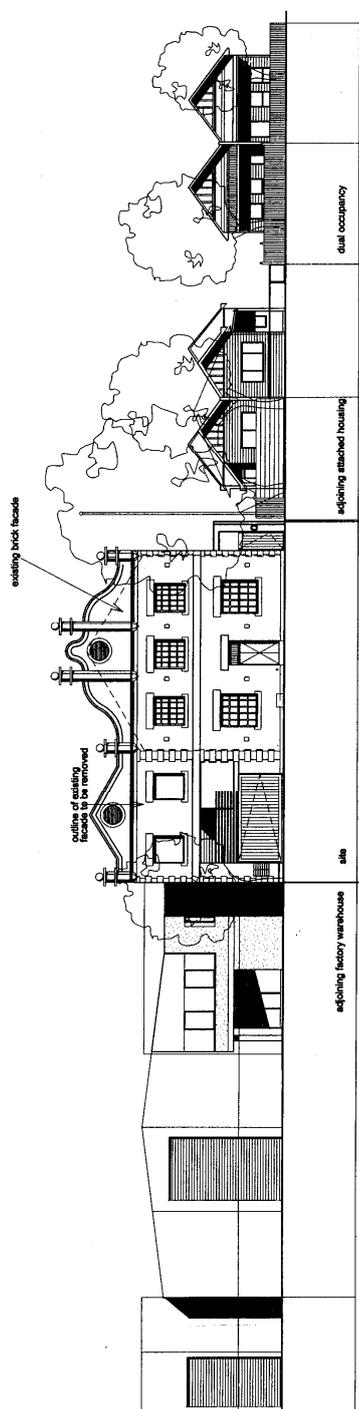
TOWNHOUSE DEVELOPMENT- REVISION B
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ATTACHMENT 6

Advertised Plans



EXISTING STREET ELEVATION



PROPOSED STREET ELEVATION

DESIGN RESPONSE - STREET ELEVATION
200 NOONE STREET



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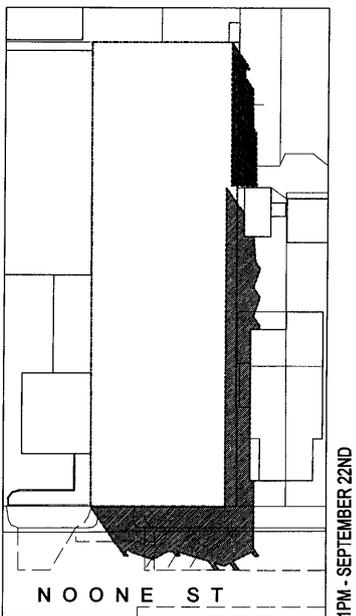
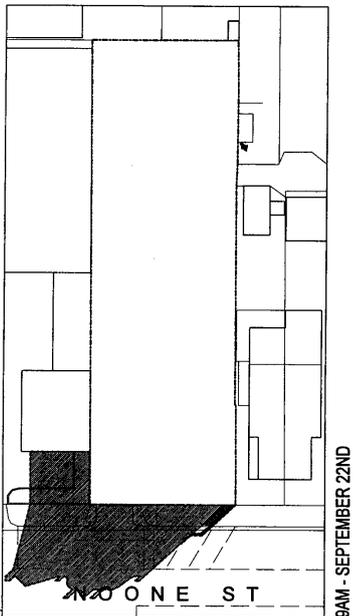
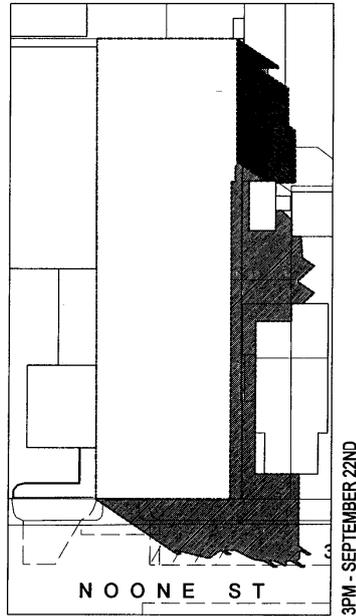
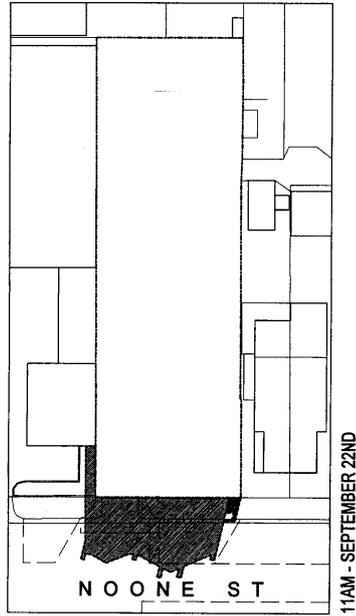
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DR.02	

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ATTACHMENT 7

Advertised Plans.



SHADOW DIAGRAMS
200 NOONE STREET

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88.044 1.500@A3 AUGUST 2003
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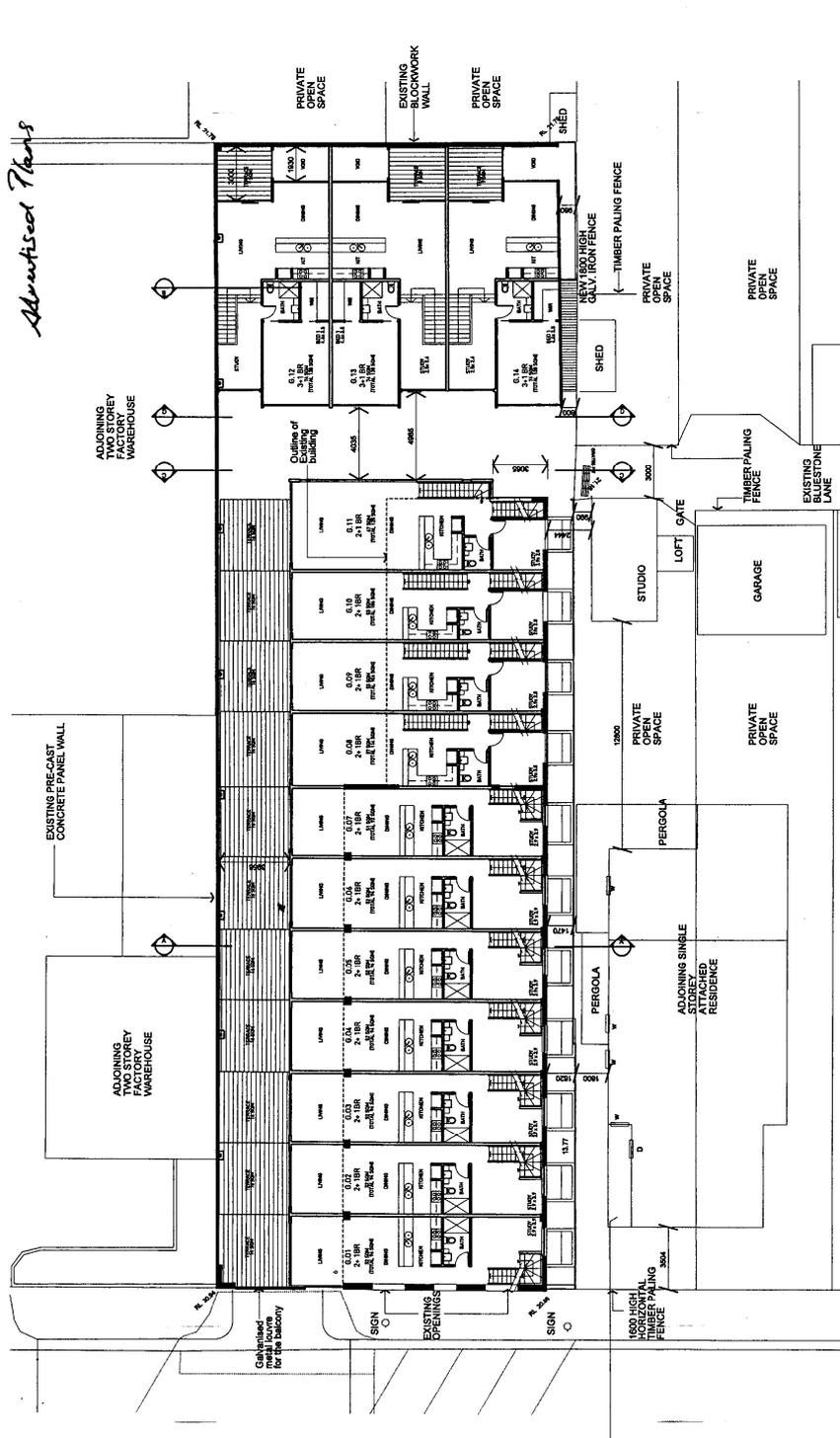
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-  Shadow cast from existing building on site
-  Shadow cast from new building
-  Outline of new shadow

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ATTACHMENT 9



Admitted Plans

PROPOSED FIRST FLOOR PLAN
200 NOONE STREET



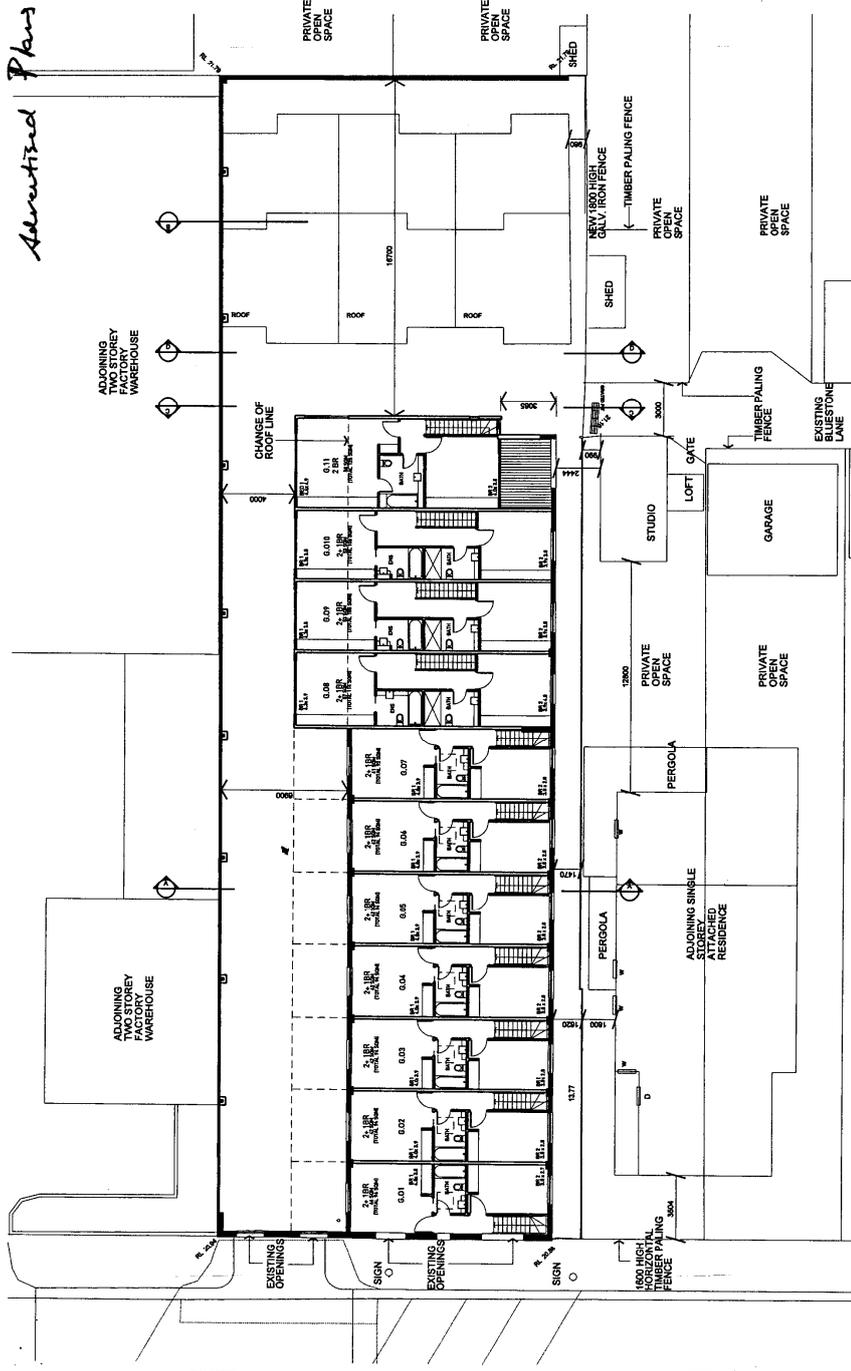
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 111/113 Noone Street, Cammeray NSW 1585
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 Web: www.metaxasarch.com
 Telephone 03_9346 5344 Facsimile 03_9349 1733

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 95.044.1:200@A3 FEBRUARY.2004
 TP.02

ATTACHMENT 10

Advertised Plans



PROPOSED SECOND FLOOR PLAN
200 NOONE STREET



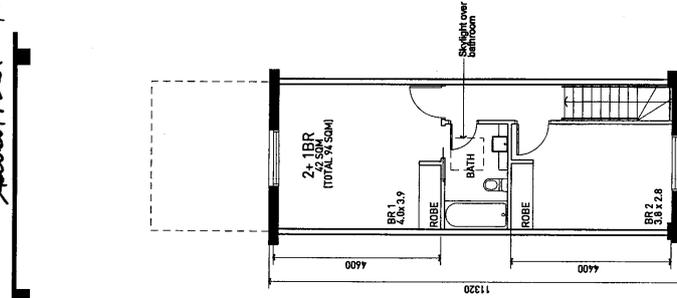
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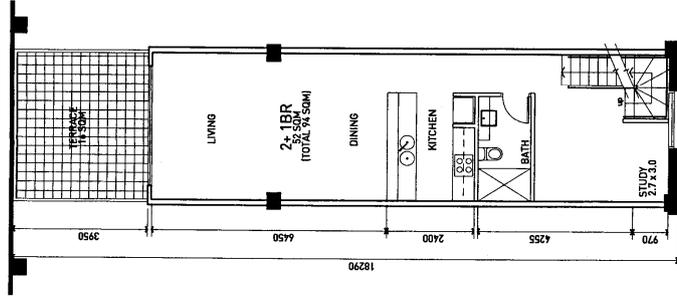
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99.044 1:200@A3 FEBRUARY 2004
TOWNHOUSE DEVELOPMENT- REVISION B TP.03

ATTACHMENT 11

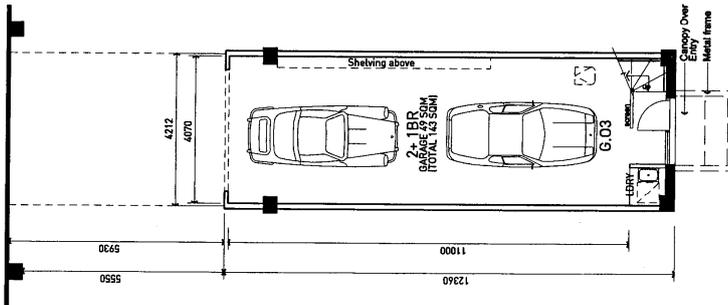
Advertising Plans



Level 2 Floor Plan



Level 1 Floor Plan



Ground Floor Plan

TYPICAL LAYOUT- TOWNHOUSES G.01- G.07
 200 NOONE STREET
 SIDCORP PTY LTD
 2.5
 TOWNHOUSE DEVELOPMENT: REVISION B
 99.044.1:100@A3 FEBRUARY 2004
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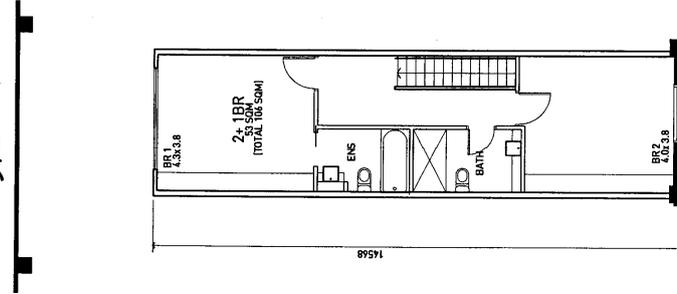


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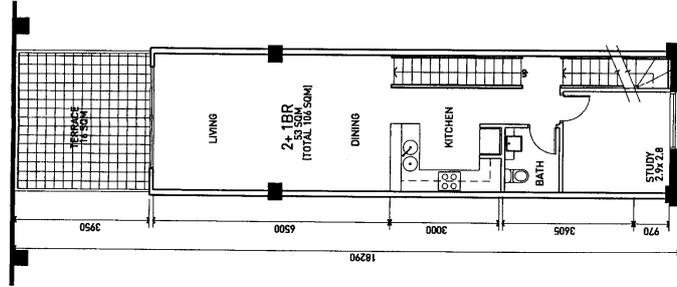
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 152 Queensberry Street, Carlton VIC Australia 3053
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ATTACHMENT 12

