



YARRA CITY COUNCIL

INTERNAL DEVELOPMENT APPROVALS COMMITTEE MEETING

AGENDA

**to be held on Wednesday 12 October 2011 at 6.30 pm
in the Reading Room at the Fitzroy Town Hall**

Rostered Councillor Membership

Councillor Stephen Jolly
Councillor Sam Gaylard
Councillor Dale Smedley

- I. ATTENDANCE**
Chris Harries (Senior Statutory Planner)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)**
- III. CONFIRMATION OF MINUTES**
That the minutes of the meeting of IDAC held on Wednesday 28
September 2011 be confirmed.
- IV. COMMITTEE BUSINESS REPORTS**

***"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.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the
cultural heritage of Yarra."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

Governance Branch

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

ITEM	PAGE	RECOMMENDATION
1. 444 – 452 Smith Street Collingwood – Planning Permit Application No. PLN11/0172 (Development of the land for a seven storey building comprising two shops (no permit required for the use as a shop) and 66 dwellings including a reduction of car parking and loading bay requirements).	5	7

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1. **444 – 452 Smith Street Collingwood – Planning Permit Application No. PLN11/0172 (Development of the land for a seven storey building comprising two shops (no permit required for the use as a shop) and 66 dwellings including a reduction of car parking and loading bay requirements).**
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Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 444 – 452 Smith Street, Collingwood. The report recommends approval of the application subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 11 – Settlement;
 - (b) Clause 13 – Environmental Risks;
 - (c) Clause 15 – Built Environment and Heritage;
 - (d) Clause 16 – Housing;
 - (e) Clause 17 – Economic Development;
 - (f) Clause 18 – Transport;
 - (g) Clause 19 – Infrastructure;
 - (h) Clause 21.04-1 – Accommodation and housing;
 - (i) Clause 21.04-2 – Activity Centres;
 - (j) Clause 21.04-3 – Industrial, office and commercial;
 - (k) Clause 21.05-2 – Urban design;
 - (l) Clause 21.05-3 – Built form character;
 - (m) Clause 21.06-1 – Walking and cycling;
 - (n) Clause 21.06-3 – The road system and parking;
 - (o) Clause 21.07-1 – Ecologically sustainable development;
 - (p) Clause 21.07-3 – Waterway quality;
 - (q) Clause 21.08 – Neighbourhoods;
 - (r) Clause 22.05 – Interface Uses Policy;
 - (s) Clause 22.07 – Development abutting laneways; and
 - (t) Clause 22.10 – Built Form and Design.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) policy;
 - (b) dwelling use;
 - (c) built form and design;
 - (d) on and off-site amenity impacts;
 - (e) ESD;
 - (f) parking, access and traffic; and
 - (g) objector concerns.

Objector Concerns

4. At the time of writing, eight objections had been received in the form of individual letters/submissions. The objections were based on the following grounds:

Design and Built Form

- (a) excessive height;
- (b) inappropriate architectural response;
- (c) inappropriate in the context of neighbourhood character;
- (d) development will dominate the skyline;
- (e) would set a precedent for other high rise development;

Traffic and Parking

- (f) the scale of the development would result in increased traffic congestion in local streets, particularly Mater Street;
- (g) inadequate provision of on-site car parking for residents;
- (h) traffic management issues (i.e. queuing of cars trying to get into car park as a result of car stackers);
- (i) vehicle movements will compromise pedestrian and cyclist safety;

On and off site amenity impacts

- (j) overlooking;
- (k) loss of privacy;
- (l) overshadowing;
- (m) loss of daylight; and

Operational matters

- (n) waste collection.

Conclusion

8. With the changes outlined in the recommendation section of this executive summary, it is considered that the redevelopment of the site would provide a good built form outcome within the Smith Street Major Activity Centre.
9. The proposal has strong strategic support and is considered to be a good planning outcome that assists in meeting housing need within the municipality. The proposal also provides a built form outcome that is of architectural design excellence and which minimises off-site amenity impacts. The site also meets the tests for Strategic Redevelopment Sites as articulated in the Municipal Strategic Statement. For these reasons it is considered that the proposed development should be approved subject to the following conditions.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit (PLN11/0172) for development of the land for a seven storey building comprising three shops (no permit required for the use as a shop) and 66 dwellings including a reduction of car parking and loading bay requirements 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 decision plans (Council date stamped 24 August 2011), but modified to show:

Building design

- (a) the east facing walls to units 307, 407 and 507 setback from the eastern boundary by an additional 3.4m with a commensurate increase in the setback of balconies/terraces associated with these units. These dwellings must also be converted to one (1) bedroom units;
- (b) the eastern wall of unit 606 setback from the eastern boundary by an additional 3.4m with a commensurate increase in the setback of the terrace;
- (c) all projections beyond the building line (including the canopy above the pedestrian entry on Mater Street) with a minimum overhead clearance 3m from the surface of the footpath;
- (d) details of all services (including air conditions and solar panels) confirming they will be screened from street view;
- (e) minimum 1.7m high opaque glazing, maximum 25% transparent screens or minimum 1.7m sill heights to balconies, terraces and habitable room windows, where necessary, to prevent internal overlooking within a 9m radius;
- (f) vertical articulation of floors 4 and 5 through a reveal or negative detail in front of the stairwell;
- (g) the tile elements to the south facing balconies at floors 4 and 5 redesigned using a material with a light weight appearance, or similar to the satisfaction of the Responsible Authority;
- (h) an updated materials and finished schedule;
- (i) the 'retail' areas clarified as 'shops';

Acoustic

- (j) all works (where relevant shown on the plans) recommended by the professional acoustic engineering report as required by condition 5;

ESD

- (k) external shading to the west and east facing windows, preferably external and operable;
- (l) windows that are to be operable to be shown on the plans;

Road works and traffic

- (m) a CCTV camera and monitor located within the vehicle entrance that is visible to drivers exiting the car park and that provides a view of the footpath of Mater Street east of the car park exit. The CCTV monitor and camera must be in accordance with the Traffic Management Plan required by condition 8 and to the satisfaction of the Responsible Authority.
- (n) the crossover with a minimum 1m lateral clearance from the adjacent power pole;

Car and bicycle parking facilities

- (o) a detailed layout of the bicycle storage area noting the number and type of storage racks with no more than 75% of the total racks being made of "Ned Kelly" storage units;
- (p) the bicycle parking dimensions meet Clause 52.34-4 of the Yarra Planning Scheme, or otherwise to the satisfaction of the Responsible Authority;
- (q) bicycle signage in accordance with clause 52.34-5 of the Yarra Planning Scheme;

Landscaping

- (r) landscape plan modified to detail:
 - (i) details of any necessary site preparation;
 - (ii) confirmation that landscaping will be completed before occupation;
 - (iii) a detailed planting schedule, including specific planting locations, species and densities; and
 - (iv) future maintenance for all landscaping.

Endorsed Plans

2. All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
3. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
4. All new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

Acoustic

5. Before the plans are endorsed, an acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must show how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (a) protect dwelling occupants with a direct interface to commercial tenancies, next to, or below, from associated commercial noise sources, including, but not limited to plant and equipment;

- (b) protect all dwelling occupants from external noise sources with specific regard to Smith Street and off-site commercial areas;
- (c) protect all dwelling occupants from external noise sources associated with vehicular traffic and trams on Smith Street; and
- (d) the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development.

Environmentally Sustainable Design Principles

6. Before the plans are endorsed, an amended Environmental Sustainability Report, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report prepared by Sustainable Development Consultants (Revision 2 dated March 2011), but modified to address the following:
 - (a) a modified screening strategy, generally in accordance with the submitted screening strategy for the west and east elevation windows, but modified to detail how all large east and west-facing windows will be provided with solar protection; and
 - (b) detail the use of water tanks for toilet flushing as well as irrigation.

Landscaping

7. All landscaping works must be carried out in accordance with the endorsed landscaping plan(s) prior to the occupation of the development and thereafter maintained to the satisfaction of the Responsible Authority.

Traffic Management Plan

8. Before any of the development is occupied, a Traffic Management Plan prepared by an appropriately qualified traffic consultant to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Traffic Management Plan will be endorsed and form part of this permit. The Transport Management Plan must address the following:
 - (a) the location and operation of the CCTV camera and monitor required by condition 1(f) and details of how it will provide adequate views of the Mater Street footpath east of the site; and
 - (b) car parking allocation as per the submitted Cardno Grogan Richards Report (22 August 2011).

General Parking Areas

9. Unless with the prior written consent of the Responsible Authority, no fewer than 40 car parking spaces and 27 bicycle parking spaces must be provided at all times to the satisfaction of the Responsible Authority.
10. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan, must be:
 - (a) designed, provided and completed to the satisfaction of the Responsible Authority before the development starts;

- (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) made available for such use at all times and not used for any other purpose;
 - (d) properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) drained and sealed with an all weather seal coat.
11. Prior to the occupation of any dwelling, car parking must be allocated in accordance with the Traffic Management Plan approved under condition 8.
 12. The car stackers must be installed by a suitably qualified expert in accordance with manufacture requirements and specifications.
 13. The car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

Access and Infrastructure

14. Any road(s), footpath(s) or other infrastructure adjacent to the development that is damaged as a result of the development authorised under this permit including trenching and excavation for utility service connections must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.
15. Any portions of redundant vehicle crossings must be broken out and removed and reinstated with kerbing and paving to match the surrounding area. The cost of these works must be borne by the permit holder and be undertaken and completed to the satisfaction of the Responsible Authority.
16. Existing footpath, kerb and channel, and road pavement surface levels must not be altered unless with the prior written consent of the Responsible Authority.

General amenity conditions

17. 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.
18. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Waste Management

19. Prior to the occupation of the development, a Waste Management Plan generally in accordance with the plan prepared by Wastetech Service (dated 2 August 2011) must be submitted to the satisfaction of the Responsible Authority. Once to Council's satisfaction, Waste Management Plan will then be endorsed and form part of this permit.

Construction

20. Before the development starts, a Construction Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include the following:
- (a) A pre-conditions survey (dilapidation report) of the subject site and all adjacent Council road frontages and nearby road infrastructure;
 - (b) Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (c) Protection works necessary for the retained section of St Crispin House building along Johnston Street, in accordance with Condition 14 of the permit;
 - (d) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (e) 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 the site;
 - (f) On-site facilities for vehicle washing;
 - (g) Methods for management of noise and general nuisance;
 - (h) Site security;
 - (i) Waste and stormwater treatment;
 - (j) Construction program;
 - (k) Preferred arrangements for trucks delivering to the site (note must be taken of the height restrictions associated with the railway overpass);
 - (l) Size of servicing trucks delivering to the site;
 - (m) Parking facilities for construction workers;
 - (n) Delivery and unloading points and expected frequency;
 - (o) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (p) An emergency contact that is available for 24 hours each day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (q) Traffic management measures to comply with the relevant provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
21. During construction, the following must occur to the satisfaction of the Responsible Authority:
- (a) Any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;

- (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) Vehicle borne material must not accumulate on the roads abutting the site;
 - (d) The cleaning of machinery and equipment must take place 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 disposed of responsibly;
 - (f) All site operations must comply with the EPA Publication TG302/92; and
 - (g) The permit holder must ensure that at all times, all construction workers and associated development staff are aware of condition 45.
22. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
23. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am – 6 pm, Monday-Friday (excluding public holidays) and 9 am – 3 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.

Department of Transport (conditions 24 and 25)

24. The permit holder must take all reasonable steps to ensure the disruption to the tram operation along Smith Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and the Director of Public Transport fourteen (14) days prior.
25. The permit holder must ensure that all truck, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost of the permit holder.

Melbourne Water (conditions 26 to 28)

26. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
27. Finished floor levels for the ground floor area including all retail areas, storage areas and lobby area must be a minimum of 300mm above the applicable flood level.
28. Finished floor levels of the ground floor parking including car stacker area, bike parking area and refuse area must be constructed 150mm above the applicable flood level.

Time limits

29. This permit will expire if any of the following occur:
- (a) The development is not commenced within two (2) years from the date of this permit;
 - (b) The development is not completed within four (4) years from the date of this permit;
 - (c) The dwelling use is not commenced within four (4) years from the date of this permit.

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

Notes:

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

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

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

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

The permit holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra's Building Services Unit.

Any storm water drainage within the property must be provided and connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to the satisfaction of the Responsible Authority in accordance with section 200 of the *Local Government Act 1989* and Regulation 610.

The proposed new vehicle crossings are to be constructed in accordance with the City of Yarra Standard Drawings and Specifications, all to the satisfaction of the Responsible Authority.

Written consent must be obtained from the Responsible Authority prior to the removal or relocation any ticket parking machines or related infrastructure associated with construction of the approved development.

All projections beyond the Building Line (balconies, verandahs, canopies, architectural features, etc) must have lateral and vertical clearances from any electrical poles, aerial lines or other assets/hardware. The clearances must comply with the *Electrical Safety (Network Assets) Regulations 1999*.

The Permit Holder is advised to investigate the implications of the easements that affect the site prior to the commencement of any works.

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

Melbourne Water notes:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 176812.

The graded flood line for the property is 22.1 metres to Australian Height Datum (AHD) at the west boundary (Smith Street) down to 21.3 metres to AHD at the east boundary.

CONTACT OFFICER: James Sutherland
TITLE: Senior Statutory Planning Officer
TEL: 9205 5046

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1. **444 – 452 Smith Street Collingwood– Planning Permit Application No. PLN11/0172 (Development of the land for a seven storey building comprising two shops (no permit required for the use as a shop) and 66 dwellings, including a reduction of car parking and loading bay requirements).**
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Land:	444 – 452 Smith Street, Collingwood
Proposal:	Development of the land for a seven storey building comprising two shops (no permit required for the use as a shop) and 66 dwellings, including a reduction of car parking and loading bay requirements
Existing use:	Shop
Applicant:	Innovative Constructions and Developments P/L
Zone / overlays:	Business 1 Zone, Business 2 Zone Special Building Overlay Design and Development Overlay (DDO13) Environmental Audit Overlay
Date of application:	9 March 2011
Application no:	PLN11/0172

Background

- The application was submitted on 9 March 2011 and following the submission of further information on 12 April 2011, was advertised to surrounding owners and occupiers by way of letters and three (3) signs. A total of eight (8) objections were received and subsequently Council undertook a public consultation meeting on 9 June 2011. The applicant, objectors and a Ward Councillor were present however no resolution was made.
- On 25 August 2011, the applicant submitted amended plans under Section 57A of the *Planning and Environment Act 1987 [the Act]*. These plans contained a number of changes addressing both Council and Melbourne Water concerns (primarily relating to floor levels of the ground floor) as well as including a number of voluntary alterations. In summary, the changes are as follows:
 - an overall increase in height of the proposed development by 520mm (from a maximum of 24.12m to 24.6m) as result of the Melbourne Water requirements which required a raising of the floor levels particularly to the front of the site;
 - the retail tenancies reconfigured from three (3) to two (2) tenancies, (a small reduction of floor area [21m²]). The inclusion of ramps within the Smith Street frontage to provide disabled access to the raised floor levels required by Melbourne Water;
 - deletion of three car parking spaces from 43 to 40 as a result of increased floor levels required by Melbourne Water.

The increase in height of the ground floor levels necessitated a new 1:8 ramp adjacent to the Mater Street entrance to achieve access to the new elevated floor level. The switch room was then relocated and resulted in the loss of three (3) on-site car spaces;

- (c) first and second floor balconies modified to Smith Street;
 - (d) modified side setbacks of the tower element (levels 3 – 6) from the property boundaries generally between 100mm and 400mm;
 - (e) decrease in the number of studio apartments from 26 to 18 and an increase in the number of one (1) bedroom apartments from 14 to 22 (no overall increase in the number of dwellings);
 - (f) deletion of seven (7) bicycle parking spaces (from 34 to 27). The statutory requirement under clause 52.34 is 21 spaces. The provision continues to exceed this requirement;
 - (g) alteration of the building façade including the following:
 - (i) additional glazing to a number of the balconies on the South Elevation (Mater Street frontage);
 - (ii) four small windows are deleted from levels 4 and 5 from the west elevation;
 - (iii) the slot windows have been deleted from levels 3 – 5 on the east elevation;
 - (iv) slight modification to the window sizes and their design to all elevations;
 - (v) additional vertical masonry panelling to levels 1 and 2 and also feature masonry material to levels 4 and 5; and
 - (vi) additional vertical louvers to the first and second floor of the west elevation (Smith Street frontage).
 - (h) additionally, the applicant notified Council that finished floor levels on the advertised plans had been noted incorrectly and have subsequently been corrected in the amended plans provided to Council. It is important to note that although finished floor levels were noted incorrectly, the overall building dimensions (in metres) were correct. Comprehensive comparison plans were provided by the applicant and demonstrate the errors.
3. The above changes were considered at Council's Development Assessment Panel and exempted from advertising as they would not cause material detriment to any person having regard to the overall scale and location of the proposal. However, Objectors have been provided with a list of changes and the amended plans (attached to invitations to attend Council's Internal Development Assessment Committee meeting) to ensure it was clear as to what the 'decision plans' entail.
 4. Given the plans have been formally amended they supersede the advertised plans and provide the basis for Council's assessment [**decision plans**].

Planning History

Planning History

5. The relevant planning permit history of the site is as follows:
 - (a) planning permit 92/137 was issued on 14 October 1992 for the installation of display windows;
 - (b) planning permit PL02/1289 was issued by Council on 7 April 2003 for buildings and works to the existing building;
 - (c) planning permit PL02/0286 for buildings and works to the existing building was withdrawn at the applicants request on 8 October 2002; and
 - (d) planning permit PL03/0072 was issued by Council on 9 April 2003 for business identification signage.

Existing conditions

Subject Site

6. The subject site is legally known as:
 - (a) Lot 1 on Title Plan 948397T;
 - (b) Lot 1 on Title Plan 248030U; and
 - (c) Lot 1 on Title Plan 948397T.

7. As shown in Figure 1 below, the subject land is located on the north-east corner of the intersection of Smith and Mater Streets, Collingwood. The site is of a mostly rectangular configuration, excluding irregular boundary lengths towards the north-east corner of the site. The site has a frontage to Smith Street comprising a length of 28.5m and a maximum length to Mater Street of 46.7m. The site has an east-west orientation and contains an area of approximately 1,286m². The site has a fall of roughly 1.0m from west to east.



Figure 1 – Aerial view of the subject site.

8. The site is presently occupied by a single storey commercial building utilised as a retail fashion factory outlet as shown in figures 2 and 3 below. The existing building is constructed to the street frontages and contains a render finish with parapet wall concealing the roof. A service yard/car parking area is provided on-site to the east of the building.
9. The subject site does not have any restrictive covenants registered on any relevant titles and the permit applicant has signed a declaration to this effect. However, it is noted that part of the sites northern boundary toward the front is contained in a carriageway easement. The applicant is aware of the easement and a note should be placed on any permit issued advising that appropriate investigations should be made before commencing construction on that part of the land.
10. It is also noted that part of the eastern end of the site contained an L shaped 'road' as shown on the relevant title (in addition to the 'road' further north which is a public laneway). The applicant has since provided Council with a copy of title for this 'road', which confirms this land has been acquired by the owner of the subject site.



Figure 2 – Western elevation of the subject site from Smith Street



Figure 3 – View of the southern elevation of the subject site from Mater Street

Surrounds

General

11. The site is located within the Smith Street Major Activity Centre [**MAC**], an important business and retailing strip centre within the City of Yarra. The MAC runs north-south from Alexandra Parade to Victoria Street and hosts a range of business types, including offices, manufacturing and local convenience shops. It is also interspersed with a number of dwellings.
12. Of the MAC, Clause 21.08-5 provides a useful description of its functions and built form:

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

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

13. The subject site sits between Johnson Street and Alexandra Parade and has a factory outlet focus. It is also relevant to note that this section of Smith Street, particularly north of the subject site, has been developed with modern buildings with highly mixed architectural styles. This northern precinct can be distinguished from other areas further south that retain a number of early buildings that are contained within the Heritage Overlay (it is noted that the subject site and those to the north fronting Smith Street are not).
14. Smith Street itself is a local road for the purposes of the Road Management Act and is primarily managed by Council. It provides a north-south connection linking the northern suburbs of Yarra with the inner area, intersecting with major arterials Alexandra Parade, Johnson Street and Victoria Parade.
15. The road has a shared function with parallel parking within the kerbside lanes and the No. 86 tram occupying the through lanes within the centre of the road. On each side of the road is a footpath that is approximately 3.0m wide. Dedicated pedestrian crossings are provided across Smith Street approximately 100m to the north of the subject site at the corner of Alexandra Parade as well as Johnston Street some 400m to the south.
16. The local roads surrounding the site, notably Mater Street and Westgarth Street, provide access into the surrounding residential areas east and west of Smith Street. Mater Street is a two-way road connecting Smith Street to Wellington Street, whilst Westgarth Street runs west crossing Napier Street and Brunswick Street before terminating at Nicholson Street. Emma Street is located to the east of the subject site and runs parallel with Smith Street between Alexandra Parade and Hotham Street and generally serves the rear of commercial lots behind Smith Street on its western side and dwellings on its eastern side.
17. On-street car parking is a combination of time restricted parking, permit zones and uncontrolled parking. Smith Street contains 2hr parking between 9.00 am and 4.00 pm or 5.00 pm. Mater Street contains a combination of 15 minute parking, 2 hour parking that becomes unrestricted in the evening. Emma Street is generally 2 hour parking 9.00 am – 5.00 pm Monday to Friday and a permit zone all other times. Westgarth Street contains generally 1 hour restrictions 9.00 am – 5.00 pm.

18. The area is well serviced by a number of transport options within an approximately 400m radius of the site. These include the No. 86 tram on Smith Street running between RMIT University in Bundoora and the Docklands via the CBD and bus routes 200, 201, 203 and 205 (CBD – Bulleen/Doncaster Shopping Town) and 207 (CBD – Donvale).
19. In addition to the above, the number 11 and 112 trams are located approximately 550m to the west along Brunswick Street and some 10 bus routes (primarily servicing the eastern suburbs) are located approximately 800m to the east on Hoddle Street. Victoria Park Station is also located to approximately 1km the east of the site and serves the Hurstbridge and Epping train lines.

North

20. To the north of the site is a modern single storey commercial building constructed of concrete, steel and glass. This building is built to all boundaries. Although of single storey construction, the building presents as two (2) storeys at its Smith Street frontage. The building is more contemporary than the subject building, but plays a similar role in housing retailing businesses. This site has a laneway providing access to the rear of the building. This lane is entered from Emma Street and also provides access to the subject site on its northern boundary.
21. North east of the subject site, across the laneway, is a large industrial/warehouse building that fronts Emma Street. This building is also built to all boundaries and is two storeys, but is in the order of three modern stories in height. This building is significant within Emma Street with a frontage of approximately 65m.

