



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 13 May 2015 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Amanda Stone
Councillor Jackie Fristacky (substitute for Cr Colanzi)
Councillor Phillip Vlahogiannis

- I. ATTENDANCE**
Matt Cohen (Co-ordinator Statutory Planning)
Vicky Grillakis (Principal Planner)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

1. Committee business reports

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1.1 Supplementary Report – 19 Fenwick Street, Clifton Hill VIC 3068 – Planning Application No. PLN14/0086 (Demolition of the existing dwelling to allow for the construction of a new, double-storey dwelling).

Executive Summary

Purpose

1. This supplementary report is to be read in conjunction with the original report put to Council on 17 December 2014. The supplementary report provides Council with an updated assessment of the demolition works associated with the above planning application.

Key Planning Considerations

2. Given the previous report was deferred at the Internal Development Approval Committee (IDAC) pending the structural assessment, key considerations for the supplementary report are limited to the findings within the structural assessment report provided by Joe Spano of Beauchamp Hogg Spano Consultants.

Conclusion

3. Based on the following report, the proposal should be supported in accordance with the recommendation to IDAC on 17 December 2014 (outlined within the original report).

CONTACT OFFICER: John Theodosakis
TITLE: Senior Statutory Planner
TEL: 9205 5307

1.1 Supplementary Report - 19 Fenwick Street, Clifton Hill VIC 3068 - Planning Application No. PLN14/0086

Trim Record Number: D15/63138

Responsible Officer: Coordinator Statutory Planning

Proposal: Demolition of the existing dwelling to allow for the construction of a new, double-storey dwelling.

Existing use: Fire damaged dwelling / vacant

Applicant: Mark Hutchison

Zoning / Overlays: General Residential / Heritage Overlay (Schedule 316)

Date of Application: 12 February 2014

Application Number: PLN14/0086

Background

4. Planning Permit Application No. PLN14/0086 was received by Council on 14 February 2014. Following the submission of further information on 22 May 2014, the application was advertised on 10 June 2014. A total of sixteen objections were received.
5. A planning consultation meeting was held on 12 August 2014, attended by planning officers, the permit applicant, objectors and one ward Councillor. In an attempt to address the concerns relayed at the planning consultation meeting by the objectors, a Section 57A amendment was received by Council on 27 October 2014.
6. The Section 57A amendment was re-advertised and one objector expressed further concerns relating to heritage matters. The re-advertising of the application also included the amended application form (which detailed the full demolition of the existing dwelling and its replacement with a new dwelling). The details in relation to the amendments can be found at Paragraph 8 of the original report to Council.
7. Internally, the application was previously referred to Council's Building Services Unit and Heritage Advisor (Robyn Riddett) who both supported the full demolition of the existing dwelling based on the information that was supplied to Council.
8. The application proceeded to the Internal Development Approval's Committee (IDAC) on 17 December 2014, where the Committee resolved to defer the application until such time that an independent engineer's report was provided. This report has now been provided. The full report is included as Attachment 1 to this report.
9. This report recommends support for the proposal based on the original officer report, the structural assessment report and the heritage advice provided.

OFFICER ASSESSMENT

10. Following the decision to defer the application at Council's IDAC meeting on 17 December 2014, Joe Spano of Beauchamp Hogg Spano Consultants was engaged to undertake a full assessment of the existing fire damaged dwelling to determine whether any part of it can be retained and salvaged.
11. The report outlines the dilapidated state of the existing dwelling, and in its concluding statements clearly outlines that *'based on our inspection and assessment of the conditions, the front three rooms and the corridor are in poor condition due to a severe lack of maintenance the house has received over many years plus the fire related damage to the roof and ceiling'*. The following comments are provided at page 8 of this report:

- (a) *The lack of maintenance resulted in the floor framing, footings and roofing to be in poor condition and the external wall claddings to be in average condition. The fire has significantly damaged beyond re-use, the roof and ceiling framing and all internal linings including ceiling and wall and most probably the flooring. The latter due to water associated with putting the fire out and the subsequent exposure to the weather. The wall framing is in good condition however will require strengthening once all lath and plaster internal linings are removed such as installation of bracing, noggings and roof tie downs. The floor framing is in poor condition as it is grossly out of level due primarily to the poor performance of the original timber stumps. The timber stumps below ground level and the supporting sole plates to stumps have rotted and consequently resulted in the floor being grossly out of level. The timber floor framing and stumps and footings will require replacement.*
 - (b) *Retention of the house would require significant and extensive replacement of the structure and therefore little of the original fabric would be retained. Despite this, retention of the house and repair is possible as there are many example of this type of house construction being retained around Melbourne, where the proposal is for retention. These examples were achieved with rudimentary construction practices. These construction practices can also be used to make the house compliant with current building standards.*
 - (c) *The question of whether the house be demolished is not one I believe is answered based on the condition of the structure alone (heritage assessment aside). Evaluating the proposal for demolition should include:*
 - (i) *A determination of the amount of fabric retention should the house be kept, which is based on the condition of the various fabric / structural components of the building. This building for instance if kept, will only retain the timber stud wall framing, bulk of the feature front wall block cladding, and possibly a percentage of the weatherboards to the side walls. Whether this is an adequate degree of fabric retention to justify retention is for others to decide.*
 - (ii) *A comparison of the cost of repairing / partial local replacing structure to the cost of demolition and building a new house. Note this cost argument can be argued not to apply, or weakened, where there has been a significant lack of maintenance to the house. The maintenance funds that should have been spent on the house through the years could be argued to account for some / all, of the differential between the usually more expensive repair / partial replacement cost and the demolish and build new cost.*
 - (d) *In my opinion the building could be retained but it would be done so with little of the original fabric and therefore a somewhat futile exercise. A better result would be achieved with new construction in terms of the standard of finishes.*
 - (e) *Note the front fence structure and condition has some public risk and is recommended be demolished as soon as possible.*
12. Given the issue raised by Councillors, the structural engineer's report was referred to Council's Heritage Advisor (Diahn McIntosh) and support for the full demolition is maintained. The following comments (refer to Attachment 2 for full report) were provided:
- (a) *The structural assessment by BHS Consultants has confirmed that the subject building (or what remains of it) is in poor condition. Fire damage combined with subsequent water exposure has rendered much of the remaining structure unrepairable. It has been considered that much of the remaining building fabric will need to be replaced as part of any rehabilitation of the property.*

As a consequence of such extensive replacement, it is considered that the resulting structure will be little more than a replica of the original.

- (b) *As it is understood that the current application proposes to replicate the existing remaining building, it is considered that there will be no advantage to the heritage value of the heritage precinct if the existing building is refurbished to the extent required. The result of such extensive replacement of the existing built fabric will be generally comparable to the full reconstruction of the same.*
 - (c) *It is therefore concluded that full demolition of the existing building and reconstruction of the same is acceptable on the grounds that the resulting building will have the same impact on the streetscape as the wholesale repair of the existing structure.*
13. With the above in mind, it is considered that there is reasonable and ample justification for the full demolition of the existing dwelling given its damaged state and that little can be retained or salvaged. As stated by Joe Spano of Beauchamp Hogg Spano Consultants and as supported by Council's Heritage Advisor, a better result would be achieved with the reconstruction of the front portion of the dwelling through the re-use of the existing pedestrian front door, window and fretwork (as captured by Condition 1(e) of the recommendation within the original report), including the use of block timber cladding to the front walls, the construction of a bull-nose verandah and the provision of a pitched roof as shown on the plans.
14. As stated in the previous officer report, the permit applicant submitted a report prepared by Mecon Engineering Pty. Ltd. (dated 13 November 2013) which outlined the dilapidated state of the existing dwelling and a heritage report prepared by David Moloney, Heritage Consultant (dated 14 May 2014). These reports acknowledge the fire damage to the dwelling and support demolition. The demolition of the existing dwelling was also previously supported by Council's building surveyor and the current structural assessment report further validates this.

Conclusion

15. Based on the above and the previous officer report, the recommendation remains as per the original recommendation to the Committee.

RECOMMENDATION

That based on the information provided, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0086 for the demolition of the existing dwelling to allow for the construction of a new, double-storey dwelling at 19 Fenwick Street, Clifton Hill subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 27 October 2014 but modified to show:
 - (a) An updated demolition plan clearly showing the full extent of demolition, including fencing;
 - (b) The east-facing wall of the ensuite constructed of weatherboard;
 - (c) A plan notation stating that the external screens to the first floor habitable room windows are 'fixed' and no more than 25% transparent;
 - (d) A plan notation confirming that the existing front door, window and the fretwork will be re-used and incorporated into the new dwelling;
 - (e) All permeable surfaces clearly identified in compliance with Clause 54.03-4 of the Yarra Planning Scheme;

- (f) Lighting to the pedestrian entry;
 - (g) The rear, roller door widened to 4.3m;
 - (h) The finished floor levels along the edge of the carport paving set 40 mm higher than the edge of the bluestone, laneway; and
 - (i) The material of the first floor, west-facing screen to be specified.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
 4. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
 9. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

NOTES

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

CONTACT OFFICER: John Theodosakis
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Attachments

- 1 Structural Assessment by BHS Consultants
- 2 Heritage advice on independent structural assessment.

Attachment 1 - Structural Assessment by BHS Consultants

B H S
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**STRUCTURAL ASSESSMENT OF
FIRE DAMAGED HOUSE
AT
19 FENWICK ST CLIFTON HILL**



Consulting Civil &
Structural Engineers
Project Management
Building Evaluation
Expert Witness
Heritage Structures
Asset Management

DIRECTORS:

David Hogg
Joseph Spano

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**PREPARED FOR
CITY OF YARRA
MAY 2015**



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Attachment 1 - Structural Assessment by BHS Consultants

STRUCTURAL ASSESSMENT OF FIRE DAMAGED HOUSE AT 19 FENWICK ST CLIFTON HILL

1.0 INTRODUCTION

An inspection of the fire damaged house at 19 Fenwick St Clifton Hill has been carried out at the request of the Yarra City Council. The purpose of the inspection was to enable a structural assessment of the existing house to be made, to assist with the determination of the current planning application before Council, which is proposing to demolish the house and build a new residence in its place.

This structural assessment was limited to the front of the building including the front three bedrooms, corridor and front verandah. The fire has destroyed the rear rooms of the house not being considered in this assessment and its maximum affect on the portion of the house being considered in this assessment was greater at the rear of the house and decreasing towards the front of the house.

The basic methodology adopted for this structural condition assessment is as follows:

- Carry out a visual inspection of the outside and inside of the building where access permitted. The inspection was limited to areas of the building noted above and was restricted in some of these areas due to large amounts of furniture / debris and clothing on the floor, or the fire damaged state of the ceiling framing
- Take verticality measurements where possible to walls
- Record condition and structure where exposed
- Study observations, measurements and photographs recorded
- Make assessment and prepare report

This report is released subject to the following qualifications and conditions:

- The report may only be used and reproduced in full by the named addressee for the purpose for which it was commissioned and in accordance with the corresponding Conditions of Engagement.
- The report is based on an inspection and assessment of the structure where exposed or access was able to be gained.
- The report contains an assessment based on the conditions observed at site. These conditions may or may not be representative across the whole site.
- A complete internal inspection was not carried out due to unsafe ceiling framing in some locations and the large degree of furniture / clothing / material on the floor.
- A geotechnical investigation has not been carried out.
- This report does not exhaustively address the building's compliance with current codes and regulations.
- This report does not address the presence of contaminate building materials.
- This report does not contain an exact specification for remedial works required to conserve or restore the building.

Attachment 1 - Structural Assessment by BHS Consultants

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2.0 SITE OBSERVATIONS & FINDINGS

2.1 TYPE OF CONSTRUCTION & SITE

The original house is of timber framed construction including all roof, wall, floor, floor supports and footings. The house is clad externally with corrugated iron sheeting to the roof and timber weatherboards to the walls. The front elevation wall and short return to the front door is clad with the feature timber block cladding. Internally the house has a mix of ceiling and wall linings including pressed metal ceilings to the front room and first half of the corridor, lath and plaster ceilings elsewhere, lath and plaster to the walls to the front room, plaster board over the original timber laths to the rear half of the corridor and room 2, and some form of board cladding to room 3.

The front verandah to the house has curved roof sheeting which is supported on timber framing. The floor to the verandah is tiled over some form of concrete screed or slab with a brickwork dwarf wall at the edge.