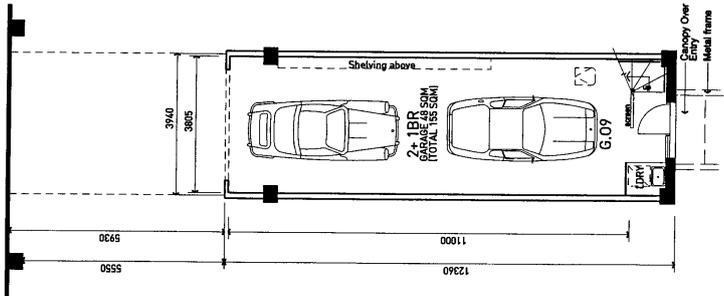
Advertised Plans



Level 2 Floor Plan



Level 1 Floor Plan



Ground Floor Plan

TYPICAL LAYOUT- TOWNHOUSES G.08- G.11
200 NOONE STREET

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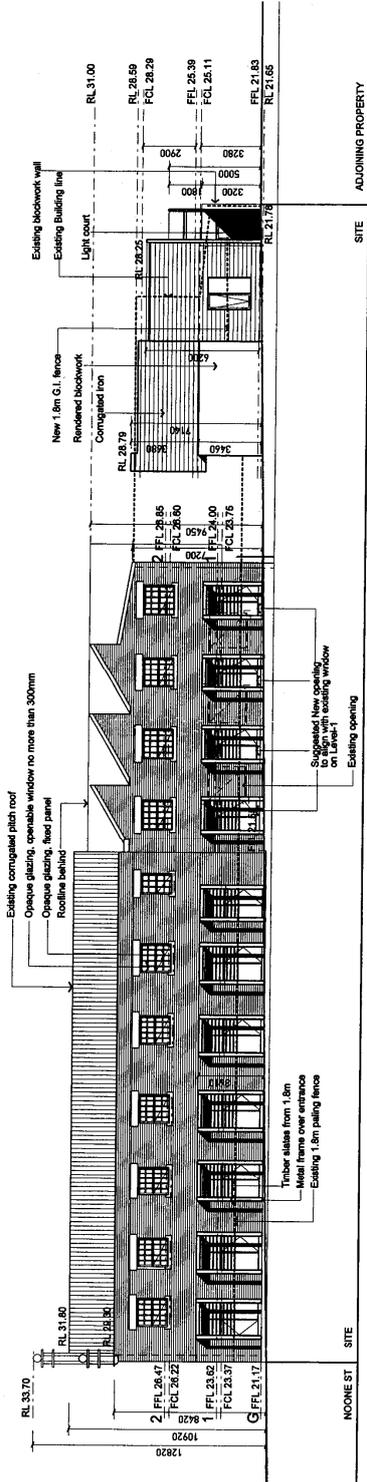
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ATTACHMENT 13

Advertised Plans



EAST ELEVATION
200 NOONE STREET



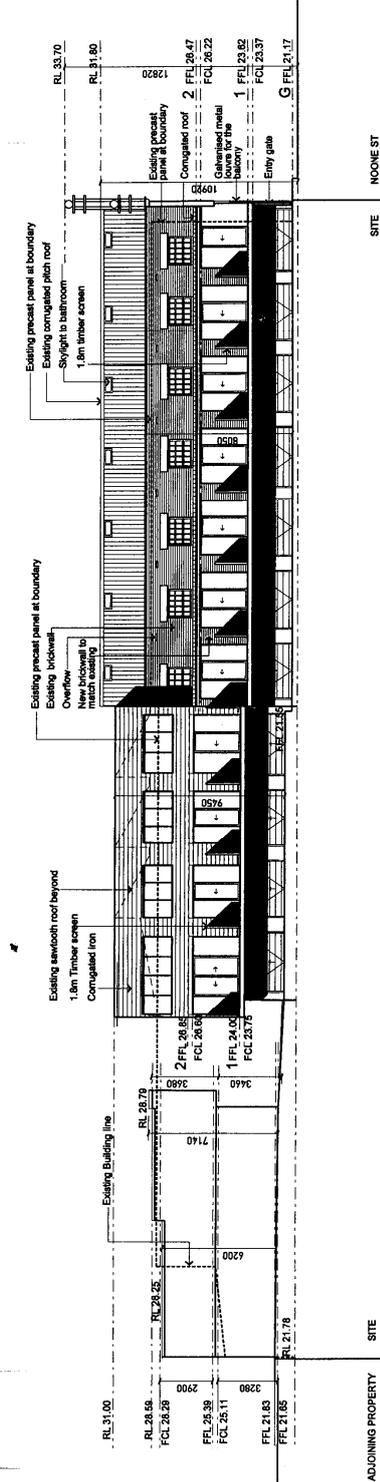
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 99.044.1:200@A3 FEBRUARY 2004
 TP.11

ATTACHMENT 14

Advertised Plans



WEST ELEVATION
200 NOONE STREET

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TOWNHOUSE DEVELOPMENT - REVISION B	5			



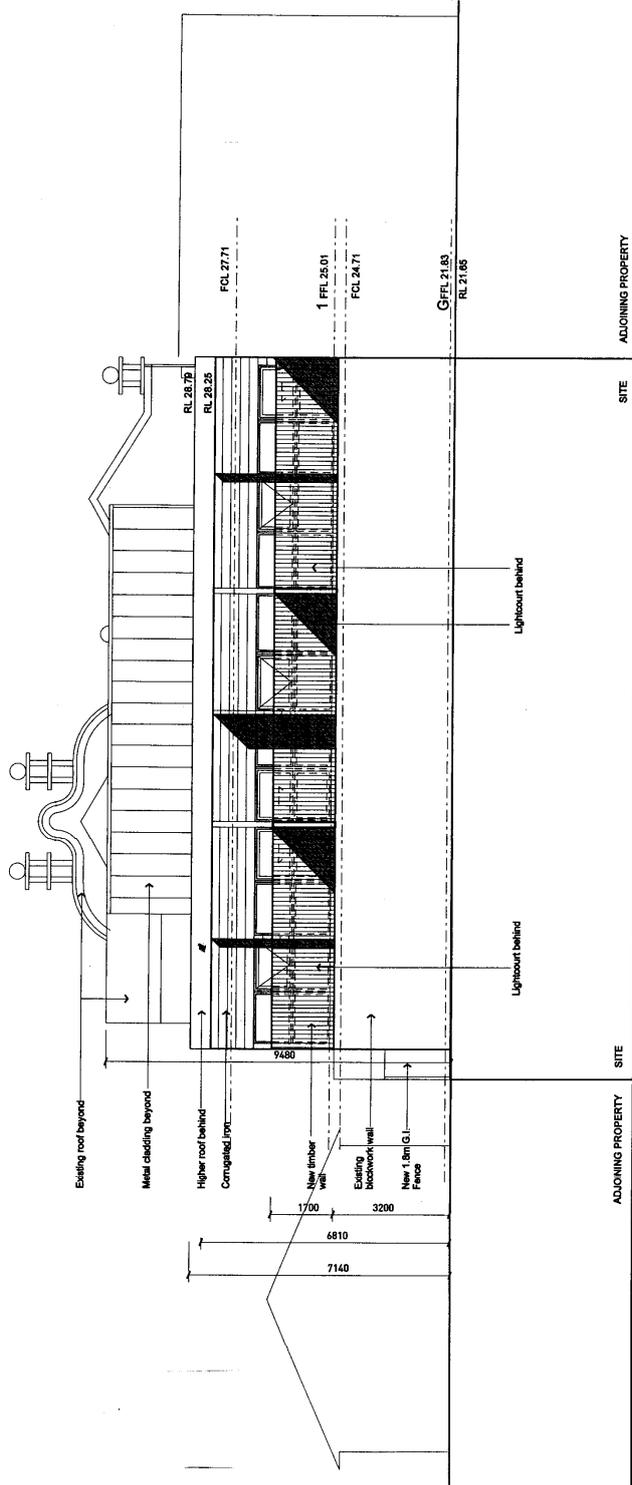
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ATTACHMENT 16

Advertised Plans



NORTH ELEVATION
200 NOONE STREET

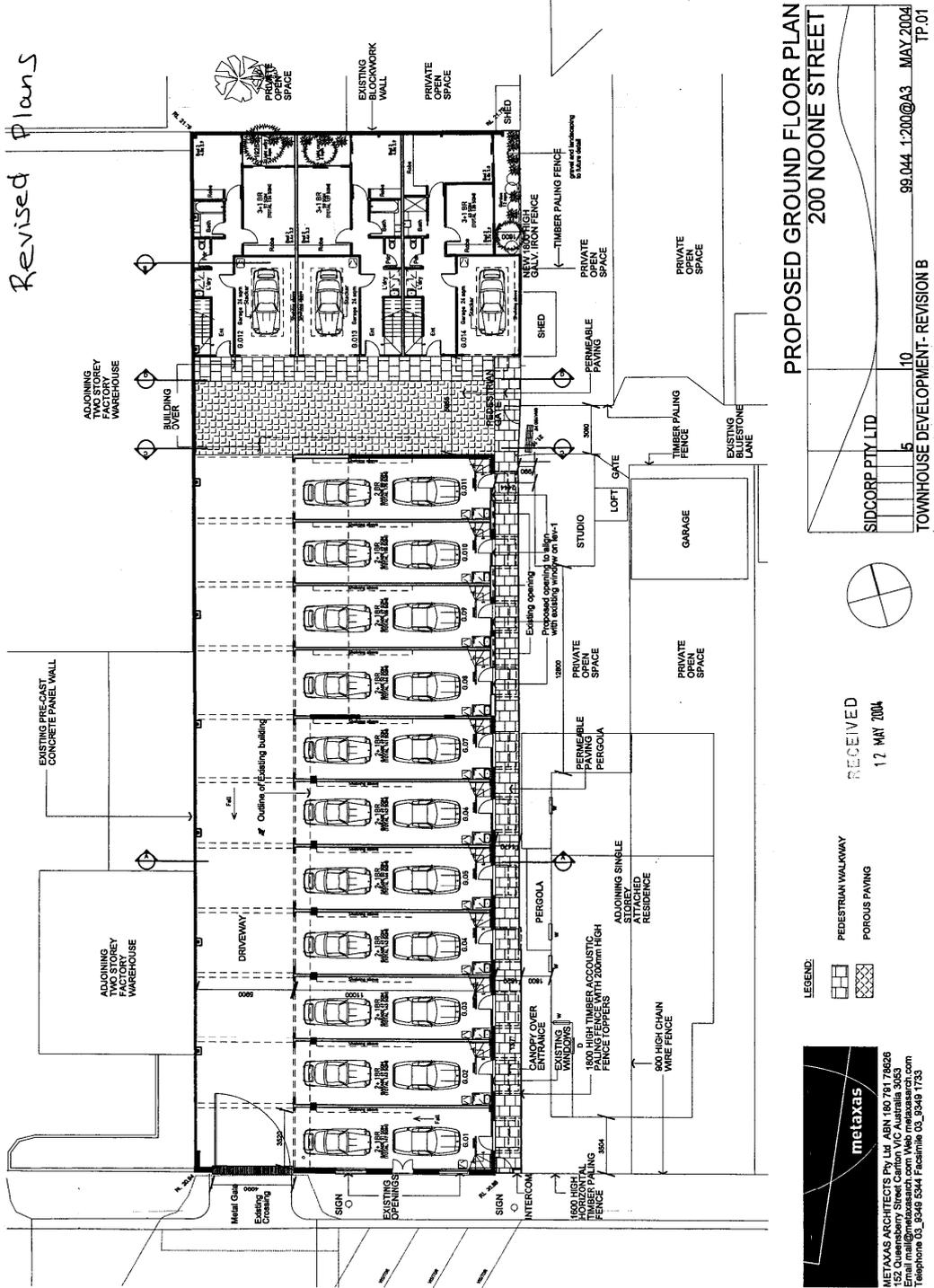


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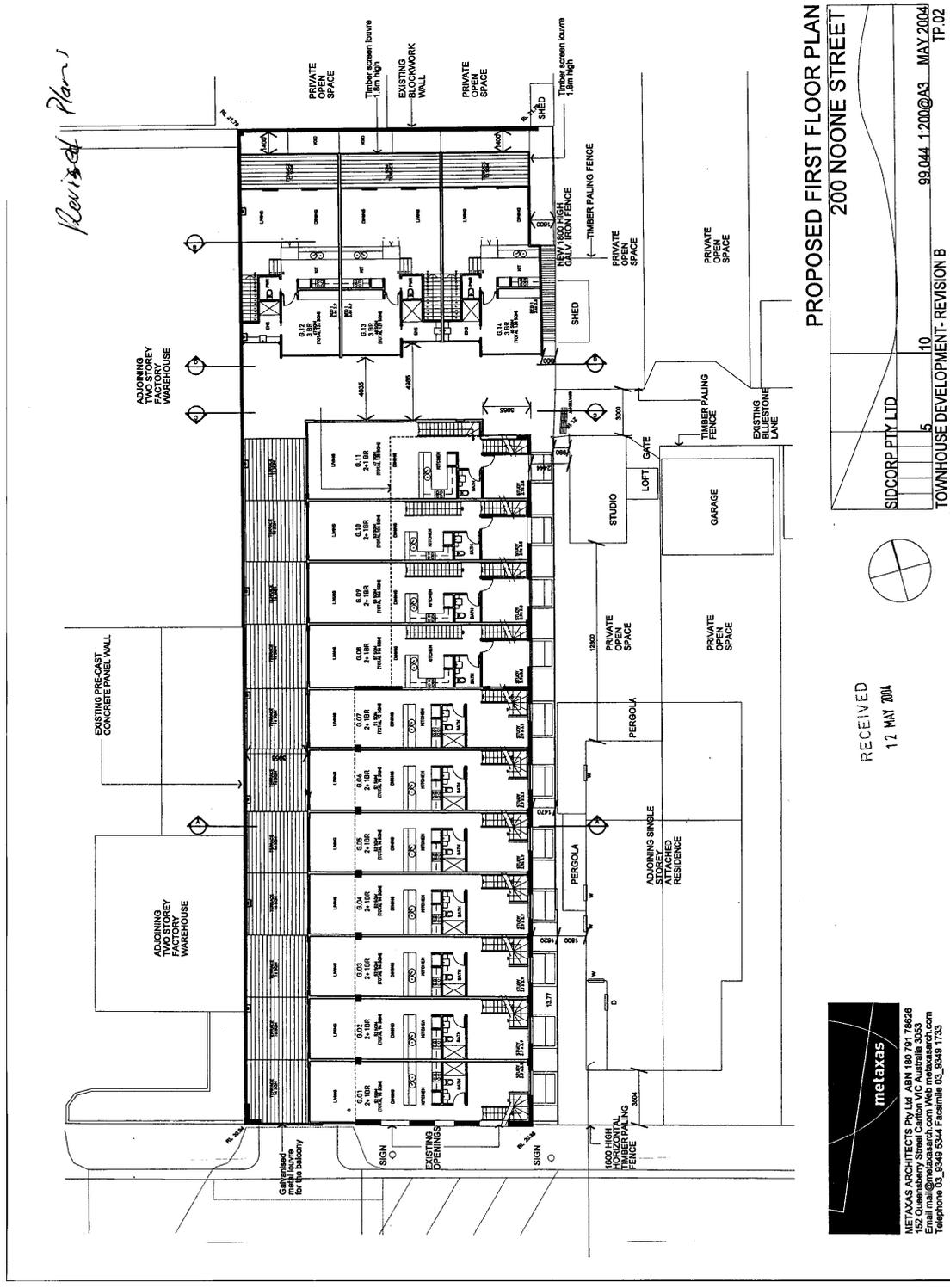
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ATTACHMENT 17

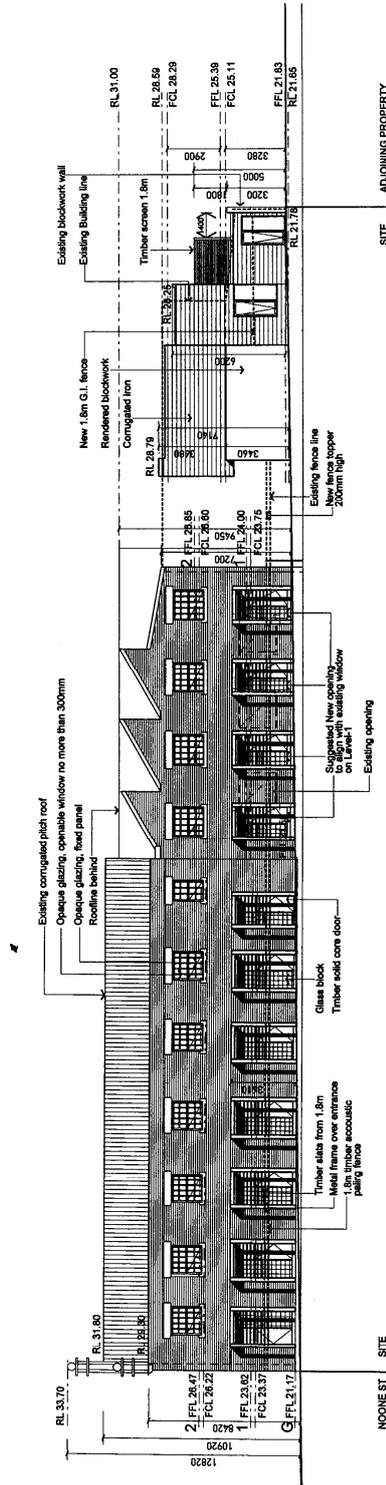


ATTACHMENT 18



ATTACHMENT 20

Revised Plans



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EAST ELEVATION
200 NOONE STREET



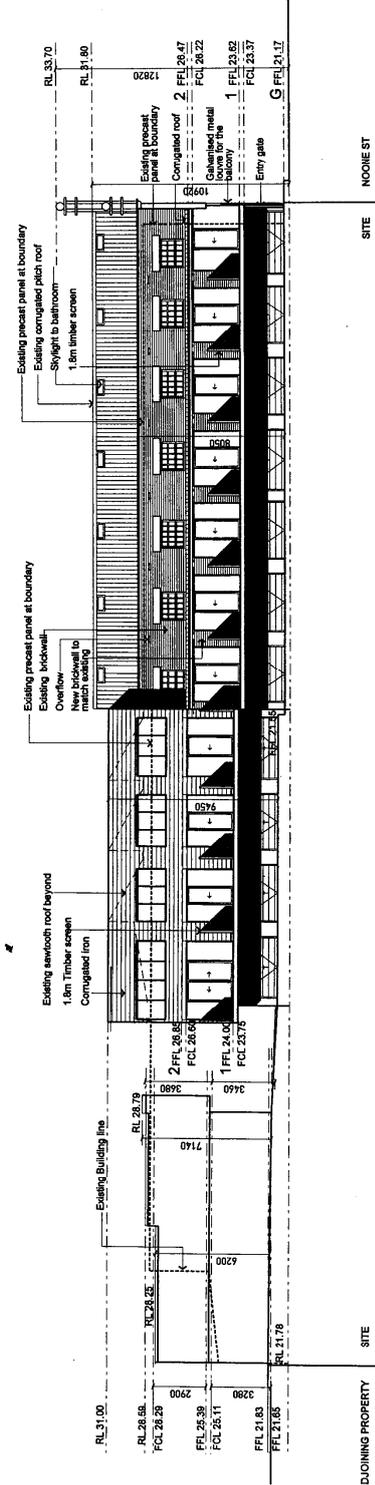
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TOWNHOUSE DEVELOPMENT - REVISION B TP.11