South

22. South of the site on the opposite corner of Mater Street and Smith Street is a two storey brick warehouse/retail building that is built to all boundaries. This building provides heavily signed shopfronts on Smith Street and two storey walls on Mater Street with a number of frosted windows at ground and first floor.
23. To the south east of the subject site fronting Mater Street is a single storey brick commercial warehouse with vehicle entry provided by a crossover and roller door. Further east is a single storey brick dwelling at the corner of Mater and Emma Streets. This dwelling is the first of those located in streets behind Smith Street in a low rise precinct that extends generally east to Hoddle Street, boarded to the north by Alexandra Parade.

East

24. To the east of the site is a single storey red brick church at the corner of Mater and Emma Streets. This building is presently utilised as a community hall and was built as a gospel chapel. It is noted that planning permit PL09/0476 was issued on 24 December 2009 for a various works and signage associated with the use of the land as an office. Existing conditions at this site suggest this permit has not yet been acted upon.

This lot also contains an open area on its western side directly abutting the subject site which currently appears as some type of garden. It is noted that this property is located within the Heritage Overlay and is graded as 'Individually significant' for the purposes of the Yarra Planning Scheme.

25. As noted above, further east of the site is a low rise residential precinct. Dwellings along Emma Street (eastern side) face toward the subject site, although direct views are generally obscured by existing buildings, save for views down the laneway from Emma Street that runs behind the church/chapel at the corner of Emma and Mater Street and behind some lots fronting Smith Street.

West

26. To the west of the subject site are commercial properties fronting Smith Street. These lots are occupied primarily by contemporary single storey buildings often containing large advertising signs. Further west behind the shops fronting Smith Street are low rise dwellings characteristic of Collingwood, many of which are contained within the Heritage Overlay.
27. To the south west of the site is a large two (2) storey brick building with a height of three (3) modern storeys. The building is included in the Heritage Overlay and is used as retail shops and offices.

Proposal

28. The application is for the use and development of the land for a seven (7) storey mixed use development comprising two ground floor retail tenancies and 66 dwellings and a reduction in the car parking and loading bay requirements of the Yarra Planning Scheme. Further details of the proposed use and development are as follows:

Use

- (a) two retail premises at ground floor Smith Street, ranging in size from 189sqm to 203sqm. A permit is not required to use the land as a shop as they are located with the Business 1 Zone;
- (b) 18 studio units, 22 one bedroom units and 26 two bed one-bed units between levels one 1 and 6;
- (c) ancillary residential floor space at third floor, including a roof terrace with shared garden area;

Built form and siting

- (d) full demolition of the existing building on the site (no planning permit required);
- (e) construction of a seven (7) storey building. The building will have an overall maximum height of 24.6m;
- (f) the building has a staggered setback from each frontage, generally as follows:

Ground floor

- (i) the building has a generally zero setback from all boundaries, with the exception of the pedestrian entry from Mater Street, which is inset from the boundary by some 1.4m for a width of 4.2m;

First floor

- (ii) balconies/terraces are generally built on the northern, southern and western boundaries fronting the laneway, Mater and Smith Streets respectively, whilst the walls behind are setback a maximum of 1.6m (west), 1.6m (south), 3.2m and 5.2m (north). The eastern side of the building is built along the boundary for a length of 24m;

Second floor

- (iii) balconies on southern side of the building fronting Mater Street are built on the boundary with walls being setback 1.4m. The western façade facing Smith Street has a similar configuration except dwelling walls are built to the boundary in the centre of the façade for a length of 7.2m. The development is constructed to the northern boundary for a length of 8.1m, with walls further east being setback 1.6m and 5.2m from the boundary. Balconies project 1.6m into these setbacks, adjoining the laneway to the north-east. The eastern side of the building is built on the boundary for a length of 24m;

Third floor

- (iv) this floor is the first of the 'tower' element. The building is set back 8.5m from the western, Smith Street frontage to provide a communal garden area. The southern side is staged with wall setbacks between 3.5m and 8.1m, whilst balconies are setback a minimum 1.8m from the boundary. The eastern side has terraces built to the boundary, with walls setback 3.5m and 3.6m behind. The northern side has balconies built to the boundary abutting the laneway and setting back some 3.3m further west. In the north-western corner, the building is built on the boundary for a length of 6.8m;

Forth floor

- (v) on the western side, the building is setback from the boundary between 7.7m and 10.5m (no balconies face directly west). On the southern side, balconies are setback from the boundary by between 1.9m and 5.3m, whilst walls are setback between 3.0m and 7.9m. The eastern boundary walls are setback between 3.2m and 5.8m, whilst the balcony associated with unit 407 is setback 2m from the boundary. Balconies on the northern side are built on the boundary abutting the laneway and setback 3.3m further west;

Fifth floor

- (vi) the western façade facing Smith Street is setback from the boundary by between 7.9m and 10.5m with no balconies directly orientated in this direction. The southern side has walls setback from the boundary by between 2.9m and 7.8m, whilst balconies are setback between 1.9m and 5.3m. The walls of the eastern side of the building are setback between 3.2m and 5.8m from the boundary, whilst the balcony associated with unit 507 is setback 1.9m. Balconies on the northern side are built on the boundary abutting the laneway and setback 3.3m further west

Sixth floor

- (vii) the walls of the proposed building are 11.9m from the western boundary, 7.0m from the southern boundary, 7.1m from the eastern boundary and between 1.6m and 5.2m from the northern boundary. Balconies on all sides typically encroach into these setbacks between 1.6m and 3.4m.
- (g) the building generally appears as a three storey podium built to all boundaries with a four storey tower element with greater setbacks at the third to sixth levels;
- (h) projecting green rectilinear architectural features encase the first and second floors on the Mater Street and Smith Street frontages delineating the podium and tower forms. An architectural feature connects the Mater and Smith Street frontages at their corner and projects over the second floor in an asymmetrical arch;
- (i) the building has strong horizontal lines and is articulated with the use of balconies and inset elements where corridors terminate or where lifts or stairwells are located;

General

- (j) each dwelling is provided with private open space in the form of a balcony or terrace, ranging between 5m² and 72m²;
- (k) a large area of communal open space (approximately 230m²) is provided at the third floor level facing Smith Street;

Access, parking, refuse storage and collection

- (l) vehicular access is provided to a car park at ground floor from a 5.8m wide crossover accessed off Mater Street;
- (m) provision of 40 car parking spaces for all uses in an independent stacker arrangement, including 38 spaces for the dwellings and two (2) for retail uses, no visitor car parking is proposed;
- (n) provision of 27 secure, resident bicycle parking spaces and 66 storage enclosures for the residential units at ground floor level;
- (o) provision of a residential lobby area from the Mater Street frontage;
- (p) provision of a secure bin enclosure accessed from the north of the ground floor car park;
- (q) the eastern end of the ground floor houses the vehicle entrance and services such as the substation, switch room and pump room;

Landscaping

- (r) provision of landscaping within the communal open space at third floor level roof level and to the north of the first floor terraces;

ESD features

- (s) achievement of a 6-Star House Energy Rating through the use of energy efficient building materials, heating and cooling systems and water catchment and reuse;
- (t) building design incorporating summer shading, and natural ventilation to apartments through operable windows and balcony and terrace overhangs to windows below;
- (u) solar boosted gas hot water system;
- (v) 12,000ltr of water tanks located below the communal garden for rubbish area wash down and irrigation;

External materials and finishes

- (w) a combination of rendered finishes, charcoal masonry tiles and ivory/green coloured metal panels, and high performance and clear glazing;
- (x) the Smith Street façade is delineated by a podium base boarded by projecting green metal panels that form a square around the first and second floors, whilst the asymmetrical architectural feature also in metal panels flows from the ground on at the northern side of the façade above and below the green boarder and around to the southern side on Mater Street. Slim vertical feature panels are located between floors one (1) and two (2) whilst the ground floor is predominantly constructed of clear glazing;
- (y) when viewed from Smith Street, the tower element is segmented into two definable sections, separated vertically by a deep glazed cut-out and is punctuated by window and balcony elements. The upper levels are distinguished from the floors below with the use of dark tiling and a simpler finish, resulting in a more subdued form;
- (z) the Mater Street façade is also delineated by a podium base boarded by green metal. Towards the Smith Street corner the asymmetrical architectural feature flows down from the top of the second floor to the pedestrian entrance to the dwellings. Generally, the Mater Street façade is formed of balconies with clear glazed or tiled balustrades and numerous windows at all levels; and
- (aa) the north and west elevations continue to break the building into podium and tower forms, through the use of materials and colours (green to the lower three (3) floors and charcoal tiles to the upper levels).

Planning ControlsZoning

29. Figure 4 below shows that two zones affect the land, the Business 1 Zone and Business 2 Zone. It is noted that the proposed shops are located in the Business 1 Zone and the dwellings are located within the Business 1 and Business 2 Zone. The proposed buildings and works are located in both zones.

36. Schedule 13 – Emma Street Precinct outlines a preferred character, design objectives and principles as well as decision guidelines. The decision guidelines in respect of DDO13 include:
- (a) the design, height and visual bulk of the development in relation to surrounding land uses and built form;
 - (b) the acoustic protections of the development in relation to surrounding land uses;
 - (c) the impact of the proposal on the street environment for pedestrians along street frontages; and
 - (d) the effect of the development on any building of architectural or heritage significance.

Special Building Overlay [SBO]

37. Pursuant to clause 44.05-1 of the Scheme, a planning permit is required to construct a building or to construct or carry out works.
38. Pursuant to clause 44.05-5, an application must be referred to the relevant floodplain management authority under Section 55 of the Planning and Environment Act. In this case Melbourne Water is the floodplain management authority. Melbourne Water's comments are addressed later in this report.

Environmental Audit Overlay [EAO]

39. Pursuant to clause 45.03 of the Scheme, the rear eastern end of the site is located within an EAO. Clause 45.03-1 sets out that before a sensitive use (including a residential use) 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 in accordance with Part IXD of the Environmental Protection Act 1970, or*
 - (b) *An environmental auditor appointed under the Environmental Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
40. Given that the development includes a residential use, the aforementioned requirements apply. As this is not a permit trigger, this requirement of the Scheme should be conveyed in the form of a permit notation.

General and Particular Provisions

41. The following general provision of the Scheme is relevant:

- (a) Clause 65: Decision Guidelines

Decision Guidelines

42. Pursuant to clause 65 of the Scheme, before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:
- (a) *the matters set out in Section 60 of the Act;*

- (b) *the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- (c) *the purpose of the zone, overlay or other provision;*
- (d) *any matter required to be considered in the zone, overlay or other provision;*
- (e) *the orderly planning of the area;*
- (f) *the effect on the amenity of the area;*
- (g) *the proximity of the land to any public land;*
- (h) *factors likely to cause or contribute to land degradation, salinity or reduce water quality;*
- (i) *whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site;*
- (j) *the extent and character of native vegetation and the likelihood of its destruction;*
- (k) *whether native vegetation is to be or can be protected, planted or allowed to regenerate; and*
- (l) *the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

43. The following particular provisions of the Scheme are relevant:

- (a) Clause 52.06: Car Parking;
- (b) Clause 52.07: Loading and Unloading of Vehicles;
- (c) Clause 52.34: Bicycle Facilities;
- (d) Clause 52.35: Urban Context Report and Design Response for Residential Development of Four or More Storeys; and
- (e) Clause 52.36: Integrated Public Transport Planning

Car Parking

44. Pursuant to clause 52.06-5 of the Scheme, the following car parking requirements apply to the development:

Land Use	Rate	Number / Floor Area	No. of car spaces required	Proposed car spaces	Reduction sought
Dwellings	2 per dwelling	66 units	132	38	94
Shop	8 spaces to each 100 sq m of leasable floor area	392sq m	31	2	29
				Total	123

45. Clause 52.06-1 of the Scheme specifies that a planning permit may be granted to reduce or waive the number of car parking spaces required by the table.

46. Pursuant to this provision a total of 163 car spaces would be required. A total of 40 on-site car parking spaces are proposed, therefore a formal reduction of 123 spaces would be required.

47. The decision guidelines in respect of the reduction of car parking include:
- (a) any relevant parking precinct plan;
 - (b) the availability of car parking within the area;
 - (c) the availability of public transport within the area;
 - (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; and
 - (j) any other relevant consideration.
48. Other matters relevant to consideration of car parking at Clause 52.06 of the Scheme relate to the design and layout of car parking (clauses 52.06-2 and 52.06- 3). Parking matters are considered in the assessment section of this report.

Loading and Unloading of Vehicles

49. Pursuant to clause 52.07 of the Scheme, the provision of a loading bay facility is required for the loading and unloading of commercial vehicles associated with manufacture, servicing, storage or sale of goods or materials. The following table outlines the requirement:

Floor area of building	Minimum loading bay dimensions
2,600 sq m or less in single occupation	Area 27.4 sq m
	Length 7.6 m
	Width 3.6 m
	Height clearance 4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m

50. A permit may be granted to reduce or waive these requirements if either the land area is insufficient, or adequate provision is made for loading and unloading vehicles to the satisfaction of the Responsible Authority.
51. There are no loading bay facilities provided for the two retail premises within this development. A waiver is therefore being sought.

Bicycle facilities

52. Pursuant to clause 52.34-1 of the Scheme, a new use must not commence until the required bicycle facilities and associated signage have been provided on the land. The following table outlines the requirements:

Use	Employee / Resident	Visitor / Shopper / Student	Requirement
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	14 residential spaces 7 visitor spaces
Shop	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	No bicycle parking required based on the floor area of the shops.

53. Based on the above table, there is a statutory requirement for the development to provide 21 bicycle spaces. A total of 27 bike spaces are proposed at ground floor level. This exceeds the statutory requirement for residential use.
54. Other matters relevant to consideration at clause 52.34. of the Scheme relate to the design of bicycle facilities and directional signage (clauses 52.34-4 and 5).

Urban Context Report and Design Response for Residential Development of Four or More Storeys

55. Pursuant to clause 52.35 (Urban context report) of the Scheme, an application for a residential development of four or more storeys must be accompanied by an urban context report and a design response.
56. Sufficient information has been provided by the applicant to meet the requirements of this clause.

Integrated Public Transport Planning

57. Pursuant to clause 52.36 of the Scheme, an application that includes more than 60 dwellings must be referred to the Director of Public Transport ("DoPT"). Accordingly, the application was referred to the DoPT and the Department's response will be discussed more in the report.

State Planning Policy Framework (SPPF)

58. The following SPPF provisions of the Scheme are relevant:
- (a) Clause 11: Settlement;
 - (b) Clause 13: Environmental Risks;
 - (c) Clause 15: Built Environment and Heritage;
 - (d) Clause 16: Housing;
 - (e) Clause 17: Economic Development;
 - (f) Clause 18: Transport; and
 - (g) Clause 19: Infrastructure.

Clause 11: Settlement

59. Clause 11 of the Scheme highlights that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. This clause seeks to facilitate sustainable development that takes advantage of existing settlement patterns, investment in transport and communication, water, sewerage and social facilities, and to prevent environmental problems created by siting incompatible land uses close together. Planning is to recognise the need for, and as far as practicable contribute towards:

- (a) health and safety;
- (b) diversity of choice;
- (c) adaptation in response to changing technology;
- (d) economic viability;
- (e) a high standard of urban design and amenity;
- (f) energy efficiency;
- (g) prevention of pollution to land, water and air;
- (h) protection of environmentally sensitive areas and natural resources;
- (i) accessibility; and
- (j) land use and transport integration.

60. Pursuant to clause 11.01 (Activity centres) of the Scheme, the following objectives are relevant:

Clause 11.01-1 – Activity centre network

- (a) To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

Clause 11.01-2 – Activity centre planning

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

61. Pursuant to clause 11.02 (Urban growth) of the Scheme, the following strategies are relevant:

Clause 11.02-1 – Supply of urban land

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

Clause 11.02-3 – Structure Planning

- (b) *To facilitate the orderly development of urban areas.*

62. Council has adopted the Smith Street Structure Plan which sets out use and development guidelines for the area. These will be discussed in further detail in subsequent sections of this report.

63. Pursuant to clause 11.04 (Metropolitan Melbourne) of the Scheme, the objectives are relevant:

Clause 11.04-2 – Activity centre hierarchy

- (b) *To create a network of activity centres.*

64. Smith Street has been identified as a Major Activity Centre in Council's MSS. This clause specifies the following applicable objectives for Principal and Major Activity Centres:

- (a) *develop Principal and Major Activity Centres to accommodate ongoing investment and change in retail, office, service and residential markets.*
- (b) *ensure Principal and Major Activity Centres:*
- (i) *have a mix of activities that generate high number of trips including business, retail, services and entertainment.*
 - (ii) *are well served by multiple public transport routes and are on the Principal Public Transport Network or capable of linking to that network.*
 - (iii) *have the potential to grow and support intensive housing developments without conflicting with surrounding land-uses.*
 - (iv) *encourage Major Activity Centres with good public transport links to grow in preference to other centres with poor public transport links serving the same catchment.*

Clause 13: Environmental Risks

Clause 13.03-1 – Use of Contaminated and Potentially Contaminated Land

- (a) *to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

65. The site is located within an EAO, and as set out within the 'Planning Provisions' section of this report, would be subject to the requirements outlined at clause 45.03.

Clause 13.04-1 - Noise Abatement

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

66. Noise abatement issues are measured against relevant State Environmental Protection Policy [SEPP] and other Environmental Protection Authority [EPA] regulations. A detailed assessment of acoustic matters is included in the assessment section of this report.

Clause 15: Built Form and Heritage

67. The provisions of clause 15 of the Scheme contain a series of objectives and strategies that seek to ensure that land use and development planning responds to the special characteristics of the place; creates environments that support the sustainable wellbeing of communities; and provides for safe physical and social environments through appropriate location of uses and quality of urban design. In particular, planning should achieve high quality urban design and architecture that:

- (a) *contributes positively to local urban character and sense of place.*
- (b) *reflects the particular characteristics, aspirations and cultural identity of the community.*
- (c) *enhances liveability, diversity, amenity and safety of the public realm.*
- (d) *promotes attractiveness of towns and cities within broader strategic contexts.*
- (e) *minimises detrimental impact on neighbouring properties.*

68. Pursuant to clause 15.01 (Urban environment) of the Scheme, the following objectives are relevant:

Clause 15.01-1 – Urban design

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

Clause 15.01-2 – Urban design principles

- (b) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties....*

69. In considering the design and built form of a proposal, the Department of Sustainability and Environment's *Design Guidelines for Higher Density Housing [Higher Density Guidelines]* are referred to at clause 15.01-2 of the Scheme.

Clause 15.01-4 – Design for safety

- (c) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 – Cultural identity and neighbourhood character

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

Clause 15.02-1 – Energy and resource efficiency

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

Clause 16: Housing

70. The provisions of clause 16 of the Scheme seek to ensure there is diversity in housing choice and that dwellings have access to services including walkability to activity centres, public transport, schools and open space.

71. Pursuant to clause 16.01 (Residential development) of the Scheme, the following objectives are relevant:

Clause 16.01-1 – Integrated housing

- (a) *To promote a housing market that meets community needs.*

Clause 16.01-2 – Location of residential development

- (b) *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

Clause 16.01-3 - Strategic redevelopment sites

- (c) *To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*

72. Strategies include to:

Identify strategic redevelopment sites that are:

- (a) *In and around Central Activities Districts.*
- (b) *In or within easy walking distance of Principal or Major Activity Centres.*
- (c) *In or beside Neighbourhood Activity Centres that are served by public transport.*
- (d) *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.*
- (e) *In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
- (f) *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

73. The subject site meets a number of these 'strategic redevelopment site' tests, being within a Major Activity Centre, on a tram line and able to provide 10 or more dwelling units.

Clause 16.01-4 – Housing diversity

- (a) *To provide a range of housing types to meet increasingly diverse needs.*

Clause 17: Economic development

74. The provisions of clause 17 of the Scheme seek to foster economic prosperity for and within communities.

75. Pursuant to clause 17.01 (Commercial) of the Scheme, the following objective is relevant:

Clause 17.01-1 – Business

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

Clause 18: Transport

76. The provisions of clause 18 of the Scheme seek to ensure an integrated and sustainable transport system.

77. Pursuant to clause 18.01 (Integrated transport) of the Scheme, the following objectives are relevant:

Clause 18.01-1 – Land use and transport planning

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

Clause 18.01-2 – Transport system

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

78. Pursuant to clause 18.02 (Movement networks) of the Scheme, the following objectives are relevant:

Clause 18.02-1 – Sustainable personal transport

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

Clause 18.02-2 – Cycling

- (b) *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-5 – Car parking

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

Local Planning Policy Framework (“LPPF”)

79. The following provisions of the LPPF are the most relevant to this application:

- (a) Clause 21.03: Municipal Strategic Statement [**MSS**]; and
 (b) Clause 22: Local Planning Policies.

Clause 21: MSS

80. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of ‘land use’, ‘built form’, ‘transport’ and ‘environmental sustainability’. This section of the MSS acknowledges that whilst Yarra has a growing population, demographically the size of households is decreasing with fewer children and the elderly than the rest of Melbourne.

81. For each of the four themes above, the MSS provides a series of objectives and strategies to support a vision for the municipality. The four themes and their relevant objectives and strategies are:

- (a) Land use – clause 21.04

Clause 21.04-1 – Accommodation and housing

- Objective 1 To accommodate forecast increases in population.*

Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

Objective 2 To retain a diverse population and household structure.

Objective 3 To reduce potential amenity conflicts between residential and other uses.

Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.

Strategy 3.2 Apply the Interface Uses policy at clause 22.05.

Clause 21.04-2 – Activity Centres

Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra’s activity centres.

Objective 5 To maintain the long term viability of activity centres.

Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

Clause 21.04-3 – Industrial, office and commercial

Objective 8 To increase the number and diversity of local employment opportunities.

(b) Built Form – clause 21.05

Clause 21.05-2 – Urban design

Objective 16 To reinforce the existing urban framework of Yarra.

Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

Objective 17 To retain Yarra’s identity as a low-rise urban form with pockets of higher development.

Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

- (a) Significant upper level setbacks*
- (b) Architectural design excellence*
- (c) Best practice environmental sustainability objectives in design and construction*
- (d) High quality restoration and adaptive re-use of heritage buildings*

- (e) *Positive contribution to the enhancement of the public domain*
- (f) *Provision of affordable housing.*

- Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
- Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
- Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
- Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- Objective 21 To enhance the built form character of Yarra's activity centres.*
- Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*
- Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub precincts, each of which may have a different land use and built form character.*
- Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*
- Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-3 – Built form character

- Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*
- Strategy 23.1 Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*

(c) *Transport – clause 21.06*

Clause 21.06-1 – Walking and cycling

- Objective 30 To provide safe and convenient pedestrian and bicycle environments.*

Clause 21.06-2 – Public transport

- Objective 31 To facilitate public transport usage.*

Clause 21.06-3 – The road system and parking

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

Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.