The site falls from the rear to the front and sub floor clearance between the ground and the underside of the floor bearers is adequate to at least two thirds of the front three rooms with it reducing to about 300mm towards the west end of room 3.

There is an approximate 5 metre tall tree in the front garden and an 8 to 10 metre tall plane tree in the footpath out the front of the property. Stormwater drainage to the property is serviced by 2 number underground earthenware drains which outlet into the street kerb and channel – one at each end of the narrow width property.

From the Geological Survey of Victoria Map Melbourne and Suburbs, the geology of the area is expected to be Quaternary Basalts. The clay derivatives of this geology are known to be highly reactive which mean they shrink when they are dry and swell when they are wet. The shrink / swell characteristic of this soil results in volume changes in the soil, which leads to movements to light buildings such as residential buildings depending on the stiffness and founding depth of the footing system. In this case the footing stiffness is low and footings will move as per soil volume changes.

2.2 BUILDING CONDITION

The following is a general overview of the condition of various components of the construction of the house. Appendix A includes site photographs, and observation location plan on drawing SK1. These plans include wall verticality measurements and locations of significant defects and observations recorded. Photographs taken, of existing defects, conditions and observations made, are referenced below and included in Appendix B.

2.2.1 Roof Framing

The roof framing consists of traditional timber stick framed collar tied construction. The rafters (approx. 90 to 95mm deep x 35 to 37mm wide hardwood rafters at 920mm centres) over room 3 and 2 (couldn't access rafters over room 1), have been charred by the fire and require replacement – refer photos 1 & 2. The rafters typically used for this age and type of construction were generally small and so even small degrees of charring would result in replacement being in required.

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2.2.2 Ceiling Framing

The top half of the ceiling joists (90 to 95mm deep x 35 to 37mm wide hardwood rafters at 460mm centres) over room 3 were charred to approximately 15% of their width and depth and this progressively reduced towards the front of the building – refer photos 2 to 4. The hanging beam (220mm deep x 35mm wide hardwood) breaking up the span of the ceiling joists over rooms 2 and 3 was significantly charred and was significantly bowed – refer photos 2, 5, 6. The timber soldiers hanging ceiling joists up to the hanging beam had either been burnt away or were now disconnected due to fixing failure. Therefore the ceiling framing is assessed to require replacement. Again like for the rafters, given the ceiling joists were small in this age and type of construction, even small degrees of charring would result in replacement being required.

2.2.3 Wall Framing

The wall framing was exposed in 5 places nominated exposure 1 to 5 on the plan in the appendix. Exposure 1 was to the west wall of room 1 at an existing exposure approximately 1.5 metres above ground level, exposure 2 at the base of the north external wall in the front half of the corridor, exposure 3 at the base of the west wall of room 3, exposure 4 at the top of the north wall of front half of the corridor adjacent where part of the pressed metal sheeting has fallen / been removed, and exposure 5 at the top of the internal south corridor wall at the west end of the room 2 which is expected to have been more exposed to more / greater intensity fire than exposure 4 due to greater roof-ceiling height over. Moisture readings were taken with a Protim SurveyMaster moisture meter and generally found to be below a reading of 15% which is consistent with a level of moisture which will not lead to rot in the timber.

Wall framing consists of approximately 95 to 100mm deep x 37mm wide studs at 460mm centres with same size top and bottom plates. The stud framing had timber cross braces obvious in some locations but no noggings as is typical for this type of construction. The lateral stability of the studs relying on the timber laths (which are primarily there to hold the cement render lining) and external direct fix linings.

Studs were generally found to be in good solid condition, with no evidence of excessive moisture in studs at exposures at the base of the wall and no evidence of fire damage towards the top of studs at exposures located high in walls – refer photos 7 to 9. The wall linings generally still intact appeared to have insulated and protected the stud framing from the fire.

Top plates that could be seen from the west end of room 3 (area of house being considered in this report closest to the fire) were also generally found to be in good solid condition except for some localised fire damage adjacent the heater duct – refer photos 10 to 12. Bottom plates that could be seen at the exposures low in the wall were in good solid condition – refer photo 13. The bottom plate at exposure 2 had a moisture reading of 15% while the bottom plate at exposure 3 had a slightly higher reading at 20%. This was expected due to the weather exposure this wall has had since the fire.

2.2.3.1 Wall Verticality

The verticality of the walls was checked with the aid of a 2000mm long spirit level and are summarised as follows:

- The front east wall is virtually plumb.

Attachment 1 - Structural Assessment by BHS Consultants

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- The south wall at three locations along the length of the 3 rooms has a small lean at the top (in the order of 5mm over 2000mm) and an outward bow up its height. The bow indicates that there has been some outward rotation of the footings.
- The north wall is similar to the south with 0 to 5mm over 2000mm lean out at the top and outward bow along its height.
- Internal west wall to room 1 adjacent the chimney has an approximate 10mm over 2000mm lean to the street while other walls have leans in the order of 5mm over 2000mm in variable directions.

The out-of-verticality of the walls is not significant and does not influence the decision for the retention / replacement.

2.2.4 Floor Framing / Flooring

The floor framing was inspected from the access hatch at the base of the southern wall and consists of approximately 90mm x 47mm continuous span hardwood joists at 460 centres over 4 east-west rows of 92mm x 72mm continuous span hardwood bearers over 90mm x 90mm redgum stumps – refer photo 14. The timber stumps are expected to have been supported on timber sole plates at some distance below the ground surface.

The floor is grossly out of level in rooms 1 and 3 with the floor dipping towards the external walls and / or building corners. Room 2 had too much rubble / debris on floor to access but from the view from under the house, it was clear that the floor bearers were grossly out of level and as a result so too would be floor.

The timber stumps are in very poor condition and have significantly rotted out below ground. The below ground portion of the stumps in close proximity to the hatch were probed and the probe entering the ground at an approximate 20 degree angle and heading towards the stumps continues right through uninterrupted where the stump section should have been – refer photo 15. Additional support to bearers at various locations has been built under the house in the form of stacked bricks. These piers are generally 230 x 110, not bonded with mortar and are seated on the ground – that is have no footing – refer photo 16. These piers have obviously been built to provide support to the floor bearers where nearby stumps have failed and the floor has sagged excessively or become too bouncy. The piers will be subject to the maximum soil volume changes given they are seated directly on top of the ground.

Timber redgum stumps have an expected age of 50 years. Given the age of the building the stumps which are expected to have been the original stumps are well beyond their useful life and should have been replaced some time ago. The stumps are all to be replaced. Given the curvature in floor framing members which appears to have been there for some time due to the failure of the timber stumps all floor framing is to be replaced. Flooring which is only visible from the underside looks OK from underneath but is expected to have been affected by falling debris due to the fire and damp as the roof is not watertight and will also require replacement.

The sub floor clearance of 400mm minimum under the bearer required by the BCA is achieved for two-thirds of the front three rooms and it reduces to below this limit towards the west end of room 3. Therefore a new timber framed floor system could be built with the need for only a limited amount of soil removal.

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The current concrete / masonry front deck to the verandah would limit sub floor ventilation from the east however there is sufficient north-south cross ventilation through room 1 adjacent.

2.2.5 Footings

Existing footings were not exposed as a geotechnical investigate was not carried out and there is concrete strip paving down both sides of the house which prevented digging adjacent stumps to the existing side walls. The required replacement of stumps will clearly include new footings for the new stumps. A geotechnical investigation will be required to confirm the soil profile and site classification to enable a footing design to be carried out.

2.2.6 Claddings

External claddings include roof sheeting and weatherboards. The roof sheeting is in poor condition, with some sheets missing, edge of sheets starting to corrode, and nail holes unfilled – refer photos 17 to 19. Contributing to the roof's poor condition is the condition of associated components such as corroding valley & eaves gutters, corroding wall & ridge flashings, disconnected downpipes to eaves gutters, and fire damage to battens holding the sheeting to rafters – refer photos 17, 20. The roofing needs to be removed to replace roof and ceiling framing and so the roof sheeting and all associated components are to be replaced.

The wall claddings are in average condition. The usual defects are present with edge splitting due to fixings to the feature timber block cladding to the front elevation refer photos 21, 22 and similar to weatherboards on the north and south sides of the house – refer photos 23, 24. The weatherboard down the sides of the house are also out of level due to the poor footing performance. The bulk of the boards could be retained with local repairs however this would depend on the standard of finish desired in the proposed residential development.

Generally plinth boards (boards below floor level) are in poor condition and are to be replaced – refer photos 25. Fascia boards which have been affected by the poor performance of the roof drainage system also requires replacement – refer photos 26.

Internal Claddings include ceiling and wall linings.

The majority of internal wall linings have been fire damaged or have collapsed due to fire or in the act of putting out the fire, and will require replacement.

2.2.7 Chimney

The brickwork to the chimney is exposed on the east side (in room 1) and plastered on the west side (room 2). It is in good condition above ground floor but covered in soot. The chimney base is exposed under the floor and there is an obvious hump to the west face. The verticality of the chimney was checked and found that the chimney leans to the street by approximately 35mm over the length of a 2000mm long spirit level. The footing to the chimney is to be investigated should the house be retained, and a decision to retain the chimney be made on the basis of whether footing remedial works is required or not. That is if the footings are shallow and require strengthening then the chimney is to be demolished and replaced. If no footing works are required then the chimney could be retained.

Attachment 1 - Structural Assessment by BHS Consultants

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2.2.9 Verandah

The roof framing is in good condition however the posts are unsecured at their basis (particularly southern post which moves when pushed at its base), the tiled floor has cracked with tiles dislodged or missing at various locations, the roof sheeting is approaching the end of its useful life with sheet edges starting to corrode; and the eaves gutter are corroding – refer photos 27 to 29. Therefore the verandah is to be replaced.

2.2.10 Site drainage

The stormwater drainage from the roof appears to be serviced by two number earthenware drains (one on each side of the building) which discharge to street kerb and channel. At the street kerb and channel the southern earthenware drain is two-thirds blocked by silt accumulation while the northern earthenware drain is almost totally silted up – refer photos 30 & 31.

2.2.11 Site Trees

The front garden tree and street tree are both assessed to be planted too close to the house given their mature heights and the site classification. They are expected to be causing some moisture changes to the soils the house is founded on and contributing to some of the movements seen to date especially with chimney and the front fence – see section below. Refer Appendix C of this report which contains an extract from AS2870 Residential Slabs and Footings Code Appendix B Clause 2.3 that discusses the impact of trees on buildings and gives planting guidelines. The garden tree is to be removed and a cut- of-wall between the street tree and the house is to be considered.

2.2.12 Front Fence

The front fence is of single brick skin with brick pier construction – refer photo 32. It is approximately 1200 to 1500mm high above street level and retains the front garden at its base for a variable height – from 0 to approximately 300mm). It is leaning out at its top some 20mm at the south end to 55mm at the north end. The construction cannot be justified to current standards and given this, the degree of lean, and the presence of garden and street trees; the fence is to be removed as soon as possible as it is a public risk should it fail.

Attachment 1 - Structural Assessment by BHS Consultants

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3.0 CONCLUSIONS

Based on our inspection and assessment of the conditions, the front three rooms and the corridor are in poor condition due to a severe lack of maintenance the house has received over many years plus the fire related damage to the roof and ceiling. The lack of maintenance resulted in the floor framing, footings and roofing to be in poor condition and the external wall claddings to be in average condition. The fire has significantly damaged beyond re-use, the roof and ceiling framing and all internal linings including ceiling and wall linings and most probably the flooring. The flooring is damaged due to water associated with putting the fire out and the subsequent exposure to the weather. The wall framing is in good condition however will require strengthening once all lath and plaster internal linings are removed such as installation of bracing, noggings and roof tie downs. The floor framing is in poor condition as it is grossly out of level due primarily to the poor performance of the original timber stumps. The timber stumps below ground level and the supporting sole plates to stumps have rotted and consequently resulted in the floor being grossly out of level. The timber floor framing and stumps and footings will require replacement.

Retention of this house would require significant and extensive replacement of the structure and therefore little of the original fabric would be retained. Despite this, retention of the house and repair is possible as there are many examples of this type of house construction being retained around Melbourne, where the proposal is for retention. These examples were achieved with rudimentary construction practices. These construction practices can also be used to make the house compliant with current building standards.