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ATTACHMENT 21

Revised Plans



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WEST ELEVATION
200 NOONE STREET

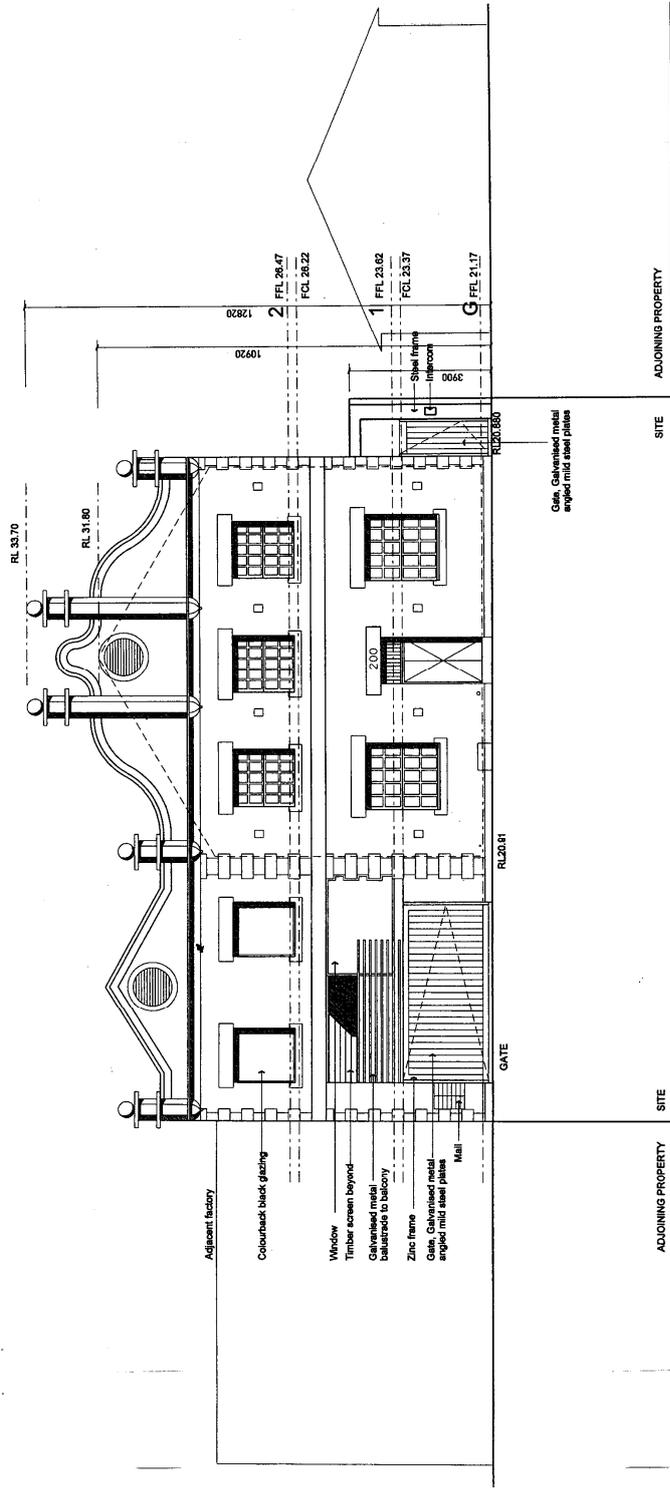


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 TOWNHOUSE DEVELOPMENT - REVISION B
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 TP.12

ATTACHMENT 22

Revised Plans



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SOUTH ELEVATION
200 NOONE STREET

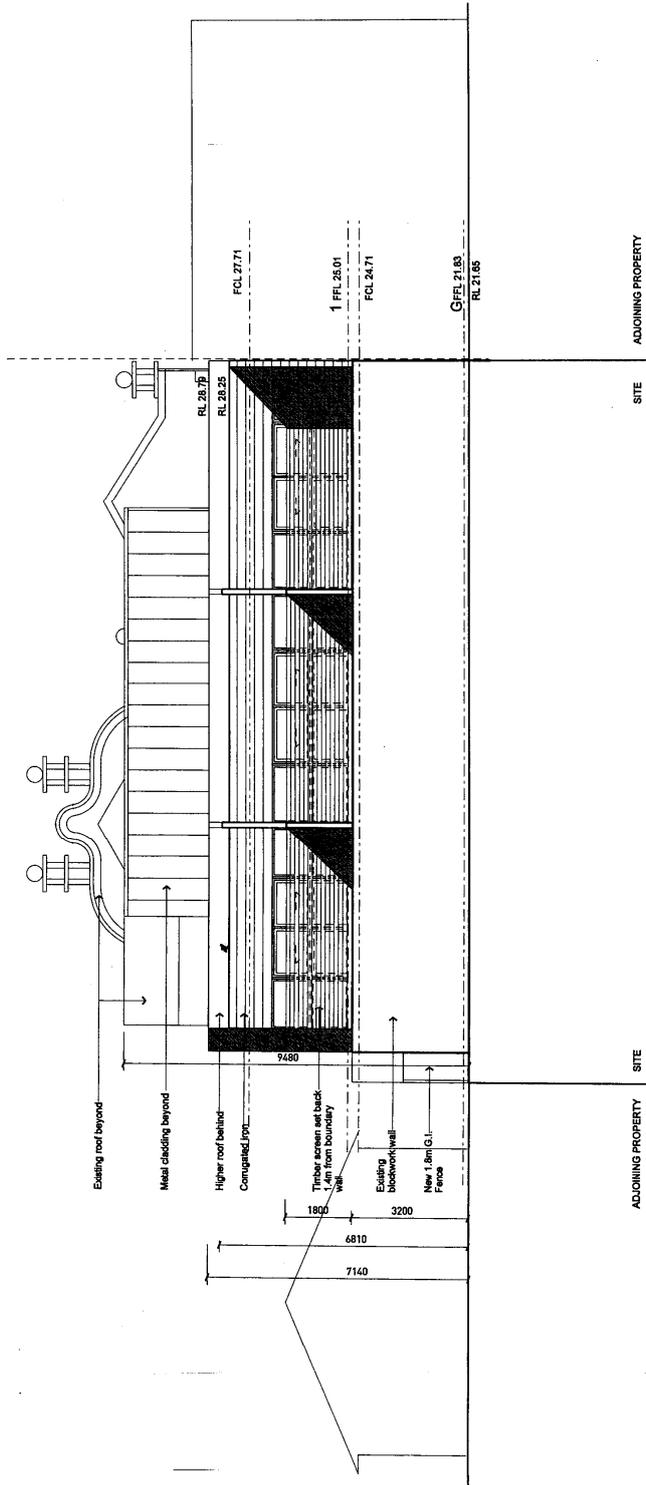


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98.044.1:100@A3 MAY.2004
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ATTACHMENT 23

Revised Plans



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NORTH ELEVATION
200 NOONE STREET



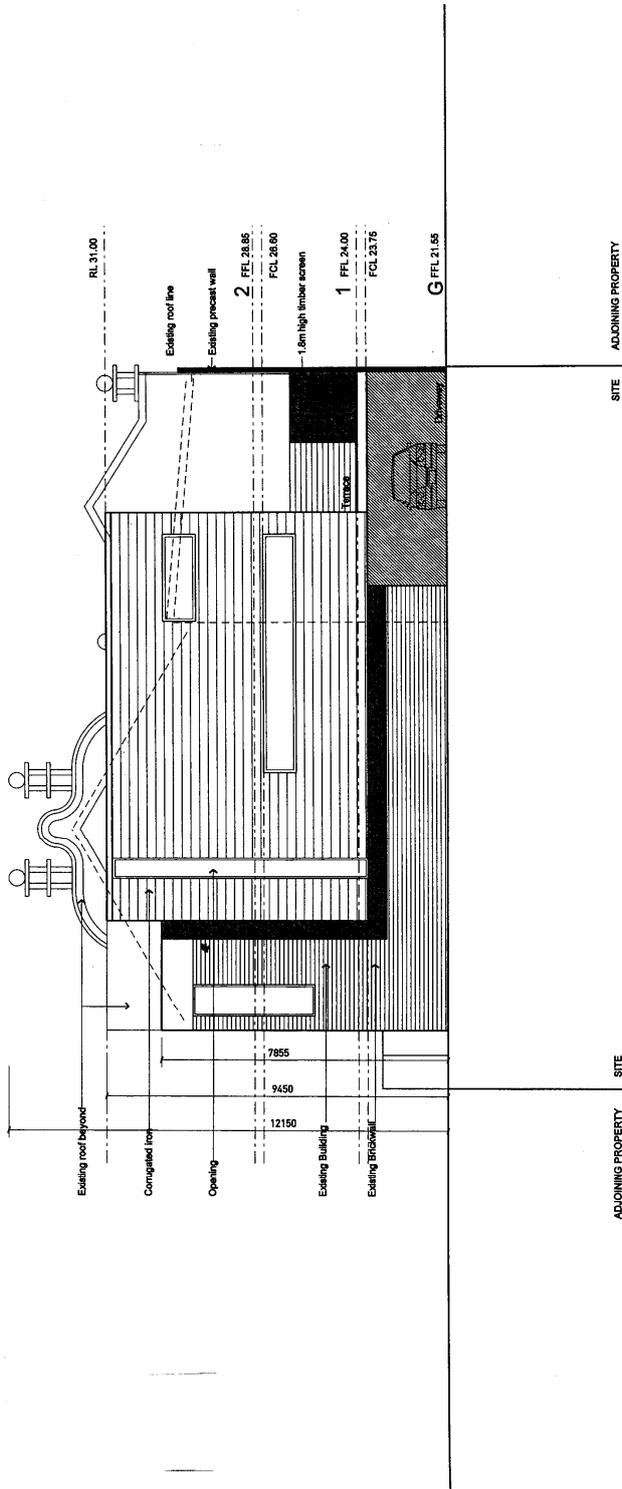
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Email: info@metaxas.com.au Website: www.metaxas.com.au
Telephone 03 9348 5344 Facsimile 03 9348 1733

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ATTACHMENT 24

Revised Plans



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ELEVATION CC

200 NOONE STREET



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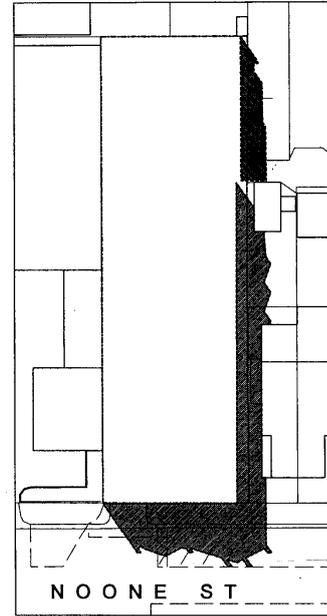
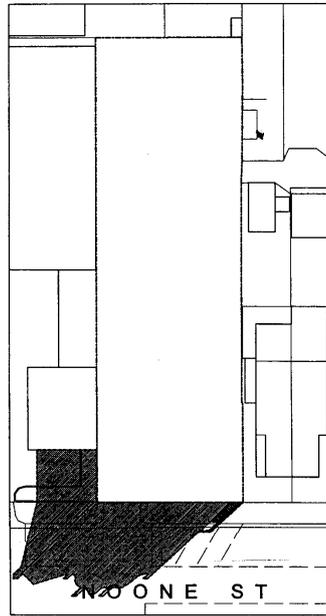
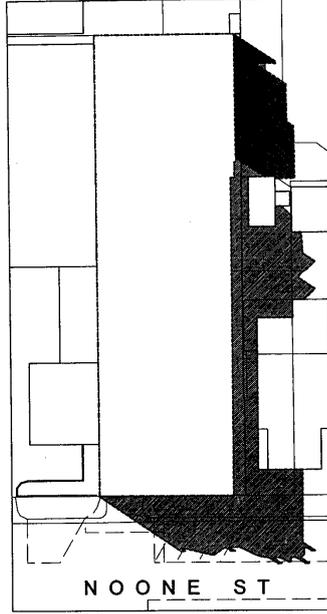
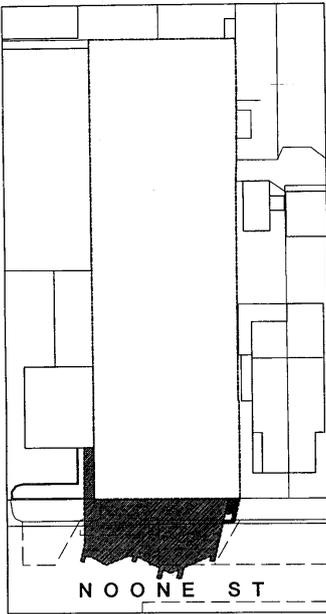
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ATTACHMENT 25

Revised Plans



SHADOW DIAGRAMS
200 NOONE STREET

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99.044 1.500@A3 MAY 2004
TOWN PLANNING SUBMISSION-REVISION B



Shadow cast from existing building on site
 Shadow cast from new building
 Outline of new shadow

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12 MAY 2004

2. 192 Gore Street, Fitzroy – Planning Permit Application No. PL04/0192 (Partial demolition, alterations and additions to an existing residential building).

Proposed Use/Development:	Partial demolition, alterations and additions to an existing residential dwelling.
Existing Use:	Residential dwelling
Applicant:	Teo + Perperis
Zoning:	Residential 1 Zone (R1Z), Heritage Overlay (HO334 - South Fitzroy Precinct)
Relevant YPS Controls:	Planning for Urban Settlement (clause 14.01), Medium Density Housing (clause 16.02), MSS - Vision (clause 21.04), Urban Design Framework (clause 21.05-1), Residential Land Use and Development (clause 21.05-2), Heritage (clause 21.05-7), Development Guidelines for Heritage Places (clause 22.02), Residential 1 Zone (clause 32.01), Heritage Overlay (clause 43.01) & Decision Guidelines (clause 65).
Date of Application/s:	4 March 2004
Application No/s:	PL04/0192

The Proposal

1. An application has been made for partial demolition, alterations and additions to an existing residential building at 192 Gore Street, Fitzroy. In detail the proposed works include:

Ground floor

- (a) demolition of the existing kitchen;
- (b) demolition of the existing lean-to, wood store and WC outbuilding;
- (c) construction of a kitchen, dining room, living room, laundry and powder room on the ground floor;
- (d) construction of an 11.3 metres length of wall on the southern boundary, and 12.6 metres of wall on the northern boundary;
- (e) the addition will have a flat roof form with a height of 4.9 metres with clerestory windows for the northern elevation;
- (f) a proposed setback of 3.5 metres from the southern boundary is proposed to provide a light well for a bedroom, hallway and kitchen;
- (g) a rear private open space area of 44m² is provided with direct access from the living room;
- (h) the proposal would use a mix of materials including zincalume custom orb cladding, symonite cladding panels; and
- (i) a roller door at the rear is proposed for rear car access for two cars, to a maximum height of 2.4 metres for the full width of the block.

First floor

- (j) demolition of bedroom 3, bathroom and study,
- (k) the provision of a new bathroom, the new bathroom will be in the north-west corner replacing the existing study;

- (l) the provision of a study that has a length of 5.1 metres and is located behind the existing front rooms;
- (m) the staircase to the upper-storey is reconfigured and will occupy the length of 5.1 metres along the northern boundary and the study and staircase will provide a width of 3.4 metres;
- (n) a water tank is proposed above the existing kitchen (no details of proposed height and width have been provided on the elevation plan);
- (o) the upper-storey construction will have a height of 6.5 metres with clerestory windows on the southern elevation;
- (p) the first floor has a setback of 2.9 metres from the southern boundary for a length of 5.1 metres and a setback of 22 metres from the eastern boundary;
- (q) the proposed length of wall on the northern boundary will not exceed the existing length of walls on the northern boundary; and
- (r) marine plywood cladding (stained) will be used for the rear façade, with zincalume custom orb cladding and new 2-metre timber paling fences to side boundaries.

Existing Conditions

Subject Site

2. The subject site is located on the east side of Gore Street between Condell Street and Charles Street in Fitzroy. The site is rectangular in shape having a 6.78 metre wide frontage to Gore Street and a depth of 39.83 metres, which yields a total site area of 270m².
3. The site contains a double-storey Victorian-era terrace built boundary to boundary for a length of 10.2 metres on the ground floor and 8.5 metres on the first floor. The rear of the site contains the private open space area with a 2 metre high corrugated iron fence on the eastern and southern boundary.

Neighbouring Land

4. The site to the north contains a Victorian-era double-storey brick dwelling with similar site coverage to the subject site and the provision of private open space at the rear of the house.
5. To the east of the site is a 4 metre wide bluestone ROW and the rear of a dwelling with a frontage to Charles Street, and business with a frontage to Smith Street.
6. To the south of the site is a 4 metre wide ROW which is currently enclosed with a wire fence and further south are a combination of single and double storey Victorian-era dwellings with frontages to Charles Street.

Surrounding Land

7. The surrounding area is predominantly residential in character and some commercial buildings fronting Smith Street. Buildings are generally one to two storeys of predominantly Victorian-era buildings.

Planning Controls

Zoning & Overlay Controls

Clause 32.01 – Residential 1 Zone (R1Z)

8. A planning permit is required to construct or extend a residential building within the Residential 1 Zone, pursuant to clause 32.01-4 of the Scheme. Rescode, clause 54 of the Yarra Planning Scheme is the relevant document for assessment.

Clause 43.01 – Heritage Overlay (HO334)

9. Pursuant to clause 43.01-1 a planning permit is also required to construct a building or construct and carry out works (including demolition works). Clause 22.02, Development Guidelines for Heritage Places is the relevant policy for consideration.

State Planning Policy Framework (SPPF)

10. The proposed development responds well to the particular requirements contained within the State Planning Policy Framework (SPPF) of the Yarra Planning Scheme. The following is a discussion of relevant extracts of the SPPF.