Objective 33 To reduce the impact of traffic.

Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.

(d) Environmental Sustainability – clause 21.07

Clause 21.07-1 – Ecologically sustainable development

Objective 34 To promote ecologically sustainable development.

Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.

Clause 21.07-3 – Waterway quality

Objective 38 To improve the water quality and flow characteristics of storm water run-off.

Clause 21.08 - Neighbourhoods

82. Clause 21.08-5 describes Collingwood, specifically Smith Street, as:

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

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

83. Land use strategies relevant to this proposal include:

(a) *Supporting opportunities for convenience and fresh food shopping.*

84. Figure 14 at clause 21.08-5 identifies the preferred built form character of Collingwood and identifies the site as being in a “non-residential area”. Within these areas, the Council aims to “improve the interface of development with the street”.
88. Relevant built form strategies include:
- (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
89. The following Local Planning Policies are relevant:
- (a) Clause 22.05: Interface Uses Policy;
 (b) Clause 22.07: Development abutting laneways; and
 (c) Clause 22.10: Built Form and Design.

Interface Uses Policy

90. Pursuant to clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others).
91. The policy has the following objectives:
- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes; and*
 (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Development Abutting Laneways Policy

92. Pursuant to clause 22.07 of the Scheme, this policy applies to applications for development that is accessed from a laneway or has a laneway abuttal. Relevant polices under this clause include:
- (a) *windows and balconies overlook laneways but do not unreasonably overlook private open space or habitable rooms on the opposite side of the laneway.*
 (b) *development respect the scale of the surrounding built form.*
 (c) *development not obstruct existing access to other properties in the laneway.*

Built Form and Design Policy

93. Pursuant to clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:
- (a) setbacks and building heights;
 (b) street and public space quality;
 (c) environmental sustainability;
 (d) site coverage;

- (e) on-site amenity;
- (f) off-site amenity;
- (g) landscaping and fencing;
- (h) parking, traffic and access; and
- (i) service infrastructure.

94. The policy has the following objectives:

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

95. Each of the design elements are broken down into a series of design objectives and guidelines.

Other documents

Smith Street Structure Plan [SSSP]

96. In essence, the SSSP seeks to maintain the traditional retail focus of the area whilst managing demand for new development.
97. In terms of built form, the SSSP identifies that the subject site is located within Precinct 1 (Smith Street Traditional Retail Strip Centre) and provides that new buildings should generally match the street wall height of nearby buildings and be up to two to three storeys with upper levels setback so as to appear recessive.
98. The SSSP also seeks to ensure new development responds to its particular context, protects the amenity of residential areas, achieves an appropriate scale transition to residential areas and is a high standard of architectural design as well as ensuring buildings contribute to public spaces.

Advertising

99. The application was advertised pursuant to Section 52 of the Act, by way of 76 letters sent to adjoining and neighbouring owners/occupiers and three (3) public notices displayed on Smith Street, Mater Street and the rear northern laneway.
100. A total of eight (8) objections have been received by Council at the time of writing. The grounds of objection are summarised as follows:

Design and Built Form

- (a) excessive height;
- (b) inappropriate architectural response;

- (c) inappropriate in the context of neighbourhood character;
- (d) development will dominate the skyline;
- (e) would set a precedent for other high rise development;

Traffic and Parking

- (f) the scale of the development would result in increased traffic congestion in local streets, particularly Mater Street;
- (g) inadequate provision of on-site car parking for residents;
- (h) traffic management issues (i.e. queuing of cars trying to get into car park as a result of car stackers);
- (i) vehicle movements will compromise pedestrian and cyclist safety;

On and off site amenity impacts

- (j) overlooking;
- (k) loss of privacy;
- (l) overshadowing;
- (m) loss of daylight; and

Operational matters

- (n) waste collection.

Consultation Meeting

101. Following the formal advertising period, a consultation meeting was held on 9 June 2011 to which all objectors of the proposal were invited. The meeting was facilitated by Council planning officers, with one Ward Councillor in attendance, and representatives for the applicant as well as objectors. The meeting discussed the detail of submissions received and clarified issues, however there were no agreed outcomes.

Statutory Referrals

102. Under Section 55 of the Act and clause 52.36 of the Scheme, the application was required to be referred to:

DoPT

103. DoPT has no objection to the proposed development subject to the inclusion of the following conditions:

- (a) *The permit holder must take all reasonable steps to ensure the disruption to the tram operation along Smith Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and the Director of Public Transport fourteen (14) days prior.*
- (b) *The permit holder must ensure that all truck, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost of the permit holder.*

104. These conditions must be imposed should a permit be issued.

Melbourne Water

105. The application was referred to Melbourne Water who objected to the proposal on the ground that it would be subject to inappropriate flood risk, where the safety of land users may be affected and potential for flood damage is excessive.
106. Melbourne Water noted that it would reconsider its objection if modifications were made to the plans showing that floor levels had been raised above the applicable flood level.
107. Following consultation with Melbourne Water, the applicant submitted revised plans that showed that the floor levels at the front of the site had been raised by 300mm and at the rear of the site within the car park by 150mm.
108. Subsequently, Melbourne Water revised their initial comments noting that they did not object to the proposal subject to the floor levels as shown on the amended plans and the following conditions:
- (a) *No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.*
 - (b) *Finished floor levels for the ground floor area including all retail areas, storage areas and lobby area must be a minimum of 300mm above the applicable flood level.*
 - (c) *Finished floor levels of the ground floor parking including car stacker area, bike parking area and refuse area must be constructed 150mm above the applicable flood level.*

Footnote(s) to be placed on Permit

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 176812.

The graded flood line for the property is 22.1 metres to Australian Height Datum (AHD) at the west boundary (Smith Street) down to 21.3 metres to AHD at the east boundary.

Other Referrals

109. The application was also referred to the following parties:
- (a) Council's ESD Officer;
 - (b) Council's Engineering Services Unit;
 - (c) Council's Strategic Transport Unit;
 - (d) Council's Services Contracts Unit;
 - (e) Council's Urban Design Unit; and
 - (f) Council's Heritage Advisor.
110. A summary of the referral responses is outlined below:

ESD Officer

111. Council's ESD officer has advised that the application meets the majority of Council's current expectations for environmentally sustainable design standards. ESD officer however offers the following recommendations to enhance the ESD credentials of the building:
- (a) The extent of adjustable external shading to the west and east facing windows is not is lacking. External shading such as blinds louvers or shutters should be installed.
 - (b) All windows that are proposed to be operable should be shown on the plans.
 - (c) Captured rainwater should be used for toilet flushing as well as irrigation.
 - (d) It is recommended to provide at least one secure bike park and shower for each apartment and retail premises.
 - (e) Given the number of south facing units, further consideration should be given to their thermal performance.

Engineering Services Unit

112. Council's Engineering Services Unit was referred the application three (3) times and has made comment of the original application, additional information provided by the applicant and the formally amended plans and updated traffic report. The Engineering Services Unit is broadly accepting of the proposed development in terms of its car parking provision, traffic generation and its impact on the surrounding street network and technical specifications. The following is a summary of the referral responses (relevant elements):

Car Parking Provision

- (a) *The proposed mixed use development comprises three retail tenancies and 66 residential dwellings (26 studio dwellings, 14 one-bedroom dwellings and 26 two-bedroom dwellings) serviced by an on-site car park of 43 spaces. According to the applicant's report, one space would be allocated to each retail tenancy and two-bedroom dwelling. Out of the 43 spaces, the remaining 14 spaces would be allocated to the one bedroom dwellings. Therefore, 26 dwellings (studio dwellings) will not have any on-site car parking.*
- (b) *Prospective property owners and occupants of the new dwellings will not eligible to apply for on-street residential and visitor parking permits. Time based on-street parking restrictions operate in the immediate area and on-street parking for residents of the new dwellings is not a viable and practical option.*
- (c) *The parking allocation of one space to each one-bedroom and two-bedroom dwelling is typical within Yarra and inner metropolitan Melbourne.*

- (d) *In recent times, there has been a growing trend in the emergence of multi unit residential developments that are providing a proportion of residences without any on-site parking (in this case, some 26 dwellings). When purchasing or intending to move into these dwellings, residents/occupants will know up-front that the dwelling has no on-site parking. This dwelling would be appropriate for persons who frequently and actively use public transport, bicycles or other forms of sustainable transport – and it is also highly likely that the new dwelling would be specifically marketed towards this group.*
- (e) *The site has access to public transport services and is in proximity to shops and essential facilities and conveniences.*
- (f) *For the retail tenancies, the site is located on a street frontage that experiences very high pedestrian volumes. As with many other shops and businesses along Smith Street, pedestrians and persons already in the area would constitute a significant proportion of customers. Short term on-street parking is available within walking distance of the site for customers who choose to drive.*

Traffic Generation and Distribution

- (g) *According to the submitted information, the residential component of the proposed development is expected to generate some 20 vehicle trips in each peak hour and 200 vehicle trips per day. The retail tenancy would 3 movements in the morning peak and 3 movements in the evening peak. The volumes generated by this development are not unduly high and can be easily accommodated on Mater Street.*
- (h) *The traffic distribution assumptions and assignments as shown in figure 1 are considered reasonable. It is agreed that the operation of the development will not cause any major problems at the intersection of Mater Street and Smith Street.*

Access Arrangements

- (i) *The development entrance off Mater Street is non-compliant since the east edge of the entrance does not contain a splay. The designer has not attempted redesign the entrance in order to provide a visibility splay that would assist motorists entering the Public Highway of Mater Street in safe manner. The proposed entrance is a poor design outcome in terms of pedestrian visibility and reduces the level of service for pedestrians – not in line with Council's principles and policies on promoting safe pedestrian travel. Cardno's suggestion of installing a pedestrian warning device is not an effective or satisfactory substitute for a visibility splay.*
- (j) *Mater Street is classified as a Municipal Road under the provisions of the Road Management Act 2004, with Council as its Responsible Highway Authority. Unless the designer sorts out the issue of pedestrian visibility, Council Engineering Services unit will refuse consent for this development's access arrangements onto a Public Highway under the powers of the Road Management Act 2004.*

- (k) *To address this design deficiency, it is suggested that the designer installs a closed circuit television (CCTV) for exiting motorists to view, giving a clear range of vision of pedestrians east of the entrance. A monitor could be mounted (within the property) such that it is within clear view of the driver as the front of the vehicle enters the road reserve. This is considered a practical means of viewing pedestrians, especially since the development entrance will now ramp down to the existing footpath level. The building or site duty manager would be responsible for the maintenance and operation of the CCTV system.*
- (l) *A site inspection of the north side of Mater Street revealed that there is an existing parking ticket machine located in the area to be occupied by the new vehicle crossing. An existing power pole is located just west of the new crossing.*
- (m) *The construction of a new vehicle crossing on the north side of Mater Street must comply with the following:*
 - (i) *the vehicle crossing shall be constructed in accordance with City of Yarra Standard Drawings and Specifications;*
 - (ii) *written consent to relocate the ticket machine must be obtained from Council's Parking Services unit. The developer must liaise with the Parking Services unit.*
 - (iii) *the west edge of the crossing shall have a lateral clearance of no less than 1.0 metre from the power pole.*
 - (iv) *the development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with Australian Standards;*
 - (v) *existing footpath, kerb and channel, and road pavement surface levels must not be altered; and*
 - (vi) *the design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.*

113. No planning permit is required for the crossover and as such, the above points should be noted on any permit issued, excluding point (iii) which may have design impacts and should be imposed as a condition.

Internal Layout

- (n) *The amended swept path diagrams are a significant improvement to the diagrams depicted in version F02 of the Cardno report. Vehicle turning movements into and out of each parking platform is considered satisfactory. As indicated by Cardno, we agree that for a majority of the spaces, vehicles would reverse-in and exit in a forward direction.*
- (o) *For the TrendVario 4300 car stacker system to be appropriate for this site, the designer needs to ensure that the structural columns' location and design will not interfere with the stacker operation.*
- (p) *Council's Engineering Services unit again advises that it is the onus and responsibility of the designer to ensure that the stacker operates satisfactorily and satisfies all specifications and requirements of the manufacturer.*

- (q) *Council will not accept any responsibility or liability in the event that the stacker devices cannot be installed or do not operate due to discrepancies between the designer's drawings and actual physical conditions inside the building, or by not satisfying manufacturer's requirements.*

Protection of Council Assets

- (r) *Any portions of redundant vehicle crossing shall be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction. The cost of these reinstatement works shall be borne by the developer.*
- (s) *The trenching and excavation for underground utility service connections by service authorities on Public Highways (Smith Street, Mater Street and any other road directly linked with service provisions) will require the reinstatement/rectification of Council road infrastructure.*
- (t) *It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.*
- (u) *Upon completion of all building works and underground service connections, the footpath extending along the property's Smith Street frontage shall be reconstructed by the developer in accordance with Council standards. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works shall be borne by the developer.*

114. These matters can be addressed by way of a permit condition.

Drainage – Legal Point of Discharge

- (v) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Council's Building Services unit.*
- (w) *Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- (x) *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*

115. Although not strictly planning related, these requirements can be imposed by way of permit notations.

Revised Floor Levels

- (y) *According to the information supplied to Engineering Services, Melbourne Water has issued requirements for the development's floor levels. This will result in the provision of a 1 in 8 ramp, grading up from the building line to the car park. It is the onus and responsibility of the designer to ensure that the ramped section operates satisfactorily and is built in accordance with the endorsed drawings. The existing levels along the footpath must not be raised or altered in any way in order to facilitate access into the site.*

116. This requirement can be imposed by way of permit condition.

Projections beyond the Building Line

- (z) *The designer must ensure that all projections beyond the Building Line (balconies, verandahs, canopies, architectural features, etc) have lateral and vertical clearances from any electrical poles, aerial lines or other assets/hardware. The clearances must comply with the Electrical Safety (Network Assets) Regulations 1999.*
- (aa) *All projections beyond the building line shall have an overhead clearance of no less than 3.0 metres from the surface of the footpath.*

117. Although not strictly planning related, point (z) above should be imposed as a permit notation and point (aa) can be imposed by way of a condition (requiring plan clarification).

Garbage Collection

- (ab) *Cardno indicated in the report that garbage will undertaken along the kerbside of Mater Street by Council collection services. The applicant will need to liaise and consult with Council's Engineering Operations branch (based at the Collingwood Depot) to confirm garbage collection arrangements and services.*

Strategic Transport Unit

118. The application was referred to Council's Strategic Transport Branch. The following is a summary of its recommendations:

- (a) *According to the submitted report, the traffic distribution assumptions and assignments are considered reasonable.*
- (b) *The developer needs to resolve the issue of pedestrian sightlines at the development's entrance for a vehicle exiting the site.*
- (c) *According to the submitted report and the plan, the development is provided with a total of 34 onsite bicycle parking facilities, which is adequate for this development.*

- (d) *Only a Ned Kelly bike parking system is provided. It is most suited to people with good upper body strength abilities. Shorter users find this system more difficult to use, and it should be mixed with a ground system to provide a greater incentive for more users to change to cycling as their mode of transport.*
- (e) *Council is very supportive of green travel initiatives that would encourage residents, employees and customers of the entire development to utilise alternative travel and other measures that would assist in abating the amount of motor traffic generated by the site. A green travel plan should be required to be developed and implemented.*
- (f) *No car sharing places are provided as part of this development. The number of dwellings could support at least one car share space. An on-site arrangement should be entered into with a car-share company.*

Services Contracts Unit

- 119. The application was referred to Council's Services Contracts Unit. They advise that the Waste Management Plan ("WMP") prepared by Wastetech Services, dated 25 February 2011, is satisfactory.
- 120. The Services Contracts Unit also commented on the revised WMP submitted in conjunction with the amended plans and advised that the plan prepared by Wastetech Services, dated 2 August 2011, is satisfactory. The following comment was provided on the revised plan:
 - (a) *Even though the bin storage area caters for the residential bins, it is a disappointment that the area has been substantially reduced from the original design. This will limit the flexibility to adapt waste minimisation changes if waste management requirements change in the future.*

Urban Design Unit

- 121. The following is a summary of comments of Council's Urban Design Unit:

Smith Street Structure Plan

- (a) *The subject site is contained within Precinct 1 – Smith Street Traditional Strip and the relevant built form guidelines contained in the Structure Plan include:*
 - (i) *the street façade of infill development must match the predominant street frontage height of nearby and abutting buildings.*
 - (ii) *upper levels of buildings must not dominate.*
- (b) *Relevant maximum building heights are:*
 - (i) *two to three storeys to the street frontage.*
 - (ii) *upper level development must be set back so as to appear recessive from the street view.*

- (c) *The Smith Street frontage to the north of Mater Street does not include any heritage buildings nor is it within a heritage overlay area. During the analysis stage of the Structure Plan this areas was identified as having less constraints on the redevelopment potential in terms of heritage fabric. The site offers the opportunity to provide a built form edge to Smith Street which is more in scale with this section of the street.*

Building height, bulk and scale

- (d) *As previously noted the existing built edge in the vicinity of the subject site to Smith Street is relatively low scaled in terms of the street space. It would seem appropriate to provide a street wall facade height of two to three levels in preference to matching the adjoining or dominant heights in the street. The proposal for the subject site provides for a three storey façade to Smith Street. This complements the height of the two storey Victorian shops further to the north. In particular the green framing element aligns with the top of the parapet of these shops.*
- (e) *Likewise the Mater Street elevation includes a three storey street wall façade with the higher development set back behind this façade line. The three storey façade height is considered to provides an adequate scale transition to the adjoining church building to the east along Mater Street. The church building has a height equivalent of two modern storeys.*
- (f) *The higher building element (levels 3 to 5) is set back behind the street façade. When viewed from Smith Street the higher building element is sufficiently recessive and the built form massing is considered to provide an appropriate fit to the streetscape.*
- (g) *In considering views from Mater Street, the design response of the higher element would be enhanced by providing a greater setback to the south east corner to match the setback of the south west corner. This would enhance the scale transition along Mater Street. The apparent bulk of levels 3-5 would also be reduced by:*
- (i) *Designing the level 3-6 southern balconies using a material with a lighter weight appearance such a metal mesh.*
 - (ii) *Articulating the balconies into two separate units by providing a reveal or negative detail in front of the lift shaft.*
- (h) *In reference to the seventh level, in reviewing the streetscape perspectives, it is considered that the setbacks minimise the visual prominence of the seventh level in the streetscape. The 'light' appearance in the design expression assists in giving this element a recessive feeling.*

Street Interface

- (i) *Glazed shopfronts are provided to the Smith Street frontage, which return around the corner into Mater Street providing appropriate active frontages. However much of the frontage to Mater Street has blank walls. Passive surveillance and visual interest would be enhanced in this section at ground level by:*

- (i) *Extending the retail (retail shop 3) further around into Mater Street and*
- (ii) *Providing a wider entrance lobby to the apartments. This would also provide a stronger sense of address for the upper level apartments.*

Façade and design detail, colour and materials

- (j) *Generally the façade expression and detailing is supported and the selection of colours and materials is acceptable. However greater detail should be provided on the nature and robustness of the coloured feature panels (MP1, MP2, MP3).*

Heritage Advisor

122. Council's Heritage Advisor was referred the application in relation to the setting of the adjoining heritage building and precinct to the east. The following comments were made:

Design Response

- (a) *Compared with the surrounding area, particularly north and south along Smith Street and from various parts of the Gold Street Precinct, the proposed building will be a large, bulky and dominant element. The bold design will also draw attention. Given the topography, the entire building will be quite visible from views further away from the site such as from Johnston Street and Alexandra Parade.*
- (b) *In relation to potential impacts on the chapel, there is considerable difference between proportions of the proposed building and the chapel and short of a major redesign they have to be accepted. Setting back the upper levels further to the west would not necessarily result in any benefit to the setting of the chapel. While being located just outside three heritage precincts, in views from key vantage points to the subject site, the impact will not be dissimilar from some recent large developments in Kerr and Napier Streets, Fitzroy which loom over and dominate the surrounding heritage precinct and the abutting heritage buildings.*

I note that the 'garden' between the chapel building and the proposed building appears to belong to the chapel so there is some potential for the planting of trees to ameliorate the interface.

Assessment against policy

- (c) *The proposal does not respond appropriately to its context in terms of the urban character of the heritage buildings and precincts, and is not appropriately respectful of the heritage values of the abutting heritage building and relevant heritage precincts. It will adversely impact on views and vistas of them and within them. This is a case where there are competing planning agendas as Melbourne 2030 activity centres etc. and does not pay sufficient respect to heritage considerations and as a result is not "orderly" or balanced from a heritage perspective.*

Assessment

123. The following are the key issues requiring Council's consideration:

- (a) policy;
- (b) dwelling use;
- (c) built form and design;
- (d) on and off-site amenity impacts;
- (e) ESD;
- (f) parking, access and traffic; and
- (g) Objector concerns.

Policy

124. The provisions of the SPPF and LPPF provide strong strategic support for a mixed use redevelopment of the site, particularly given its location within the MAC, with access to key public transport infrastructure and size of 1286sqm.
125. Strategically, key objectives of the SPPF and LPPF seek to build up activity centres as a focus for high-quality development, activity and living, as a way to achieve broad urban consolidation objectives (clauses 11.01 and 21.04).
126. The supporting mix of uses that is proposed (shops and dwellings) will enhance the role and function of the MAC, and could support ongoing revitalisation of this end of the activity centre. The development would strengthen the centre's long term viability, acting as an anchor for future development. In saying this, the role of the MAC is to be a destination not only for the local community, but for greater Melbourne, given its connection to key transport infrastructure including public transport and major arterial roads (Alexandra Parade and the Eastern Freeway) as well as its proximity to other activity such as Brunswick Street, Johnson Street. The uses proposed are typical of a Business 1 and 2 Zones and reinforce the strong ground floor retail environment of the strip shopping centre, whilst also allowing for supporting complementary uses.
127. At both the SPPF and LPPF there is policy which encourages higher density development in established activity centres or on strategic redevelopment sites, particularly for housing.
128. Whilst the subject site is not specifically identified as a strategic redevelopment site within the MSS, it does meet the criteria for a strategic redevelopment site as set out in the SPPF (clause 16.01-3) which are sites that are:
- (a) *in and around Central Activities Districts.*
 - (b) *in or within easy walking distance of Principal or Major Activity Centres.*
 - (c) *in or beside Neighbourhood Activity Centres that are served by public transport.*
 - (d) *on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.*
 - (e) *in or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
 - (f) *able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*
- (Emphasis added.)