The question of whether the house be demolished is not one I believe is answered based on the condition of the structure alone (heritage assessment aside). Evaluating the proposal for demolition should include:

- A determination of the amount of fabric retention should the house be kept which is based on the condition of the various fabric / structural components of the building. This building for instance if kept, will only retain the timber stud wall framing, bulk of feature front wall block cladding, and possibly a percentage of the weatherboards to the side walls. Whether this is an adequate degree of fabric retention to justify retention is for others to decide.
- A comparison of the cost of repairing / partial local replacing structure to the cost of demolition and building a new house. Note this cost argument can be argued not to apply, or weakened, where there has been a significant lack of maintenance to the house. The maintenance funds that should have been spent on the house through the years could be argued to account for some / all, of the differential between the usually more expensive repair / partial replacement cost and the demolish and build new cost.

In my opinion the building could be retained but it would be done so with little of the original fabric and therefore is somewhat a futile exercise. A better result would be achieved with new construction in terms of the standard of finishes.

Note the front fence structure and condition has some public risk and is recommended be demolished as soon as possible.

If you have any queries or require further assistance, please contact the undersigned at our office.



BEAUCHAMP HOGG SPANO CONSULTANTS
JOE SPANO
BECivil, MIEAust, CPEng, RBP EC#1433

BEAUCHAMP HOGG SPANO CONSULTANTS

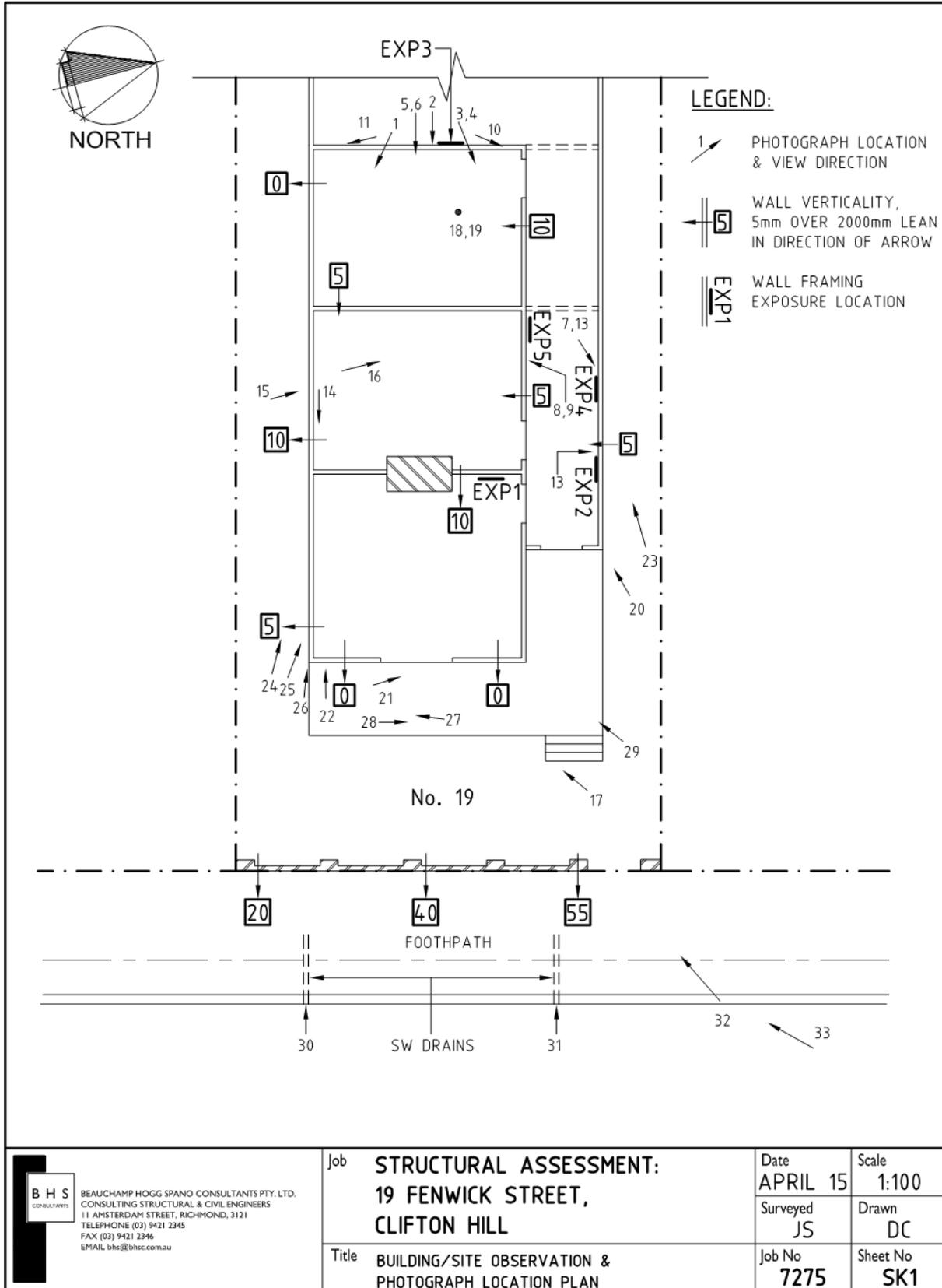
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Attachment 1 - Structural Assessment by BHS Consultants

Appendix A

- **Building / Site photograph and observation location
Drawing SK01**

Attachment 1 - Structural Assessment by BHS Consultants



BHS
CONSULTANTS

BEAUCHAMP HOGG SPANO CONSULTANTS PTY. LTD.
CONSULTING STRUCTURAL & CIVIL ENGINEERS
11 AMSTERDAM STREET, RICHMOND, 3121
TELEPHONE (03) 9421 2345
FAX (03) 9421 2346
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Job **STRUCTURAL ASSESSMENT:
19 FENWICK STREET,
CLIFTON HILL**

Title **BUILDING/SITE OBSERVATION &
PHOTOGRAPH LOCATION PLAN**

Date APRIL 15	Scale 1:100
Surveyed JS	Drawn DC
Job No 7275	Sheet No SK1

Attachment 1 - Structural Assessment by BHS Consultants

Appendix B

- **Photographs of existing conditions and site observations**

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 01.JPG



7275 - rpt photo 02.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 03.JPG



7275 - rpt photo 04.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 05.JPG



7275 - rpt photo 06.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 07.JPG



7275 - rpt photo 08.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 09.JPG



7275 - rpt photo 10.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 11.JPG



7275 - rpt photo 12.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 13.JPG



7275 - rpt photo 14.JPG

Attachment 1 - Structural Assessment by BHS Consultants



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7275 - rpt photo 16.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 17.JPG

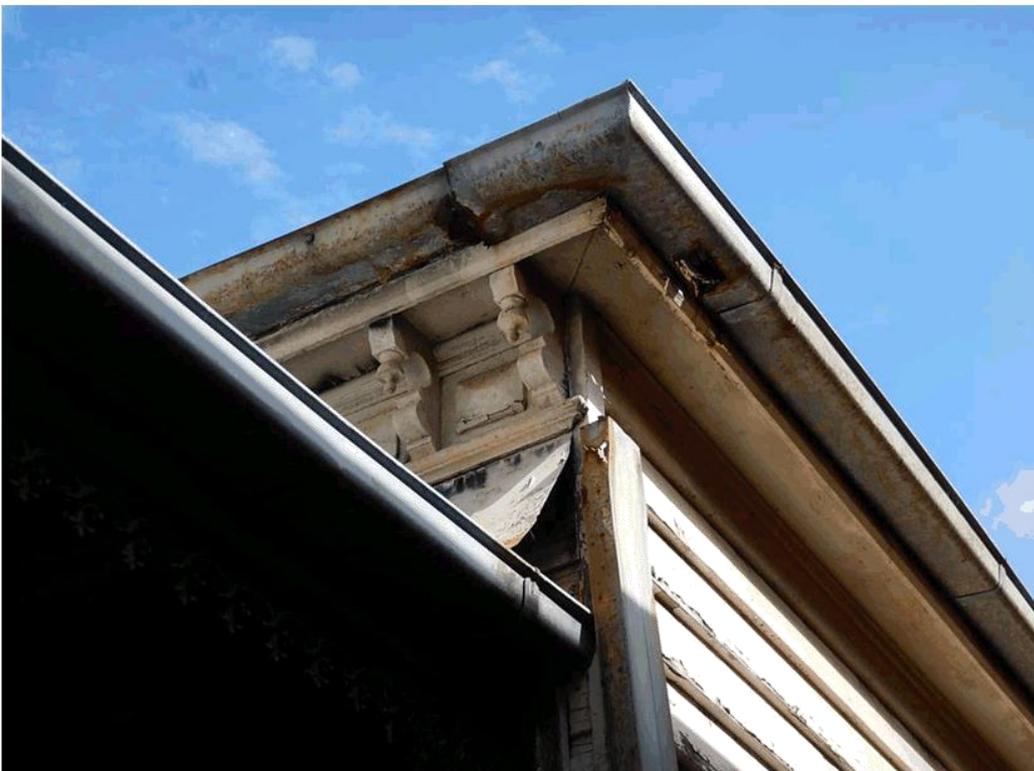


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Attachment 1 - Structural Assessment by BHS Consultants



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7275 - rpt photo 20.JPG

Attachment 1 - Structural Assessment by BHS Consultants

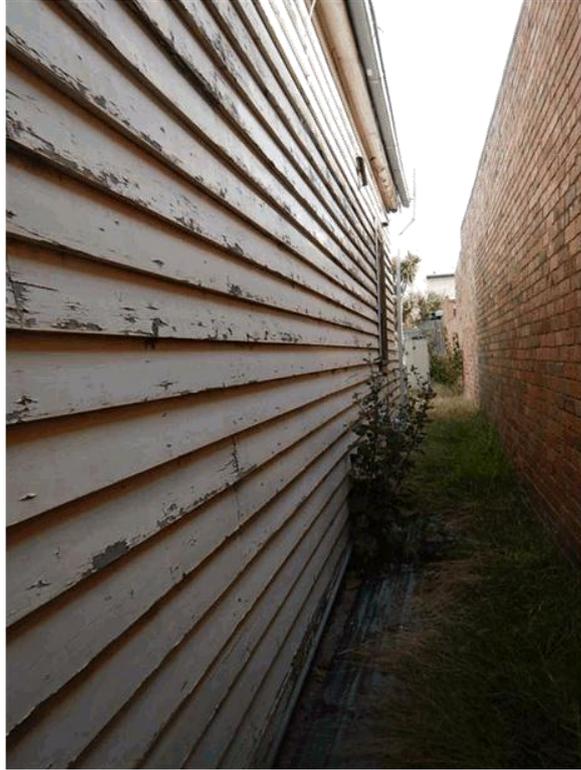


7275 - rpt photo 21.JPG



7275 - rpt photo 22.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 23.JPG



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Attachment 1 - Structural Assessment by BHS Consultants



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7275 - rpt photo 26.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 27.JPG



7275 - rpt photo 28.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 29.JPG



7275 - rpt photo 30.JPG

Attachment 1 - Structural Assessment by BHS Consultants

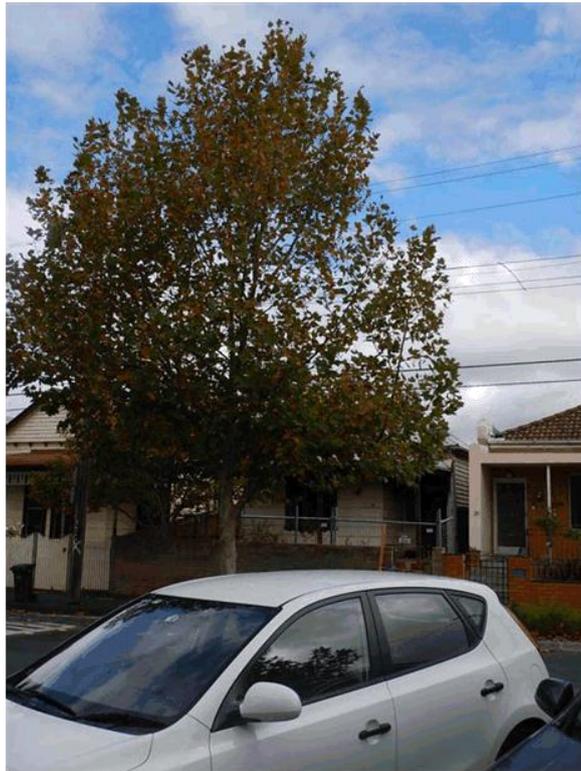


7275 - rpt photo 31.JPG



7275 - rpt photo 32.JPG

Attachment 1 - Structural Assessment by BHS Consultants



7275 - rpt photo 33.JPG

Attachment 1 - Structural Assessment by BHS Consultants

Appendix C

- **AS2870-2011**

Appendix B Foundation Performance and Maintenance

APPENDIX B
FOUNDATION PERFORMANCE AND MAINTENANCE
(Informative)

B1 GENERAL

The designs and design methods given in this Standard are based on the performance criteria of Clause 1.3. Importantly, significant damage may be avoided provided the foundation site conditions are properly maintained. This is expressed in Section 1 by the statement that the probability of failure for reasonable site conditions is low, but is higher if extreme conditions are encountered. It is neither practicable nor economical to design for the extreme conditions that could occur in the foundation if a site is not properly maintained. The expected standard of foundation maintenance is described in Paragraph B2.