Clause 14.01 – Planning for urban settlement

11. The proposed residential use and development of the subject site satisfies a key component of the SPPF, as outlined within clause 14.01, which states that:
 - (a) *in planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes.*

Clause 15.11- Heritage

12. Clause 15.11 of the State Planning Policy Framework provides guidelines for the consideration of Heritage noting that the objective of clause 15.11 is:

“to assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria’s image and making a contribution to the economic and cultural growth of the State”.

The proposed partial demolition at the rear of the dwelling, does not compromise the heritage contribution the dwelling makes to the street.

Clause 16.02 – Medium density housing

13. The objectives of this clause seek to encourage well-designed medium density development which:
 - (a) *respects the neighbourhood character;*

- (b) *improves housing choice;*
 - (c) *makes better use of existing infrastructure and*
 - (d) *improves energy efficiency of housing.*
14. The proposed development of the subject site also responds well to the medium density housing requirements of the SPPF contained within clause 16.02. The proposed design achieves the relevant objectives of this clause by, improving housing choice within the locality, and making use of existing infrastructure within this established urban area.

Local Planning Policy Framework (LPPF)

15. The Municipal Strategic Statement (MSS) provides strategic guidance to use and development across the municipality. The following is a discussion of relevant components of Council's MSS:

Vision (clause 21.04)

16. Key strategies of this clause include:
- (a) *limit development within established residential areas, in order to protect and enhance the highly valued urban character and amenity of these locations; and*
 - (b) *maintain the prevailing 19th century heritage character and low rise / human scale of the City, whilst providing opportunities for innovative, contemporary development on major redevelopment sites and renewal areas.*

Urban Design Framework (clause 21.05-1)

17. This clause considers an Urban Design Framework for the municipality. Selected relevant objectives include:
- (a) *an urban fabric that maintains the City's prevailing nineteenth century heritage character;*
 - (b) *a City with a human scale achieved through the careful consideration of built form, design treatments, infrastructure and landscaping;*
 - (c) *streetscapes that maintain a consistent scale and rhythm where site consolidation or redevelopment occurs; and*
 - (d) *new development which respects the 'desired character' of existing neighbourhoods as defined by Yarra's Urban Character Strategy.*
18. Strategies to achieve these objectives include:
- (a) ensure new development contributes positively to the urban character and amenity of Yarra through:
 - (i) *maintaining the human scale of the City;*
 - (ii) *ensuring new development is respectful of the prevailing historic character;*
 - (iii) *facilitating innovative site responsive design in the redevelopment of major sites outside designated heritage and established residential areas; and*
 - (iv) *ensuring new development achieves a high level of amenity and preserves the amenity of neighbouring properties.*

- (b) *create an inner city environment with landscaped beauty by:*
 - (i) *providing well resolved landscaping schemes within developments;*
and
 - (ii) *minimising the amount of hard surfaces within developments.*
19. Clause 21.05-1 of the LPPF refers to the Urban Design Framework, and seeks to ensure that new development contributes positively to the urban character and amenity of the municipality through designs which are respectful of the prevailing historic character, and which maintain key view lines of significant streetscapes.
20. The proposed works are located to the rear of the existing building which respects the prevailing historic character and does not cause any detrimental impact to the surrounding streetscapes.

Residential Land Use and Development (clause 21.05-2)

21. Within the Municipal Strategic Statement (MSS), the subject site is identified as being included in an 'Existing Residential Area'.
22. This clause considers residential development within the municipality by also looking at broader concepts including impacts on the existing heritage fabric, housing diversity and affordability, and amenity. Selected relevant objectives include:
- (a) *retention of a diverse housing stock (type, tenure and affordability) to support continued diversity in population structure with respect to age, ethnicity and socio-economic profile;*
 - (b) *greater range in both the type and affordability of new housing stock;*
 - (c) *preservation of the established urban character and strong 'sense of community' associated with Yarra' distinct residential neighbourhoods;*
 - (d) *enhanced levels of residential amenity including, a reduction in the impacts from traffic and business activities and high levels of community safety; and*
 - (e) *high quality design outcomes in respect to all new residential development, with emphasis on amenity for occupants and neighbours (adequate open space, privacy and daylight), energy efficiency in design, and a positive contribution to streetscape character.*
23. The proposal preserves the established neighbourhood character by retaining the front portion of the Victorian-era dwelling and extending the dwelling without further increasing the height of the dwelling.

Local Policy

Clause 22.02- Development Guidelines for Heritage Places

24. Clause 22.02 Development Guidelines for Heritage Places is a local policy applicable to the site. The relevant objectives are:
- (a) *to conserve Yarra's unique cultural heritage to ensure its future conservation and continued relevance to the community; and*
 - (b) *to ensure that new development respects the scale, height and setbacks of streetscape of cultural heritage significance.*

The proposed development complies with Council's policy by designing the additions at the rear of the dwelling that are not visible from the street.

Advertising

25. The application was advertised by sending letters to surrounding owners and occupiers and by a sign on the Gore Street frontage.
26. Seven objections were received to the application. The grounds of objection can be summarised as follows:
 - (a) height of wall on laneway inappropriate;
 - (b) overshadowing;
 - (c) concerns regarding construction;
 - (d) parking and vehicle access; and
 - (e) concerns were raised in relation to the use of the ROW.
27. On the 10 May 2004 a consultative meeting was convened to discuss the various issues arising from the proposal. At the meeting the following issues were discussed:
 - (a) the impact of the proposed wall on the adjoining property;
 - (b) the proposed impact of the use of the laneway;
 - (c) the proposed useability of the laneway; and
 - (d) concerns regarding the building construction and its impact on surrounding properties.
28. At the conclusion of this meeting the applicant and the attending residents had not reached a resolution on any issue.

Referrals

Engineering

29. The application was referred to Council's Engineering Services Unit after the consultation meeting as a request from Cr Di Natale regarding concerns raised in relation to the stormwater and drainage discharge from the property and the useability of the laneway for vehicular traffic.
30. Council's engineering department made the following comments:
 - (a) there is no objection to the utilisation of the right of way (ROW) at the rear of the property in order to provide vehicular access. Vehicle turning movements into and out of the development are satisfactory and the surface of the Right of way is adequate for vehicular traffic; and
 - (b) the ROW abutting the property is constructed of bluestone and contain central inverts for drainage. The adjoining properties drain into the ROW's open invert channel, which then proceeds to Charles Street.

Planning Considerations

31. When assessing this application the main area to be discussed is compliance with ResCode clause 54.

Assessment against Rescode

32. The following assessment of the proposed development displays a high degree of consistency with the particular requirements contained within clause 54 of the Yarra Planning Scheme. This assessment is summarised as follows:

33. *Standard A1- Neighbourhood character objective*

The submitted design provides an acceptable approach to the particular characteristics of the subject site and the immediate surrounding area. Significantly, the addition is sited behind the existing two front rooms and will not be visible from Gore Street. The architectural style of the additions is modern and the proposed extension is not out of character with the area. The proposal maintains the private open space at the rear and the proposed materials are sympathetic to the area. Therefore this element is met.

34. *Standard A2 - Integration with the street objective*

The proposed development is setback behind the existing two front rooms of the dwelling. The new construction will not be visible from the street and as such does not impact on the existing streetscape. Therefore the proposal meets the standard and overriding objective.

35. *Standard A3 - Street setback objective*

The proposal does not alter the existing setback of the building and as such this standard is not applicable to this application.

36. *Standard A4 - Building height objective*

The maximum height proposed for the dwelling is 6.9 metres. The current overall height of the upper-storey is 7.3 m with the lowest height being 6.4 metres. These heights are not out of character with the area with the mix of double-storey and single-storey dwellings in the immediate area. The proposal meets the standard as it is less than 9 metres and therefore the overriding objective of the standard is met.

37. *Standard A5 - Site coverage objective*

The proposed site coverage is 50 per cent as opposed to the existing 35 per cent, which does not exceed the standard of 60 per cent and reflects the character of the surrounding area.

38. *Standard A6 – Permeability objectives*

The proposal provides an area of permeability of 39 per cent which is reflective of the neighbourhood character and meets the standard and overriding objective.

39. *Standard A7 - Energy efficiency protection objectives*

The proposed works will improve the penetration of natural light into the dwelling with the provision of north facing clerestory windows to the proposed living/dining rooms. Increased glazing to the living areas on the eastern elevation with the provision of light wells, skylights and voids throughout the dwelling will maximise natural light into all rooms and greatly improve the energy efficiency of the dwelling.

40. *Standard A8 - Significant trees objectives*

There are a number of large shrubs on the site but are not substantial and cannot be classified as significant. The proposal complies with this objective as replacement planting is proposed in the rear private open space area.

41. *Standard A9 – Parking objective*

The requirements of this standard do not apply to extensions to existing dwellings. However there is a roller door and paved area at the rear to allow for two cars to park on site and to be accessed by the rear ROW.

42. *Standard A10 - Side and rear setbacks objective*

The proposed upper-storey extension will be built to the northern boundary for a length of 5 metres for a height of approximately 7.6 metres. Whilst this does not meet the standard it meets the overriding objective as the proposed height on the boundary will be constructed to the height of the existing wall and as such respects the existing neighbourhood character. The adjoining property most affected by this wall on the boundary has not objected to the proposal and attended the consultation meeting to support the application.

43. The proposed living/dining room area with a roof height of 4.9 metres has a proposed setback of 1.9 metres from the northern boundary and a zero setback from the southern boundary. The proposed setback from the north meets the standard which requires a setback of 1.39 metres for the northern boundary and as a ROW abuts the site to the south its meets the overriding objective of the standard. The overall height of the study for a height of 6.5 metres has a setback of 3.5 metres from the southern boundary which meets the standard, which requires a setback of 2.74 metres from the boundary. Overall the application meets the standard and overriding objective this standard.

44. *Standard A11 - Walls on boundaries objective*

The proposed wall on the boundary will not be a cause of detriment as it adjoins a laneway on the southern side and the proposed wall on the northern boundary is proposed to be at a height to match the existing.

45. *Standard A12 - Daylight to existing windows objective*

The proposal ensures that all habitable rooms have windows which allow for adequate daylight to all rooms. The proposal has been designed for maximum access to daylight with the provision of voids, skylights and clerestory windows.

46. *Standard A13 - North-facing windows objective*

Given the east-west orientation of the site and the ROW to the south, no north-facing windows would be affected by the proposal and as such this standard is met.

47. *Standard A14 - Overshadowing open space objective*

Due to the east-west orientation of the allotment, the ROW to the south of the site the proposed buildings and works will not create excessive overshadowing to any private open space areas. The shadows over the southern dwelling are already overshadowed by the existing two-storey component of the subject site. Further, the addition has been setback in a form of a light court on the ground floor and the first floor is setback 3.5 metres from the southern boundary. The proposal meets the standard and overriding objective.

48. *Standard A15 - Overlooking objective*

Alterations to the upper-storey windows on the southern and eastern elevation is required to meet the requirements of this standard to ensure that there is no overlooking potential from the proposed study. A condition requiring alterations to the floor to ceiling windows on the eastern and southern elevation is required to meet this standard and will be required as a condition.

49. *Standard A16 - Daylight to new windows objective*

All new windows have been designed with windows, which will have a high level of access to daylight. The proposed additions have good internal amenity and therefore meets this standard.

50. *Standard A17 - Private open space objective*

The proposal provides for sufficient private open space with an area of 44m² located at the rear of the dwelling. The location of the open space on the ground floor is located with direct access from the main living area of the dwelling providing for a functional useable open space area which satisfies the standard and overriding objective.

51. *Standard A18 - Solar access to open space objective*

The requirements of this standard do not apply to extensions to existing dwellings, however the solar access to the private open space area is improved with greater connectivity to the living areas and it maintains access to north facing light.

52. *Standard A19 - Detailed design objective*

The proposed extension provides for a modern extension to an existing dwelling with an appropriate level of detailing which enhances the on-site amenity without having a negative impact on the existing neighbourhood character.

53. *Standard A20 - Front fence objective*

The existing front fence is to be retained as part of the proposal.

Heritage Assessment

54. Council's Development Guidelines for Heritage Places (clause 22.02) provides policy guidance for demolition works and additions to existing heritage places.

55. It is policy that:

Demolition or removal of original contributory features and details from a heritage place should not normally be permitted unless:

- (a) *that intervention does not negatively impact upon the cultural heritage significance or architectural character of the heritage place; and*
- (b) *the intervention cannot be seen from the street.*

56. Contained in Council's Heritage Guidelines (clause 22.02-3.6) are policies relating to infill development: all heritage places. The following policies are of relevance to this application:

It is policy to encourage design that:

- (a) *will not be confused with the original historic fabric;*
- (b) *will ensure that the original historic fabric remains intact;*
- (c) *does not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from surrounding streets;*
- (d) *considers the architectural integrity of the heritage place;*
- (e) *reflects the particular rhythm, spatial characteristics and character of the surrounding historic streetscape;*
- (f) *encourage façade heights that conform to the same height as the adjacent building frontages in the street; and*
- (g) *encourage infill development that does not obscure principal viewlines to heritage buildings or their features.*

57. The proposed alterations and additions are consistent with clause 22.02-3.6 of the Yarra Planning Scheme, as the proposed building will not be confused with the original historic fabric of the existing dwelling. The proposed retention of the front portion of the dwelling will ensure that the original historic fabric will remain intact and is clearly identifiable from the historically valuable part of the dwelling. The proposed works located at the rear of the dwelling will not be visible from the street. The proposed building considers the architectural integrity of the heritage place and adjoining buildings by reflecting the rhythm, spatial characteristics and character of the street.

Response To Objections

58. Height of wall on laneway inappropriate

The proposed height of wall with a maximum height of 4.8 metres will not be a cause of any material detriment to nearby dwellings as there is a ROW with a width of 3.6 metres located on the south side of the dwelling.

59. Overshadowing

The proposed extension whilst marginally increasing the overshadowing to the south, will not increase the overshadowing to the adjoining properties due to the existing ROW to the south of the property and the existing built structures at the rear of the surrounding properties.

60. Concerns regarding damage to adjacent dwelling due to construction
This is not a planning consideration and as such cannot be considered in this report but will be dealt considered as part of the building permit stage.
61. Parking and vehicle access
The application was referred to Council's engineering department who confirmed that the proposed car parking spaces were adequate in size and that access via the existing laneway was suitable.
62. Concerns in relation to the use of the ROW
Council's traffic engineers have inspected the site and it was considered the use of the laneway for vehicular traffic was appropriate. The laneway serves a number of properties and the proposal will only provide an additional two cars as such will not experience a high number of vehicle movements.

Conclusion

63. The proposed development, with conditions imposed, satisfies the purpose, intent and requirements of ResCode and relevant Council policies. The proposal provides an acceptable level of amenity for the subject site's occupants and surrounding residents.
64. The proposed development has taken into consideration the historical significance of the area in the design of the additions and has attempted to minimise impact on the streetscape in accordance with the requirements of clause 22.02 (Development Guidelines for Heritage Places).

RECOMMENDATION

65. That a Notice of Decision to Grant a Permit be issued for partial demolition, alterations and additions to an existing dwelling at 192 Gore Street, Fitzroy, subject to the following conditions:
1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but further modified to show:
 - (a) all new on boundary walls to be labeled on plan as being cleaned and finished to the satisfaction of the Responsible Authority;
 - (b) details of the water tanks to be shown on plans and all elevations; and
 - (c) the east facing and south facing windows at first floor level, shall be appropriately screened to a height of 1.7 metres above finished floor level and/or otherwise designed to demonstrate no unreasonable overlooking of adjacent open space and/or habitable room windows.
 2. All works must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3. The new crossings/driveways shall be constructed in accordance with Council's Vehicle Crossing Standards.
4. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
5. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
6. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Note: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

Note: Vehicle crossings must be located on the endorsed plan and constructed to the satisfaction of the Responsible Authority.

Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor Sekhon

That the recommendation be adopted.