129. The MSS directs higher density residential development to strategic redevelopment sites which are generally located in, abutting or are close to activity centres as they offer good access to services and transport. The MSS goes on to say that areas such as those within Mixed Use or Business zones will accommodate some population growth. The MSS recognises that activity centres can support higher density development to relieve the pressure within established low-rise residential areas. The site is also not constrained by a Heritage Overlay.
130. The size and location of the site and its strategic redevelopment attributes give support for a development of this type.
131. Within the hierarchy of activity centres, a MAC is in the middle of the spectrum, and is described at clause 21.08-5 of the Scheme as serving multiple roles for local residents as well as attracting visitors from a wider catchment. Clause 21.04-2 of the Scheme specifically aims to strengthen the viability of activity centres by creating active street frontage, encouraging residential development where it does not compromise business functions of the activity centre and by allowing development that contributes to the economic growth of the activity centre.
132. Having regard to the above, the subject site is considered to substantially meet key criteria for more intensive redevelopment primarily through its location in a MAC close to public transport and existing services.

Dwelling use

133. A planning permit is required under the Business 1 and Business 2 Zones for the use of the land as dwellings. It is noted that the proposed shops are located only within the B1Z and are as-of-right in the zone.
134. In principle, the proposed uses are typical of an activity centre, would provide an active retailing environment at ground floor to Smith Street through the inclusion of two shops, and would be supported by the provision of dwellings at upper levels.
135. As set out in clauses 11 (Settlement) and 16 (Housing) of the SPPF and clause 21.04 (Land use) of the LPPF, residential accommodation is a complementary use within an activity centre, supporting broader urban consolidation objectives. Ordinarily, dwellings are an as-of-right use within the B1Z, except where they have a frontage at ground floor that exceeds two metres in length which is the case for the proposed development. It is noted that the dwellings at the eastern end of the site are located within the Business 2 Zone and therefore require a planning permit regardless of the width of any entrances at ground floor level.
136. Dwellings are to be located between the 1st and 6th floor levels, with access provided through a recessed entry lobby from Mater Street.
137. The principal retailing environment of the MAC is along Smith Street and as such, the continuity of the principle function of the centre will not be disrupted through the Mater Street residential entrance. It is noted that the proposed shops will front Smith Street and 14.5m of Mater Street from the corner of Smith Street. This configuration is considered to retain the retail focus of the corner lot.

138. The purpose of the B1Z encourages the more intensive development of business centres including complementary uses such as dwellings. The applicable decision guidelines of the B1Z and B2Z require consideration of State and Local policies; general infrastructure provision such as connection to services and drainage; the effect that existing uses have on the proposed use; and traffic generation.
139. The use as dwellings, as evidenced above, is well supported under both State and Local policy. Council has no information to suggest that the existing infrastructure (including drainage and connection to services) cannot support a mixed use retail and residential development containing 66 dwellings. Furthermore, the mixed use environment would not cause unreasonable amenity impacts to the use of the land as dwellings. Further discussion of amenity is included later in the report, which includes consideration of noise and disturbance, among other things.
140. In summary, strong policy support exists for locating dwellings within activity centres. The proposal positively elevates the residential uses above ground level and provides two retail units which will maintain an active frontage to Smith Street.

Built form and design

141. In considering built form and design, Council needs to consider both State and Local Planning Policy Frameworks.
142. The SPPF requires Council to principally consider clause 15.01-2 (Urban design principles), as well as the supplementary Higher Density Guidelines for Residential Development (Higher Density Guidelines) of the Department of Sustainability and Environment (now the Department of Planning and Community Development [DPCD]).
143. The LPPF requires Council to principally consider clause 21.05 (Urban design), clause 22.10 (Built form and design policy) and clause 22.07 (Development abutting laneways).
144. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be made to the acceptability of the design in terms of height and massing, street setbacks, relationship to adjoining buildings, views and roof forms. Note that consideration of amenity impacts are to follow.
145. With particular reference to the LPPF, the MSS establishes a townscape vision for Yarra as having a distinctive identity as a low-rise urban form punctuated by areas of higher development.

Context

146. In order to understand the site and its context, clause 21.08 of the Scheme describes the built form character of specific neighbourhoods. Relevant to this section of Smith Street at clause 21.08-5, the character of the subject site is identified as "Non-residential" which seeks development to improve the interface with the street.

147. In terms of the existing neighbourhood character, the area is an eclectic mix of buildings constructed in the late 19th century and early 20th century, either of a fine grain terrace shop appearance or larger industrial type buildings or of more modern warehouse style buildings, often with a shop front. The mix of building types along Smith Street is recognised in the area to the north of Mater Street being excluded from the Heritage Overlay that straddles Smith Street from south of the subject site to Gertrude Street. The area is generally low-rise in scale and is punctuated with pockets of higher built form, (which corresponds with the Yarra built form profile). One to three modern storey hard edge development is common along this section of Smith Street.
148. It is noted that the land to the east of the site, across Emma Street, is generally zoned Residential 1 with dwellings facing toward the subject site on the eastern side of Emma Street. This area is characterised by low-scale, one and two storey dwellings that are often semi or fully attached. Within this area, dwellings generally have small front and rear setbacks and are often built to one side boundary.

Height, scale and massing of the development

149. The Scheme provides a number of useful guidelines to assist in determining whether the proposed seven (7) storey height is acceptable in its context. In relation to the SPPF, building heights are best derived from specific design objectives, the aspirations for urban consolidation and issues of adverse off-site amenity impact, rather than an arbitrary height limits. The SPPF specifically directs higher density development in or near activity centres, and areas with good access to public transport and services.
150. The height and massing proposed has been informed by a view and urban skyline analysis, evaluated in a broader context drawing on the key urban markers within Smith Street and its surrounds including the prevailing 2-3 storey street wall and higher elements such as the eight (storey) development at the corner of Rose and Gore Street some 200m south of the subject site. Across Rose Street to the north is a five and six storey building currently under construction. These higher elements are symptomatic of the areas MAC classification and is undergoing change towards an area of more intensive land uses and development.
151. It should also be noted that the Tribunal has (on numerous occasions) considered urban consolidation objectives on sites within or adjoining activity centres, particularly in relation to the height and density of development. This was considered in *Coppin Property Group Pty Ltd v Yarra CC* [2008] for a property at 49- 65 Coppin Street and 63-67 Abinger Street, Richmond. The Tribunal specifically identified that urban consolidation should optimise a site's development potential unless there are key failings of the proposal:

[24] The location of the review site in close proximity to a Major Activity Centre as identified in Melbourne 2030 and the excellent access to public transport and a wide range of services and facilities afforded by this location makes it an ideal candidate for higher density residential development.

[25] Both State and local planning policy provide strong support for increasing density of residential development in areas with these locational advantages to meet urban consolidation aims and provide an increased choice in housing.

...

[28] We have referred to the strong strategic support for intensive development of this site given its close proximity to an activity centre, public transport and a range of services and its identification as a strategic redevelopment site in State and adopted local planning policy. We agree with Mr Pitt that a reduction in the size of the proposal and the associated reduction in the contribution that it will make to urban consolidation is a relevant consideration. Acceding to respondents submissions for a reduced level of development and specifically to Mr Czarny's preference for three levels with a recessed fourth level to Coppin Street, two levels to Abinger Street and five levels internally would result in the loss of approximately 30 dwellings. We consider this level of reduction a significant loss in achievement of urban consolidation aims and one that could only be justified for reasons of unreasonable built form impacts, external or internal amenity effects or inadequate provision of car parking, matters we address in turn.

152. There is little doubt that this would be the tallest building in the northern end of Smith Street, although other similar sized buildings are located nearby. The site meets the criteria to classify it as a strategic redevelopment site in terms of its size, location, and accessibility. Local and State planning policy direct that the immediate area within the MAC should accommodate similar levels of development.
153. It is important to note that the site is not constrained by:
- (a) a direct residential abuttal; or
 - (b) a Heritage Overlay.
154. In addition, the location of the site within a MAC, its strategic development site characteristics and its limited interface with any sensitive use support a proposal that would maximise the site's potential. From the referral comments received, and from an understanding of the context, the area can accommodate change to its built form character.
155. Council's Urban Design Unit have commented that the scale of the three (3) storey street wall to Smith Street is appropriate and responds generally to the scale of other buildings within the vicinity which present a similar hard edge to the street.
156. Above the street wall, the third to sixth floors are setback a minimum of 7.9m from Smith Street. This staggering of the building away from Smith Street appreciably reduces its visual bulk, resulting in the upper levels being read as a 'secondary' building element.
157. The key element of the massing and scale to Smith Street is the incorporation of the three (3) storey street wall which becomes the dominant feature and is of a scale representative of other buildings in the locality.

158. The urban design principles at clause 15.01-2 of the SPPF seek to achieve urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. This clause references the DSE Higher Density Residential Guidelines as an applicable consideration.
159. Objectives 2.1 and 2.2 of the Higher Density Residential Guidelines seek to ensure that the height of new development responds to the existing urban context. The guidelines suggest that where tower buildings are proposed that they are setback from the street on a podium to maintain the pedestrian related scale at street level.
160. The proposal includes an effective three storey podium base to Smith Street, informed by the height of commercial buildings in the vicinity. Above the podium levels, the building begins to recede such that the visually established hard edge form is maintained at three storeys from the key pedestrian areas, and the tallest elements are set back progressively as the building rises. This is considered to fulfil the intent of the Higher Density Residential Guidelines.
161. The contrasting and staggered setbacks result in elements that progressively recede as the building increases in height. This design treatment visually separates the building from its podium base, and, in combination with its contrasting colours, banding and textural balcony protrusions, reduces the solid mass. This is consistent with the intent of the Higher Density Residential Guidelines which suggest that taller buildings adjacent to low rise building may be appropriate where care is taken with the design elements, such as side walls, parapets, upper level setbacks, articulation, window pattern and colour. For the proposed building, each elevation is visually interesting and highly articulated, which relieves its height and massing.
162. Urban design considerations in relation to the height and massing of the development within the Higher Density Residential Guidelines also require roof forms to be treated as an integral part of the design composition. In this respect, the proposal incorporates a flat roof which both responds to the context and architectural character of the building. It is noted that a roof plan has been submitted showing the location of services, however these are not shown on the elevation drawings. As such a condition will require details confirming that they will be appropriately screened from street view.
163. Clause 21.05-2 states that development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
- (a) *significant upper level setbacks;*
 - (b) *architectural design excellence;*
 - (c) *best practice environmental sustainability objectives in design and construction;*
 - (d) *high quality restoration and adaptive re-use of heritage buildings;*
 - (e) *positive contribution to the enhancement of the public domain; and*
 - (f) *provision of affordable housing.*

164. This is supplemented by particular urban design guidelines at clause 22.10 (Design and Built Form policy) in respect of height and massing. Clause 22.10-3.2 seeks development that positively responds to the urban fabric and public realm; improves transparency and legibility of the City's urban form and structure; and responds to the rhythm and spacing of buildings.
165. Although the proposal does not incorporate affordable housing and does not involve a 'heritage' building, the remaining four tests at clause 21.05-2 are considered to be achieved by this proposal.
166. In respect of the proposed development, it has been identified above that tower elements of the building at floor 3 to 6 above the podium are setback from the primary Smith Street frontage by a minimum of 7.9m at fourth and fifth floors and 11.9m to the wall at the sixth floor. These significant setbacks from the primary street frontage are considered to achieve an appropriate stepping back of the building and result in a recessive upper level form that does not dominate the surrounding area.
167. Significant setbacks are also achieved on the southern side fronting Mater Street at the prominent corner with Smith Street. Along Mater Street, the setbacks vary to provide articulation but are generally between 2.9 and 3.4m, with the stairwell setback some 8.1m. At these levels, the building achieves an appropriate setback given the nature of this end of Mater Street, that sees commercial buildings directly opposite the subject site.
168. It must be noted that the sixth floor also maintains at least a 7m setback from the southern and eastern boundaries where it is most prominent from the residential area to the east of the subject site. These significant setbacks reduce the prominence of the highest element of the building so that it does not appear as an overwhelming feature within the streetscape.
169. In terms of design, the proposed building has a considered resolution that seeks to differentiate itself from the surrounding built form that is distinctively commercial in nature. The proposed building includes a decorative architectural feature at the most prominent Smith and Mater Street corner that provides a high level of visual interest. The proposed design achieves a high level of architectural quality through the use of a variety of materials selected to produce a well considered outcome that is modulated and articulated to evenly break up the mass of the building, segmenting the podium and tower forms with green architectural panels.
170. In respect of environmental sustainability, the applicant has provided a report that comprehensively details aspects of the building that enhance its ESD credentials. A commitment to an average 6 star residential rating has been made. The report identifies such features as rainwater capture and reuse, energy efficient appliances and heating and cooling devices as well as external shading that all contribute to the development addressing best practices environmental sustainability design objectives.
171. It is noted that Council's ESD officer has reviewed the proposal and raised no fundamental concerns with the proposed design. Concerns that have been raised are recommended to be addressed via permit conditions.

172. As a result of the proposal, the public realm will be improved through the construction of a building with a high degree of architectural quality and urban design. The new building will replace a retail shop/warehouse which contributes little in the way of visual interest within the Smith and Mater Street streetscapes. The proposed building will provide a high degree of passive surveillance along the main street frontages as well as the rear, northern laneway, all through the provision of balconies and terraces. Moreover, the proposed communal garden at the third floor facing Smith and Mater Streets will provide an additional green space within a shopping strip that contains little in the way of street planting. The proposed building will also retain the active commercial frontage to Smith Street and the corner of Mater Street with the provision of two shop tenancies.
173. While the principle of the height is considered acceptable in the context of the activity centre and the Smith Street streetscape, consideration must also be given to the relationship of the proposed building to the residential area further east.
174. Overall, the proposed building has a tapered building height, with the highest element positioned towards the rear. The tower however, retains a minimum 2m east boundary setback. The building steps down in height to the south east to reflect the more residential scale to towards the corner of Emma Street and Mater Streets. This transition also responds to the requirements of the DDO13 which affects this eastern portion of the site. The DDO13 calls for consideration of the residential scale of development within the residential area around Emma Street and requires new development to appropriately transition in scale by stepping down to this interface.
175. In respect of the eastern end of the building, it is noted that it abuts a church (used as a community hall). This lot is located within the Business 2 Zone and is also subject to the DDO13. Notably, this site is within a Heritage Overlay and is graded 'Individually Significant' within the Precinct. The proposal is to be built to three storeys (or 12.4m in height) on the eastern boundary, approximately one (1) storey above the church. The single storey height difference is considered adequate to provide a respectful transition, having regard also to the physical separation owing to the 6.2m separation between the proposal and the church building.
176. It is noted that Council's Heritage Advisor found the proposal to be overly dominant and not respectful in scale to the church or heritage precinct to the south and east. This is coupled with Council's Urban Design Unit comments that the south eastern corner of the tower form should achieve additional setbacks so as to enhance the transition to the low scale residential areas along Mater Street.
177. In order to more adequately respond to the changing context of the area behind Smith Street, a condition should require the east facing walls units 307, 407 and 507 to be setback from the eastern boundary by an additional 3.4m with a commensurate increase in the setback of balconies/terraces associated with these units. At the sixth floor, to ensure the building retains its staggered setback and to prevent the top floor from appearing excessively prominent, a commensurate setback should also be required by way of a permit condition.

178. It is noted that the south eastern corner of the building is an important interface point at which the development will appear most prominent when viewed from the area outside the MAC and from within the Heritage Overlay. Although Council's Heritage Advisor indicated that setting back the upper level would not necessarily benefit the setting of the church, a reduction in built form in this area will provide a greater separation between the two structures and will allow the Individually Significant building to retain greater a prominence than it would otherwise.
179. In accordance with clause 22.10-4, the proposed development makes a positive contribution to Mater Street firstly by providing an active frontage through the provision of clear glazing at the corner of Smith Street. Mater Street is further activated through the recessed pedestrian entry and is provided with visually interesting architectural features and articulated upper levels.
180. In accordance with clause 22.10-3 and, 21.05-2 the upper levels on Mater Street are progressively setback between 7m and 3.4m at the third floor, fourth and fifth floor and 7m at the sixth floor. These setbacks are considered to adequately ensure it presents as a recessive tower element to the intersection.
181. To further ensure the south elevation is read as a secondary recessive tower form, it is recommended to impose Council's Urban Design Unit's recommendations to vertically separate the balcony forms on Mater Street through a varied lift shaft treatment (i.e. a reveal or negative detail in front of the lift shaft) and provide lighter balcony treatments (e.g. mesh material as opposed to solid tiles). These changes should be required by permit condition.
182. The above discussion can be applied to the northern elevation of the proposed building that faces commercial/warehouse development on Smith and Emma Streets. To this interface, reduced setbacks are appropriate given it does not directly present to the public realm or a sensitive interface. Accordingly the building provides a more consistent setback of between 1.6m adjacent to the laneway and 3.2m to 5.2m where it is opposite the building to the north.
183. These setbacks are considered to appropriately respond to the opportunities of the laneway and non-sensitive sites the north. It is important to recognise that objective 2.5 of the Higher Density Residential Guidelines states that setbacks are important to provide amenity to dwellings and to ensure that development potential of adjoining sites is not unreasonable prejudiced. The proposed setbacks are considered to achieve these aims and also provide an appropriate interface with the northern laneway.
184. Clause 22.07 of the Scheme requires new development to have regard abutting laneways and provide a design response that accords with character of the lane, respect the scale of the lane and provide balconies that overlook the area but that do not unreasonable intrude on private open space or windows.
185. In this regard, the development is considered to respond appropriately to the commercial and industrial nature of the lane which typically sees one to three storey blank walls with vehicle entries. This lane is not located in a residential area and does not contain any elements of heritage built form. As such, the ground floor walls and upper level balconies and windows are considered an appropriate response that will result in additional passive surveillance of the lane, whilst not impacting the amenity of private open space or habitable room windows (issues of amenity impact are considered later in this report).

186. Supplementing all of the above is the Smith Street Structure Plan [**SSSP**] which, in essence, seeks to maintain the traditional retail focus of the area whilst managing demand for new development.
187. In terms of built form, the SSSP identifies that the subject site is located within Precinct 1 (Smith Street Traditional Retail Strip Centre) and provides that new buildings should generally match the street wall height of nearby buildings and be up to two to three storeys with upper levels setback so as to appear recessive.
188. The SSSP also seeks to ensure new development responds to its particular context, protects the amenity of residential areas, achieves an appropriate scale transition to residential areas and is a high standard of architectural design as well as ensuring buildings contribute to public spaces.
189. The built form requirements of the SSSP are comparable with those contained within clauses 21.05, 22.10 and 15.01-2. In summary is considered the proposed building appropriately responds to the context of this section of Smith Street, which does not exhibit a definitive character like some of the more southern parts which are included in the Heritage Overlay.
190. The development incorporates a three (3) storey street wall on the Smith and Mater Street frontages, commensurate with other façade heights in the area. In respect of setbacks of upper floors, this has been discussed in detail and are considered appropriate (subject to conditions) to ensure the higher elements of the structure are seen as recessive and do not dominate the surrounding area.
191. On balance and subject to conditions, the proposed height and massing is considered acceptable and is supported by relevant policy objectives having regard to the particular context of the site.

Urban design matters

192. In addition to height and setback guidelines, the urban design principles at clause 15.01-2 and clause 22.10 and the DSE guidelines provide a range of additional urban design considerations.

Context

193. It is policy at clause 15.01-2 that development takes into account the natural, cultural and strategic context of its location. The context of the site has to a large extent been previously discussed, however it is noted that the proposal has had due regard to its location and has been devised from a thorough site analysis.

The Public realm

194. It is policy at clause 15.01-2 that the public realm, which includes pedestrian spaces, streets, parks and walkways should be protected and enhanced. The proposed development would improve the quality of the built form, providing a new architectural benchmark for the quality of the public realm contribution that is to be expected within the MAC. These would all enhance the public realm experience.

195. This sentiment is further promoted at clause 21.05-3 where for non-residential areas, an objective is to improve the interface of development with the street. This application is considered to provide a significant upgrade to a site that currently contains a non-descript commercial building that contributes little in visual interest or architectural quality.

Safety

196. It is policy at clause 15.01-2 that new development create urban environments that enhance personal safety and property security, where people feel safe to live, work and move in at any time. This is considered to be another key strength of the proposed development. The proposed development would create new opportunities for passive surveillance over the surrounding streets. Of particular note, there will be opportunity for increased surveillance over Smith and Mater Streets and the laneway to the north.

Landmarks, views and vistas

197. It is policy at clause 15.01-2 that important landmarks, views and vistas be protected or enhanced, or where appropriate, created by new additions to the built form. The proposed development does not compete with any identified landmark buildings or structures in this end of Smith Street. It is also important to recognise that this section of Smith Street can be defined in terms of its built form from the southern part of Smith Street that is included in the Heritage Overlay. Given the northern tip of Smith Street does not contain a defined heritage character or identified built form landmarks, the proposed building will not compete with views of these buildings or their landmark status.

Pedestrian Spaces

198. It is policy at clause 15.01-2 that the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect the works will provide an enhanced visual experience along the Smith Street and Mater Street frontages. The placement of entrances to the retail units and dwellings will improve the pedestrian experience, as will the glazed shopfronts to Smith and part of Mater Streets.

Heritage

199. Clause 15.02-1 requires new development to respect historic precedents and create a worthy legacy for future generations. The stepped relationship to the adjoining church is considered appropriate and respectful of its contribution to the Gold Street Precinct and to the understanding of heritage within the City.

Consolidation of sites and empty sites

200. The proposal consolidates two lots, however, it retains the fine grain and complexity of the surrounding built form.

Light and Shade

201. It is policy at clause 15.01-2 that enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade. Further discussion of overshadowing is considered in the amenity section of this report.

It is noted however, that the proposed development will not result in additional overshadowing of any secluded private open space (within the 9.00 am 3.00 pm parameters at the September Equinox).

202. Additional shadowing will occur within Mater and Smith Streets, however this is considered acceptable and not for excessive periods in any one area. The Smith Street footpaths will receive some additional overshadowing between 9.00 am and 12.00 pm. This area will be limited to the part of the footpath around the corner of Westgarth and Smith Streets. In respect of Mater Street, a small area of the northern footpath will receive additional overshadowing during the day. This area is generally limited to the footpath outside the south eastern corner of the subject site for a maximum width of approximately 7.0m. It is noted that the southern side of Mater Street will not be overshadowed by the proposal and will retain direct sunlight throughout the day. On balance, the additional overshadowing to footpath areas on Smith and Mater Streets are reasonable and limited through significant setbacks at the upper levels of the proposal.

Energy and resource efficiency

203. It is policy at clause 15.01-2 that resource and energy efficiency be considered. Through the provision of additional dwellings within an existing built up area, the proposed development will make use of existing infrastructure and services.
204. The site's location within a MAC is expected to reduce the need of occupants to use vehicles. Combined with the ESD features of the building described later in this report, the development is considered to achieve an acceptable level of energy and resource efficiency.

Architectural quality

205. It is policy at clause 15.01-2 high standards in architecture and urban design. This has previously been considered in this report.