Some minor cracking and movement will occur in a significant proportion of buildings, particularly those on reactive clays, and the various levels of damage are discussed in Paragraph B3.

The performance requirements of a concrete floor in respect to shrinkage cracking and moisture reaction with adhesives are discussed in Paragraph B4.

A more extensive discussion of the material in Paragraphs B2 to B4 is contained in the CSIRO pamphlet, Building Technology File 18, *Foundation maintenance and footing performance: A homeowner's guide*, and its recommendations should be followed.

B2 FOUNDATION MAINTENANCE

B2.1 Foundation soils

All soils are affected by water. Silts are weakened by water and some sands can settle if heavily watered, but most problems arise on clay foundations. Clays swell and shrink due to changes in moisture content and the potential amount of the movement is implied in the site classification in this Standard, which is designated as follows:

- (a) A — stable (non-reactive).
- (b) S — slightly reactive.
- (c) M — moderately reactive.
- (d) H1 and H2 — highly reactive.
- (e) E — extremely reactive.

Sites classified Class A and Class S may be treated as non-reactive sites in accordance with Paragraph B2.2. Sites classified as Class M, Class H1, Class H2 and Class E should comply with the recommendations given in Paragraph B2.3.

B2.2 Class A and Class S sites

Sands, silts and clays should be protected from becoming extremely wet by adequate attention to site drainage and prompt repair of plumbing leaks.

Attachment 1 - Structural Assessment by BHS Consultants

AS 2870—2011

70

B2.3 Classes M, H1, H2 and E sites

Sites classified as M, H1, H2, or E should be maintained at essentially stable moisture conditions and extremes of wetting and drying prevented. This will require attention to the following:

- (a) *Drainage of the site* The site should be graded or drained so that water cannot pond against or near the building. The ground immediately adjacent to the building should be graded to a uniform fall of 50 mm minimum away from the building over the first metre. The subfloor space for buildings with suspended floors should be graded or drained to prevent ponding where this may affect the performance of the footing system.

The site drainage recommendations should be maintained for the economic life of the building.

- (b) *Limitations on gardens* The development of the gardens should not interfere with the drainage requirements or the subfloor ventilation and weephole drainage systems. Garden beds adjacent to the building should be avoided. Care should be taken to avoid overwatering of gardens close to the building footings.
- (c) *Restrictions on trees and shrubs* Planting of trees should be avoided near the foundation of a building or neighbouring building on reactive sites as they can cause damage due to drying of the clay at substantial distances. To reduce, but not eliminate, the possibility of damage, tree planting should be restricted to a distance from the house as follows:
- (i) $1\frac{1}{2}$ × mature height for Class E sites.
 - (ii) 1 × mature height for Class H1 and Class H2 sites.
 - (iii) $\frac{3}{4}$ × mature height for Class M sites.

Where rows or groups of trees are involved, the distance from the building should be increased. Removal of trees from the site can also cause similar problems.

Alternatively, the footing system may be designed for the effect of trees, for example as given in Appendix H.

- (d) *Repair of leaks* Leaks in plumbing, including stormwater and sewerage drainage, should be repaired promptly.

The level to which these measures are implemented depends on the reactivity of the site. The measures apply mainly to masonry buildings and masonry veneer buildings. For frame buildings clad with timber or sheeting, lesser precautions may be appropriate.

B3 PERFORMANCE OF WALLS

It is acknowledged that minor foundation movements occur on nearly all sites and that it is impracticable to design a footing system that will protect the building from movement under all circumstances. The expected performance of footing systems designed in accordance with the Standard is defined in terms of the damage classifications in Table C1, Appendix C.

Crack width is used as the major criterion for damage assessment, although tilting and twisting distortions can also influence the assessment. Local deviations of slope of walls exceeding 1:150 are undesirable. The assessment of damage may also be affected by where it occurs and the function of the building, although these effects are not likely to be significant in conventional buildings. In the classification of damage, account should also be taken of the history of cracking. For most situations Category 0 or 1 should be the limit; however, under adverse conditions, Category 2 should be expected although such damage should be rare. Significant damage is defined as Category 3 or worse.

Attachment 1 - Structural Assessment by BHS Consultants

For Category 1 or 2 damage, remedial action should consist of stabilizing the moisture conditions of the clay and paying attention to repairing or disguising the visual damage. This should be regarded as part of the normal maintenance of buildings on reactive clays.

Even significant masonry cracking with crack widths over 5 mm often has no influence on the function of the wall and only presents an aesthetic problem. Generally, the remedial action for such damage should start with an investigation to establish the cause of the damage. In many cases the treatment should consist of stabilizing moisture conditions by physical barriers or paths, or replenishing moisture in dry foundations. This may be followed by repair of the masonry and, wherever possible, added articulation should be included while repairs are being effected. Structural repairs to the footing system, such as deep underpinning, should only be considered as the last resort.

Underpinning should generally be avoided where the problem is related to reactive clays, although it is recognized there may be occasional situations where underpinning or other structural augmentation work is appropriate. None of this structural augmentation work should be undertaken without proper engineering appraisal.

In some cases, walls may be designed to span sagging footings and cantilever beyond hogging footings. In such cases, satisfactory performance will involve the wall remaining free of cracks and articulation joint movements, and remaining within the limits for the particular jointing system.

B4 PERFORMANCE OF CONCRETE FLOORS

Shrinkage cracking can be expected in concrete floors. Concrete floors can also be damaged by shrinkage or swelling of reactive clays or settlement of fill. The categories of movement causing the damage are given in Table C2, Appendix C. In the classification, account should be taken of whether the damage is stable or likely to increase, and an allowance should be made for any deviations in level which resulted from, or occurred during, construction.

The time of attachment of floor coverings and the selection of the adhesive for them should take into account the moisture in the concrete floor and its possible effect on adhesion. Concrete floors can take a considerable time to dry (three to nine months).

Floor coverings and their adhesives can be damaged by moisture in the concrete and by the shrinkage that occurs as the concrete dries. The time of fixing of floor coverings and the selection of the adhesive should take these factors into account.

Attachment 2 - Heritage advice on independent structural assessment.

City of Yarra

Heritage Advice Regarding Independent Structural Assessment

Application No.:	<i>PLN14/0086</i>
Address of Property:	<i>19 Fenwick Street, Clifton Hill</i>
Planner:	<i>John Theodosakis</i>
Yarra Planning Scheme References:	<p><i>STATE POLICY:</i></p> <ul style="list-style-type: none"> • <i>Clause 15.03 Heritage</i> <p><i>LOCAL POLICY:</i></p> <ul style="list-style-type: none"> • <i>Clause 21.05-1 Built Form (Heritage)</i> • <i>Clause 43.01 Heritage Overlay</i> • <i>Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</i> • <i>Clause 22.03 Landmarks and Tall Structures</i>
Heritage Overlay No. & Precinct:	<i>HO316 Clifton Hill Eastern Precinct</i>
Level of significance:	<i>Contributory, constructed 1900-1915 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007)</i>
General description:	<i>Full demolition of existing fire-damaged building and construction of a new building including partial reconstruction of the existing building</i>
Referred Document:	<i>Structural Assessment of Fire Damaged House at 19 Fenwick Street, Clifton Hill (May 2015)</i>

APPLICATION BACKGROUND:

This application has been the subject of two previous heritage assessments in July and September 2014.

The full extent of demolition has been previously supported by the Heritage Advisor on the basis of a submitted structural report and the proposal to accurately reconstruct the front portion of the existing building.

A second opinion of the structural condition of the subject building was commissioned by City of Yarra from Beauchamp Hogg Spano (BHS) Consultants.

COMMENTS REGARDING THE STRUCTURAL ASSESSMENT PREPARED BY BHS CONSULTANTS:

The structural assessment by BHS Consultants has confirmed that the subject building (or what remains of it) is in poor condition. Fire damage combined with subsequent water exposure has rendered much of the remaining structure unrepairable. It has been considered that much of the remaining building fabric will need to be replaced as part of any rehabilitation of the property. As a consequence of such extensive replacement, it is considered that the resulting structure will be little more than a replica of the original.

As it is understood that the current application proposes to replicate the existing remaining building, it is considered that there will be no advantage to the heritage value of the heritage precinct if the

Attachment 2 - Heritage advice on independent structural assessment.

existing building is refurbished to the extent required. The result of such extensive replacement of the existing built fabric will be generally comparable to the full reconstruction of the same.

It is therefore concluded that full demolition of the existing building and reconstruction of the same is acceptable as the grounds that the resulting building will have the same impact on the streetscape as the wholesale repair of the existing structure.

SIGNED:

A handwritten signature in black ink, appearing to read 'D. McIntosh', written in a cursive style.

Diahnn McIntosh

DATED: 29 April 2015

1.2 PLN13/0633 - 6 Shaw Street, Richmond - Development of the land for construction of a dwelling.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application for the development of 6 Shaw Street, Richmond for a two storey dwelling (plus basement and a roof terrace).

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 54 - ResCode;
 - (b) clause 22.10 – Built Form and Design Policy; and
 - (c) clause 22.13 – Residential built form policy.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 – ResCode;
 - (b) Clause 22.10 – Built form and design policy;
 - (c) Clause 22.13 – Residential built form policy;
 - (d) Vehicle access and car parking; and
 - (e) Objector's concerns

Objector Concerns

4. Ten objections were received to the application, these can be summarised as:
 - (a) Overdevelopment of the site;
 - (b) Height and mass of the building would be outside of the neighbourhood character;
 - (c) Visual bulk;
 - (d) Insufficient street setback;
 - (e) Loss of daylight;
 - (f) Overlooking;
 - (g) Overshadowing;
 - (h) Noise from rooftop terrace;
 - (i) Lack of car parking;
 - (j) Loss of heritage;
 - (k) Lack of details regarding construction phase;
 - (l) Inaccuracies within the plans/written report

Conclusion

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

CONTACT OFFICER: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 92055357

1.2 PLN13/0633 - 6 Shaw Street, Richmond - Development of the land for construction of a dwelling.

Trim Record Number: D15/62899

Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for construction of a dwelling.
Existing use: Dwelling
Applicant: M7 Design Group
Zoning / Overlays: General Residential Zone, No overlays
Date of Application: 9 August 2013
Application Number: PLN13/0633

Planning History

1. There are no previous planning permits which are relevant to the application.

Background

2. The application was lodged on the 9 August 2013. Following the submission of further information, the application was advertised and 10 objections were received.
3. A consultation meeting was held on the 26 August 2014 and was attended by Council officers, the applicant and six (6) objectors. The meeting resulted in a set of 'sketch' plans being received by council 16 December 2014 showing reduced ceiling heights, changes to the rooftop terrace and reduced footprint of the first floor in response to objectors concerns relating to overshadowing from the development.
4. Following further discussions with council officers, an amended design was submitted to Council pursuant to Section 57A of the *Planning and Environment Act* (1987) on 25 February 2015.
5. The amended proposal incorporates further design changes including modified setbacks at first floor from the south and western boundaries; and, a reduction in the size of the rooftop terrace. In summary, the key changes are as follows:
 - (a) Increased setbacks of the first floor, south-facing wall to 2.3m (previously on-boundary in part, and setback 1.8m in part);
 - (b) Increased setback of the first floor, west-facing wall from 2.3m to 3.3m from the boundary;
 - (c) Internal reconfigurations to achieve the changes outlined under points 'a' and 'b';
 - (d) Reduced size of the rooftop terrace from 36m² to 18m²;
 - (e) Relocation/deletion of stairs to rooftop area
6. The amended proposal was exempted from re-advertising by Council's internal Development Assessment Panel (DAP) on the 28 April 2014 as the level of changes from the originally submitted proposal would not create further material detriment to surrounding properties. A set of amended plans was included with the IDAC invitation sent to objectors.