CARRIED

Attachment 1 – Subject Land – 192 Gore Street, Fitzroy

Attachment 2 – Design Response

Attachment 3 – Site Analysis Plan

Attachment 4 – Proposed Plans

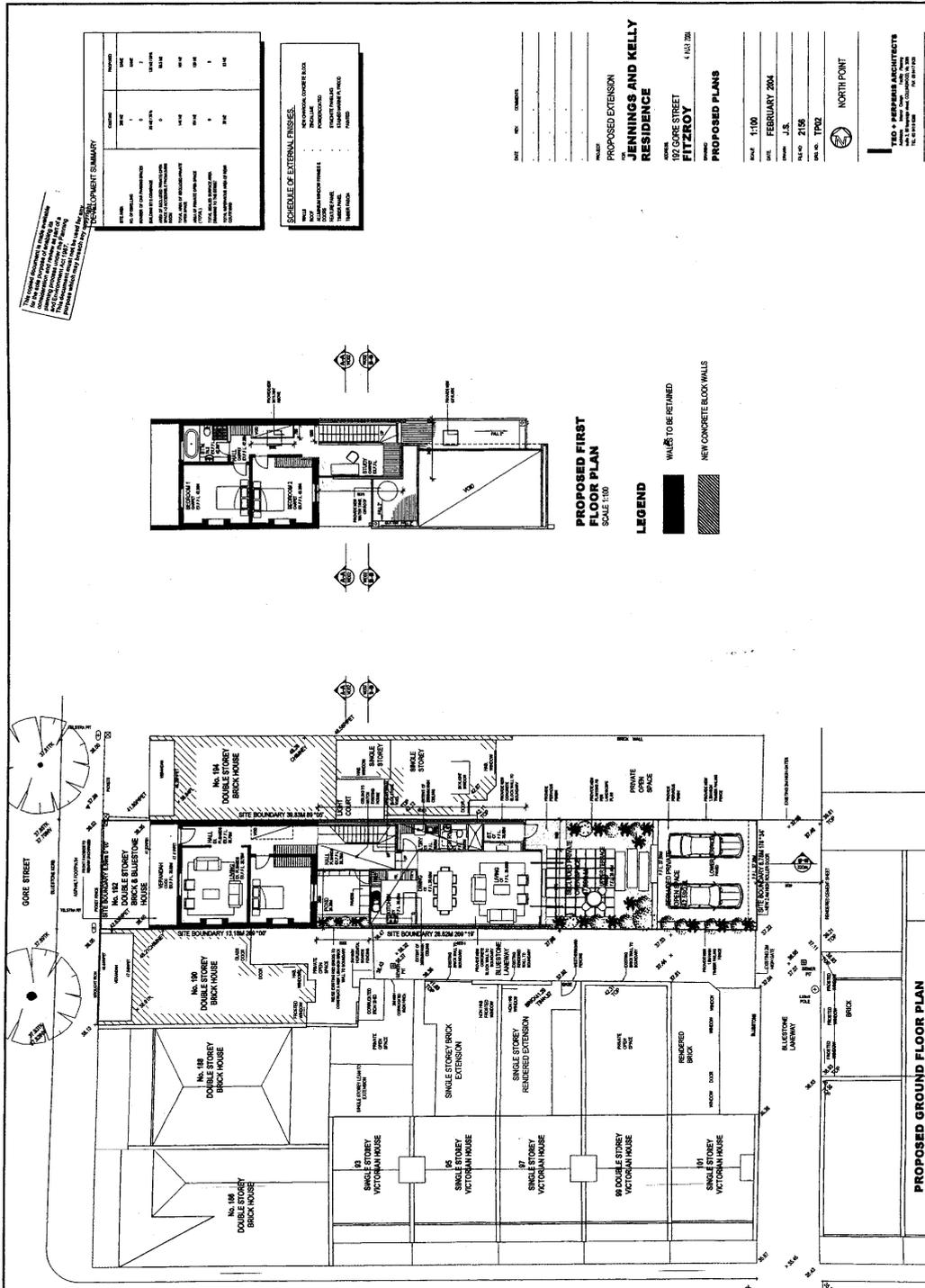
Attachment 5 – Proposed Elevations

Attachment 6 – Shadow Diagrams

ATTACHMENT 1



ATTACHMENT 4



ATTACHMENT 5

PROPOSED NORTH ELEVATION
SCALE 1:100

PROPOSED EAST ELEVATION
SCALE 1:100

EXISTING WEST ELEVATION
SCALE 1:100

PROPOSED SOUTH ELEVATION
SCALE 1:100

SECTIONAL ELEVATION A-A
SCALE 1:100

PROPOSED LANEWAY ELEVATION
SCALE 1:100

INDICATIVE LONGITUDINAL SECTION
SCALE 1:100

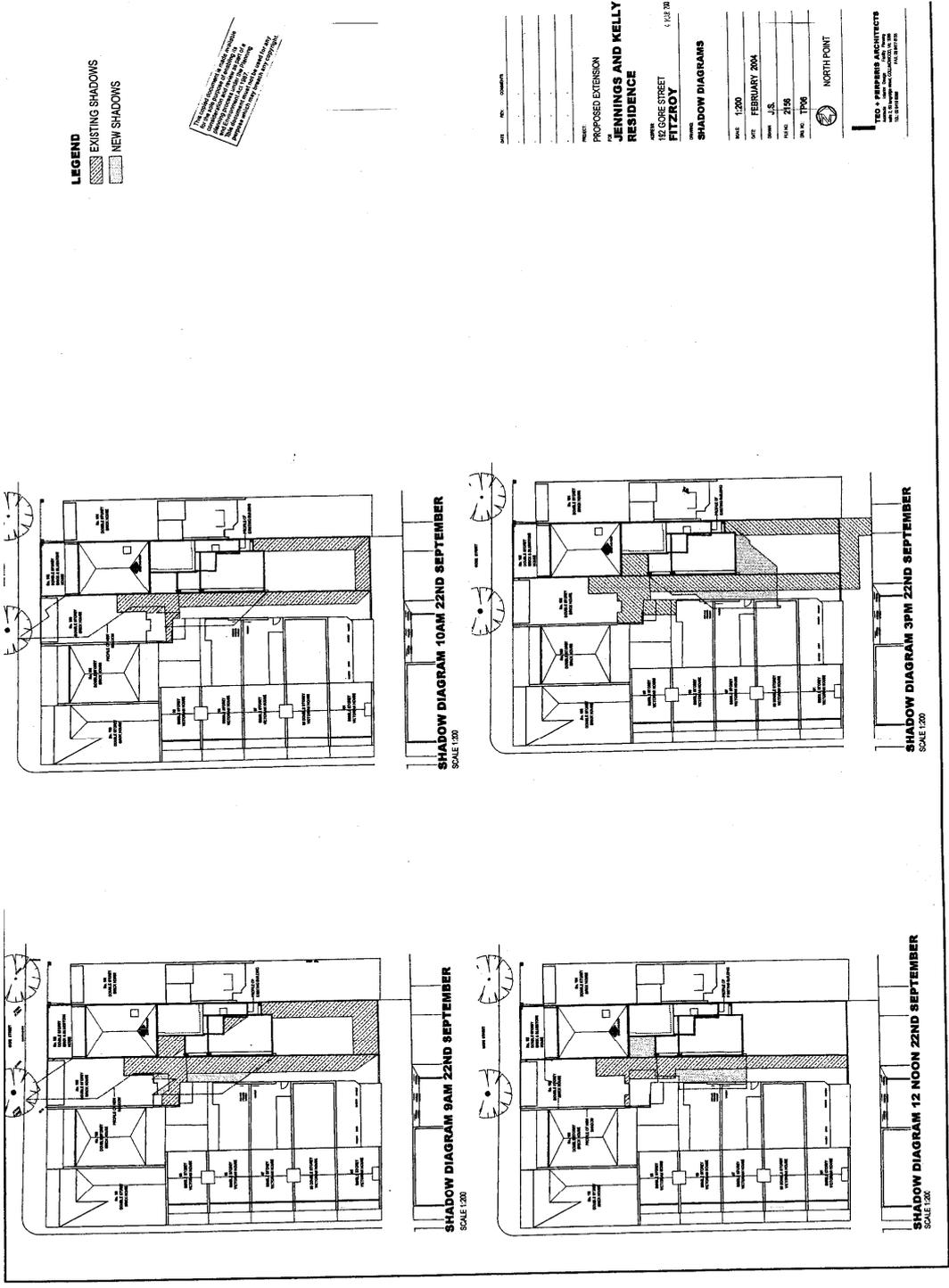
SECTIONAL ELEVATION B-B
SCALE 1:100

**PROPOSED EXTENSION
JENNINGS AND KELLY
RESIDENCE**
100 ROSE STREET
FITZROY VIC 3065
FEBRUARY 2004
J.S.

PROPOSED ELEVATIONS
SCALE 1:100
NORTH POINT

IND. & PERMITS ARCHITECTS
100 ROSE STREET, FITZROY VIC 3065
TEL: 03 9412 1111
WWW.I&PARCHITECTS.COM.AU

ATTACHMENT 6



3. Supplementary Report for 285A Bridge Road, Richmond – Planning Permit Application No. PL03/1068 (Change of use to food and drink premises, including buildings and works, partial demolition, and waiver of car parking).

Background

1. This item was deferred from the Internal Development Approvals Committee (IDAC) meeting of 31 March 2004 to enable Council to discuss the matter with Vic Roads (owner of the land).
2. Subsequent to the deferral, the permit applicant lodged a Failure to Determine appeal and a hearing date is set down for the 30th June 2004.
3. Meanwhile, it was noted that an external authority, Yarra Trams had not been notified of the application and that they may suffer material detriment as a consequence of the proposed development. It is noted, that the applicant has provided written confirmation that Yarra Trams had no objection to the proposal.
4. Nonetheless, Council sought an adjournment from VCAT on 19 May 2004 on this basis. The adjournment was refused by VCAT on 25 May 2004. A decision must be made at this meeting of 9 June 2004 to allow Council's position to be put before VCAT. Given the current Yarra Planning Scheme, the planning officer's previous recommendation to issue a Notice of Decision is upheld.

Other Strategic Matters

5. The only planning matter for Council to consider (having regard to the current Yarra Planning Scheme) are the proposed buildings and works and waiver of car parking. The proposed use as a food and drinks premise/café does not require a planning permit as it is an "as-of-right" use under Clause 34.01 of the Yarra Planning Scheme.
6. Since the matter was deferred, a number of Councillors and community members have highlighted the importance of this open space for a number of community events, and as a gathering place for the general community on a day to day basis but not for a profit activity (ie: Lions Club, Cancer Council of Victoria, Richmond Primary School, Yarra Primary School, Local Creches etc).
7. Further to the previous report and recommendation, the following additional information is provided:

Melbourne 2030

8. Council is currently undertaking strategic work to update the Municipal Strategic Statement (MSS) and Council's Activity Centres Policy to ensure they are consistent with Melbourne 2030 and the community's needs.

9. The following policies are relevant to this application:

Policy 5.1 Promote good urban design to make the environment more liveable and attractive.

Policy 5.2 Recognise and protect cultural identity, neighbourhood character and sense of place.

Policy 5.6 Improve the quality and distribution of local open space and ensure long-term protection of public open space.

10. The above policies encourage and confirm that sites such as the subject land is one of cultural significance to the City of Yarra, and should be protected for the long-term use. However, this land is difficult to protect as the site is not public open space, but privately owned. As such, until such time as Council leases or acquires this land, any proposal on this site should ensure that there remains unfettered access of the area for the general public/pedestrians, remains as a focal meeting point for the community and provides for community activities that are not for profit organisations. In doing this, Council will be consistent with Melbourne 2030.

Bridge Road Masterplan

11. The draft Bridge Road Masterplan (prepared by Tract Consultants Pty Ltd 28 October 2003) was heard at the Planning & Community Development Committee on 4 May 2004 where it was resolved that the Masterplan be adopted.
12. Pursuant to Element 4.11 Private Open Space, this particular site is nominated and it implies that:
- “Council should investigate acquisition of the parcel of land at the corner of Church Street & Bridge Road. It is well located to provide a public plaza, and already well utilised by the community and commuters. This space also provides an opportunity for public art.”*
13. It is further noted that this space could assist in providing the much needed space to augment the very narrow footpaths.
14. Pursuant to Element 5.1.3 (Temporary Gallery), the land is identified as an opportune site to locate a glass display case to provide a gallery space for changing displays or work by local artists and community groups.

Conclusion

15. Having regard to the above, it is evident that the current Yarra Planning Scheme does not have regard to unique sites such as the subject land (and it has not been updated to ensure it is consistent with Melbourne 2030). Therefore, the only basis for consideration are the proposed buildings and works and waiver of car parking in association with the use of a food and drink premise/cafe.
16. It is noted however that Council has recognised the importance of this site for the general community. It has adopted the Bridge Road Masterplan acknowledging the site as private space and suggested that the most desirable future use of the land remain as public open space for the general public and local community groups.

17. Until such time as Council's Municipal Strategic Statement and Activity Centres Policy are updated to be consistent with Melbourne 2030 and Council's Bridge Road Masterplan, there is no planning basis to refuse this application. Therefore the supporting recommendation remains unchanged.

RECOMMENDATION

18. That having considered all objections and relevant planning documents, a Notice of Decision to Grant a Planning Permit be issued for 285A Bridge Road, Richmond for a Change of Use to Food and Drink Premises, including buildings and works, partial demolition, and waiver of car parking subject to the following conditions:
1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) canopy to be a muted, heritage-related colour and to have a matt finish;
 - (b) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures.
 2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
 3. No more than 31 patrons are to be seated on the premises at any one time.
 4. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
 5. The use must only operate between the hours of 6.00 am - 11.00 pm on any day.
 6. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
 7. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

- Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.
- Note: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.
- Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.
- Note: These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.
- Note: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.

Submissions

Mr John Glossop addressed the Committee on behalf of the Applicant.

Mr James Martakis also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Meadows **Seconded:** Councillor Sekhon

That a Notice of Refusal to Grant a Permit for 285A Bridge Road, Richmond, be issued, based on the following reasons:

1. The proposal fails to respond to the Municipal Strategic Statement, in particular, clause 21.05-4 (Retailing and Activity Centres), clause 12.05-5 (Open Space), and clause 21.05-6 (Community Facilities).
2. The proposal does not enhance the space as a 'community hub' and will remove the use of the space as a community facility.
3. Approval of the proposal will have a significant social effect on the local community.
4. The proposal is contrary to the Melbourne 2030 direction regarding sense of place, cultural identity and protection of local open space.

CARRIED

- Attachment 1 – Original report – 285A Bridge Road, Richmond**
- Attachment 2 – Subject Land 285A Bridge Road, Richmond**
- Attachment 3 – South & East Street Elevation**
- Attachment 4 – Café Elevations & Details**
- Attachment 5 – Proposed Site Plan**

Attachment 1

285A Bridge Road, Richmond – Planning Permit Application No. PL03/1068 (Change of use to food and drink premises, including buildings and works, partial demolition, and waiver of car parking).

Proposed Use/Development:	Change of use to food and drink premises, including buildings and works, partial demolition, and waiver of car parking
Existing Use:	Vacant
Applicant:	Louis Nehme
Zoning and Overlays:	Business 1 Zone, Heritage Overlay, Design and Development Overlay and Public Acquisition Overlay.
Relevant YPS Controls:	Settlement (clause 14); Heritage (clause 15.11); Economic Development (clause 17); car parking and Public Transport Access (clause 18.02); Design and built form (clause 19.03); Urban design (clause 21.05-1); Retail and Activity Centres (clause 21.05-4); Heritage Conservation (clause 21.05-7); Transport and Access (clause 21.05-8; clause 22.02 Development guidelines for heritage places; Retail Centres Policy (clause 22.04); Business 1 Zone (clause 34.01); Heritage Overlay (clause 43.01); Car parking (clause 52.06)
Date of Application/s:	22 October 2003
Application No/s:	PL03/1068

The Proposal

1. It is proposed to construct a café to use as a food and drink premises, and waive the car parking requirement associated with the use. Specific details are as follow:

Use

- (a) the café would provide snacks, take-away food and drinks (coffee, juice, etc), and convenience goods (newspapers, cigarettes, etc.);
- (b) proposed hours of operation will be between 6.00 am – 11.00 pm, seven days a week;
- (c) there would be a maximum of four staff at any one time;
- (d) seating would be for 31 patrons, and a bench top (without seating) would be provided at the rear of the adjacent existing tram stop;
- (e) car parking is being waived for the 31 patrons as no car parking can be provided on site;
- (f) no liquor license is being sought as part of this application;

Attachment

Works

- (g) the existing concrete would be painted over/sealed;
- (h) a 0.4m wide bench top would be constructed behind the existing tram shelter for a length of 3.6m, with a clearance of approximately 1m from the ground;
- (i) the existing planter box and tree in the middle of the site would be maintained, with removal of approximately 240mm of brickwork and a new top on the planter box constructed around the tree. Eight new seats (bench style) would be fixed to the concrete around the table;
- (j) the café building itself would be a semi-permanent structure. It is proposed to be a steel and timber relocatable building and would be placed in the north-west corner of the site. The café will have a maximum height of 4.1m;
- (k) attached to the café building would be a permanently fixed, clear, canopy that would be erected over part of the site, with a minimum clearance of 3m. The canopy would be located approximately 6m from Church Street, and 2m from Bridge Road at its closest point;

Other details

- (l) four moveable tables with four seats to each table would be provided and put away at the end of each day. Each table would also be provided with an umbrella;
- (m) a moveable table of seven seats would also be provided and put away at the end of each day; and
- (n) a total of nine car parking spaces are required to be waived.

Existing Conditions

Subject Site

2. The site is located on the north-west corner of Bridge Road and Church Street, Richmond. The area is currently used as a walk-through/open space and has some vegetation in the north-west corner of the site as well as seating and a planter box in the middle of the property. The land has a frontage of 14.02m to Bridge Road, with a 1.72m long splay at the corner of Bridge Road and Church Street, with a further 8.89m frontage to Church Street. In total, the land is approximately 141sqm.

Surrounding Land

3. The surrounding area is predominantly commercial/retail in use and is located within the Bridge Road commercial precinct. Buildings in the area are generally double storey, Victorian premises and can be described more specifically as follows:

North: is the ANZ bank which is a single storey, brown brick building built to all boundaries, beyond which is a laneway and the Richmond Plaza.

Attachment

East: is Church Street, with single and two storey commercial buildings on the opposite side, built boundary to boundary.

South: to the immediate south is Bridge Road, with commercial properties fronting Bridge Road on the opposite side.

West: is a two storey, brick building used for retail purposes. The building is built to 100 per cent site coverage, as are buildings further to the west.

Planning Controls

Zoning & Overlay Controls

Business 1 Zone (clause 34.01-4)

4. A planning permit is required under clause 34.01-4 of the Yarra Planning Scheme for buildings and works. A food and drinks premise is a Section 1 use, and therefore no permit is required for the use.

Heritage Overlay (clause 43.01), Design and Development Overlay (43.02) and Public Acquisition Overlay (clause 45.01)

5. A planning permit is required under clauses 43.01-1 (Heritage Overlay), 43.02-4 (Design and Development Overlay), and 45.01-1 (Public Acquisition Overlay) of the Yarra Planning Scheme for buildings and works including partial demolition.

Car parking (clause 52.06)

6. A planning permit is required for the waiver of car parking requirements under Clause 52.06-1 of the Yarra Planning Scheme.

State Planning Policy Framework (SPPF)

Clause 14 Settlement

7. The objective is:

“to ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses”.
8. The proposed use as a food and drinks premises (café) is consistent with the Business 1 zoning of the land.

Attachment

Clause 15.11 Heritage

9. The objective is:

“to assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria’s image and making a contribution to the economic and cultural growth of the State”.

10. The proposed external changes to the building are generally consistent with this clause subject to the materials and colours of the proposed canopy. This will be discussed later in this report.

Clause 17 Economic Development

11. The objective of clause 17.01 Activity Centres is:

“to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community”.

12. The objective of clause 17.02 Business is:

“to encourage developments which meet community’s needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities”.

13. The proposal supports the objective as it utilises a candidate site for redevelopment and by providing a use to the community that is consistent with the purposes of the zone.

Clause 18.02 Car parking and Public Transport Access to Development

14. The objective is:

“to ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas”.

15. The site is located in an existing activity centre, which can be accessed by all modes of transport (i.e. trams along Bridge Road and Church Street and access to public car parks).