Landscape architecture

206. It is policy at clause 15.01-2 a resolved landscape response. There are minimal opportunities for meaningful landscaping on the subject site given the extent of site coverage. Significant landscaping also does not form part of the neighbourhood character. However, the proposal includes the provision of a landscaped communal terrace on the roof of the third floor and landscaping to the northern terraces on the first floor. This is considered to optimise the use of the land while providing an area of reprieve for occupants in a landscaped setting.
207. Given landscaping is proposed as part of the development and it is an important design feature, it is recommended that should a permit be issued, a condition is imposed to require landscape management details.

Urban design summary

208. The proposed development is considered to have appropriate regard to the applicable design based policies and guidance contained within the Scheme and displays a well considered urban design response that addresses and responds to the context of the site.

On and off-site amenity impacts

209. The policy framework for amenity considerations is contained within clauses 22.10-3.7 (On-site amenity), 22.10-3.8 (Off-site amenity) and 22.05 (Interface uses policy); and the Higher Density Residential Guidelines. The following is a consideration of external and internal amenity impacts.

External amenity

210. The proposal is located within the Business 1 and Business 2 Zone and within a MAC. As identified within the site and surrounds description, the lot does not directly abut any residential land uses the closest of which are located 23m south east at the corner of Mater and Emma Streets and 32m east along Emma Street.

Overshadowing and loss of light to surrounding properties

211. The Higher Density Residential Guidelines defer to Clause 55 of ResCode for consideration of the overshadowing impact.
212. As noted above, the closest dwelling is some 23m to the south-east and as confirmed in the applicant's shadow diagrams, will not be overshadowed by the proposal. Likewise, the shadow diagrams submitted with the application show additional shadows falling well short of dwellings in Emma Street to the east of the subject site.
213. It is noted that the only private land that will be overshadowed by the proposal is the church to the east. In respect of the above assessment criteria, the open space on its western side (which will be in shadow at from 12pm onwards) is not considered as secluded private open space as it is not associated with a dwelling.
214. In addition to not overshadowing any secluded private open space parcels, the proposal will not unreasonably impact the daylight experienced by the dwellings located on Emma or Mater Streets. This is achieved through the setback of the upper levels and the separation afforded between the proposal and the nearby dwellings.
215. The applicant's shadow diagrams have confirmed that shadows will not reach front yards or terraces of these dwellings within the requisite 9.00 am and 3.00 pm window. It is noted that dwellings on Emma and Mater Streets that face towards the proposal or will be able to see it from front rooms are separated from the proposal by roads and between 23m and 32m. This separation will ensure that existing daylight levels will not be unreasonably impacted by the proposal.

Privacy / Overlooking

216. The development is separated more than 9.0m from surrounding residential uses (i.e. those dwellings in Emma and Mater Streets), which is the prescribed distance for managing overlooking between sensitive land uses in the Higher Density Guidelines. The proposal will therefore not result in any unreasonable overlooking opportunities.

Noise

217. In Mixed Use areas, there are often points of conflict between different uses. In order to maintain the viability of commercial areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved, and therefore policy at clause 22.05 of the Scheme seeks to ensure that dwellings are constructed to reasonably protect residents from inherent conflicts. Similarly, new commercial development needs to be managed having regard to its proximity to residential uses.
218. It is noted that no acoustic assessment of the impact of existing noise sources on the proposed dwellings has been provided with the application. Without such an assessment and the implementation of appropriate measures, conflicts may arise between occupants of the proposed dwellings and existing uses (including traffic and tram noise). As such, a condition will require the applicant to prepare an acoustic report that addresses potential noise sources, and where appropriate, make recommendations regarding design measures to address potential noise impacts. The proposed mechanical equipment (e.g. air conditioning) should also be addressed by any acoustic report to ensure the on-site amenity of potential residents.

Waste

219. There is sufficient storage for waste and recyclables for the residential element within a dedicated bin room at ground floor level. Collection for the residential waste would be by Council services, with bins being relocated to the kerb for collection on dedicated days. This process has been verified by Council's Services Contracts Unit which has advised the submitted Waste Management Plan (WMP) is considered acceptable. This WMP will be required to be endorsed by way of permit condition.
220. Retail waste will be stored within each tenancy and taken to the street on designated collection days and times. Council's Contracts Services Unit have advised that Council provides each commercial property with one 240ltr garage bin collection per week and will collect two 240ltr recycling bins per week. The applicant has provided a Waste Management Plan that suggests the shops will produce three garbage bins and two recycling bins per week. Council's Contracts Services Unit have reviewed the WMP and has raised no concern with the predicted amount of waste. The WMP suggests that retail waste will be collected by Council or private contractor. This mix of collection is considered appropriate and is able to be implemented on a needs basis.

Internal amenity

221. The Higher Density Guidelines – Element 4, Circulation and Services and Element 5 – Building Layout and Design and Element 6 – Private and Communal Open Space provide useful guidance with regard to on-site amenity, including circulation spaces, site services, dwelling diversity, layout, open space and wind impacts. On balance, the proposal is considered to provide a high level of internal amenity.
222. Circulation spaces are generous, with entries to the residential tower providing standard door widths, a generous lobby to the residential building in excess of 87sqm, and the provision of a single lift that is sufficient to accommodate furniture deliveries.

Corridors are generally 1.6m and at the third to sixth floors are naturally illuminated at either end. The entry to the residential development is clearly defined and secure and mail boxes are clearly identifiable and appropriately sited.

223. Dwelling diversity is achieved through the provision of 18 studios, 22 one-bedroom units, and 26 two-bed units. The layout of the building also results in good access to natural daylight to the dwellings with a high number of units benefiting from a north, east or westerly aspect. Generous setbacks also ensure adequate daylight to all units, regardless of orientation.
224. All units are well proportioned, providing good outlook, ventilation and (in the most part) habitable rooms benefit from access to natural light (only three (3) out of the 66 dwellings have a bedroom with borrowed light). These three units however, are all two bedroom layouts; with internal bedrooms being impractical with this configuration. In order to retain a reasonable level of amenity to all dwellings, units 307, 407 and 507 should be modified to one bedroom units by way of a permit condition.
225. Each unit is provided with a storage unit of 3m² or 6m². This amount of storage is considered acceptable given that 18 of the dwellings are studio apartments and a further 22 are one bedroom units. The smaller apartments are anticipated to attract occupants with a limited storage requirement that would be catered for by the proposal.
226. Each unit is provided with an area of private open space in the form of a terrace or balcony with an area of between 5sqm and 72sqm. In addition, an area of communal open space is provided at the third floor level and would contain modest landscaping in planter boxes for the use of the building's occupants. The Higher Density Guidelines set out that if a balcony is intended to serve as private open space it should be of sufficient size to accommodate outdoor seating, with good connections between these spaces and the building's interior. The connections and sizes of the balconies and the additional communal open space at third floor level ensure that the availability and quality of open space would be appropriate.
227. Overlooking between units from balconies/terraces and habitable rooms is also an important consideration in order to ensure a reasonable level of amenity for future residents. Considering the current layout, some balconies/terraces and windows could provide unreasonable overlooking within a 9.0m radius. To ensure overlooking from within the proposal is adequately addressed, a condition should be placed on any permit issued requiring that any habitable room windows or balconies/terraces that overlook other habitable rooms or balconies/terraces are screened to a minimum height of 1.7m with screens being, opaque or maximum 25 per cent transparent or alternatively, windows are provided with a minimum 1.7m sill height.

ESD

228. The Scheme provides limited guidelines in relation to ESD. However it does provide strategies to encourage new developments to incorporate environmentally sustainable design measures, on-site water management and energy efficiency. In relation to design and construction, notable ESD objectives of the development are outlined below:

- (a) achievement of 6-Star House Energy Rating;
 - (b) building design incorporating summer shading, and natural ventilation to apartments;
 - (c) solar boosted gas hot water system; and
 - (d) 12,000ltr rain water harvesting for rubbish area wash down and irrigation.
229. The application was referred to Council's ESD Officer and this advice has been outlined in the referral section of this report. The ESD objectives are achievable and a good ESD outcome would be provided. However the ESD officer suggests some areas which could be modified to achieve a better outcome, or to clarify how the ESD objectives are to be met. These include:
- (a) The extent of adjustable external shading to the west and east facing windows is lacking. External shading such as blinds, louvers or shutters should be installed.
 - (b) All windows that are proposed to be operable should be shown on the plans.
 - (c) Dwellings that are orientated to the south should achieve a higher degree of thermal insulation due to their lack of direct sunlight.
 - (d) Captured rainwater should be used for toilet flushing as well as irrigation.
 - (e) It is recommended to provide at least one secure bike park for each apartment and retail premises.
230. In relation to these comments, points a, b and d should be required by condition in order to achieve an acceptable ESD outcome.
231. In respect of point e, sufficient bicycle storage is provided over and above the Planning Scheme requirements. In combination with other ESD and sustainable transport initiatives, the 27 bicycle spaces provided are considered to be an appropriate ESD response.
232. In relation to point c, the setbacks afford adequate natural daylight. Although some units or orientated to the south this is synonymous with a residential tower typology. Although south facing, Mater Street ensures these units will not be 'built out'. Additional thermal protection is also not considered necessary (e.g. double glazing) as the applicant has committed to a minimum 6 star energy rating.
233. Overall, the ESD initiatives proposed as part of the application, as well as the measures required by condition, demonstrate that the proposal would achieve a reasonable standard of energy efficiency.

Parking, access and traffic

Car parking reduction

234. Car parking is allocated in accordance with the following table:

Land Use	No. of car spaces
Dwellings (40 one bedroom/studio and 26 two bedroom units)	One bedroom units- 12 spaces Two bedroom units – 26 spaces
Shops (2 – 392m ²)	2
Total	40

235. Based on the Planning Scheme provisions, a total of 163 car spaces would be required. A total of 40 on-site car parking spaces are proposed, therefore a reduction of 143 spaces is required.
236. It is noted that the B1Z refers to the objectives and standards of clause 55 of the Scheme when considering buildings and works. Although not specifically applicable to a development more than four storeys, the car parking rates for dwellings contained at clause 55.03-11 are considered to be more representative of car parking demand. Clause 55.03-11 requires 1 car parking space for each one and two bedroom dwelling. Under these provisions, the proposal (with 66 one and two bedroom units) would generate a total demand of 66 car parking spaces. This number is considered to more closely resemble the car parking spaces required than the amount specified at clause 52.06-5.
237. In considering the appropriateness of a reduction, the Responsible Authority must be satisfied that it is justified having regard to the following decision guidelines as per clause 52.06-1:
- any relevant parking precinct plan*
238. There are no formal parking precinct plans for the area. However, it is noted that Council commissioned the Smith Street Activity Centre Structure Plan Transport and Parking Framework study prepared by engineering firm Arup. This study was undertaken as part of the production of the SSSP and specifically discussed the provision of car parking spaces in new developments within the area.
239. The Arup report (section 3.6) recommends lower than standard car parking rates for new developments within the SSSP area given Council's strategic directions to reduce reliance on private vehicles as well as the area's excellent connection to public transport. These findings are considered to provide further justification for the proposed car parking reduction.
- the availability of car parking within the area*
240. On-street car parking is available in the streets surrounding Smith Street, which is typically either time based or permit parking.
241. The applicant has submitted a traffic report prepared by Cardno Grogan Richards that included a car parking survey, assessing parking in the area bounded by Alexandra Parade to the north, Wellington Street to the east, Easy Street and Kerr Street to the south and George Street to the west. The survey found 747 to 776 publically accessible spaces on a Thursday and between 768 and 763 spaces on a Saturday at the hours (for both days) of 7.00 am, 11.00 am, 2.00 pm, 5.00 pm and 9.00 pm. Of these spaces, occupancy rates were as low as 47 per cent and as high as 86 per cent.

The report found that the peak parking demand on Thursday was at 11.00 am (108 spaces were available) and at 11.00 am on Saturday (144 spaces available).

242. What the survey reveals is that even at peak parking demand, 108 spaces remain available in and around the site, which are considered to adequately cater for car parking demand generated by the dwellings and shops that is not provided for on site.

the availability of public transport within the area

243. The area is well serviced by a number of transport options within an approximately 400m radius of the site. These include the No. 86 tram on Smith Street running between RMIT University in Bundoora and the Docklands via the CBD, bus routes 200, 201, 203 and 205 (CBD – Bulleen/Doncaster Shopping Town), 207 (CBD – Donvale). Victoria Park Train Station is also located approximately 1km to the east.
244. The excellent access to public transport is considered to be a key element in supporting reduced car parking rates for new developments. It is noted that Council's Strategic Transport and Engineering Services Units have reviewed the proposal and are supportive, noting the site's access to public transport.

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

245. The site is currently occupied by a shop occupying some 1100m² of floor area, thus currently generating a car parking requirement under clause 52.06-5 of 88 car parking spaces. The site does not contain any on-site car parking, therefore providing a credit of up to 88 spaces.

local traffic management

246. Whilst some increase in traffic movements are likely as a result of this development, these are estimated to be within reasonable limits. While traffic movements in Mater Street and the surrounding local road network may be noticeable at peak times, the occupation of the dwellings and traffic movements into and out of the site should not cause a break down in the effectiveness of Mater Street or any of the nearby local roads.
247. It is noted that Council's Engineering Services Unit has raised no concern with the impact of traffic on the local road network.

local amenity including pedestrian amenity

248. The development would result in increased vehicular movements in Mater Street and the local road network to the east of Smith Street, however not to a degree that would affect the local or pedestrian amenity. This is assisted in terms of the proportion of dwellings that would be designated car-free.

an empirical assessment of car parking demand

249. The traffic report submitted with the application addresses car parking demand in relation to the development.

This draws on 2006 ABS Census data for car ownership for occupants of one and two bedroom units in the city of Yarra to justify a reduced provision. This data identifies that 36 per cent of people living in a one bedroom units do not own cars and 43 per cent on people living in two bedroom units do not own cars.

250. Given that 40 of the proposed units are one bedroom, the available data would suggest that only up to 26 cars would be owned by occupants of the one bedroom units and that 15 car would be owned by the occupants of the two bedroom units. Based on this analysis, a potential demand for car parking would be 41 car parking spaces for the whole residential component of the development.
251. This assessment effectively demonstrates that based on surveys of unit occupants, a deficiency of just three spaces for the whole residential component of the development would occur. This is in comparison to the statutory deficiency of 123 residential spaces under the Scheme. It is noted that the Scheme rate is a state wide control and does not necessarily incorporate adjustments for local conditions and site specific considerations.
252. Based on the empirical assessment, a substantially lower rate of car parking demand for the proposed dwellings is acknowledged compared to clause 52.06-5, a rate generally concurred with by Council's Engineering Services Unit.
253. The empirical assessment is considered to provide sound justification for the adoption of a reduced car parking provision and supports the approval of the reduction in car parking spaces.

any other relevant consideration

254. It is noted that the statutory car parking requirements set out in the Scheme are the same across the State, and have not been updated for a considerable time. In an inner city context, where sustainable transport objectives prevail, these rates are not considered realistic in all circumstances.
255. Council's Engineering Services Unit has made the following comments in regard to the retail tenancies:

For the retail tenancies, the site is located on a street frontage that experiences very high pedestrian volumes. As with many other shops and businesses along Smith Street, pedestrians and persons already in the area would constitute a significant proportion of customers. Short term on-street parking is available within walking distance of the site for customers who choose to drive.

256. The principles applied here are considered to provide strong justification for a reduction in the rate of car parking supplied for the shops from 31 to 2. It is also noted that in respect of actual car parking spaces generated by the retail component, this is expected to be far less than it is currently given the existing 1100m² (approximately) shop on the land is to be removed and replaced with two shops (only 392m²).
257. Having regard to the location of the shops (in an existing MAC that is currently attracting visitors), the reduced rate of on-site car parking provision is considered acceptable.

General discussion of car parking reduction

258. Having regard to the above decision guidelines, a reduction in car parking rates is considered reasonable based on the availability and access to many public transport options and a supply of on-site bicycle parking spaces in excess of the Scheme requirement. Further justification is also provided below:
- (a) In relation to the residential use, it is typically recognised that rates outlined in clause 52.06 of the Scheme are excessive for developments within the inner urban areas, and that there is a growing trend for developments to provide a proportion of dwellings without any on-site car parking, particularly where they are located in such close proximity to public transport, or provide sustainable transport alternatives (i.e. provision of bicycle parking).
 - (b) Council's Engineering Services Unit have reviewed the proposed development and consider the car parking provision sufficient having regard to the trend for lower than average rates of car ownership in inner-city areas and the site's proximity to public transport options.
259. Based on the above assessment, the reduction in car parking is considered acceptable, would support broad sustainable transport initiatives, and is unlikely to result in adverse impact on parking availability within the area.

Traffic generation

260. The applicant's traffic engineer identified that surveys undertaken by a range of traffic engineering consultancies suggest that a development of this type in this location would be anticipated to generate approximately 190 vehicle movements per day for the dwellings and 21 vehicle movements for the shops.
261. Council's Engineering Services Unit has reviewed the findings above and has commented that they are reasonable and compared to existing conditions will not have a significant impact on the local street network.
262. A substantial number of the objections considered traffic generated by the proposal to be significant. It is inevitable that the development will contribute to traffic volumes particularly at peak times. However, it is noted that the proposed on-site car parking provision is at a substantially reduced rate compared to what the Scheme specifies. In addition, the site's access to key public transport infrastructure also offers sustainable transport alternatives to the private motor vehicle via public transport, walking and cycling.
263. It is a necessary outcome of urban consolidation that increases in vehicular traffic will need to be absorbed on the existing road network. This was found to be the case in *JG (VIC) Pty Ltd v Boroondara City Council* [2007] VCAT 1152 in relation to the acceptability of increases in traffic:
- [23] Ever increasing traffic volumes have been a feature of our society since motor vehicles first used our roads last century. Government policies aim to reduce our dependence on motor vehicles by, amongst other things, encouraging new development into areas already well served by public transport and by trying to better match housing and work places. Rejecting new development on sites such as the review site does not mean that the traffic situation will improve or stop getting worse.

Allowing new development on sites such as this, located close to public transport, in a long established and very important centre and in areas where people live nearby, may eventually encourage a slowdown in the growth of traffic volumes. It may be an optimistic and long-term outcome, but it is one that planning policy seeks to achieve.

264. Having regard to the above, the proposed traffic generation and distribution is considered satisfactory

Access to car parks and layout

265. Access to the car park is provided from Mater Street via a new 5.8m wide crossover with a 1:8 ramp up into the building for a length of approximately 3.6m providing two way access to the building. Internally, the car park has one a 6.2m wide isle which serves two rows of car stackers on either side.
266. Council's Engineering Services Unit initially raised concern with the internal layout of the car park indicating that the internal isle width of 5.2m - 6m was unsatisfactory to provide access to the proposed car stackers. Subsequent design changes and the submission of additional traffic engineering drawings to the Engineering Services Unit allayed these concerns with the internal isle being widened to 6.2m.
267. In addition to concerns with the internal layout, the Engineering Services unit also did not accept the lack of visibility splays at the car park entrance due to pedestrian safety concerns. To remedy this, the applicant has proposed a pedestrian warning light on the eastern side of the car park entrance to alert pedestrians to exiting vehicles. This solution was not accepted by Council's Engineering Services Unit, specifying that a CCTV monitor and camera should be installed so vehicles exiting the site would have a view of the footpath east of the entrance. The monitor would be installed inside the entrance/exit and be visible to drivers. The Applicant has agreed to this solution and it should be required by way of permit condition.
268. It is noted that as part of the proposal, the two existing crossovers to the site are to be removed. Conditions will require the curb and channel to be reinstated to Council specification and satisfaction.
269. In order to ensure the proposed car stackers are installed correctly, Council should require by way of condition, details of the operation of the car stackers and that they be installed by a suitably qualified professional.

Loading

270. Clause 52.07 of the Scheme requires that loading facilities are provided for the retail units. In relation to the two units, it is proposed for these to be serviced from on-street loading bays. The size of these premises is similar to other retail outlets that are serviced from the street within the Smith Street area. This is considered a suitable option and supports a reduction in on-site servicing arrangements for these three retail tenancies.
271. It is noted that the closest on-street loading bay is located approximately 65m west of the subject site on Westgarth Street. The loading bay operates between 7.30am and 5.30pm Monday to Friday and 7.30am and 12.30pm on Saturday.

This loading bay is considered to be in reasonable proximity to the subject site and can be anticipated to accommodate some loading and unloading requirements for the proposal.

Bicycle parking and facilities

272. The following table outlines the statutory bicycle parking requirement in respect of the proposal:

Use	Employee / Resident	Visitor / Shopper / Student	Requirement
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	14 residential spaces 7 visitor spaces
Retail premises	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	No bicycle parking required based on limited floor area of the retail premises'

273. Based on the above table, the development has a statutory requirement to provide a total of 21 on-site bicycle parking spaces. A total of 27 resident bike spaces, inclusive of visitor spaces, are provided in the ground floor adjacent to the pedestrian entry for the dwellings. This is in excess of the statutory requirement.
274. Internal comments have raised concern that the proposed 'Ned Kelly' type bike storage is not conducive to use for people who lack upper body strength and as such may discourage their use. Given Council encourages the use of 'green' travel initiatives such as bikes, a condition will require a minimum 25% of the proposed bike storage spaces to be of a type that is universally accessible to Council's satisfaction.
275. In terms of access, the location of bike storage at ground floor level in close proximity to the street entrance is considered acceptable and will encourage bicycle use.
276. In order to facilitate use of the bicycle storage area, appropriate signage in accordance with clause 52.34-5 should be required by permit condition. Bicycle dimensions should also be in accordance with clause 52.34-4, unless otherwise to the satisfaction of the Responsible Authority.

Objector concerns

277. A number of issues raised by objectors have been addressed throughout this report.

Design and Built Form

- (a) excessive height;
- (b) inappropriate architectural response;
- (c) inappropriate in the context of neighbourhood character;

- (d) development will dominate the skyline;
- (e) would set a precedent for other high rise development;

278. All matters of design and built form are addressed in the paragraphs 141 to 208 of this report.

Traffic and Parking

- (i) the scale of the development would result in increased traffic congestion in local streets particularly Mater Street;
- (j) inadequate provision of on-site car parking for residents;
- (k) traffic management issues (i.e. queuing of cars trying to get into car park as a result of car stackers);
- (l) vehicle movements will compromise pedestrian and cyclist safety;

279. All matters of traffic and parking have been addressed in the paragraphs 234 to 269 of this report.

On and off site amenity impacts

- (m) overlooking;
- (n) loss of privacy;
- (o) overshadowing;
- (p) loss of daylight;

280. All matters of off-site amenity impacts have been addressed in paragraphs 202 to 227 of this report.

Operational matters / other considerations

- (q) concern with waste collection;

281. Issues with waste collection have been addressed at paragraphs 219 to 220 of this report.

Conclusion

282. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The development would assist with meeting the Victoria's urban consolidation objectives and Council's preference to direct higher density development to activity centres and strategic redevelopment sites. The proposal also fulfils the purpose of the zoning controls for the B1Z and B2Z.