Existing Conditions

Subject Site

7. The subject site is located on the western side of Shaw Street, approximately 37m north of the intersection between Shaw and Brougham Streets in Richmond. The lot itself is rectangular in shape, with a frontage to Shaw Street of 10.55m and depth of 14.68m, covering a total site area of approximately 154m².
8. The site is occupied by a single-storey, weatherboard dwelling which is set behind a front verandah abutting Shaw Street. The dwelling has been constructed to its north and southern boundaries with private open space located at the rear (west) and a single car parking space within the north eastern corner of the lot.
9. There is a moderate slope in the land of approximately 1.2m falling from the rear of the lot (west) to the Shaw Street frontage (east).

Restrictive covenants

10. There are no Restrictive Covenants shown on the copy of title provided with the application.

Surrounding Land

11. The surrounding area is generally residential with the adjoining properties containing one and two-storey dwellings. The immediately surrounding properties can be summarized as follows:

North – No.4 Shaw Street & No.57 Lyndhurst Street

12. The property at No.4 Shaw Street contains a single-storey, brick building which functions as an electrical substation. This building is located to the Shaw Street frontage and the north and south boundaries, with a 2.0m setback from the rear (western) boundary.
13. The building does not contain any openings with the exception of a single door facing onto Shaw Street.
14. The property at No.57 Lyndhurst Street runs east-to-west between Shaw and Lyndhurst Streets, containing a single-storey, weatherboard dwelling which is orientated west towards Lyndhurst Street with open space to the rear. The open space area for this property wraps around the sub-station lot (No.4 Shaw Street) which occupies what would otherwise be the south-eastern corner of this property.
15. A single-storey, galvanised iron outbuilding/garage is located at the rear of the lot, abutting the north, south and eastern boundaries. Vehicle access to this outbuilding is provided via a roller-door into Shaw Street.

South – No.8 Shaw Street & No.61 Lyndhurst Street

16. The property at No.8 Shaw Street contains a three storey brick townhouse which is constructed to both the north and southern boundaries and the Shaw Street frontage. Private open space is located to the rear of the lot, adjacent to the northern property boundary shared with the subject site.
17. Car parking is provided via two garage doors facing onto Shaw Street at ground floor with a first floor, east-facing terrace above.
18. The property at No.61 Lyndhurst Street contains a double-storey brick townhouse which is orientated west towards Lyndhurst Street. This dwelling has been constructed to the north and south boundaries with an area of private open space located adjacent to the northern boundary in the north-east corner of the lot.

East – opposite side of Shaw Street

19. Properties located on the opposite side of Shaw Street from the subject site contain double-storey dwellings of varying design. These dwellings are set back from Shaw Street behind open space and car parking areas.

West – No.59 Lyndhurst Street

20. No.59 Lyndhurst Street contains a single-storey, brick dwelling which is orientated west towards Lyndhurst Street. This dwelling has been constructed to the southern boundary with pedestrian access along the north, leading to areas of open space at the rear (east) of the building.
21. An outbuilding is located at the south-eastern corner of the site, adjoining the common boundary shared with the subject site.

The Proposal

22. The application is proposing development of the land for construction of a dwelling. The development can be summarised as follows:

Demolition (no permit required for demolition)

23. The existing building would be demolished.

Basement level

24. The proposed basement would be entirely underground and would be set back between 1.3m and 5.8m from the property frontage, between 3.1m and 3.4m from the rear (western) boundary, 1.0m from the northern boundary and partially constructed along the southern boundary (6m length) with the remaining section located 0.95m from the southern boundary.
25. This basement level would contain a storage area (7.9m x 4.5m), laundry, storage and bathroom facilities.

Ground floor

26. The ground floor would contain a double garage, living/dining room, kitchen and study. A private open space area (3.3m x 4.7m) would be located within the north-western corner of the site which would contain a built-in BBQ adjacent to the northern boundary.
27. A service yard (1.06m x 7.0m) containing a rainwater tank, clothesline and hot-water service would be located in the south-western corner of the lot, accessible via sliding doors from the living/dining room.
28. Except for the two areas of open space, the ground level would be constructed to the side and rear boundaries.
29. Approximately 1.2m of cut is proposed across the rear of the site which would be held by new retaining walls.

First floor

30. The first floor would contain three bedrooms (one with WIR) and a bathroom. An east-facing terrace (4.0m x 1.6m) would be located off Bedroom 1, adjacent to the Shaw Street frontage.
31. This level would be constructed to the northern boundary, with a setback of 2.3m from the southern boundary and 3.7m from the western boundary.

Rooftop terrace

32. A rooftop terrace (4.0m x 4.7m) is proposed 4.15m from the Shaw Street frontage. The terrace would be located 1.7m from the northern boundary, 5.6m from the western and 4.5m from the southern boundary.

General

33. The maximum height of the building would be 7.0m with the height of the balustrading associated with the rooftop terrace extending to approximately 7.7m.
34. External walls would be finished with rendered finish (white and grey), Alucabond (grey).

Planning Scheme Provisions

Zoning

35. At the time the application was lodged, the subject site was zoned Residential 1. On 29 April 2014, Council adopted its position on the new zones and outlined where it preferred to locate the new Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ). Council submitted an amendment to the Minister for Planning to introduce these two zones (Amendment C176).
36. On 1 July 2014, the default General Residential Zone (clause 32.08) was introduced into the Yarra Planning Scheme. Clause 32.08 contained no transitional arrangements, therefore applications current at that time needed to be considered against the new General Residential Zone, not the Residential 1 Zone which was in place when the planning application was lodged.
37. Amendment C176 was gazetted on 30 April 2015, introducing four new Schedules to the existing clause 32.08 General Residential Zone (GRZ). The subject site has been included within Schedule 2 to the GRZ which includes (amongst other things) a maximum building height of 9m.
38. The General Residential Zone contains transitional provisions in the Schedule for Clause 32.08-4 which state:
 - (a) *Schedule 1 to Clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of Clause 54 as they apply to Clause 54.03-2 or of Clause 55 as they apply to Clause 55.03-2 as in force immediately before the said approved date continue to apply.*
39. As the current application was lodged before the gazettal date of Amendment C176; in accordance with Section 6 - *Transitional provisions*, the permit requirements of the GRZ (without the Schedule 2 restrictions) continue to apply to the subject site. It is noted that an error exists in the transitional provision which references 'Schedule 1' instead of 'Schedule 2'. This error is to be rectified and council have been instructed that the transitional provision still applies.
40. Pursuant to clause 32.8-3, a planning permit is required for the construction of one dwelling on a lot of less than 500m². Therefore a planning permit is required for the proposed development. Such development must meet the requirements of clause 54 of the Scheme.

Overlays

41. No overlays affect the subject site.

Particular Provisions

Clause 52.06 – Car parking

42. The provisions of Clause 52.06-2 of the Scheme state that before a new use commences, *“the number of car parking spaces required under Clause 52.06-5... must be provided to the satisfaction of the responsible authority”*.
43. Table 1 to Clause 52.06-5 specifies a rate of 2 car parking space to a dwelling with 3 (or more) bedrooms. Accordingly, the proposed dwelling is required to provide 2 car parking spaces.
44. With the proposed dwelling providing two, on-site car parking spaces the car parking rate is met and no permit is triggered under this clause.

Clause 54 – One dwelling on a lot.

45. Pursuant to Clause 54 of the Yarra Planning Scheme (the Scheme), the provisions apply to one dwelling on a lot if the lot area is less than 500sqm.

General Provisions

Clause 65 – Decision Guidelines

46. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 15 – Urban Design

47. The objective of this Clause is: *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 – Urban Design Principles

48. The objective of this clause is: *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.*

Clause 15.01-5 – Cultural identity and Neighbourhood Character

49. The objective of this Clause is: *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 – Energy and resource efficiency

50. The relevant objective of this Clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Local Planning Policy Framework (LPPF)

Clause 21.05-2 – Urban Design

51. The relevant objectives of this Clause are:
- (a) To reinforce the existing urban framework of Yarra.
 - (b) To retain, enhance and extend Yarra's fine grain street pattern.
 - (c) To create an inner city environment with landscaped beauty.
 - (d) To ensure that new development contributes positively to Yarra's urban fabric.

Clause 21.05-3 – Built Form Character

52. The general objective of this Clause is: *To maintain and strengthen the identified character of each type of identified built form within Yarra.*
53. The subject site is located within an Inner Suburban Residential area, where the built form character type is characterised by *“built form dominated residential areas with small gardens (if any) and minimal front and side setbacks”*.
54. The relevant strategy to achieve the objective is to: Apply the Residential Built Form policy at Clause 22.13.

Clause 21.07-1 – Ecologically sustainable development

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

Clause 21.08 – Neighbourhoods (Central Richmond)

56. Figure 24 of this clause identifies this site as *‘Inner Suburban Residential’*. This built form type encourages the maintenance of the existing pattern of front setbacks and limits variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites with generally consistent building heights.

Relevant Local Policies

Clause 22.10 – Built form and design policy

57. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
 - (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) *Create a positive interface between the private domain and public spaces.*
 - (f) *Encourage environmentally sustainable development.*
58. The Clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application are:

- (a) Urban form and character;
- (b) Setbacks and building heights;
- (c) Street and public space quality; and
- (d) Environmental sustainability.

Clause 22.13 – Residential built form policy

59. This policy applies to the General Residential Zone in areas not covered by the Heritage Overlay, and refers to the Built Form Character Type as set out in the Built Form Character Maps under Clause 21.08.
60. The objectives of this policy are:
- (a) *To limit the impact of new development on surrounding land, particularly on low rise residential areas; and*
 - (b) *To respond to and strengthen the distinct character of different parts of Yarra.*
61. As noted above, the subject site is located within an Inner Suburban Residential area. Clause 22.13 contains a number of design principles to achieve the desired built form outcomes for this character type, as follows:
- (a) *Maintain the existing pattern of front setbacks.*
 - (b) *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
 - (c) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
 - (d) *Orient buildings at right angles to the street frontage.*
 - (e) *Provide front fencing that is open (unless the building is zero front setback).*
 - (f) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

62. This policy applies to applications for new buildings and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways. The relevant objectives of this Clause are as follows:
- (a) To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).
 - (b) To promote the use of water sensitive urban design, including stormwater re-use.
 - (c) To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.
 - (d) To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.
 - (e) To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.

Other Policies

Amendment C133

63. Council has prepared a new local policy to consider environmentally sustainable design. Amendment C133 proposes to introduce Clause 22.17 – Environmentally Efficient Design into the Scheme. The Amendment will also update Clause 21.07-1 – Ecologically sustainable development by introducing a new strategy. An Advisory Committee and Panel Report was released on 7 April 2014 and recommended adoption of the amendment subject to minor changes.
64. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the SPPF and the MSS. The policy requires applications to be considered against the following objectives (where applicable):
- (a) Energy efficiency;
 - (b) Water resources;
 - (c) Indoor environment quality;
 - (d) Stormwater management;
 - (e) Transport;
 - (f) Waste management;
 - (g) Innovation; and
 - (h) Urban ecology.
65. In determining an application, the Responsible Authority will consider as appropriate:
- (a) How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.
 - (b) How the development considers:
 - (i) Best practice principles;
 - (ii) Innovation;
 - (iii) Use of emerging and proven technology; and
 - (iv) Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).
 - (v) Any relevant adopted policies.

Advertising

66. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 17 letters sent to surrounding property owners and occupiers and the display of a sign on the Shaw Street frontage of the site.
67. Ten objections were received against the development. The grounds of objection are summarised as follows:
- (a) Overdevelopment of the site;
 - (b) Height and mass of the building would be outside of the neighbourhood character;
 - (c) Visual bulk;
 - (d) Insufficient street setback;
 - (e) Loss of daylight;
 - (f) Overlooking;
 - (g) Overshadowing;
 - (h) Noise from rooftop terrace;
 - (i) Lack of car parking;
 - (j) Loss of heritage;
 - (k) Lack of details regarding construction phase;
 - (l) Inaccuracies within the plans/written report.