Attachment

Clause 19.03 Design and built form

16. The objective is:

“to achieve high quality urban design and architecture that: reflects the particular characteristics, aspirations and cultural identity of the community; enhances livability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts”.

17. The proposed buildings and works are generally consistent with this clause subject to the heritage materials and colours concerns. In any event, the proposal will improve and upgrade the appearance of the land.

Metropolitan Strategy (Melbourne 2030)

18. The Department of Infrastructure has released the draft Metropolitan 2030 Strategy providing direction for future growth and development within Greater Melbourne. The strategy outlines nine key policy directions. In broad terms, the directions comprise objective statements which are aimed at achieving the desired results. These statements can be summarised as:

- (a) protecting established residential areas;*
- (b) continuing urban consolidation in and around activity centres;*
- (c) promoting good urban design;*
- (d) providing for directional growth corridors well serviced by transport and facilities;*
- (e) promoting growth of regional cities;*
- (f) protecting rural productivity;*
- (g) protecting green wedges of Melbourne;*
- (h) improving community safety;*
- (i) protecting the economic functions of the city;*
- (j) promoting the key role of Melbourne City as a Capital City;*
- (k) providing for better transport links;*
- (l) providing for well located affordable housing;*
- (m) improving environmental responsibility and protecting environments; and*
- (n) providing for more efficient public transport usage and links.*

LPPF (MSS and Local policies)

19. Clause 21.04 of the Municipal Strategic Statement outlines a vision relating to the desired development and land use outcomes for the municipality.

Key strategies include:

- (a) maintain 19th Century character;*
- (b) limit development within established residential areas to protect character and amenity;*
- (c) facilitate a shift in the City's the economic base to service business; and*
- (d) diverse and sustainable business mix.*

Attachment

Element 1 Urban Design Framework clause 21.05-1

20. Relevant objectives of this strategic element are:
- (a) *“an urban fabric that maintains the City’s prevailing nineteenth century heritage character;*
 - (b) *a City with a human scale achieved through the careful consideration of built form, design treatments, infrastructure and landscaping;*
 - (c) *streetscapes that maintain a consistent scale and rhythm where site consolidation or redevelopment occurs;*
 - (d) *retail centres with a distinct sense of individuality; and*
 - (e) *innovative contemporary architecture that is environmentally responsive, relates to the streetscape and is energy efficient”.*
21. The proposal represents an acceptable form of commercial development in a retail strip, and is generally consistent with the nature of the Heritage Overlay subject to some modifications.

Element 4 Retailing and Activity Centres clause 21.05-4

22. Clause 21.05-4 sets out the objectives for Yarra’s traditional strip shopping centres and identifies the role and function of each centre. Bridge Road is noted as having the following retail function and identity:
- “community and local convenience level shopping/specialist retailing (fashion and household goods)/business services”.*
23. It is considered that the proposal would continue to provide local convenience level shopping/services. The proposal is not a destination use (i.e. people will not travel from outside the area just to use the premises), and therefore it will be generally used by and will cater for local people.

Element 7 Heritage Conservation clause 21.05-7

24. The subject site is also identified as being within a heritage area on the Heritage Conservation Framework Plan.
25. Relevant objectives of this strategic element are:
- (a) *conservation of places of aesthetic, archaeological, architectural, cultural, historical, scientific and social significance which reflect Yarra’s historic development;*
 - (b) *a heritage that is understood and appreciated by an informed community; and*
 - (c) *a coordinated and informed approach to heritage conservation by management organisations, property owners and the wider community”.*

Attachment

26. The proposed application satisfies these criteria and policy as the site has no structure on it at present, and would not obscure the immediate heritage building to the west. Further, the temporary/relocatable nature of the building on land that has been designated for road widening will ensure that the proposal is clearly identifiable from heritage buildings in the area and can be removed at a later date.

Element 8 Transport and Access clause 21.05-8

27. Relevant objectives of this clause include:
- (a) *contain future growth of vehicle traffic through the Municipality;*
 - (b) *increase reliance on the arterial road system by through traffic in preference to use of the local street network;*
 - (c) *reduce the reliance on the private motorcar and encourage the use of alternative transport modes, at both the local and metropolitan levels;*
 - (d) *reduce the impacts of traffic to achieve environmental improvements in terms of reduced noise, improved air quality, increased safety and enhanced visual appearance; and*
 - (e) *achieve high standards of personal safety, comfort, reliability and convenience, in relation to all modes of transport”.*
28. It is considered that the subject site satisfies the relevant objectives as it is located in a strategic position, which can be accessed by all modes of transport.

Clause 22.02 Development Guidelines for Heritage Places

29. Clause 22.02 of the Yarra Planning Scheme relates to Development Guidelines for Heritage Places, and applies to all land included within a heritage overlay. Within the local policy the relevant guidelines include:
- (a) *to conserve Yarra’s unique cultural heritage to ensure its future conservation and continued relevance to the community;*
 - (b) *to promote the City’s heritage;*
 - (c) *to conserve the historic quality of heritage places through careful consideration of proposed additions and works; and*
 - (d) *to ensure that new development respects the scale, height and setbacks of streetscapes of cultural heritage significance.*
30. The Development Guidelines for Heritage Places provides objectives relevant to heritage and new development. In relation to this proposal the following objectives are relevant:
- (a) *to conserve Yarra’s unique cultural heritage to ensure its future conservation and continued relevance to the community;*
 - (b) *to retain significant view lines and vistas of sites of cultural heritage significance and to the low rise surrounding Victorian skyline; and*
 - (c) *to conserve the historic quality of heritage places through careful consideration of proposed additions and works.*

Attachment

31. The proposal will not result in the disruption of significant view lines within the precinct given that it is set well back from the corner of the site and is a recessive element in the streetscape in both height and setbacks.
32. Council's Heritage Adviser has no objection to the proposal other than that the canopy is to be a muted colour and have a matt finish. The proposed buildings and works are considered to meet the criteria outlined in clause 22.02.

Clause 22.04 Retail Centres Policy

33. Council's Retail Centres Policy is contained within clause 22.04 of the planning scheme. This policy applies to retail centres identified on the retail and activity centres plan in the MSS. The policy generally states the following:

"retail activities in Yarra are generally located in strip shopping centres which exhibit varying but distinctive characteristics along their length. The MSS seeks to promote the defined role and character of these individual centres. Guidance is required on the preferred locations of different types of retail activity along the length of the strip shopping centres in order to implement this strategy".

34. The subject site is located within an identified Activity Centre under the Local Framework Plan and therefore is in a preferred location for a commercial/residential use.

Other policies

Town Planning Parking Policy (September 2001)

35. A draft planning policy was adopted in September 2001 which specified car parking rates for land uses, which are more suitable for inner city environs.
36. Relevant objectives are:
 - (a) *"to provide functional parking at realistic rates that are appropriate to the attributes of the site and the broader neighbourhood;*
 - (b) *to preserve the amenity of residential and commercial areas; and*
 - (c) *to provide a consistent framework for the consideration of applications to reduce or waive car parking".*
37. The Town Planning Parking Policy specifies that for an entertainment use operating in the evening, the parking generation rates are 0.3 spaces per patron.

Advertising

38. The application was advertised by two signs on site and 33 letters sent to surrounding owner and occupiers. Six objections were received, and the grounds of objection are summarised as:
 - (a) use of space required for public (students, elderly, Lion's club, etc);
 - (b) use of site will narrow footpaths;
 - (c) toilet block and kitchen are unhygienic;

Attachment

- (d) car parking should not be waived as area is already under provided;
 - (e) deliveries to café will obstruct traffic;
 - (f) viewlines will be affected by café;
 - (g) use of café will interfere with tram stop;
 - (h) another café use is inappropriate and jeopardize/compete with other such uses;
 - (i) noticeboard will not be visible/available; and
 - (j) works will reduce visibility of adjacent building and are inappropriate for heritage area.
39. Following advertising a consultative meeting was held on the 11 February 2004 at the Richmond Town Hall facilitated by the Dispute Settlement Centre and attended by objectors and the applicant. No consensus was achieved.

Referrals

40. The application was referred to VicRoads which had no objection to the proposed café.
41. The application was also referred to Council's Heritage Advisor who had no objections to the buildings and works other than that the clear canopy should be a heritage related colour with a natural (matt) finish.

Planning Considerations

Use

42. Pursuant to the Business 1 Zone, a Food and drink premises is an 'as of right' use and therefore by definition is appropriate in this location. Planning permission is only required for the proposed buildings and works and waiver of car parking requirement.

Buildings and Works

43. The proposal is considered to meet the requirements of clause 22.02 (Development Guidelines for Heritage Places) given that the works are contemporary, will not be confused with original historic fabric and will not visually dominate a heritage place or street in terms of size, height or location.
44. The proposal avoids blank walls, does not obscure any viewlines to heritage buildings or their features and respects the context of the adjacent heritage building to the west. The only building the proposal will partly obscure is the ANZ bank to the north, which is a 70's building and has no heritage significance.
45. Therefore, subject to the canopy being of heritage related colour with a natural (matt) finish, the proposed buildings and works satisfy the Heritage Guidelines contained at clause 22.02 of the scheme and are supported by Council's Heritage Adviser.

Attachment

Waiver of car parking

46. The proposed development consists of a food and drinks premises along Bridge Road/Church Street. As the site contains no area for car parking, given its land locked position, all car parking must be waived for any development of the site.
47. Under the Planning Scheme, the development is not defined and therefore under clause 52.06-1, an adequate number of car spaces must be provided to the satisfaction of the Responsible Authority. Given Yarra's inner city location, Council has formulated its own car parking policy to provide for a realistic number of car spaces. Under Council's policy, the use would require 0.3 car parking spaces for each patron. Therefore a total of 9.3 car parking spaces would be required.
48. Dispensation of car parking is governed by considerations contained in clause 52.06 of the Yarra Planning Scheme. Clause 52.06-1 states:

Before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to:

- (a) *"any relevant parking precinct plan;*
 - (b) *the availability of car parking in the locality;*
 - (c) *the availability of public transport in the locality;*
 - (d) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
 - (e) *any car parking deficiency or surplus associated with the existing use of the land;*
 - (f) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement;*
 - (g) *local traffic management;*
 - (h) *local amenity including pedestrian amenity;*
 - (i) *an empirical assessment of car parking demand;*
 - (j) *any other relevant consideration".*
49. In light of the above considerations, it is submitted that parking dispensation for the use is appropriate as the site is located on a major intersection with two tram stops right in front of the site which provides excellent public transport opportunities.
50. It can be argued that the land has an implied car parking credit due to the number of people who already sit and use the area. Nonetheless, the use is not considered to be a destination use (i.e. people will not travel to come to this use specifically), and patrons will already be located within Bridge Road for shopping (grocery/services/fashion). Therefore there will be a sharing of car spaces for multiple uses.

Attachment

51. The waiver is also justified, as there is no possibility of providing car parking on site given the location of the intersection. In addition, even if a vehicle crossover could be provided this would reduce pedestrian amenity.
52. Most importantly, Council's own policies seek to reduce reliance on car parking particularly given that the site is well serviced by public transport with tramlines along Swan and Church Streets. It is therefore appropriate that the car parking requirement be waived particularly as VCAT has held on numerous occasions that it does not accept that individual premises should be solely responsible for provision of parking and that parking should not be used as a reason to refuse a development which otherwise meets core strategic objectives.

Additional Objector Concerns

53. Objectors raised the following additional concerns that need to be addressed:
 - (a) use of space required for public (students, elderly, Lions club, etc).
54. The subject site is not public land, it is private land owned by VicRoads which has been reserved for future road widening. Until such time as this occurs, the land will continue to be leased by various tenants. As such, it is not a public space/area designated or protected from development.
 - (b) use of site will narrow footpaths.
55. The existing footpaths will remain unaffected by the proposal. The proposal will be confined within its title boundaries. It is noted that whilst a fence can be legally constructed around the perimeter of the site, the applicant has chosen not to do this to ensure an easy pedestrian flow through the café which is considered a good response to this corner location. This is supported by the fact that there are clear movement aisles through the site and the closest structure to Church Street is setback 2.76m from the footpath. In addition, there is a 2.1m setback from the Bridge Road footpath.
 - (c) toilet block and kitchen are unhygienic.
56. This is not a planning issue for consideration. The proposal will comply with both building and health regulations.
 - (d) car parking should not be waived as area is already under provided.
57. This issue has been previously addressed.
 - (e) deliveries to café will obstruct traffic in this report.
58. By virtue of the location of the site, the only opportunity for loading/unloading of goods will be from either Bridge Road or Church Street in spaces specifically designated for loading/unloading. This is acceptable and is the same situation for many businesses fronting Bridge Road.
 - (f) viewlines will be affected by café.

Attachment

59. This is not a planning issue for consideration however view lines to the heritage building to the west will be maintained as the cafe is only single storey (as opposed to the two-storey heritage building), is setback 3.45m from the front of the building, and view lines to this building are already obscured by the existing tram stop.
- (g) use of café will interfere with tram stop.
60. The existing tram stop will remain unaffected by the proposal because the café will be located to the rear of the tram stop and will therefore cause no interference.
- (h) another café use is inappropriate and jeopardize/compete with other such uses.
61. Competition is not a planning issue for consideration. The Business 1 zoning of the land clearly indicates that the proposed use is appropriate as it does not require planning approval.
- (i) notice board will not be visible/available.
62. This is not a planning issue for consideration. The local community have in the past benefited from the existing noticeboard however, as it is located within private land and does not have a planning permit, it will be removed by the owner of the land.
- (j) works will reduce visibility of adjacent building and are inappropriate for heritage area.
63. It is not considered that the proposal would dramatically reduce visibility of adjacent buildings. Further, both adjacent premises front either Bridge Road or Church Street with entrances/exits directly from the street and not from the subject site, hence its identification will remain clear. As discussed earlier, the building to the north is of no heritage significance, and the building to the west is already obscured by the existing tram stop.

Conclusion

64. Assessment of this application is limited to the proposed buildings and works and the waiver of car parking associated with the land use. It is considered that the proposed buildings and works are generally consistent with the local planning policy relating to heritage places and that the likely car parking demand generated by the land use is similar if not less than adjoining premises in the area.
65. It is considered that the proposal is generally consistent with the strategic objectives supporting such development within commercial areas (as contained in the SPPF and LPPF), and the realistic application of heritage and car parking requirements. In this context, the development is considered worthy of Council support.

Attachment

RECOMMENDATION

66. That having considered all objections and relevant planning documents, a Notice of Decision to Grant a Planning Permit be issued for 285A Bridge Road, Richmond for a Change of Use to Food and Drink Premises, including buildings and works, partial demolition, and waiver of car parking subject to the following conditions:
1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) canopy to be a muted, heritage-related colour and to have a matt finish;
 - (b) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures.
 2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
 3. No more than 31 patrons are to be seated on the premises at any one time.
 4. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
 5. The use must only operate between the hours of 6.00 am - 11.00 pm on any day.
 6. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
 7. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Attachment

- Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.
- Note: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.
- Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.
- Note: These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.
- Note: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.

Contact Officer: Lia Crowder
Title: Senior Statutory Planner
Tel: (03) 9205 5372

ATTACHMENT 2

SUBJECT LAND: 285A Bridge Road, Richmond



↑ North

- Subject Site
- Objectors

ATTACHMENT 3

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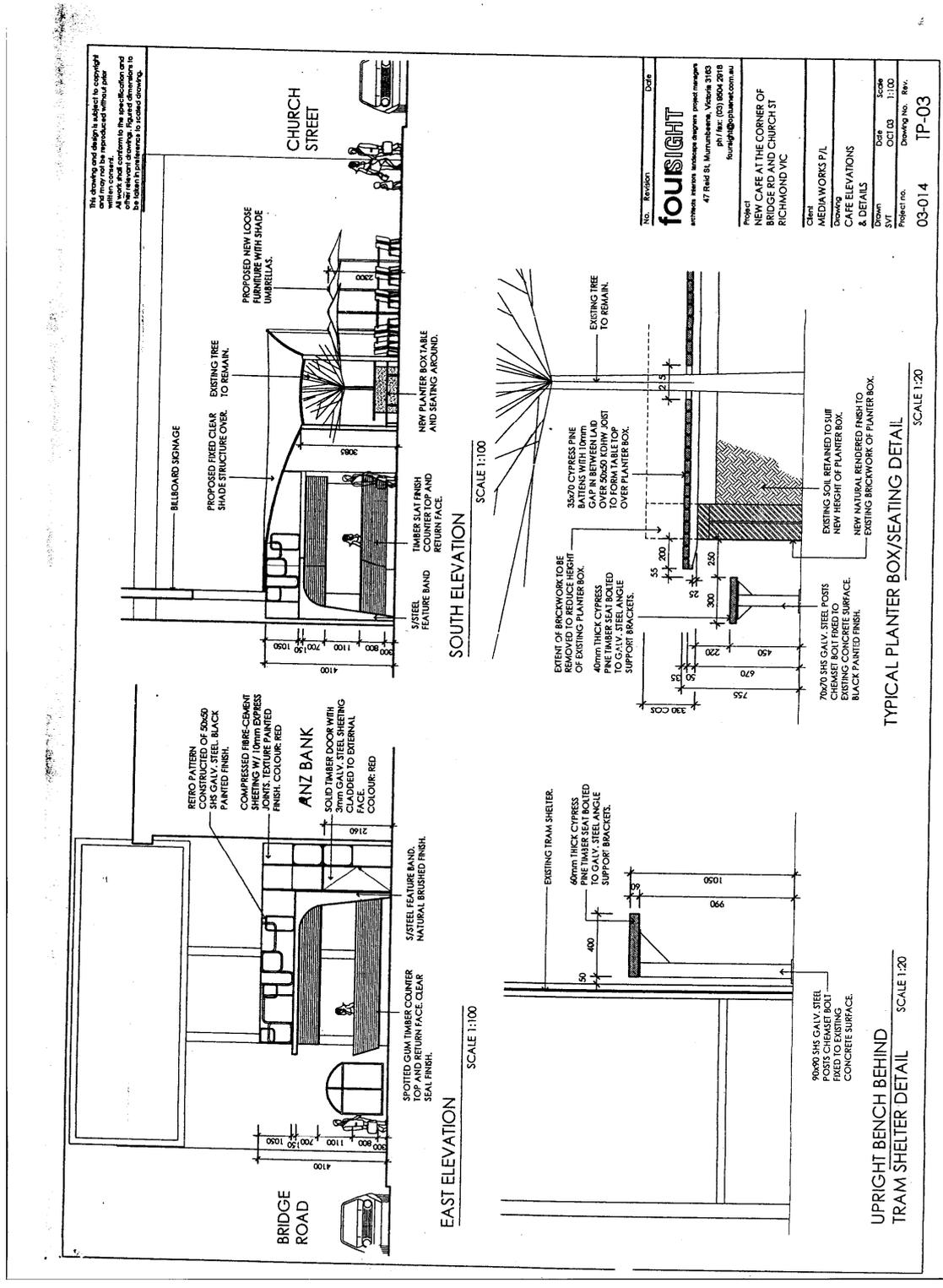
No.	Revision	Date
fourSIGHT architects, interior designers, project managers 47 Riald St, Murrumbidgee, Victoria 3103 ph / fax: (03) 9504 2919 fourSIGHT@optusnet.com.au		
Project NEW CAFE AT THE CORNER OF BRIDGE RD AND CHURCH ST RICHMOND VIC		
Client MEDIAWORKS P/L		
Drawing SOUTH & EAST STREET ELEVATION		
Drawn	Date	Scale
SVT	OCT 03	1:100
Project no.	Drawing No.	Rev.
03-014	TP-02	