283. The mix of uses, architectural design excellence and the development's contribution to the streetscape would contribute to the long term economic viability of the Smith Street Major Activity Centre. The application is therefore considered to be acceptable subject to the conditional requirements set out within the report.

ATTACHMENT 1

SUBJECT LAND: 444 – 452 Smith Street, Collingwood

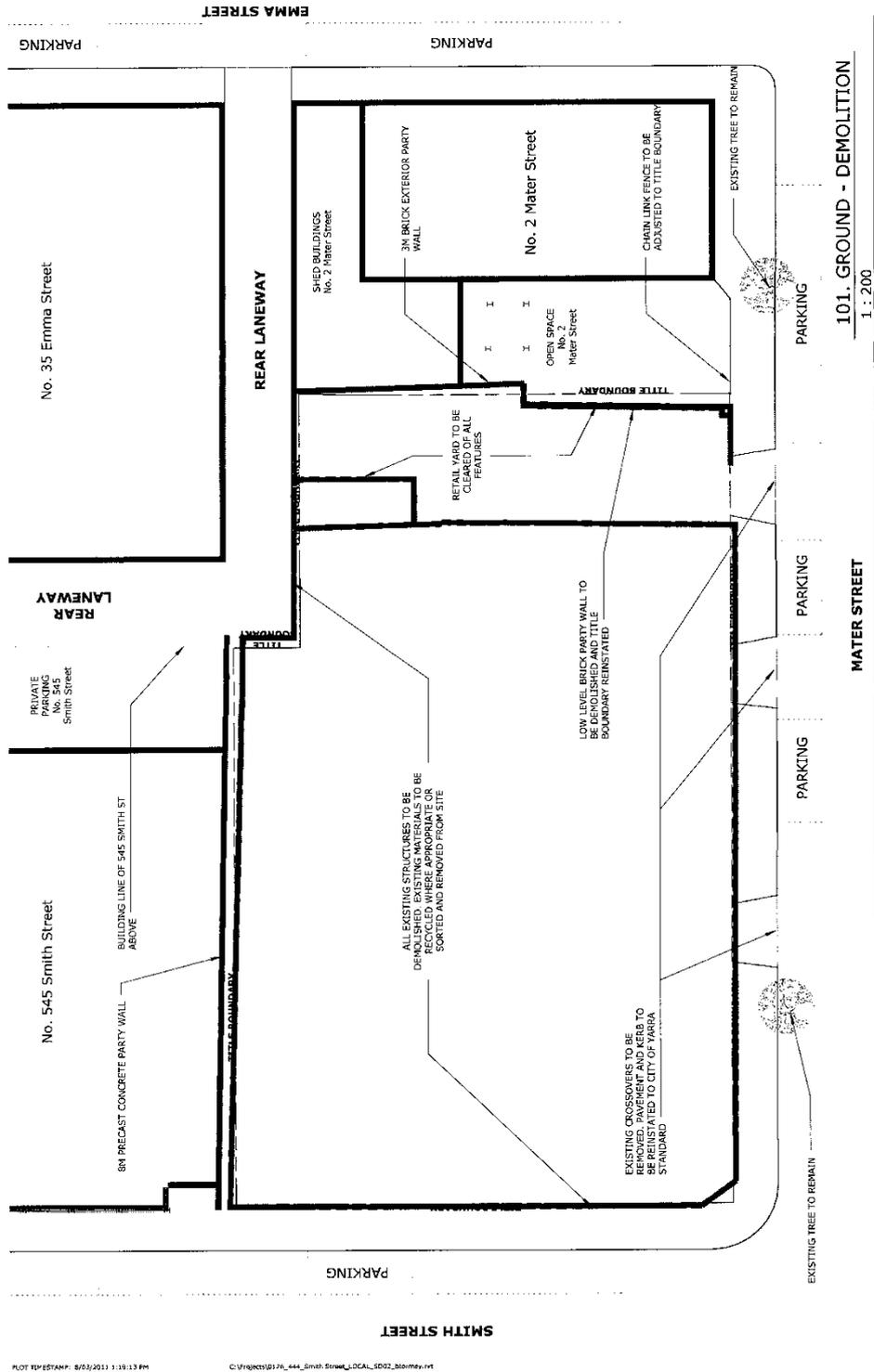


North

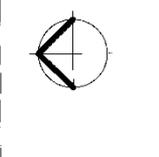


Subject Site

ATTACHMENT 3



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 PROJECT DATE - Issue date
 SCALE - 1:200 @ A3
 REVISION - D
 DATE - 08/03/11
 DRG NO -
 TP-101-LJ
 9 - MAR 2011

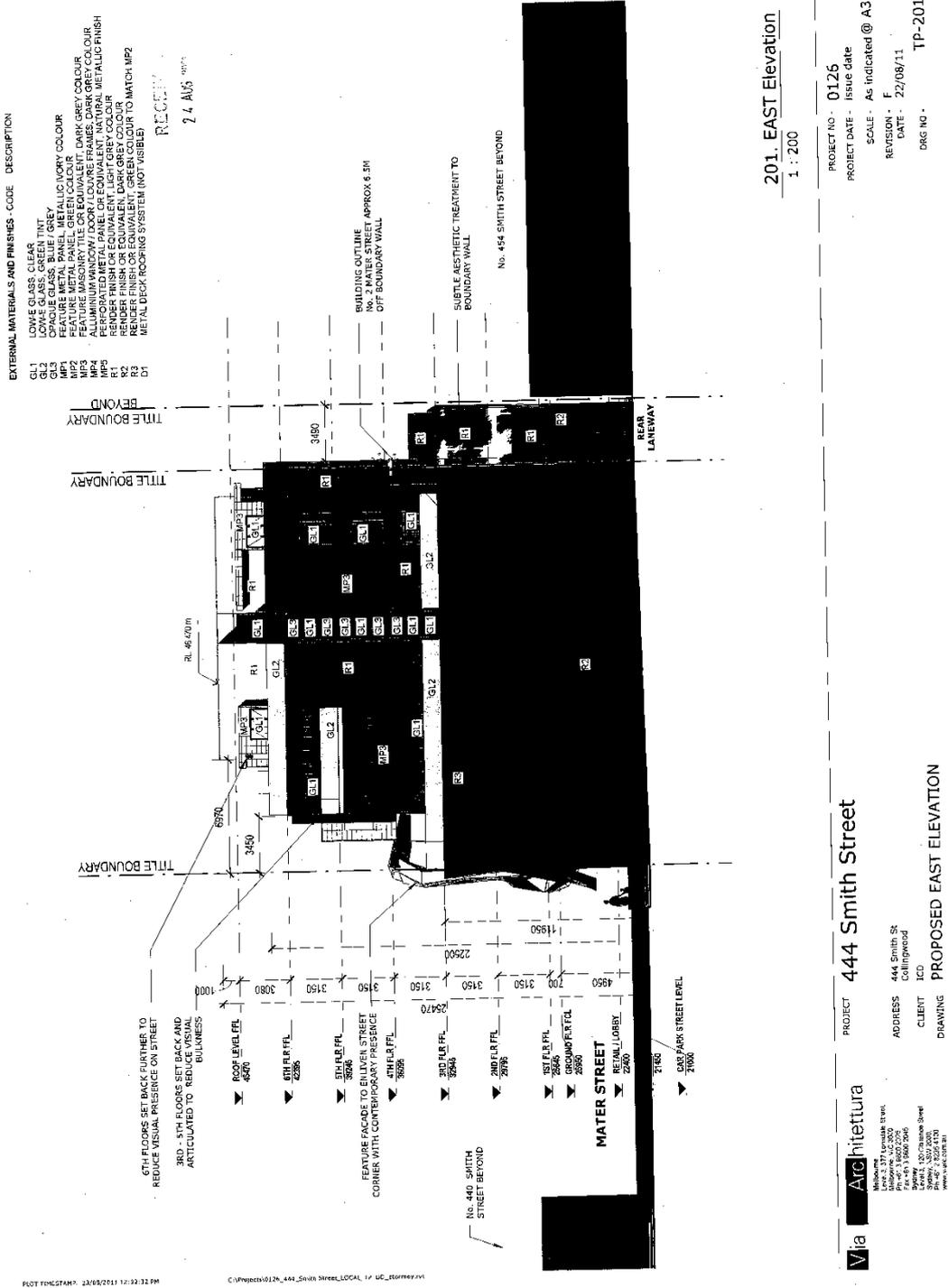


PROJECT 444 Smith Street
 ADDRESS 444 Smith St
 CLIENT ICD
 DRAWING DEMOLITION PLAN

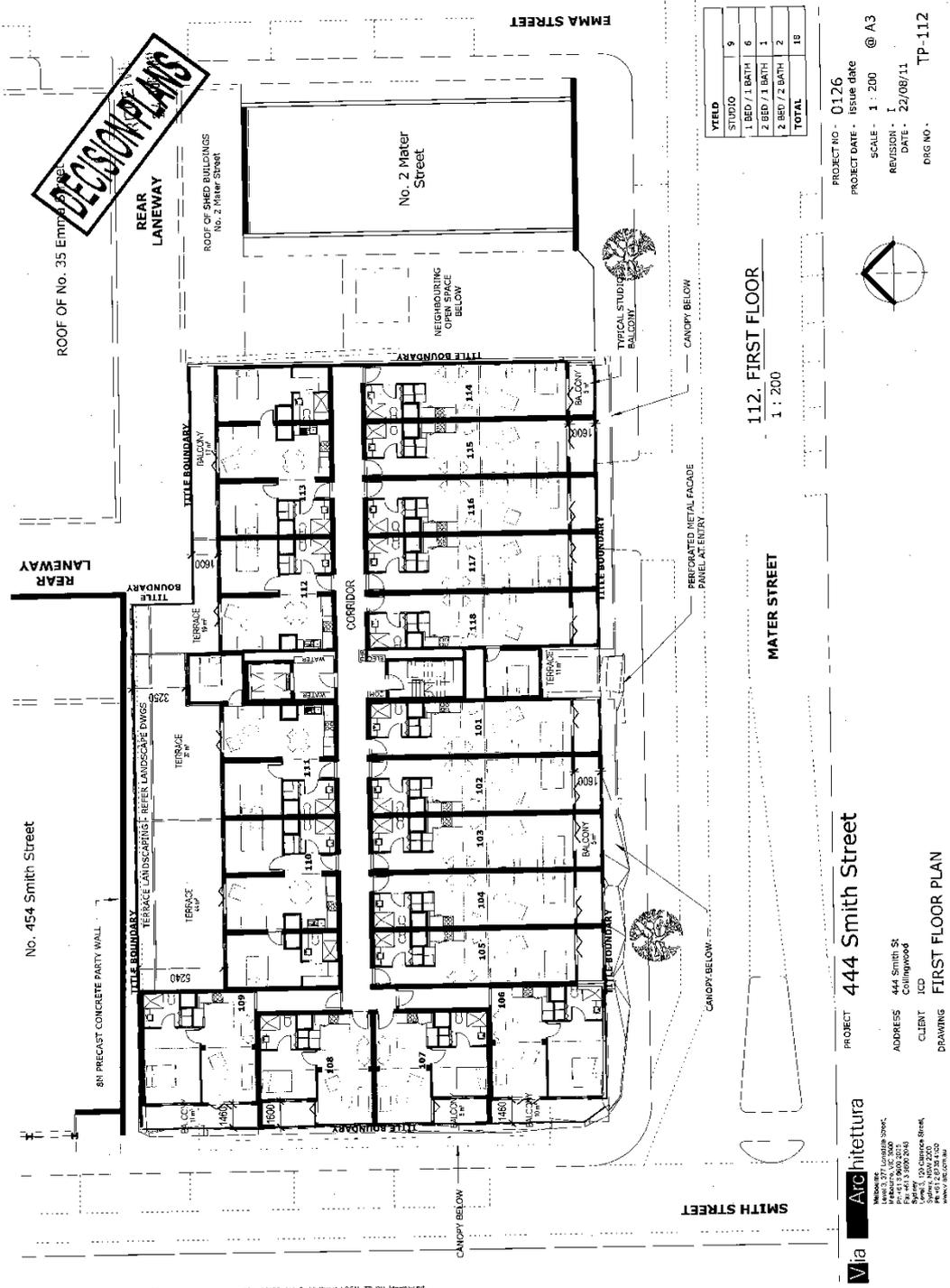
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 Tel: +61 3 9620 2045
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 Email: info@arc.com.au
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ATTACHMENT 4



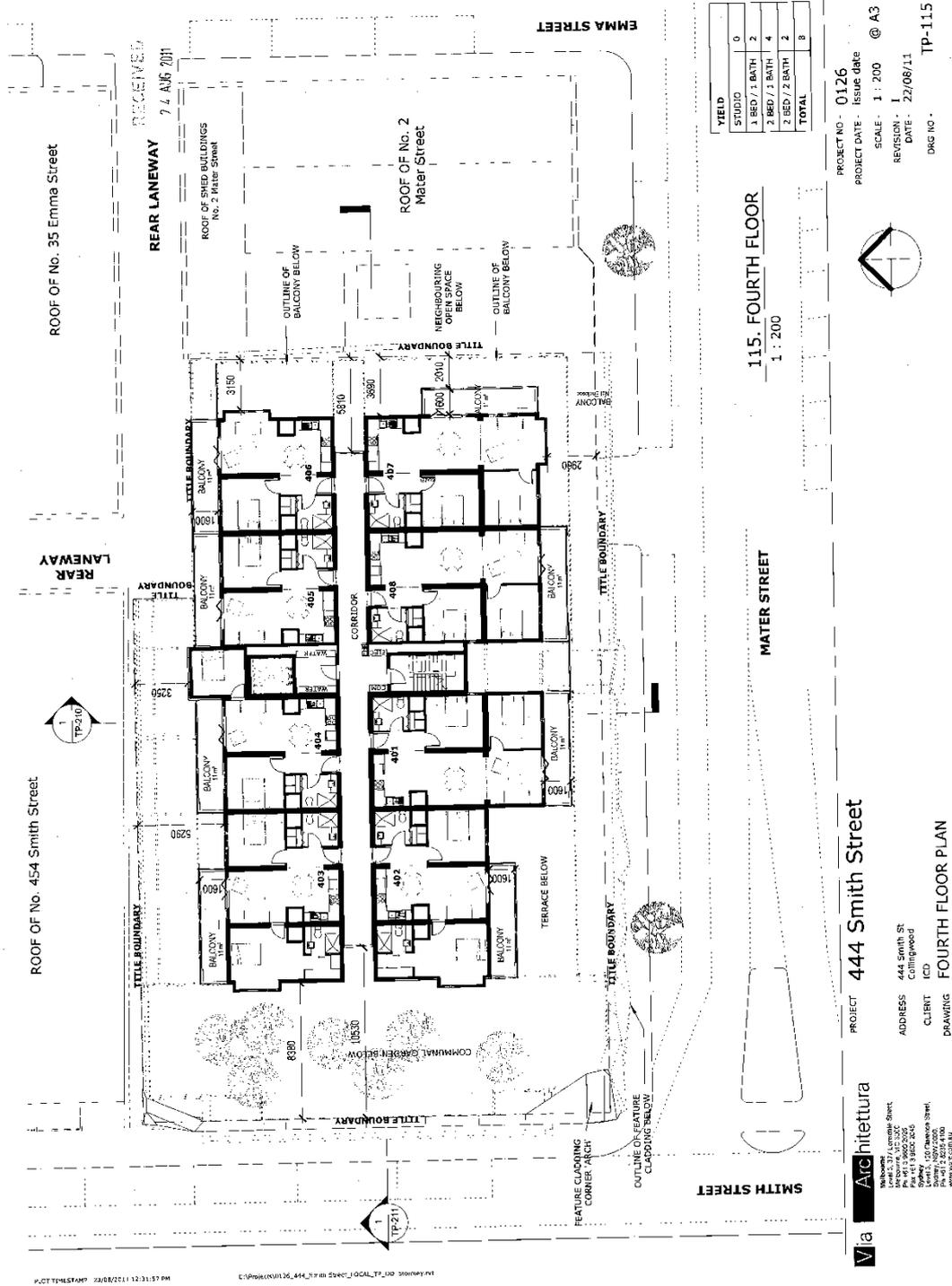
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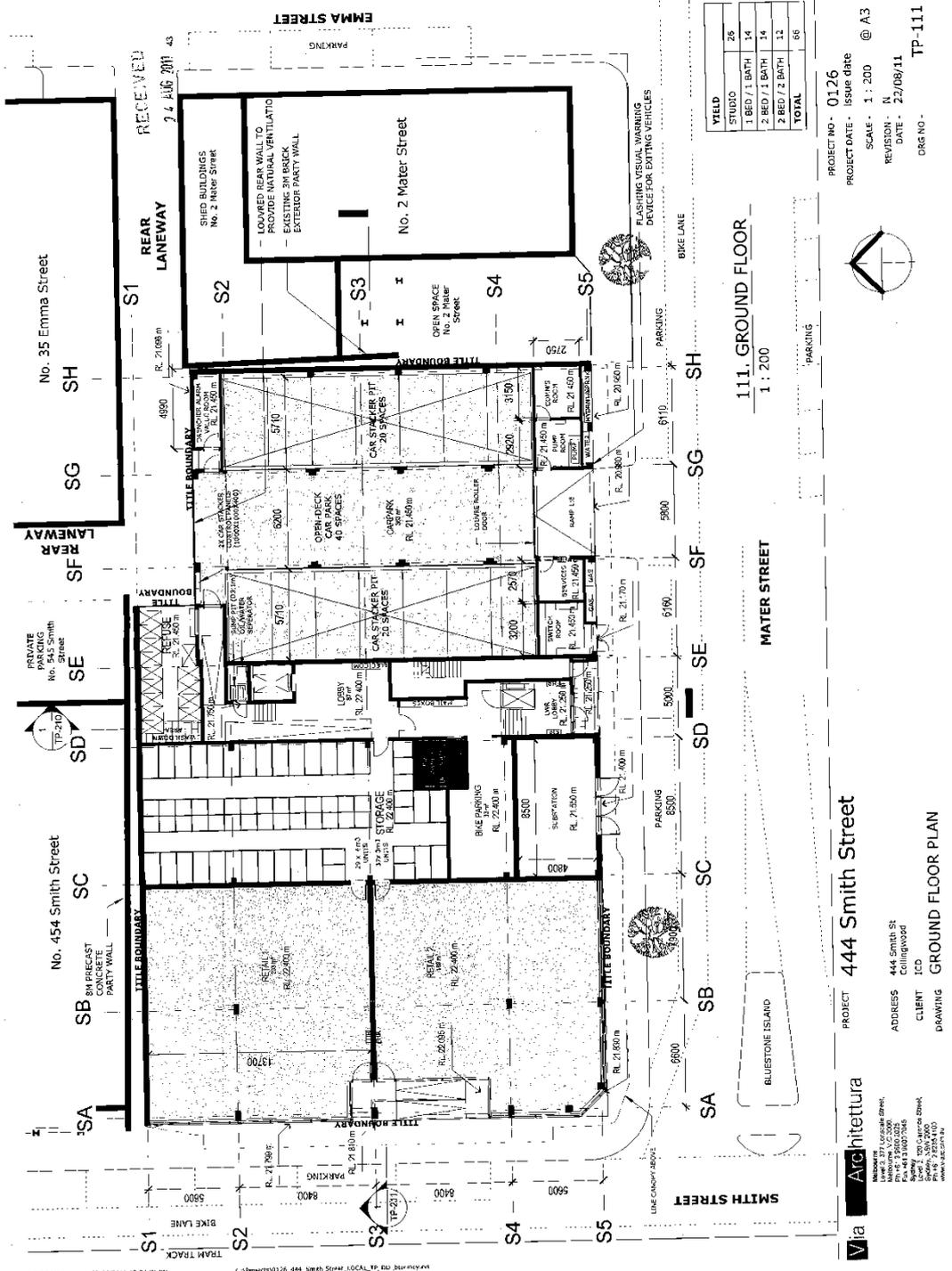
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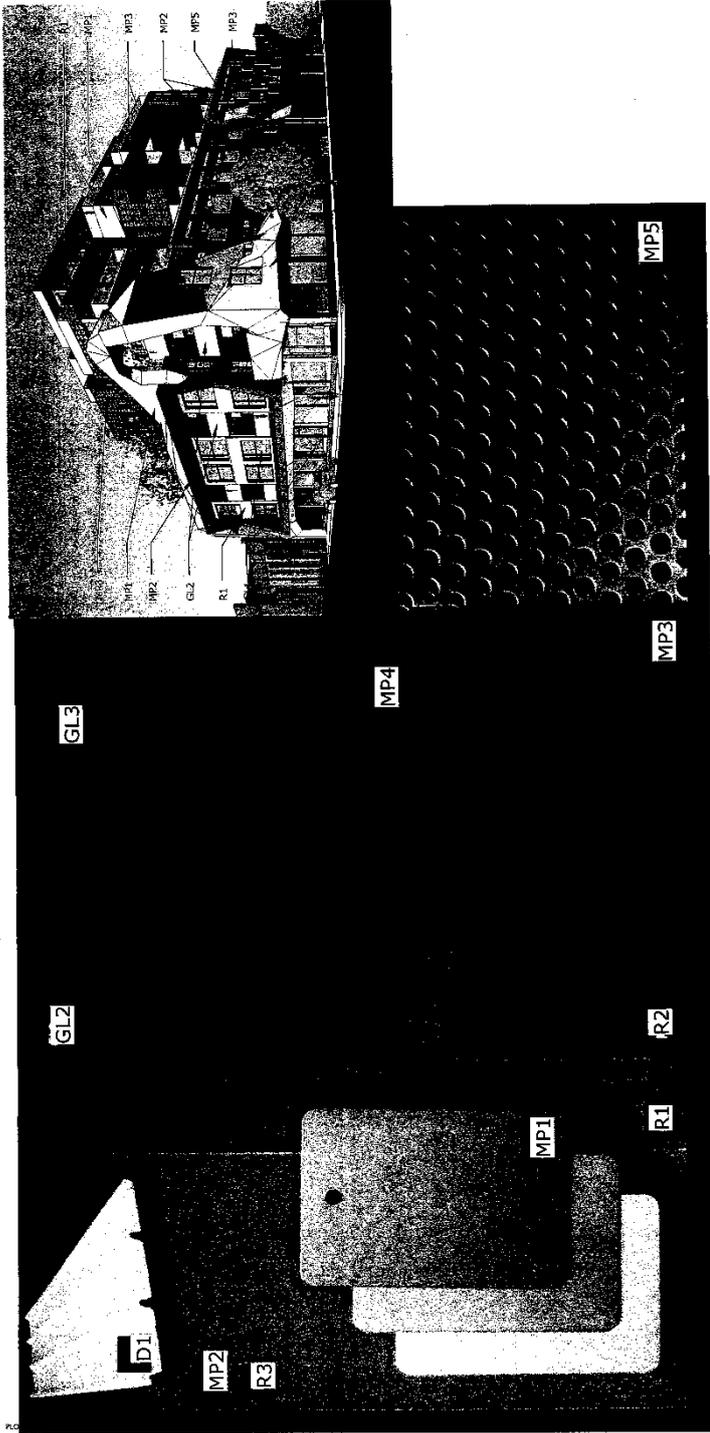
ATTACHMENT 7