Referrals

External Referrals

68. The proposed development does not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

Internal Referrals

69. The application has been referred to council's Traffic Engineering Unit with the following comments received:

Access Arrangements

A site inspection of Shaw Street revealed that the west footpath and road carriageway of the street measure approximately 1.35 metres and 7.30 metres respectively. Parallel on-street car parking takes place on both sides of the street.

The existing vehicle crossing is to be demolished and replaced with a new crossing. The construction of a new vehicle crossing on the west side of Shaw Street must satisfy the following:

- *The vehicle crossing shall be constructed in accordance with City of Yarra Standard Drawings and Specifications;*
- *The crossing must span the full opening width of the new garage, and not 3.51 metres as depicted on the submitted drawings.*
- *The existing property drain outlet is to be removed;*
- *The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;*
- *Existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004; and*
- *An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team (based at the Richmond Town Hall).*

Vehicle turning movements into and out of the double garage are considered satisfactory.

Internal Layout

The internal dimensions of the double garage satisfy the Yarra Planning Scheme's off-street car parking requirements as per Clause 52.06.

Capital Works Programme

A check of the Capital Works Programme for 2014/15 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.

Road Infrastructure Works

Upon the completion of all building works and connections for underground utility connections, the footpath outside the property's Shaw Street frontage must be reconstructed to Council's satisfaction and at the developer's expense.

Drainage – Legal Point of Discharge

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.

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.

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.

70. Further comments were sought from the Traffic Engineering Unit in regards to the configuration of on-street parking and whether the proposed vehicle crossover into Shaw Street would result in the loss of multiple car parking spaces. The following comments were provided:

The designer had not accurately depicted the existing vehicle crossing and had not satisfactorily shown the proposed crossing on the drawings.

Individual parking bays are not line marked in Shaw Street (it is not Council's practice to do so).

The proposed double garage would result in around 2.0 to 3.0 metres of kerbside parking taken up by the new vehicle crossing.

Currently, there is only 9.8 metres (or thereabouts) between the existing vehicle crossing of 6 Shaw Street and the vehicle crossing of 8 Shaw Street. This distance is insufficient for two legal on-street parking bays. Therefore, the provision of a double crossing in lieu of the existing single crossing should not adversely impact on existing parking conditions in Shaw Street.

OFFICER ASSESSMENT

71. The primary considerations for this application are:

- (a) Clause 54 – ResCode including relevant built form policy (clause 22.10 and clause 22.13); and
- (b) Vehicle access and car parking; and
- (c) Objector's concerns.

Clause 54 - ResCode

72. This particular provision comprises 20 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built-up inner-city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following standards are not applicable to the consideration of this application:

- (a) Standard A8 – Significant vegetation (there is no significant vegetation on site);
- (b) Standard A20 – Front fencing (no front fencing is proposed).

Standard A1 – Neighbourhood Character

73. The standard requires that a design respond appropriately to the context of the neighbourhood and site surrounds. As described earlier in this report, the surrounding area consists predominantly of single and double-storey dwellings. Extensive construction of walls on boundaries and construction across site frontages are also both common features of the surrounding area, with the majority of dwellings having been built to at least one side boundary.

74. The presentation of the proposed building to Shaw Street is considered to achieve a satisfactory design response to the surrounding streetscape which contains a number of properties with car parking areas adjacent to the street, similar to the car parking arrangement proposed under this application.
75. The height and form/bulk of the building is considered to achieve a satisfactory outcome, reflecting the scale of neighbouring buildings. As described earlier in this report, buildings within the north and southern-abutting lots are constructed to the Shaw Street frontage which is also reflected within the proposed development.
76. Significantly, the proposed development would be lower in height than the existing dwelling within No.8 Shaw Street which is constructed to the Shaw Street frontage at ground and first floors with a recessive third floor within the roof form.
77. This graduation in heights is generally consistent with the policy direction under clause 22.13 of the Scheme which directs new development to limit variations between buildings to a single storey and for the existing pattern of front setbacks to be maintained.
78. While the design of the building in regards to its sensitive interfaces will be assessed in detail later in this report, it is sufficient at this point to state that it is considered that the proposed development is generally compliant with the objective of this Standard in terms of achieving an acceptable character outcome and appropriately designed with regard to the features of the site.

Standard A2 – Integration with the street

79. The proposed dwelling would be orientated east with the dwelling entrance clearly visible from the street. While the location of the garage door at street level is not ideal in terms of integrating the development with the streetscape, the dwelling otherwise provides opportunities for passive street surveillance from the ground and first floor windows and terrace. The objective of the Standard is met.

Standard A3 – Street setback

80. The location of the proposed development on the Shaw Street boundary meets the Standard given that the front walls of the southern-abutting property is also located on-boundary.

Standard A4 – Building height

81. The dwelling would have a maximum height ranging between 7.0m and 7.7m (where associated with the rooftop balustrading), meeting the requirements of the Standard for buildings to not exceed 9m.
82. In regards to the policy under clause 22.10 of the Scheme, the height of a development should also be appropriate to the context of the area and respect the prevailing pattern of heights. As discussed earlier in this report, the building stock within the surrounding area contains a mixture of single and double-storey dwellings.
83. Further policy direction is provided under clause 22.13 of the Scheme which contains the policy objective: *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*
84. Figure 24 of clause 21.08-10 of the Scheme also outlines the direction for building heights to be limited to a single storey transition to adjacent buildings as discussed earlier in this report.
85. Significantly, the proposed dwelling is lower than the existing dwelling to the south and in light of the policy points above it is considered that the increase in height from the single-storey buildings to the north is also in line with the policy direction under the above clauses.

While amenity impacts associated with wall heights will be assessed in detail later in this report the building height is considered to achieve an appropriate response to the surrounding area.

Standard A5 – Site coverage

86. The proposed site coverage is approximately 140m² or 75% which would exceed the Standard for 60%. While this may be the case, the level of site coverage which is proposed is considered to be reflective of the pattern of development which is established in the surrounding area.
87. While issues associated with boundary setbacks and visual bulk will be assessed further in this report, given the overall size of the subject site at only 154m² and the constraint which this poses for development within the site, it is considered that the variation to the Standard is an acceptable outcome in this particular instance.

Standard A6 – Permeability

88. Introducing permeable surfaces to the rear courtyard and service yard would equate to approximately 13% of the total site area which would not meet the Standard for 20% of the site to be retained as permeable areas.
89. While this may be the case, the modest lot size makes compliance difficult. It is considered that while the level of stormwater runoff which would be generated from the increased surface area of the development is currently unacceptable, this issue is addressable through a condition requiring the submission of a STORM report demonstrating that the volume of the rainwater tank and its use within the development would achieve a score of at least 100.
90. It is considered that this condition would allow for the development to be consistent with the objective of the Standard and also demonstrate compliance with the policy direction under clause 22.16 – *Stormwater Management* of the Scheme.

Standard A7 – Energy efficiency protection

91. The proposal incorporates areas of private open space which will gain access to direct sunlight during the day, and are located directly off the main living areas thereby achieving good solar access within the development. The dwelling design would incorporate operable windows to provide solar access and natural ventilation to all habitable rooms in the dwelling.
92. The proposal would not result in unreasonable loss of northern light to the adjoining property (which will be assessed later in this report) and it is therefore considered that the proposal satisfies the objective of the Standard for a development of this scale.
93. In light of the points above, it is considered that the proposed dwelling would achieve a satisfactory outcome against the objectives of Amendment C133.

Standard A10 – Side and rear setbacks

North-facing walls

94. The north-facing wall of the kitchen would be located 4.9m from the boundary with a maximum height of 2.7m above ground level, meeting the Standard for a 1.0m setback.
95. The north-facing wall associated with bedroom 2 at first floor would be located 4.0m from the boundary with a height of 7.0m – exceeding the Standard for a 2.09m setback.

96. In regards to the balustrading associated with the rooftop terrace, the northern balustrading would be located 1.73m from the boundary with a maximum height of 7.6m, triggering a variation under the Standard which outlines a 2.69m setback for a wall of this height.
97. The variation is considered to achieve an acceptable outcome in this instance with the balustrading being located opposite the land associated with the substation building. Including the width of the substation lot, the setback of the balustrade from any private open space areas to the north would be approximately 5.5m – exceeding the Standard and avoiding unreasonable visual bulk impacts.

South-facing walls

98. The south-facing walls would be located between 1.06m (ground floor) and 2.33m (first floor) from the boundary with maximum heights of 3.2m and 6.2m respectively. Both of the proposed setbacks would exceed the requirements of the Standard which outline a 1.0m setback for the ground floor wall and a 1.78m setback at the highest point of the first floor wall.
99. The south-facing balustrade associated with the rooftop terrace would be located 4.5m from the boundary, exceeding the Standard which outlines a setback requirement of 2.79m for the 7.7m wall height.

West-facing walls

100. The west-facing wall associated with the living room (ground floor) and bedroom/bathrooms (first floor) would be located between 3.3m and 3.7m from the boundary with a maximum height of 6.5m. These setbacks meet the Standard which outlines a 1.87m setback for a wall of this height.
101. The west-facing balustrade for the rooftop terrace would be located 5.65m from the boundary, exceeding the Standard which outlines a setback of 2.19m for the 7.1m wall height.

Standard A11 – Walls on boundaries

North-facing walls

102. The north-facing wall of the development would be constructed to the boundary for a length of 10.8m at ground floor and 9.0m at first floor with a maximum height ranging between 5.7m and 6.5m due to the natural fall of the lot.
103. While the length of this wall would meet the Standard, the additional height above the single-storey substation and also being greater than 3.6m where opposite the at grade areas to the rear of the substation and private open space associated with No.57 Lyndhurst Street both trigger a variation.
104. In regards to the land at No.4 Shaw Street (the substation) it is considered that the height of the north-facing wall above the at-grade areas would not create unreasonable amenity impacts as this land is non-residential.
105. It is also considered that the presentation of the on-boundary wall to the neighbouring open space associated with No.57 Lyndhurst Street would be reasonable in terms of the visual bulk which would be created by the additional height of the wall (above 3.6m) as the wall would be located opposite a 'secondary' space adjacent to the boundary with the primary open space located 3.3m further north.

106. The at-grade areas abutting the boundary of the subject site are approximately 3.0m wide triggering their consideration as open space but while this may be the case, the degree of physical separation of this area from the main open space and its location between the dwelling and the rear of the substation lessens the impact of the wall when viewed from the primary open space.
107. It is considered that the height of the proposed north-facing wall would not have an unreasonable visual bulk impact on the open space area to the north of this neighbouring site and the variation is supported on this basis.

South-facing walls

108. The ground floor, south-facing wall would be constructed to the boundary for 3.5m with a maximum height of 3.21m where associated with the study. This wall would be located adjacent to the double-storey, on-boundary built form associated with the dwelling to the south and would therefore comply with the Standard.

West-facing walls

109. The west-facing wall associated with the kitchen would be constructed to the boundary for a length of 4.3m with a maximum height of 2.1m above ground level due to the excavation at the rear of the lot (reduces the height of the wall from 3.5m). Both the length and height of this wall meet the Standard.

Standard A12 – Daylight to existing windows

110. The plans show the proposed development would be located opposite two, non-habitable, east-facing windows associated with the dwelling at No.59 Lyndhurst Street. As these windows are associated with non-habitable rooms the requirements of this Standard do not apply.
111. The proposed development would also be located opposite three, north-facing, habitable room windows located within No.8 Shaw Street. As these windows are located in excess of 3m from the boundary between the two lots, Standard A13 does not trigger any assessment and therefore it is considered reasonable to undertake an assessment under this Standard.
112. The south-facing walls would be located between 1.06m from the boundary at ground floor and 4.5m where associated with the rooftop balustrade which has a maximum height of 7.7m.
113. The Standard outlines that a wall opposite these windows should be set back from the window at least 50% of the height of the new wall. The setbacks outlined above exceed the setbacks under the Standard at each level and are therefore considered to allow adequate daylight to these windows.
114. The development would not be located opposite any other habitable room windows – The Standard is met.

Standard A13 – North-facing windows

115. The three north-facing windows associated with No.8 Shaw Street are located 3.8m from the common boundary shared with the subject site and therefore no additional setbacks are triggered under this Standard.