EAST (CHURCH ST) ELEVATION
SCALE 1:100

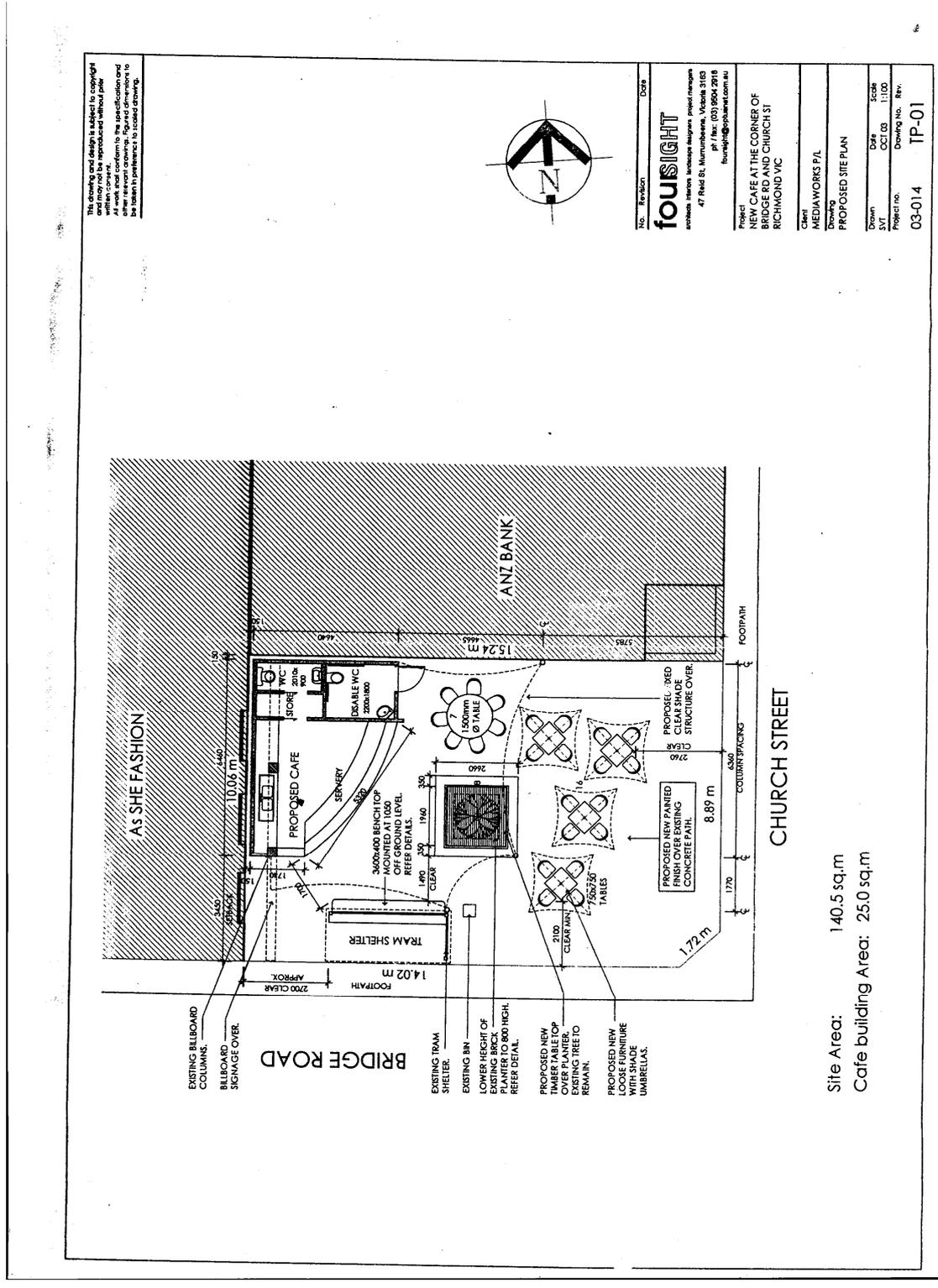
SOUTH (BRIDGE ROAD) ELEVATION
SCALE 1:100

Labels in drawing include: ANZ BANK, BRIDGE ROAD, CHURCH STREET, BILLBOARD SIGNAGE, PROPOSED FRED CLEAR SHADE STRUCTURE OVER, EXISTING TRAM SHELTER, PROPOSED NEW LOOSE FURNITURE WITH SHADE UMBRELLAS, EXISTING TREE TO REMAIN, PROPOSED FRED CLEAR SHADE STRUCTURE OVER, BILLBOARD SIGNAGE, STEEL FEATURE BAND, EXISTING TRAM SHELTER, NEW PLANTER BOX TABLE AND SEATING AROUND.

ATTACHMENT 4



ATTACHMENT 5



4. Supplementary Report: 170-176 Victoria Street, Richmond – Planning Permit Application No. PL03/0330 (Buildings and works associated with the construction of a shop, waiver of the car parking requirement pursuant to clause 52.06 and the waiver of the loading facilities pursuant to clause 52.07).

Proposed Use/Development:	Construction of a shop, waiver of car parking requirement, waiver of loading bay facilities
Existing Use:	Part retail
Applicant:	Bill Jacobs Pty Ltd
Zoning:	Business 1 Zone
Relevant YPS Controls:	<p><i>State Planning Policy Framework:</i> Business (clause 17.02); Car Parking and Public Transport Access to Development (clause 18.02); Design and Built Form (clause 19.03).</p> <p><i>Local Planning Policy Framework:</i> MSS – Vision (clause 21.04); Urban Design Framework (clause 21.05-1); Retailing and Activity Centres (clause 21.05-4); Retail Centres Policy (clause 22.04).</p> <p><i>Zoning and Overlay Provisions:</i> Business 1 Zone (clause 34.01);</p> <p><i>Particular Provisions & Decision Guidelines:</i> Car Parking (clause 52.06); Loading and Unloading (clause 52.07).</p> Decision Guidelines (clause 65).
Date of Application/s:	17 March 2003
Application No/s:	PL03/0330

Details

1. This item was deferred from the Internal Development Approvals Committee (IDAC) meeting of 28 April 2004, to allow Council to seek legal advice regarding the construction against existing on boundary windows (associated with adjoining building at 178 Victoria Street located on the western title boundary).
2. In summary Council received the following advice regarding the issue:
 - (a) Council is not empowered to determine whether the building at 178 Victoria Street has a right to light. If such a legal right exists, it is a question of property law;
 - (b) if such rights do benefit 178 Victoria Street, it is incumbent on 178 Victoria Street to take action to protect those rights, if they are threatened. It is purely a private rights dispute, not a dispute in respect of which Council has any power to become involved to the assistance of either party.

- (c) Council is not prohibited from issuing a planning permit where a consequence may be the need for 178 Victoria Street to undertake works (or obtain dispensations) in order to meet the building regulations; and
- (d) the level of reinstatement of windows that the applicant would be required to provide is not a relevant matter to the determination of the planning application by Council.

Conclusion

- 3. Further to the above, it is recommended that the report and conditions as printed in IDAC of 28 April 2004 stand and that the proposal is considered worthy of Council support.

RECOMMENDATION

- 4. That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of buildings and works and waiver of car parking requirement associated at 170-176 Victoria Street, Richmond subject to the following conditions/grounds:
 - 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) nomination of storage for refuse for the tenancy;
 - (b) the deletion of the roller shutter door along the Victoria Street frontage and replacement with window and door glazing to match the existing three shops located on the subject site;
 - (c) the reconfiguration of the car park so that a splay with a minimum dimension of 2.6 metres is provided on the south-west corner of the subject site;
 - (d) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures (colour samples to be provided);
 - (e) provision of a minimum of 15 onsite car parking spaces to the satisfaction of Council's Engineering Department; and
 - (f) reinstatement of redundant crossover to Victoria Street.
 - 2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - 3. The amenity of the area must not be detrimentally affected by the use or development, through (a) The transport of materials, goods or commodities to or from land; (b) The appearance of any buildings, works or materials; (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or (d) The presence of vermin.

4. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
5. All disused vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at the full cost of the applicant.
6. Lighting is to be provided in the right of way and car parking area to the satisfaction of the Engineering Services Unit.
7. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
8. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
9. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

Note: All future occupiers of the development approved under this permit will not be permitted to obtain parking permits.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Meadows **Seconded:** Councillor Sekhon

That the recommendation be adopted.

CARRIED

NOTE: This Item is subject to a Notice of Rescission received on 10 June 2004, in accordance with Council's Meeting Procedure Local Law. The Rescission Motion will be considered at the IDAC meeting on 23 June 2004.

- Attachment 1 – Original report – 170-176 Victoria Street, Richmond**
- Attachment 2 – Subject Land 170-176 Victoria Street, Richmond**
- Attachment 3 – Existing Conditions Plan / Elevations**
- Attachment 4 – Proposed Shop Development**

Attachment 1

170-176 Victoria Street, Richmond – Planning Permit Application No PL03/0330 (Buildings and works associated with the construction of a shop, waiver of the car parking requirement pursuant to clause 52.06 and the waiver of the loading facilities pursuant to clause 52.07).

Proposed Use/Development:	Construction of a shop, waiver of car parking requirement, waiver of loading bay facilities
Existing Use:	Part retail
Applicant:	Bill Jacobs Pty Ltd
Zoning:	Business 1 Zone
Relevant YPS Controls:	<p><i>State Planning Policy Framework:</i> Business (clause 17.02); Car Parking and Public Transport Access to Development (clause 18.02); Design and Built Form (clause 19.03).</p> <p><i>Local Planning Policy Framework:</i> MSS – Vision (clause 21.04); Urban Design Framework (clause 21.05-1); Retailing and Activity Centres (clause 21.05-4); Retail Centres Policy (clause 22.04).</p> <p><i>Zoning and Overlay Provisions:</i> Business 1 Zone (clause 34.01);</p> <p><i>Particular Provisions & Decision Guidelines:</i> Car Parking (clause 52.06); Loading and Unloading (clause 52.07).</p> Decision Guidelines (clause 65).
Date of Application/s:	17 March 2003
Application No/s:	PL03/0330

Background

1. Planning Permit Application No. 000696 was issued on the 4 December 2000 for buildings and works and a waiver of car parking requirements at 170-176 Victoria Street, Richmond.
2. That planning permit allowed for the demolition of the existing building and the construction of a single storey building to be used as three separate shops. The site also provided 11 car parking spaces with access via the right of way located to the west of the subject site. A total of 312.5 square metres of floor area was approved. The overall height of the development is 4.13 metres above ground level. This permit has been acted on and the buildings and works has been completed.

Attachment

The Proposal

3. It is proposed to construct a new single storey commercial building. Details include:
 - (a) the removal of three on-site car parking spaces and associated crossover in Victoria Street;
 - (b) the construction of a shop with a frontage of 4.1 metres to Victoria Street located between premises 3 of 170-176 Victoria Street and the adjoining shop at 178 Victoria Street, Richmond;
 - (c) the shop will have a floor area of 105 square metres;
 - (d) the shop will have a roller shutter door to the Victoria Street frontage and a aluminium canopy to match the existing canopy of the existing three shops located on the subject site;
 - (e) the canopy will have an overall height of 3.7 metres with an approximate clearance of 3.1 metres above the footpath and a width of 1.9 metres;
 - (f) direct pedestrian access will be provided to the rear car park; and
 - (g) the overall height of the building will be 4.13 metres which will match the existing three shops located on the subject site.

Existing Conditions

Subject Site

4. The greater portion of land is located on the southern side of Victoria Street between Lennox and Church Street, Richmond. It has a frontage to Victoria Street and 15.24 metres frontage to the ROW located to the west of the subject site. The overall site area is approximately 826.4 square metres. The subject site is the eastern most portion of the site located between 'shop' and 178 Victoria Street. It has a frontage of 4.1 metres to Victoria Street.
5. Currently constructed on 170-176 Victoria Street are three shops with floor areas of 73, 89.3 and 127.9 square metres. The shops have no setback from the Victoria Street frontage and abut the western title boundary. The shops have a depth of 17.5 metres.
6. Vehicular access to the rear car parking area is obtained from the right of way located to the west of the subject site. The rear car park provides 15 car parking spaces. Also located within the rear car park is a communal toilet for the three premises.
7. Currently located between premises 3 of 170-176 Victoria Street and the adjoining shop at 178 Victoria Street are three tandem car parking spaces with vehicular access from the rear car park. Double gates are located along the Victoria Street frontage.
8. The land is generally flat and devoid of any significant vegetation.

Attachment

Surrounding Land

9. The subject site is located within the commercial activity strip of Victoria Street, Richmond. The built form is a variety of single and double storey.
10. Located directly north of the subject site is Victoria Street. Further north of the subject site is the Baker's Arms Hotel on the corner of Victoria Street and William Street.
11. To the west of the subject site is a right of way which provides access to the right of way servicing the rear of shops fronting Victoria Street. Further west of the right of way are a variety of single and double storey built form most commonly used as shops however it is to be noted that there is also office and shop top dwellings in the locality.
12. To the south of the subject site is a right of way and further south is the periphery of the Elizabeth Street housing commission property.
13. To the east of the subject site is a single storey shop with frontage to Victoria Street retailing Asian food/groceries. Further east of the shop located at 178 Victoria Street, Richmond is a variety of single and double storey buildings mostly accommodating shops but also offices and shop top dwellings.

Planning Controls

Zoning & Overlay Controls

14. The subject land is situated in a Business 1 Zone and adjacent to a Road Zone.

Business 1 Zone (clause 34.01)

15. Pursuant to clause 34.01-1 of the Yarra Planning Scheme, no planning permit is required to use the premises for a shop or an office. Therefore no consideration can be given to the appropriateness of the use or the restriction of operating hours.
16. Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.

Car Parking (clause 52.06)

17. Pursuant to clause 52.06, a shop requires 8 car spaces per 100m² of floor area. The application proposes no addition car parking and seeks approval for the further reduction of on site car parking. A planning permit is required to waive the parking requirement.

Attachment

Loading and Unloading (clause 52.07)

18. Pursuant to clause 52.07 of the Yarra Planning Scheme, loading bay facilities must be provided for buildings that manufacture, store or sell goods and materials. A planning permit may waive the loading bay requirements if the site is prohibitive.

Road Zone - Category 1 (clauses 36.04 & 52.29)

19. Pursuant to clause 52.29, a permit is required to create or alter access to a road in a Road Zone, Category 1. Any application requiring a planning permit pursuant to this clause must be referred to VicRoads under Section 55 of the *Planning and Environment Act 1987*. As no vehicle access is proposed, no planning permit is required pursuant to clause 52.29.

Melbourne 2030 (Planning for Sustainable Growth)

20. In October 2002, the Department of Infrastructure released the draft Metropolitan Strategy providing direction for future growth and development within Greater Melbourne. The strategy outlines nine key policy directions. Relevant in the consideration of this application is:
- (a) Key Direction 1 'A More compact City' (selected relevant policies):
 - (i) *'build up activity centres as a focus for high quality development, activity and living for the whole community';* and
 - (ii) *'broaden the base of activity in centres that are currently dominated by shopping to include a wider range of services over longer hours, and restrict out-of-centre development'.*
 - (b) Key Direction 5 'A great place to be' (selected relevant policies):
 - (i) *'promote good urban design to make the environment more liveable and attractive'.*
 - (c) Key Direction 8 'Better transport Links' (selected relevant policies):
 - (i) *'promote the use of sustainable personal transport options'.*
21. Victoria Street Richmond is listed as a Major Activity Centre (one of five throughout the City of Yarra). The proposed single storey retail building is well located in terms of transport links and would assist the long-term viability of the Victoria Street activity centre.

State Planning Policy Framework (SPPF)

22. The proposed development responds to the particular requirements contained within the State Planning Policy Framework (SPPF) of the Yarra Planning Scheme. The following is a discussion of relevant extracts of the SPPF.

Attachment

Clause 17.02 Business

23. Pursuant to clause 17.02 – Business, it is an objective of planning to:
- (a) *“To encourage developments which meet community’s needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.”*
24. The proposal is consistent with the objectives of clause 17.02 as they relate to the location of commercial uses. It is considered the proposed use is appropriately located within this section of Victoria Street.

Clause 18.02 Car Parking and Public Transport access to development:

25. Pursuant to clause 18.02 – Car Parking and Public Transport access to development, it is an objective of planning to:
- (a) *“To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of the surrounding areas.”*
26. By implementing this objective consideration should be given to all modes of transport including walking, cycling, public transport, taxis and private vehicles (passenger and freight) in providing access to new developments.
27. The proposal is consistent with the objectives of clause 18.02 as the site is located in a commercial area, which is in close proximity to a range of transport modes. A detailed discussion of the proposed car parking waiver is provided in later sections of this report.