ATTACHMENT 8



ATTACHMENT 10



EXTERNAL MATERIALS AND FINISHES - CODE DESCRIPTION

CODE	DESCRIPTION
GL1	LOW-E GLASS, CLEAR
GL2	OPAQUE GLASS, GREEN TINT
GL3	FEATURE METAL PANEL, BLUE / GREY
MP1	FEATURE METAL PANEL, METALLIC IVORY COLOUR
MP2	FEATURE METAL PANEL, GREEN COLOUR
MP3	FEATURE MASONRY TILE OR EQUIVALENT, DARK GREY COLOUR
MP4	ALUMINIUM WINDOW / DOOR / LOUIRE FRAMES, DARK GREY COLOUR
MP5	PERFORATED METAL PANEL OR EQUIVALENT, NATURAL METALLIC FINISH
R1	RENDER FINISH OR EQUIVALENT, LIGHT GREY COLOUR
R2	RENDER FINISH OR EQUIVALENT, DARK GREY COLOUR
R3	RENDER FINISH OR EQUIVALENT, GREEN COLOUR TO MATCH MP2
D1	METAL DECK ROOFING SYSTEM (NOT VISIBLE)

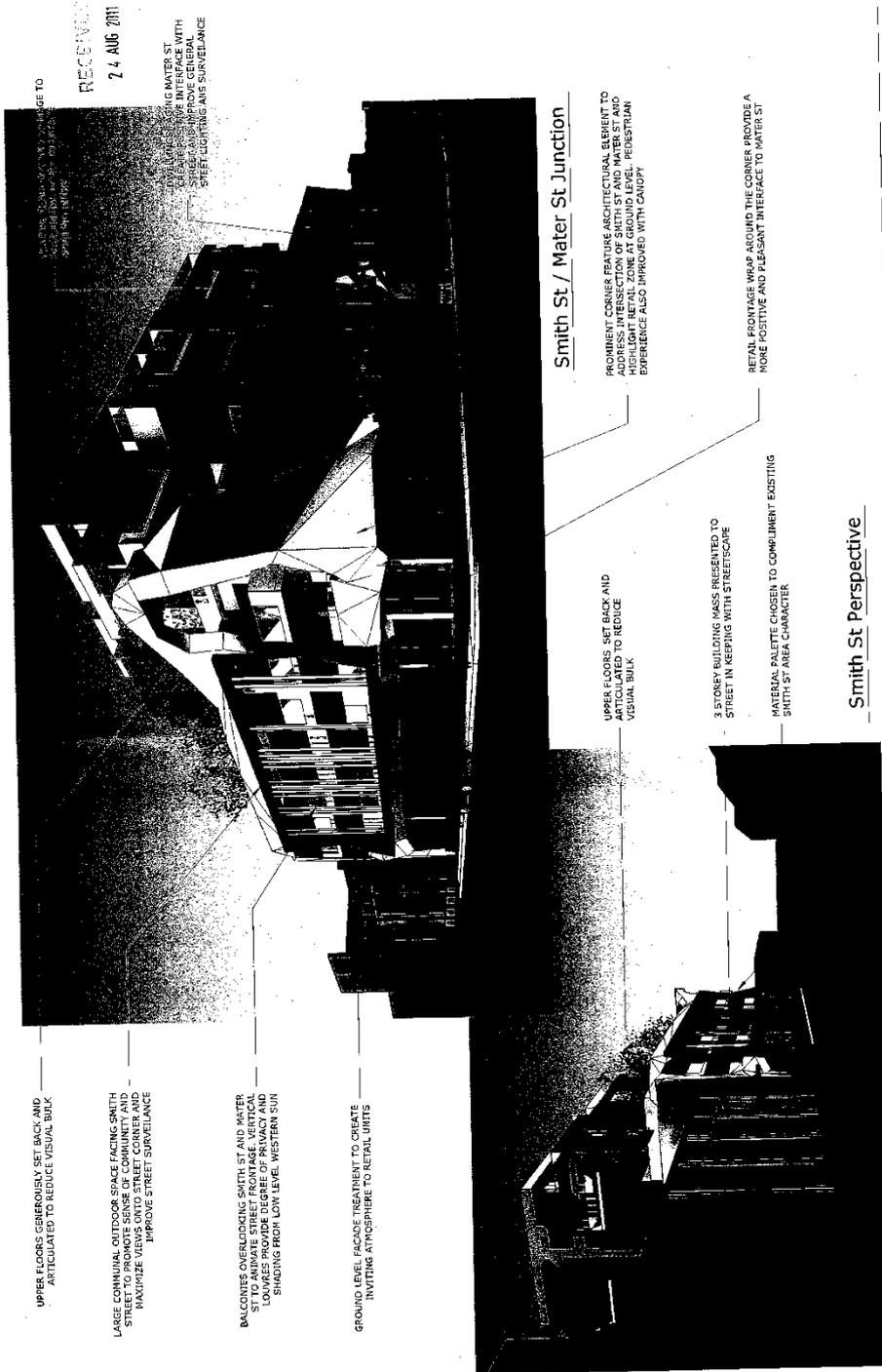
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17 APR 2011

PROJECT NO - 0126
PROJECT DATE - ISSUE date @ A
SCALE - 1 : 1
REVISION - E
DATE - 08/04/11
DRG NO - TP-40

PROJECT 444 Smith Street
ADDRESS 444 Smith St
Collingwood
CLIENT JCD
DRAWING EXTERNAL MATERIAL & FINISHES

Via Architettura
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ATTACHMENT 12



PROJECT NO - 0126
 PROJECT DATE - Issue Date
 SCALE - @ A3
 REVISION - F
 DATE - 22/08/11
 DRG NO - TP-220

Smith St Perspective

PROJECT 444 Smith Street
 ADDRESS 444 Smith St
 Collingwood
 CLIENT ICD
 DRAWING PROPOSED PERSPECTIVES A

Via **Architettura**
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 Sydney, NSW 2000
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ATTACHMENT 13

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Mater Street Perspective

6TH FLOOR SET BACK TO MINIMISE VISUAL PRESENCE FROM STREET

UPPER FLOORS GRADUALLY SET BACK FROM BOUNDARY AND ARTICULATED TO REDUCE VISUAL BULK

BALCONIES OVERLOOKING MATER ST TO TAKE OPPORTUNITY OF CITY VIEWS AND ANIMATE STREET TO IMPROVE GENERAL STREET LIGHTING AND SURVEILLANCE

FEATURE FACADE FINISH ON MATER STREET PROVIDES VISUAL SHIELDING AND PROVIDES CANOPY SHELTER TO FRONT DOOR

SERVICES CONSOLIDATED ON WATER STREET TO MAXIMISE ON SMITH STREET RETAIL FRONTAGE

PROJECT NO. 0126
 PROJECT DATE: ISSUE 006 @ A3
 SCALE -
 REVISION: F
 DATE: 22/08/11
 DRG NO. TP-221

PROJECT 444 Smith Street

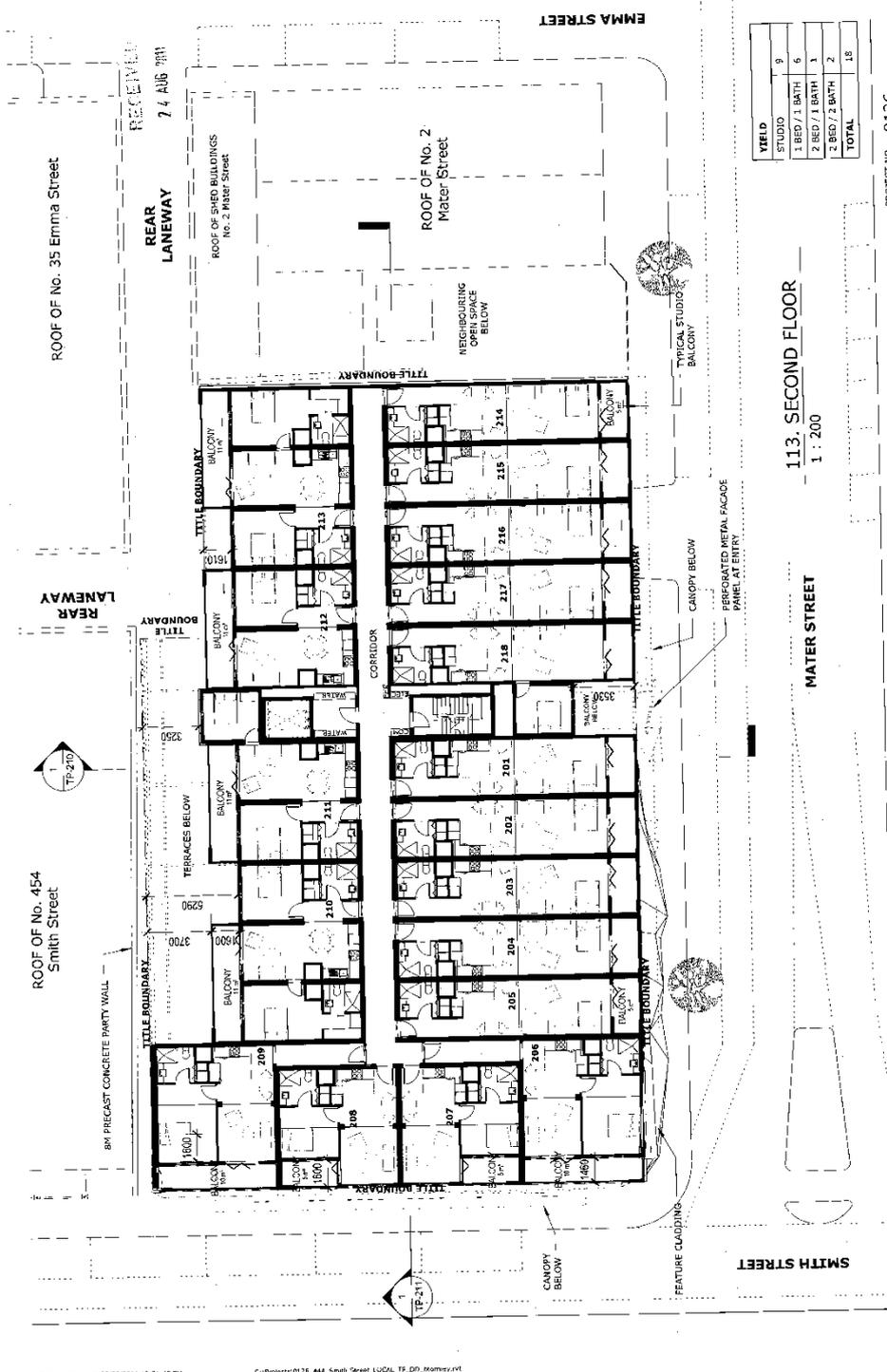
ADDRESS 444 Smith St
 Campbellfield
 CLIENT ICD
 DRAWING PROPOSED PERSPECTIVES B

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ATTACHMENT 14



YIELD	
STUDIO	9
1 BED / 1 BATH	6
2 BED / 1 BATH	1
2 BED / 2 BATH	2
TOTAL	18

PROJECT NO - 0126
 PROJECT DATE - Issue date
 SCALE - 1 : 200 @ A3
 REVISION - 1
 DATE - 22/09/11
 DRG NO - TP-113



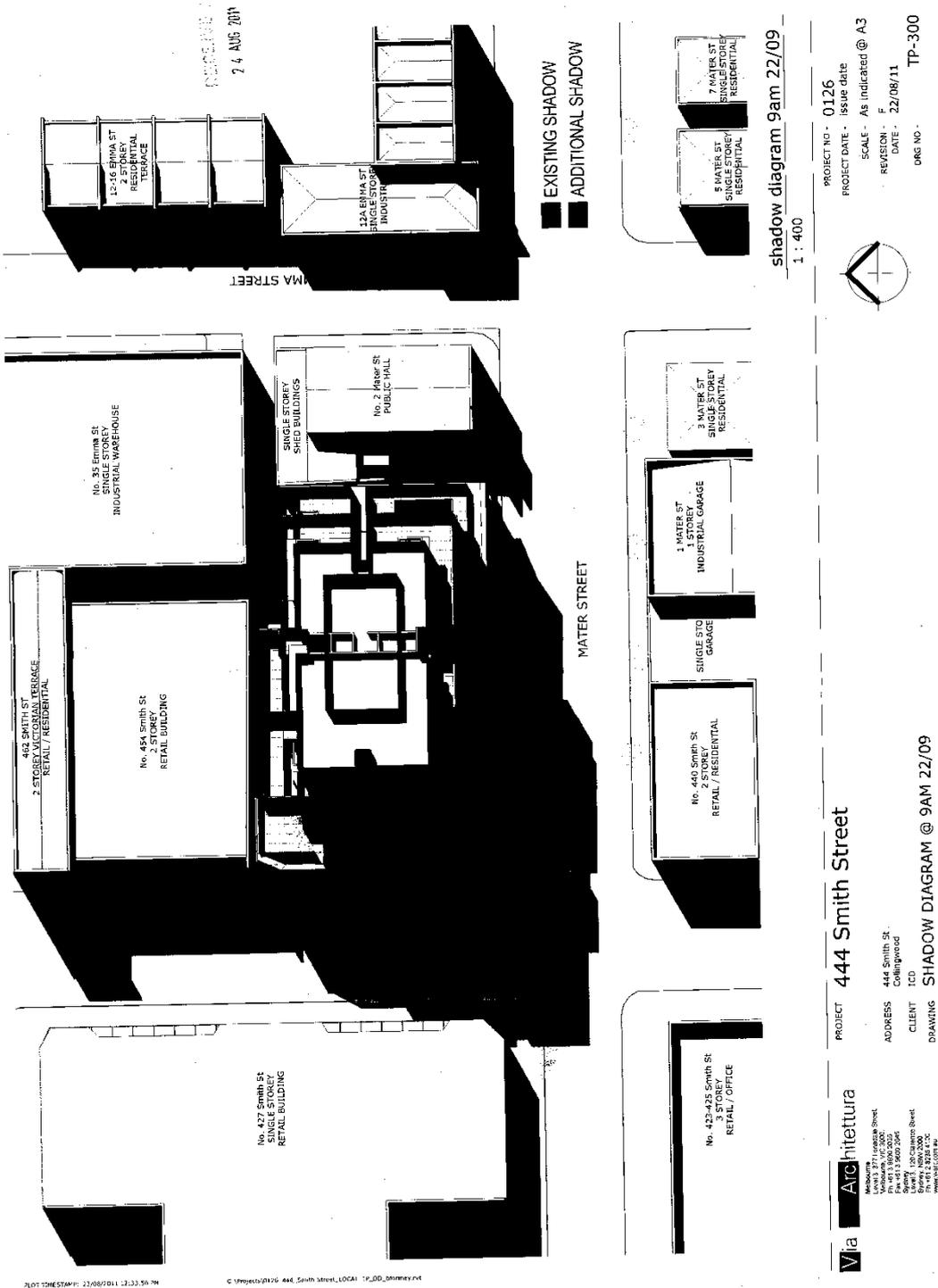
113. SECOND FLOOR
 1 : 200

PROJECT 444 Smith Street
 ADDRESS 444 Smith St
 CLIENT ICD
 DRAWING SECOND FLOOR PLAN

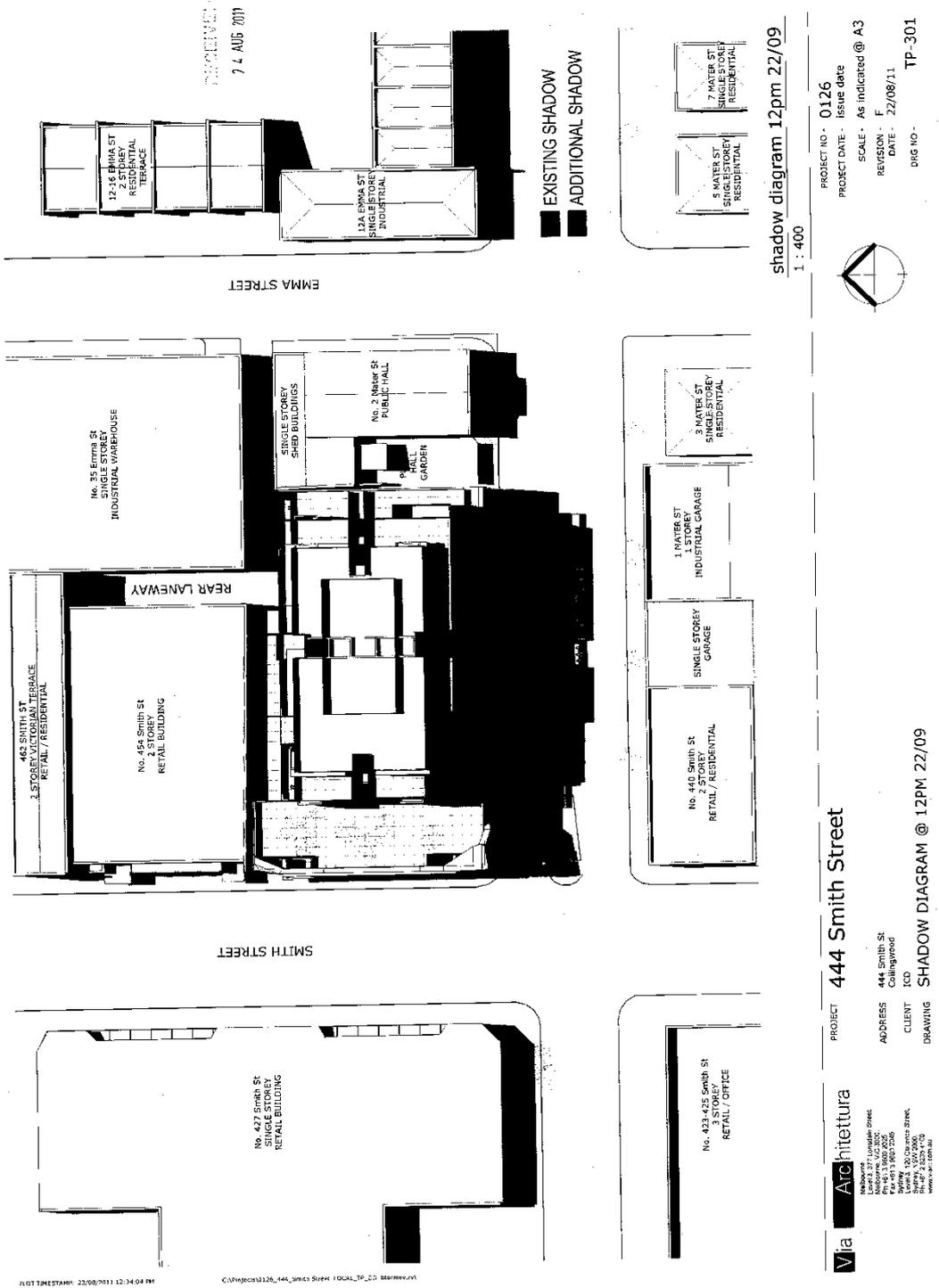
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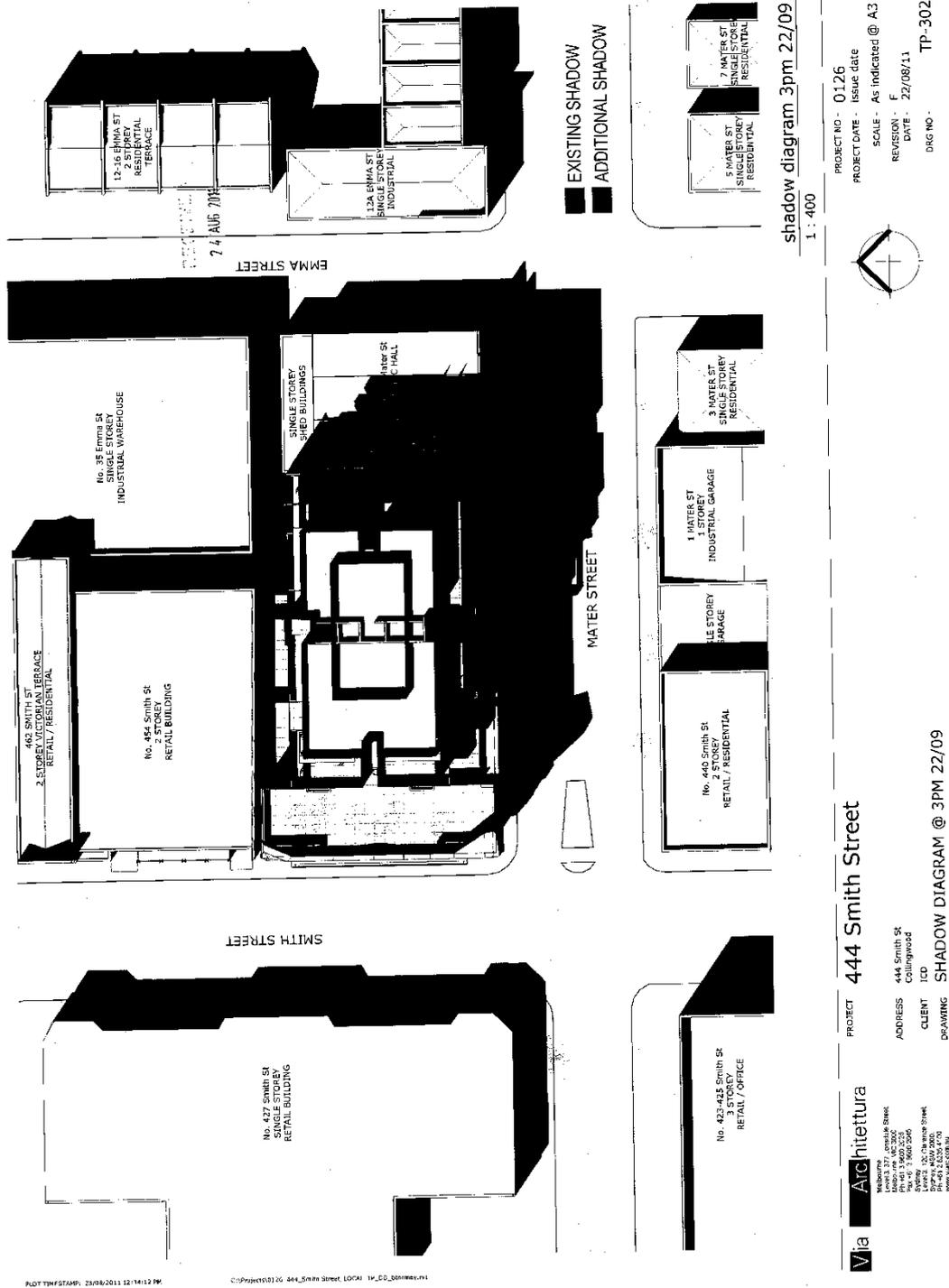
ATTACHMENT 17