Standard A14 – Overshadowing

116. The proposed development results in additional overshadowing to the private open space areas associated with No's 61 & 59 Lyndhurst Street and No.8 Shaw Street. The shadowing impacts can be described as follows:

No.59 Lyndhurst Street

117. At 9:00am the plans show the proposed development creating additional overshadowing resulting in the entire private open space area associated with this property being affected at this time.
118. By 10:00am the plans show that the level of shadowing cast by the development would reduce to a point where almost no additional shadowing would be cast.
119. Significantly, existing shadows associated with the outbuilding in the south-east corner of the private open space area for No.59 Lyndhurst have not been included within the plans. The inclusion of these shadows would reduce the level of additional shadowing to an area less than 0.5m² at 10:00am.
120. Requiring the development to avoid all additional overshadowing is not considered reasonable in regards to the objective of the Standard which is to ensure buildings do not 'unreasonably' overshadow open space, which reflects the intention of the control to limit shadowing to an acceptable level, not avoid it entirely.
121. Similarly, it is acknowledged that the Lyndhurst Street properties create overshadowing impacts to their own open space areas in the afternoon and that these impacts further reduce the amount of sunlight reaching the open space throughout the day.
122. While this may be the case, it is considered that if an acceptable level of shadowing can be established during the morning hours (ie shadows cast from the proposed development), it would be unreasonable to further require the proposed development to compensate for shadows cast by the neighbouring buildings onto their own open space during the afternoon.
123. With the above points in mind, it is considered that the ability of the proposed development to avoid any significant overshadowing by 10:00am to the open space areas within No.59 Lyndhurst Street achieves an acceptable outcome.

No.61 Lyndhurst Street

124. The plans show this property being subject to approximately 4m² of additional shadowing at 9:00am, reducing by 10:00am to retain an area of approximately 9m² with access to direct sunlight at this time.
125. Significantly, the level of additional shadowing cast from the proposed development would be less than shown within the plans which do not include shadows from existing development (fencing). An assessment by council officers shows that when shadows from existing fencing are included to the shadow diagrams, the additional shadowing at 10:00am would equate to approximately 0.5m².
126. This level of additional shadowing is considered to be modest and would not significantly alter the ability to utilise the open space area as per the existing conditions with the additional shadowing at 10:00am only encroaching 0.6m further south than the shadows already cast by the existing boundary fencing.
127. By 11:00am, the proposed development would not create additional shadowing to this property and in light of the modest impacts in the earlier hours; it is considered that the impact to this property is not unreasonable.

No.8 Shaw Street

128. At 9:00am an additional 1.48m² of shadowing would be created to the private open space area with approximately 1m² of the total 22m² open space area retaining access to sunlight at this time.
129. At 10:00am the level of additional shadows cast by the development would equate to 2.2m² within a 0.6m deep 'strip' extending past the shadows cast by existing boundary fencing. The additional shadowing at this point in time would allow for the retention of approximately 4.3m² of the open space with access to direct sunlight.
130. By 12:00 noon the additional shadowing would equate to 2.3m² with approximately 9.4m² of the private open space retaining access to direct sunlight. Given the modest areas involved and the duration of the additional impacts throughout the morning and early afternoon, these shadowing impacts are considered to be excessive.
131. In assessing the level of additional shadowing from the proposed development, it is relevant that the shadowing impacts are not created by either the ground floor level or rooftop balustrading of the development. Additional shadows to the private open space for No.8 Shaw Street are cast from the south-facing wall at first floor, which is located 2.3m from the boundary.
132. An assessment by council officers indicates that by increasing the setback of the south-facing wall associated with bedroom 3 from 2.33m to 3.0m from the boundary, the additional overshadowing would be limited to hours prior to 10:00am, after which the shadows would be reduced to areas already affected by shadow cast by existing development.
133. It is considered reasonable to resolve this issue through a condition of permit (as per the point above) requiring setbacks or built form alterations so that the top of this room is 3m back from the boundary.
134. In light of the condition above, the reduction of shadowing impacts from 10:00am onwards would not unreasonably impact on the ability to utilise the adjoining private open space in a manner similar to the existing conditions.
135. The design response through this condition is considered to achieve an acceptable outcome against the objective of this Standard which has largely been created through the neighbouring development locating the private open space adjacent to the northern boundary in an area where on-boundary construction is a common design element due to the modest lot sizes within Shaw Street.

Standard A15 – Overlooking

136. Opportunities for unreasonable overlooking from the ground floor areas to the private open space areas to the north, south or west of the subject site would be screened in accordance with the Standard through the provision of 1.8m high timber paling fences (plus additional trellising) along these boundaries.
137. The west-facing bathroom windows and south-facing window associated with the staircase at first floor would not result in unreasonable overlooking opportunities in accordance with the Standard (being associated with non-habitable rooms).
138. The west-facing window associated with bedrooms 3 is shown to contain 'fixed and obscure glazing' to a height of 1.7m above FFL which would restrict any unreasonable overlooking opportunities in accordance with the Standard.

139. Views from the east-facing terrace and east-facing window behind (bedroom 1) would fall over Shaw Street or onto the roofed areas associated with outbuildings within No.57 Lyndhurst Street, avoiding the east-facing terrace to the south, habitable room windows and/or private open space areas and therefore meeting the Standard.
140. The rooftop terrace and northern edge of the east-facing terrace have been shown to include a 1.7m high screen around its perimeter. While this may be the case, notations are required to detail that this screen would provide for no more than 25% visual transparency to meet the Standard. This issue would be addressed through a condition.

Standard A16 – Daylight to new windows

141. The windows associated with habitable rooms within the development have been design to provide outlook either towards the Shaw Street frontage or open areas which would ensure the windows are provided with sufficient access to daylight and ventilation – meeting the requirements of the Standard.

Standard A17 – Private open space

142. The proposed development triggers a variation to the Standard for the provision of open space and secluded private open space for the dwelling. While this may be the case, it is considered that the rear courtyard (15m²) rooftop area (18m²) and east-facing terrace (6.4m²) would provide an acceptable level of space for passive recreational use of the future residents.
143. The reduced level of secluded open space is considered an acceptable outcome in light of the modest lot size of 154m² which is not conducive to the provision of larger areas without significantly reducing the ability to develop the site. The inclusion of the rooftop area provides increased amenity to the open space areas with greatly improved solar access in addition to the open space located at ground level and the east-facing terrace.
144. Relevantly, public open space at Citizen's Park is located approximately 670m walking distance from the subject site which provides a readily accessible option for more active forms of recreation not provided within the development itself. With these points in mind, it is considered that the provision of open space and secluded open space within the development is acceptable in this case.
145. Additionally, the plans include a notation 'pull down stair case to be confirmed' – for clarity, a condition of permit would require the words '*to be confirmed*' be deleted.

Standard A18 – Solar access to open space

146. Due to the east-to-west orientation of the site, locating secluded open space adjacent to the northern boundary is not readily practical with the exception for the very rear (western) portion of the site due to the location of on-boundary construction to the north.
147. The location of the private open space at the rear of the site is generally consistent with the pattern of open space found in the surrounding area and being located to the south of the neighbouring open space area, partially meets the requirements of the Standard.
148. The east-facing terrace would receive access to sunlight in the morning hours while the private open space was affected by shadowing from the development itself, allowing some form of open space with sunlight access throughout the day.
149. Additionally, the rooftop area would gain unimpeded solar access due to its positioning above the roofing areas associated with the dwelling to the north, generally in accordance with the objective of the Standard.

Standard A19 – Detailed design

150. The contemporary design of the dwelling responds positively to the existing residential character of the locality. The proposal is of an appropriate design, incorporating varied materials and modulated forms. The area contains a combination of period single storey weatherboard dwellings and contemporary townhouses, the proposal will not be at odds with the architectural character of surrounding developments.

Vehicle access and car parking

151. As discussed earlier in this report, the application has been referred to council's Traffic Engineering Unit who have provided comments in support of the car parking dimensions and vehicle access arrangements.
152. In regards to the formation of the proposed vehicle crossover into Shaw Street, the Traffic Engineering Unit have also commented that the areas which would be required to accommodate the additional width of the vehicle crossover would not remove any on-street car parking spaces from Shaw Street with the length between the southern edge of the existing dwelling's vehicle crossover and the northern edge of the vehicle crossover associated with No.8 Shaw Street being insufficient for two (2) parking spaces under the existing conditions.
153. While space would be lost from the kerb it would retain sufficient length for an on-street car parking space and therefore this outcome would not translate to a loss of any street parking from Shaw Street. Significantly, the creation of a second, on-site car parking space for the proposed development would result in a net increase in car parking.
154. Various requirements for the demolition and reinstatement of redundant crossovers and the development of the proposed vehicle crossover are included within the comments received from council's Traffic Engineering Unit. These would be included as conditions of permit.

Objector Concerns

155. The following comments are made in response to the objections submitted to Council.
- (a) *Overdevelopment of the site;*
156. Issues associated with site coverage, building height and location of walls to sensitive interfaces have been assessed earlier in this report and found to be satisfactory. (See Paragraphs 80-90)
- (a) *Height and mass of the building would be outside of the neighbourhood character;*
157. The design of the building has been assessed earlier in this report against Standard A1 and the relevant design policies and found to achieve a satisfactory neighbourhood character outcome. (See Paragraphs 73-78)
- (a) *Visual bulk;*
158. The application has been assessed against Standards A10 and A11 earlier in this report and found to achieve a satisfactory outcome. (See Paragraphs 94-109)
- (a) *Insufficient street setback;*
159. The application meets the requirements of Standard A3 – Street setback and is considered to achieve an acceptable outcome on this basis. (See Paragraph 80)
- (a) *Loss of daylight;*

160. The proposed development has been assessed against Standards A12- *Daylight to existing windows* and A13 – *North-facing windows* earlier in this report and found to be acceptable. (See Paragraphs 110-115).
- (a) *Overlooking;*
161. The application has been assessed against Standard A15 – *Overlooking* earlier in this report and found to avoid unreasonable overlooking opportunities subject to the introduction of conditions as discussed under Paragraphs 136-140.
- (a) *Overshadowing;*
162. The level of additional shadowing cast from the proposed development has been assessed in detail against Standard A14 – *Overshadowing* earlier in this report and found to achieve an acceptable outcome. (See Paragraphs 116-135)
- (a) *Noise from rooftop terrace;*
163. Any noise from the rooftop areas would be residential in nature and therefore not considered unreasonable in light of the residential zoning of the land.
- (a) *Lack of car parking;*
164. The application would result in the provision of two, on-site car parking spaces to meet the requirements stipulated under clause 52.06 – *Car Parking* of the Yarra Planning Scheme. The comments from council's Traffic Engineering Unit illustrate that no car parking spaces from Shaw Street would be lost through the construction of the double-width vehicle crossover, resulting in a net gain in car parking.
165. With the above points in mind, it is considered that the proposed development achieves an acceptable outcome in regards to car parking numbers.
- (a) *Loss of heritage;*
166. The subject site is not located within a heritage overlay and therefore the 'loss of heritage fabric' is not an issue which can be addressed under the requirements of the Yarra Planning Scheme for this development.
- (a) *Lack of details regarding construction phase;*
167. Details in regards to construction phases of the development would be addressed through the Building Permit application process and do not form part of assessment for a planning application.
- (a) *Inaccuracies within the plans/written report.*
168. The objections identify that the originally submitted plans (6 May 2014) showed the location of 'evening sun' and 'morning sun' in the wrong/opposite direction within the Neighbourhood and Site Description Plan. This error is considered inconsequential to the assessment of the proposal as the shadowing diagrams (shown in separate plans) accurately depict the shadowing associated with the development.
169. The basement level was not clearly indicated on all elevations previously submitted within the May 2014 plans. This has been rectified within the decision plans (25 February 2015).

170. Other inaccuracies were highlight from within the written reports and were generally limited to typographical errors and do not prevent an accurate assessment of the development from being undertaken.