Clause 19.03 Design and Built Form:

28. Pursuant to clause 19.03 – Design and Built Form, it is an objective of planning to:
- (a) *“To achieve high quality urban design and architecture that:*
- (i) reflects the particular characteristics, aspirations and cultural identity of the community;*
- (ii) enhances liveability, diversity, amenity and safety of the public realm; and*
- (iii) promotes attractiveness of towns and cities within broader strategic contexts”.*
29. In implementing this objective, development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Attachment

30. The scale, massing and siting of the proposed building is considered appropriate within the existing streetscape context, particularly as the building has been designed to match the existing three premises located on the subject site.
31. It is however considered that the provision of a roller shutter door along the Victoria Street frontage eliminates opportunity for an active frontage and subsequently it is recommended on any planning permit issued that the shop frontage be provided with window and door glazing to match that of the existing three premises located on the subject site and surrounding properties. This planning issue will be discussed in further detail in the 'Planning Consideration' section of this report.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

32. Clause 21 of the Yarra Planning Scheme contains Council's MSS. The MSS provides the strategic planning framework for planning, land use and development within the City of Yarra.

Clause 21.04 – Vision – Strategic Framework

33. Clause 21.04 sets out the Vision for the City of Yarra. Relevant strategic objectives include:
- (a) *enhanced liveability of the city; and*
 - (b) *strengthened local economy.*
34. The objective of 'Enhanced Liveability', details that Yarra will be further developed as a City which enhances the quality of life for its residents and visitors through an attractive, functional and harmonious urban environment where:
- (a) *increasingly high standards of urban design and residential amenity are achieved; and*
 - (b) *the quality of the 'public domain' is enhanced.*
35. The objective of 'A Strengthened Local Economy' details that Yarra will develop a competitive local economy and sustained employment opportunities based on comparative advantage, new investment and enterprise growth – a City where:
- (a) *a diverse and sustainable business mix is established;*
 - (b) *a competitive operating environment for business is provided; and*
 - (c) *new investment facilitates 'urban renewal' and improves urban quality.*
36. Key Strategies, which underpin the MSS and the achievement of this future 'Vision' include:

Attachment

- (a) *maintain the 'mixed land use' character of the City, both at a broad municipal level and in localised areas, to promote sustainability in urban form, and maintain Yarra's distinctive and vibrant urban character;*
- (b) *reinforce established road and public transport networks which offer high levels of accessibility, whilst working to moderate the negative impacts and reliance upon car based travel; and*
- (c) *reinforce the City's defined hierarchy of retail centres to meet the shopping needs of local communities, whilst capitalising on 'niche' retail and entertainment roles presenting as a major competitive strength in the local economy.*

37. The proposal accords with the provisions of clause 21.04 of the MSS, as it will ensure that a diverse and sustained business mix is established, whilst facilitating new investment.

Clause 21.05 – Strategic Elements

38. Clause 21.05 sets out strategic elements for development within the City of Yarra. The relevant strategic elements of this clause are Element 1 – Urban Design Framework, Element 4 – Retailing and Activity Centres and Element 8 – Transport and Access.

Element 1: Urban Design Framework (clause 21.05-1)

39. Selected relevant objectives of (clause 21.05-1) Element 1- Urban Design Framework include:

- (a) *a City with a human scale achieved through the careful consideration of built form, design treatments, infrastructure and landscaping innovative contemporary architecture that is environmentally responsive, relates to the streetscape and is energy efficient;*
- (b) *streetscapes that maintain a consistent scale and rhythm where site consolidation or redevelopment occurs;*
- (c) *retail centres with a distinct sense of individuality;*
- (d) *innovative contemporary architecture that is environmentally responsive, relates to the streetscape and is energy efficient; and*
- (e) *people spaces and foci that provide a safe, attractive and vibrant public domain and a sense of community.*

40. Relevant strategies to achieve these objectives include:

- (a) *ensure new development contributes positively to the urban character and amenity of Yarra through:*
 - (i) *maintaining the human scale of the City; and*
 - (ii) *ensuring new development achieves a high level of amenity and preserves the amenity of neighbouring properties.*
- (b) *plan the City around the community through:*
 - (i) *creating public spaces and user friendly foci within developments.*

Attachment

41. The proposal meets the provisions of clause 21.05-1 - Element 1 – Urban Design Framework as the proposed building bulk, scale and front setback are consistent with other buildings within Victoria Street.
42. The redesign of the Victoria Street frontage to incorporate glazing similar to the shops already located on the subject site can be facilitated by planning permit condition without compromising the overall concept of the building.

Element 4 – Retailing and Activity Centres (clause 21.05-4)

43. The subject site is identified as being within Speciality Retail on the Retailing and Activity Centres Framework Plan. In particular Victoria Street should cater for community and local convenience level shopping/specialist retailing and restaurant activity (Asian theme).
44. Relevant objectives are:
 - (a) *enhanced long term viability of strip centres;*
 - (b) *centres which continue to meet the ‘convenience’ and ‘weekly’ shopping needs of local communities;*
 - (c) *improved access to ‘comparison’ shopping and ‘specialty’ retail facilities within Yarra;*
 - (d) *enhancement of the individualised character of each centre, reflective of retail ‘identity’, and heritage and cultural influences;*
 - (e) *high levels of accessibility via enhanced public transport facilities, and provision of safe and convenient pedestrian and bicycle environments;*
 - (f) *sufficient and appropriately located car parking; and*
 - (g) *functioning of centres which minimises amenity impacts on adjoining residential areas, particularly from parking demand, noise and late night trading.*
45. The proposed shop use is consistent with the function of this part of Victoria Street and would help maintain the function of the commercial strip. However given the individual ownership of the shops along Victoria Street careful consideration needs to be given to the potential commercial impact, particularly from parking demand, rubbish collection and right of way network.

Element 8 – Transport and Access (clause 21.05-8)

46. This part of Swan Street is identified as being a secondary arterial road on the Transports and Access Framework Plan (car based).
47. Relevant objectives of this strategic element include:
 - (a) *contain future growth of vehicle traffic through the Municipality;*
 - (b) *minimise the use of roads of predominantly residential land use by heavy vehicles; and*
 - (c) *reduce the reliance on the private motor car and encourage the use of alternative transport modes, at both the local and metropolitan levels.*

Attachment

48. The proposal does not adversely impact on the existing road networks servicing the site. All vehicular access will be obtained from the right of way along the west side of the subject site. Additionally, existing vehicular access from Victoria Street will be removed due to the construction of the shop.

Local Planning Policies: clause 22.04 – Retail Centres Policy

49. The objective of this policy is:
- (a) *to promote the defined roles of individual retail centres in accordance with the Retail and Activity Centres Framework Plan in the MSS.*
50. Relevant policy includes:
- (a) *shops are encouraged to locate at ground level within the Core Retail Areas of major centres as defined on the Retail and Activity Centres Framework Plan in the MSS;*
- (b) *retail and restricted retail activities are discouraged from locating outside of retail areas designated on the Retail and Activity Centres Framework Plan in the MSS; and*
- (c) *only retail activities serving localised community needs should locate in Local Convenience Retail Strips designated on the Retail and Activity Centres Framework Plan in the MSS.*
51. The proposal is consistent with the defined roles of the Retail and Activity Centres Framework plan which identifies the site as being within a Speciality retail area.

Other Policies

Town Planning Parking Policy (September 2001)

52. Relevant objectives are:
- (a) *to provide functional parking at realistic rates that are appropriate to the attributes of the site and the broader neighbourhood;*
- (b) *to preserve the amenity of residential and commercial areas;*
- (c) *to provide a consistent framework for the consideration of applications to reduce or waive car parking; and*
- (d) *to provide a consistent framework for the consideration of applications to reduce or waive car parking.*
53. The Town Planning Parking Policy specifies a shop requires 4 car spaces per 100m² of floor area. Total requirement is therefore reduced to 4 spaces (shop floor area of 105m² x 0.04 = 4).

Attachment

Advertising

54. The application was advertised pursuant to *Planning and Environment Act 1987* by direct mail to neighbouring landowners and occupiers and by three signs displayed on the north, west and south title boundaries. Ten objections have been received citing the following grounds:
- (a) the application undermines Council's previous decision regarding Planning Permit 000696 issued on the 4 December 2000 which was for three shops to be located on the subject site and designated car parking in the proposed location of the new shop;
 - (b) the new car parking space will obstruct the accessway to the right of way along the southern title boundary;
 - (c) fire safety associated with limited access to the rear right of way; and
 - (d) collection of rubbish will be hampered.

Referrals

55. The application was referred to Council's Engineering Services Unit.

Engineering Services Unit:

56. The plans were referred to Council's Engineering Services Unit for comment. A summary of its response follows:
- (a) the proposed corner space would need to be removed in order to maintain a splay in the south-west corner of the subject site;
 - (b) the removal of the redundant vehicle crossing in Victoria Street would create an additional on-street car parking space;
 - (c) the car parking report provided with the application by GTA Consultants suggests that the car parking generation rate would be approximately four car parking spaces per 100 square metres;
 - (d) the on-site car parking spaces would most likely provide sufficient car parking for staff;
 - (e) using the rate of four car parking spaces to each 100 square metres would generate a car parking requirement for the entire site of 16 car spaces;
 - (f) the site would provide 15 car parking spaces on-site;
 - (g) Victoria Street has one hour parking restrictions which caters for customer turnover particularly as visitors would visit more than one destination along Victoria Street; and
 - (h) no objection to the waiver of car parking.

Planning Considerations

57. The proposal demonstrates broad consistency with fundamental SPPF and LPPF objectives. The principal issues for consideration is the waiver of the car parking requirement, impact on the commercial activity along Victoria Street and the appropriateness of the buildings and works.

Attachment

Urban Design

58. Council's MSS encourages innovative contemporary architecture, which makes a positive contribution to the street. The proposed roller shutter door is an inappropriate material treatment to the Victoria Street streetscape. Consequently, it is recommended that a condition be placed on any planning permit issued requiring that the front façade to the building be altered so as to incorporate glazing. The provision of glazing along this façade will improve the appearance of the building and will also allow for an active frontage facilitating on going surveillance and observation opportunities.
59. The scale and bulk of the proposed building is appropriate. The proposed building maintains the scale and rhythm of the streetscape, by introducing a building, which would be built to the street boundary at height that is comparable to the two adjoining buildings.
60. It is also noted that built form in this location is normally simple in nature and detailing with further details regarding materials, colours and finishes will be requested as a planning permit condition.
61. The height of the proposed building at 4.13 metres will also be appropriate. This height will also match the three existing shop premises currently located on the subject site.

Loading and Unloading

62. Clause 52.07 of the Yarra Planning Scheme requires that premises that manufacture, stores or sells goods and materials must be provided with a loading bay of particular dimension.
63. When the other three shop premises were approved on the 4 December 2000, it was considered unnecessary to provide a formal loading and unloading area. The proposed shop has direct pedestrian access to the rear car park and therefore it is considered appropriate to allow loading and unloading to occur within the rear car park.
64. On any planning permit issued, it is also recommended that a condition be placed requiring that a formal refuse area be provided.

Car Parking Waiver

65. The purpose of Car parking (clause 52.06) is to ensure adequate car parking facilities are provided conveniently located and well designed to not adversely impact on the amenity of pedestrians and other road users. Use of public transport as an alternative to private vehicles use is strongly encouraged.
66. Clause 52.06-1 details that before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified.

Attachment

67. Pursuant to clause 52.06, a shop requires eight car spaces per 100m² of floor area. The requirement for the additional 105 square metres shop would be 8.4 car parking spaces.
68. No additional car parking spaces will be provided. Additionally, it is noted that three existing on-site car parking associated with the three existing shops will be made redundant.
69. In order to consider whether the subject site will have sufficient car parking given that there would be four shop premises, the total floor area of all four shops will need to be considered. This amounts to 417.5 square metres.
70. Using clause 52.06, 33.4 car parking spaces would be required.
71. Councils Car Parking Policy was adopted in September 2001 and provides for rates that are more realistic for uses in inner city areas. The Town Planning Parking Policy specifies a shop requires 4 car spaces per 100m² of floor area. Total requirement is therefore reduced to 16.7 spaces.
72. The subject site can potentially provide 15 car parking spaces. The waiver is then further reduced to 0.7 car parking spaces given that one on-site car parking spaces will be reinstated due to the removal of the existing crossover in Victoria Street.
73. Given the multi-purpose trip nature of Victoria Street, the availability of public transport in the locality and the existing parking restrictions in Victoria Street which encourage customer turnover, the required waiver of 0.7 car parking spaces is not considered critical to the orderly planning of the site and surrounding area.
74. As such, the proposal is considered to accord with the provisions of clause 52.06 – Car Parking. A condition on the planning permit will require a minimum of 15 on site car parking spaces.

Amenity

75. The proposed shop will be constructed along part of the eastern title boundary and part of the southern title boundary. Consequently, the proposed buildings and works will be constructed against existing windows of premises 3 of 170-176 Victoria Street, Richmond and the shop at 178 Victoria Street. Six windows will be covered up of the shop at 178 Victoria Street and five windows will be covered up of the premises 3, 170-176 Victoria Street.
76. The windows of the shop at 178 Victoria Street have been constructed along the title boundaries and these windows have no legal access to light from the subject site. Council is therefore unable to restrict development on the subject site due to the location of the windows for the building at 178 Victoria Street.
77. It is further noted that the building at 178 Victoria Street is single storey and if additional light is required other than from the north facing shop front, the building has the opportunity to obtain light through skylights.

Attachment

78. Similarly, premises 3 of 170-176 Victoria Street can obtain additional light from skylights, if required.

Right of Way Access

79. Many of the objections that Council received regarding the proposed development related to the removal of the existing splay on the south-west corner of the subject site. Traffic Engineering's comments reiterate that the splay at the south-west corner of the property should be maintained so that access and safety to the rear right of way located in an east west direction behind the shops on the southern side of Victoria Street will continue to be achieved.
80. It is recommended on any planning permit issued that amended plans be prepared to show that the 2.6 metres wide splay as being maintained in the south-west corner of the site.

Conclusion

81. Approval of this application provides an appropriate balance between the strategic objectives supporting such development (as contained in the SPPF and LPPF). The proposed retail building is located within an Activity Centre and in close proximity to various transport modes. The car parking waiver is acceptable having regard to the constraints of the site and the limited impact on the existing traffic conditions. In this context, the development is considered worthy of Council support.

RECOMMENDATION

82. That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of buildings and works and waiver of car parking requirement associated at 170-176 Victoria Street, Richmond subject to the following conditions/grounds:
1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) nomination of storage for refuse for the tenancy;
 - (b) the deletion of the roller shutter door along the Victoria Street frontage and replacement with window and door glazing to match the existing three shops located on the subject site;
 - (c) the reconfiguration of the car park so that a splay with a minimum dimension of 2.6 metres is provided on the south-west corner of the subject site;

Attachment

- (d) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures (colour samples to be provided);
 - (e) provision of a minimum of 15 onsite car parking spaces to the satisfaction of Council's Engineering Services Unit; and
 - (f) reinstatement of redundant crossover to Victoria Street.
2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. The amenity of the area must not be detrimentally affected by the use or development, through (a) The transport of materials, goods or commodities to or from land; (b) The appearance of any buildings, works or materials; (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or (d) The presence of vermin.
 4. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
 5. All disused vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at the full cost of the applicant.
 6. Lighting is to be provided in the Right of Way and car parking area to the satisfaction of the Physical Services Unit.
 7. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
 8. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
 9. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

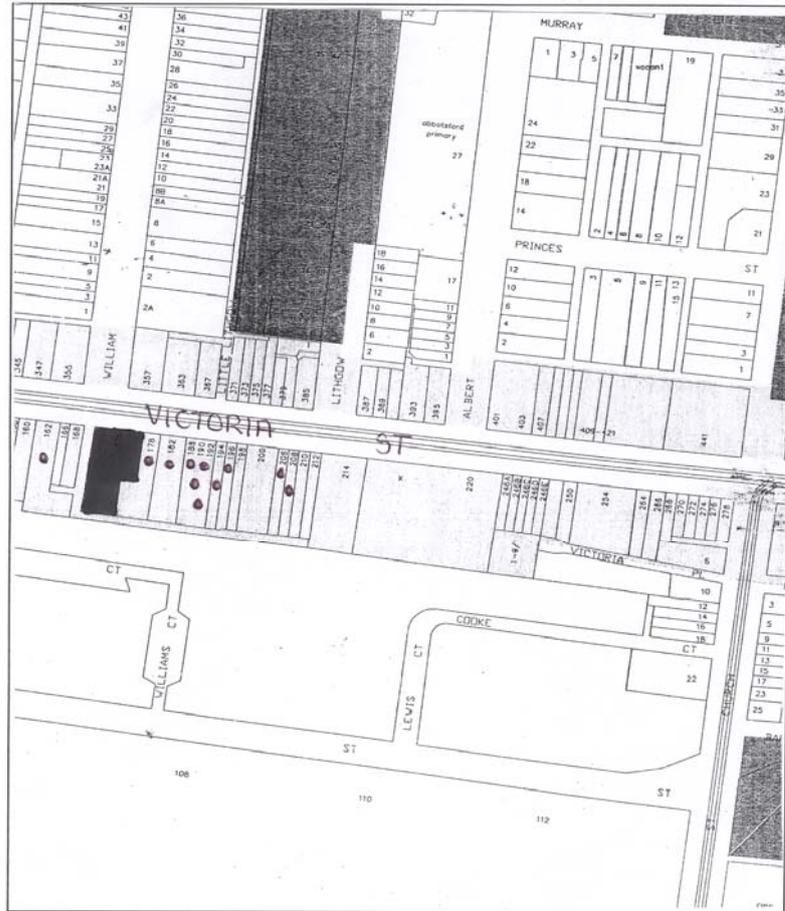
Attachment

- Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.
- Note: All future occupiers of the development approved under this permit will not be permitted to obtain parking permits.

Contact Officer: Cassandra McMaster
Title: Senior Statutory Planner
Tel: (03) 9205 5365

ATTACHMENT 2

SUBJECT LAND: 170-176 Victoria Street, Burnley



↑ North

- Subject Site
- Objectors

The meeting closed at 7.10 pm.

Confirmed at the meeting held on 23 June 2004.

Chairperson