ATTACHMENT 18



ATTACHMENT 19



shadow diagram 3pm 22/09
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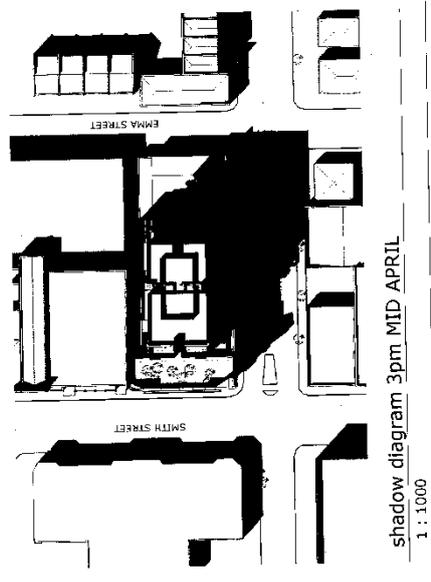
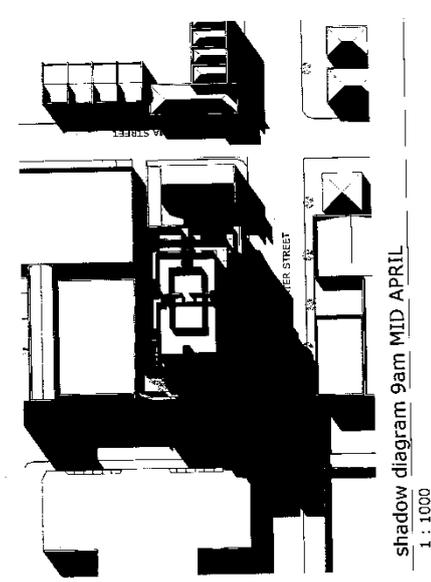
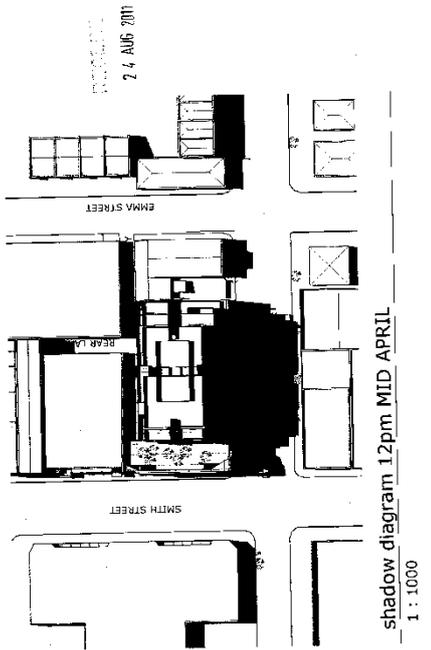
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PROJECT DATE - Issue date
SCALE - As indicated @ A3
REVISION - F
DATE - 22/08/11
Dwg No - TP-302

PROJECT 444 Smith Street
ADDRESS 444 Smith St
Collingwood
CLIENT ICD
DRAWING SHADOW DIAGRAM @ 3PM 22/09

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ATTACHMENT 20



NOTE:
The shadow diagrams at mid April show the pedestrian footpath on the southern side of Mater St will receive direct sunlight for most of the day. In the 8 months from August to April, the shadow cast by the proposed building will be less than that shown on this drawing. Refer SD300-302 for shadow diagrams in September.

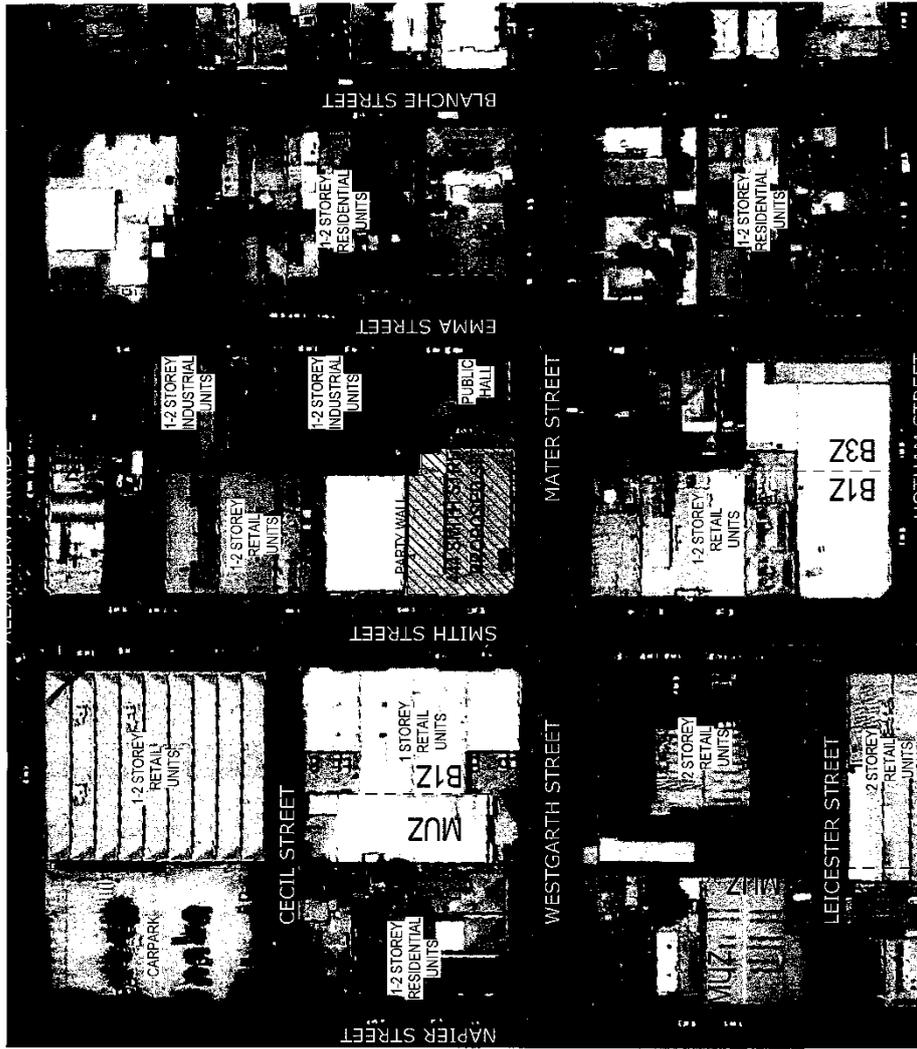
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PROJECT DATE - ISSUE 08/06
SCALE - 1 : 1000 @ A3
REVISION - C
DATE - 22/08/11
DNG NO - TP-303

PROJECT 444 Smith Street
ADDRESS 444 Smith St
CLIENT ICD
DRAWING SHADOW DIAGRAMS - WINTER

Via **Architettura**
Melbourne
Level 3, 27 Lissondale Street
Ph: +61 3 9596 0225
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ATTACHMENT 21



PROJECT NO - 0126
 PROJECT DATE - MAR 2011
 SCALE - 1 : 1000 @ A3
 REVISION - C
 DATE - 08/03/11
 DRG NO - TP-010

CONTEXTUAL REVIEW

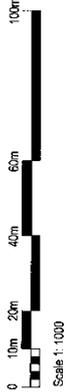
The subject site address is 444 Smith Street, Collingwood, VIC 3066. It is situated on the corner of Smith and Mater Streets between the main east-west thoroughfares of Alexandra Parade and Johnston Street. The site measures 28.5m along Smith Street and has a maximum length of 46.7m along Mater Street with an overall approximate slope of 1m running west to east.

The site is a designated B1Z along the retail strip fronting Smith Street and Mater Street and borders a B3Z on the eastern boundary. East of Emma Street and west of Gore Street are designated R7Zs. The closest public transport link is Stop 21 on the 86 tram service which runs down Smith Street. Victoria Park train station servicing the Epping line is approximately 1.3km southeast of the site.

Architectural character along Smith Street is mixed in appearance and 2 storey in general. Buildings directly north, west and south of the subject site are predominantly retail or industrial units and are not set back from the footpath. Buildings east of Emma Street are predominantly 1 or 2 storey terrace and standalone residential units. Street parking is available on Smith Street and Mater Street directly opposite the subject site.

There exists a vehicular access laneway behind the site which runs west off Emma Street and turns north towards Alexandra Parade at the north east corner of the subject site and returns back to Emma Street further north. This laneway is used by neighbouring unit 454 Smith Street to access private car parking to the rear and features multiple back-of-house access points to units 2 Mater Street, 35 Emma Street and other connecting neighbouring units.

The unit directly east of the subject site is a significant building and falls under Heritage Overlay 321. There are two mature tree along Mater Street, one directly opposite the subject site.



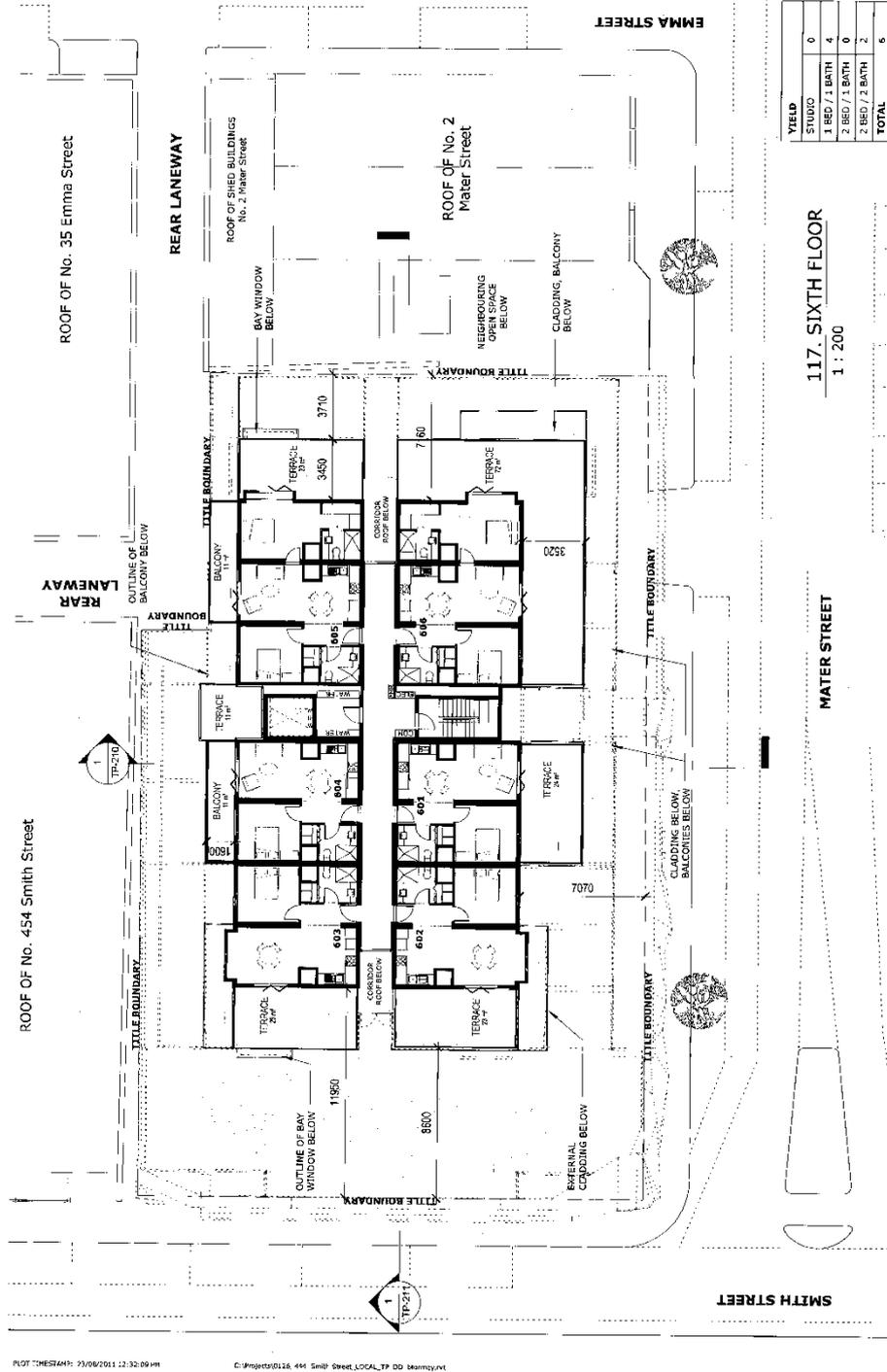
PROJECT 444 Smith Street
ADDRESS 444 Smith St
 Collingwood
CLIENT ICD
DRAWING SITE ANALYSIS - CONTEXT REVIEW

Mia Architettura
 Melbourne, Victoria Street,
 Melbourne, VIC 3000
 Tel: +61 3 9600 7245
 Email: mia@miacorp.com.au
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ATTACHMENT 23



YIELD	
STUDIO	0
1 BED / 1 BATH	4
2 BED / 1 BATH	0
2 BED / 2 BATH	2
TOTAL	6

117. SIXTH FLOOR
1 : 200

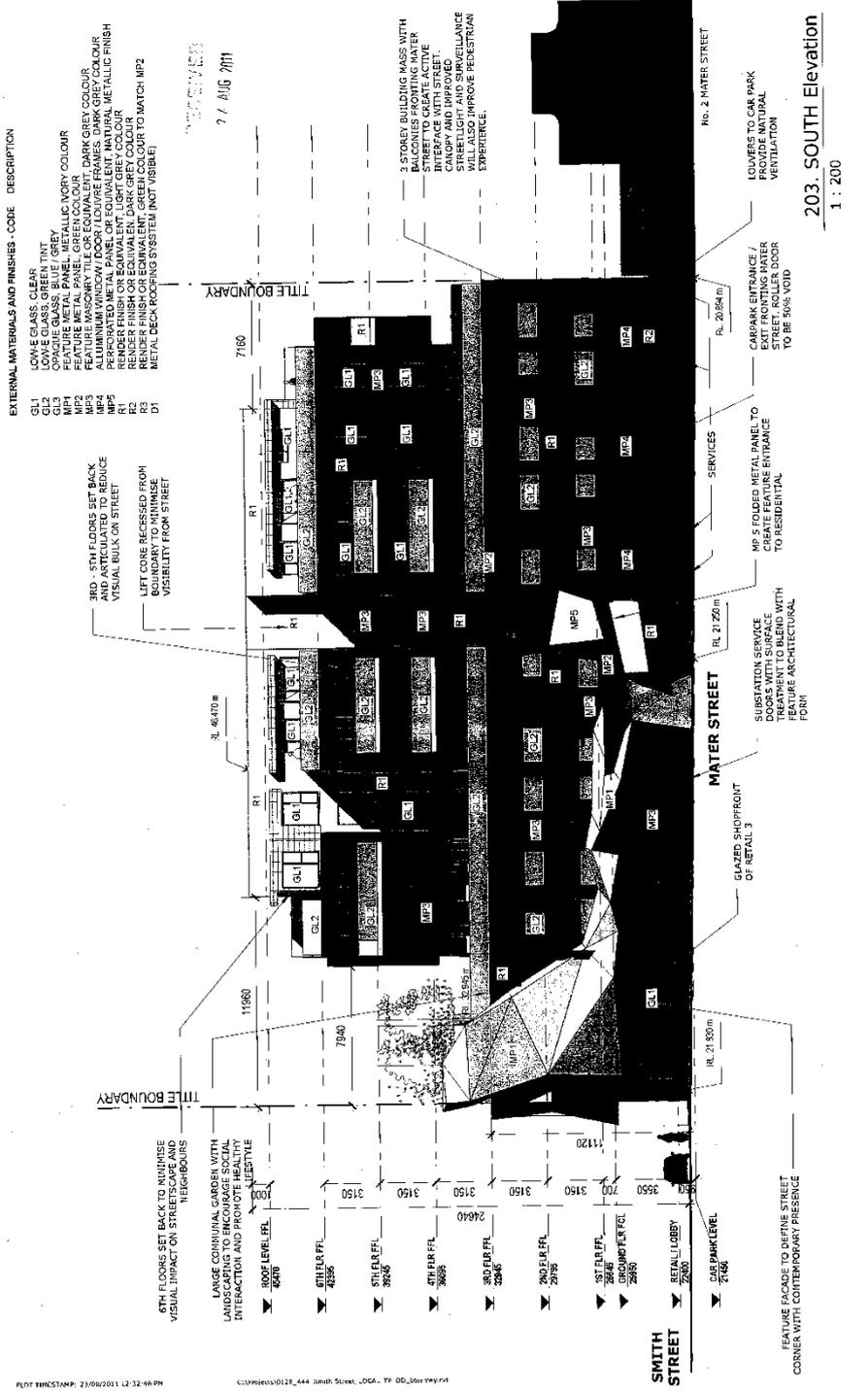
PROJECT NO - 0126
PROJECT DATE - ISSUE DATE
SCALE - 1 : 200 @ A3
REVISION 1
DATE - 22/08/11
DWG NO - TP-117

PROJECT 444 Smith Street
ADDRESS 444 Smith St
Collingwood
CLIENT ICD
DRAWING SIXTH FLOOR PLAN

Via **Architettura**
Larissa J. Di Lorenzo
Architect
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1/117-2/228A-1/110
MORNINGTON AVENUE

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ATTACHMENT 24



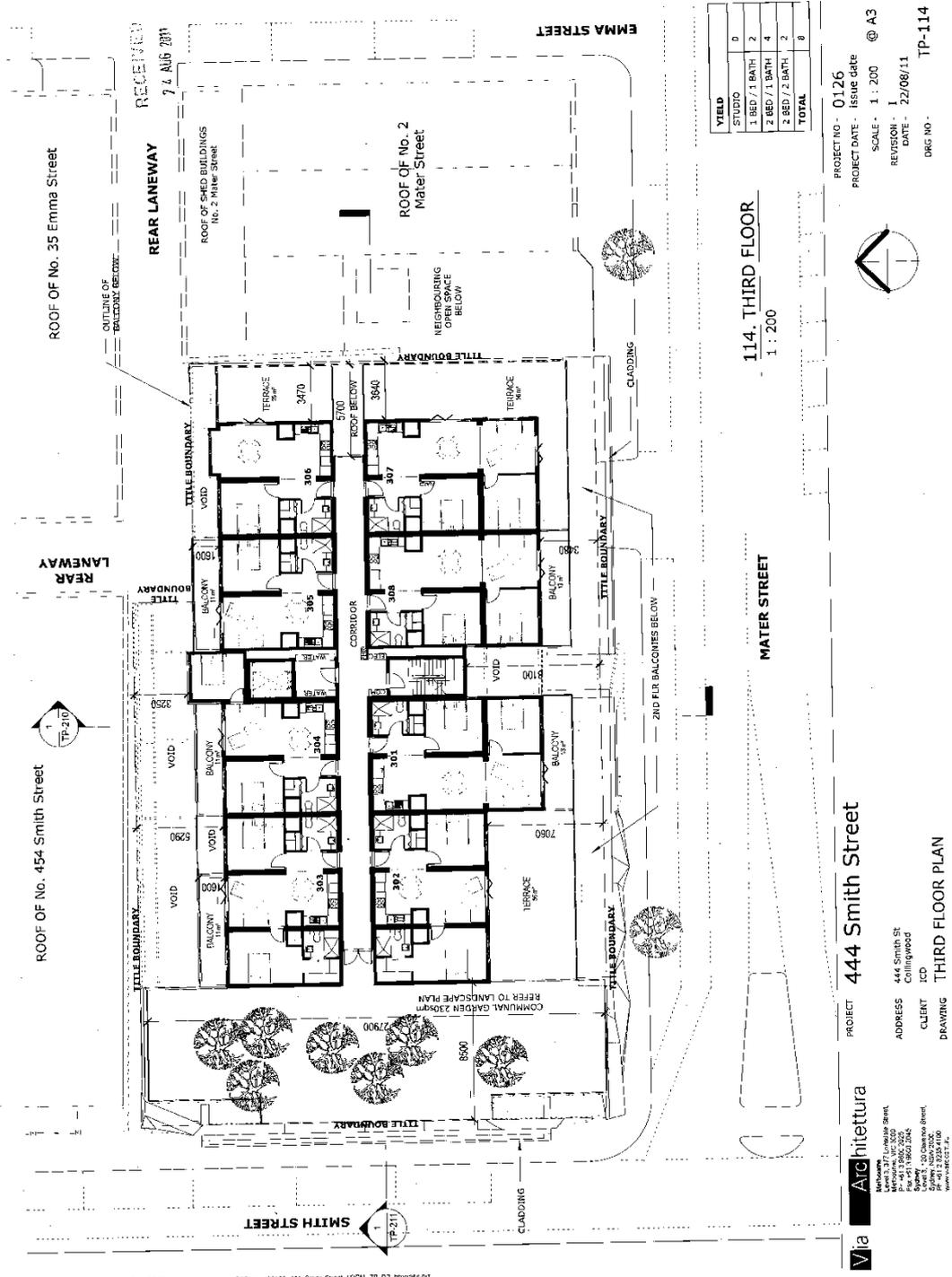
PROJECT NO - 0126
 PROJECT DATE - Issue date
 SCALE - As indicated @ A3
 REVISION - F
 DATE - 22/08/11
 DRG NO - TP-203

PROJECT **444 Smith Street**
 ADDRESS 444 Smith St
 Collingwood
 CLIENT ICD
 DRAWING PROPOSED SOUTH ELEVATION

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PL01 THRESHOLD: 23/08/2011 12:32:46 PM C:\projects\0126_444 Smith Street_DGA_TF_00_304.rvt

ATTACHMENT 25



YIELD		
STUDIO	0	
1 BED / 1 BATH	2	
2 BED / 1 BATH	4	
2 BED / 2 BATH	2	
TOTAL	8	

PROJECT NO - 0126
 PROJECT DATE - ISSUE Gate
 SCALE - 1 : 200 @ A3
 REVISION - I
 DATE - 22/08/11
 DRG NO - TP-114



114. THIRD FLOOR
 1 : 200

PROJECT 444 Smith Street
 ADDRESS 444 Smith St
 CLIENT ICD
 DRAWING THIRD FLOOR PLAN

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PLOT TIME: 23/08/2011 12:31:53 PM
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