Conclusion

171. Based on the above report, the proposal is considered to meet the relevant elements of the Yarra Planning Scheme. Subject to the conditions outlined below, the proposal is recommended for approval.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a planning permit PLN13/0633 for development of the land for construction of a dwelling at 6 Shaw Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) The volume of the rainwater tank and its connection within the development, demonstrating a STORM rating score of no less than 100;
 - (b) the first floor, south-facing wall associated with bedroom 3 set back or raked away from the boundary so that the maximum height of the wall is no closer than 3.0m from the boundary;
 - (c) Screening associated with the east-facing terrace and rooftop terrace providing no more than 25% visual transparency; and
 - (d) The notation associated with access to the rooftop terrace amended to delete the words '*to be confirmed*'.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

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

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

NOTES:

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

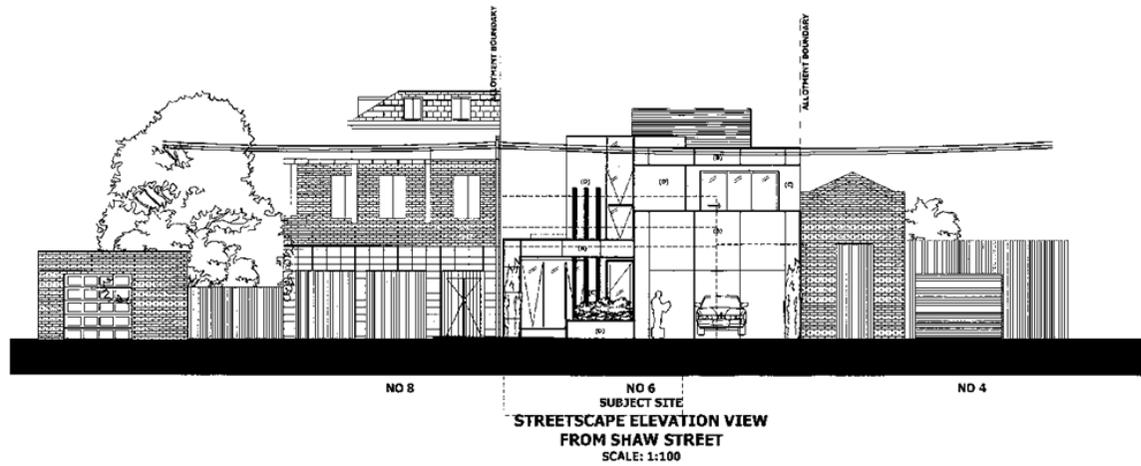
Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

CONTACT OFFICER: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 92055357

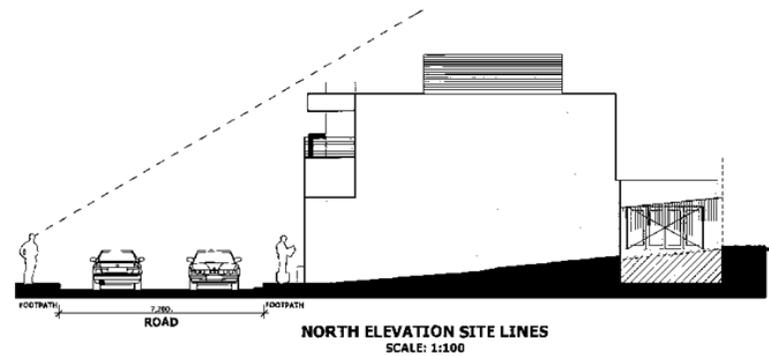
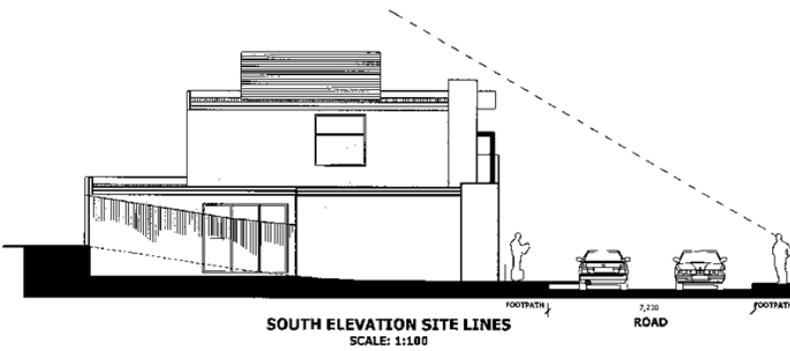
Attachments

- 1 Floor plans
- 2 Elevations
- 3 Streetscape
- 4 Shadow diagrams

Attachment 3 - Streetscape

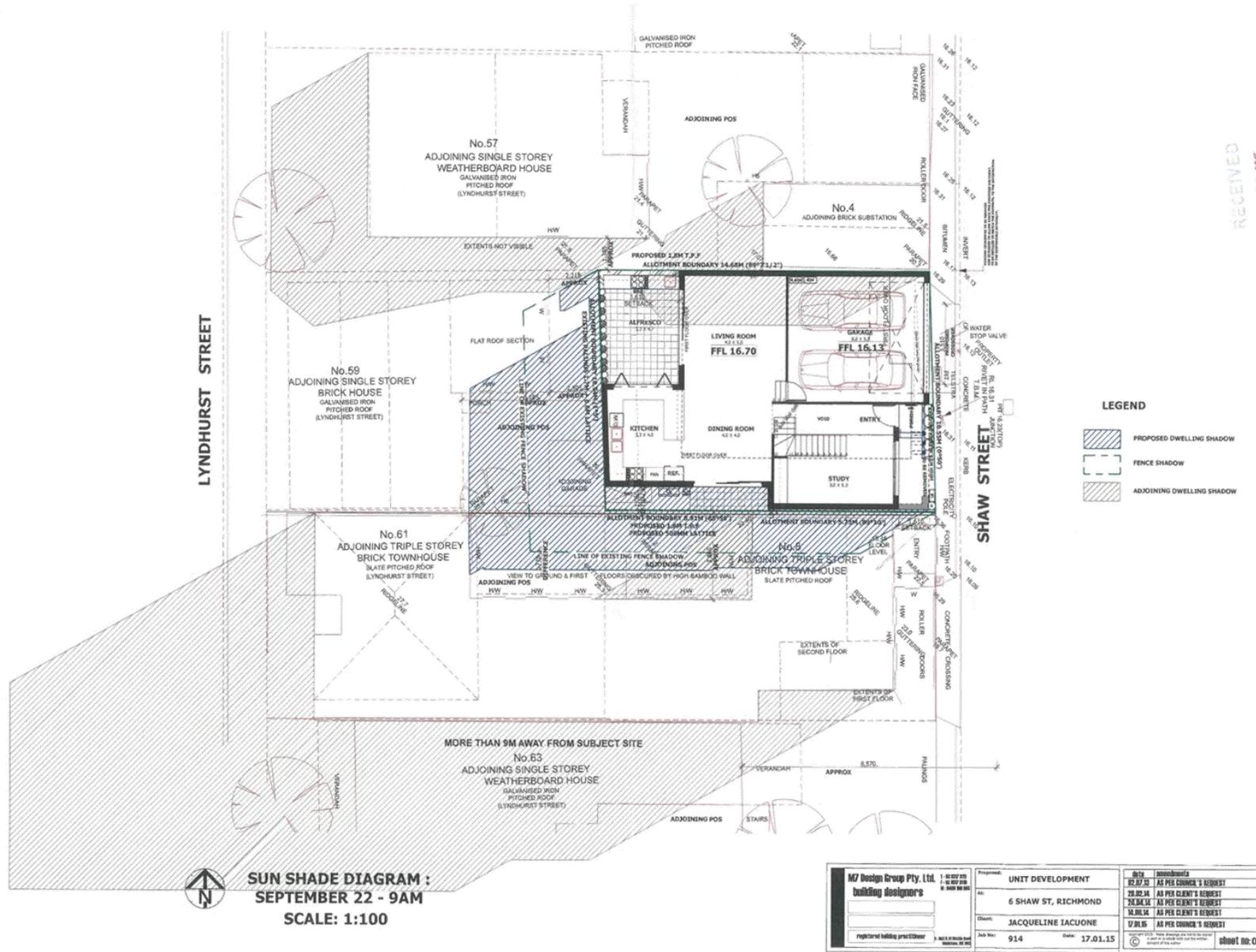


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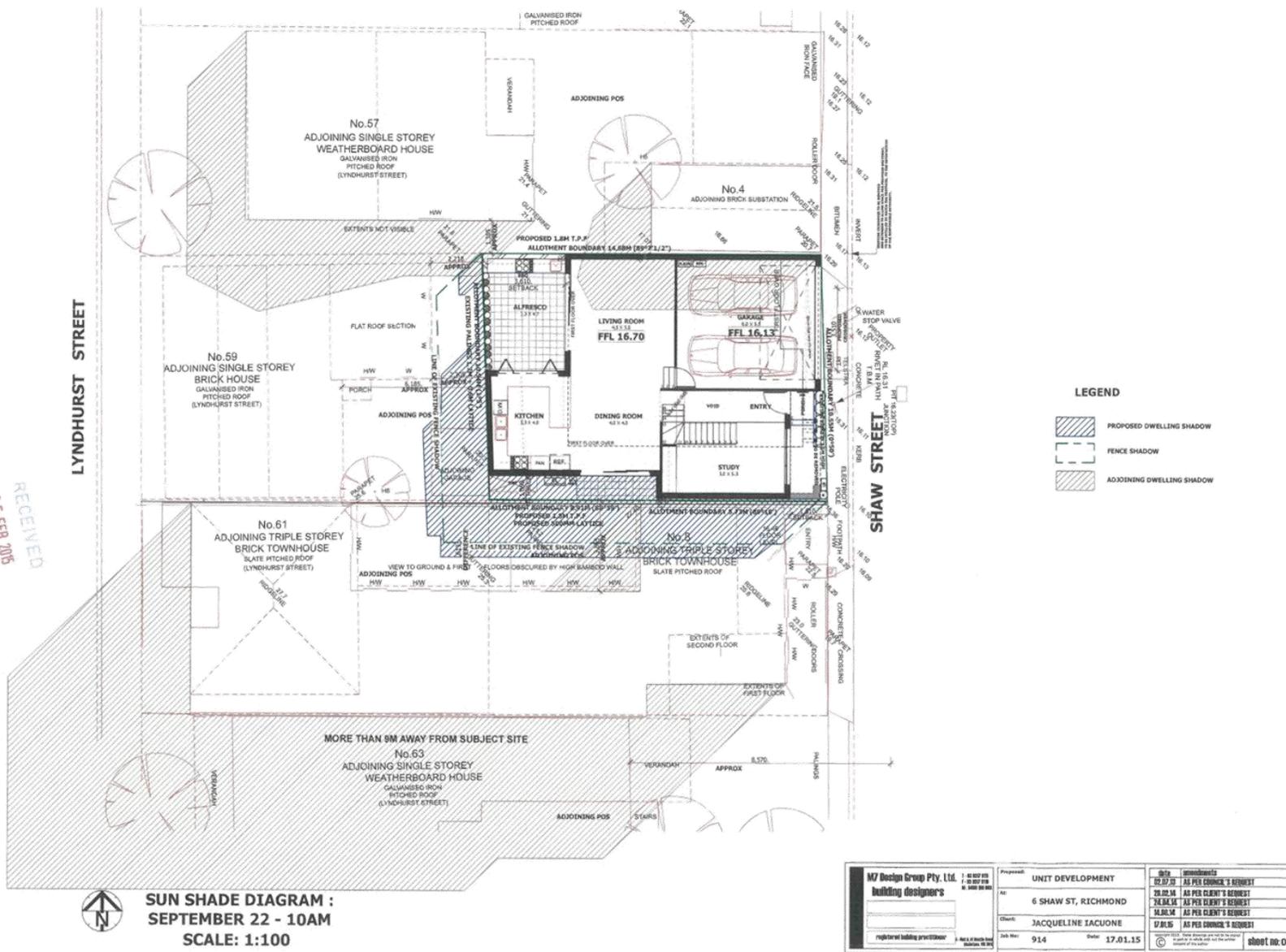


NZ Design Group Pty. Ltd. building designers registered building practitioners	Prepared by UNIT DEVELOPMENT	Date 17 FEB 15	Drawn by JACQUELINE IACUONE	Scale 17 FEB 15	Checked by AS PER CURRENT'S REVIEW
	Project 6 SHAW ST, RICHMOND	Date 17 FEB 15	Drawn by AS PER CURRENT'S REVIEW	Scale 17 FEB 15	Checked by AS PER CURRENT'S REVIEW
	Client 914	Date 17.01.15	Drawn by AS PER CURRENT'S REVIEW	Scale 17 FEB 15	Checked by AS PER CURRENT'S REVIEW
	Job No. 914	Date 17.01.15	Drawn by AS PER CURRENT'S REVIEW	Scale 17 FEB 15	Checked by AS PER CURRENT'S REVIEW

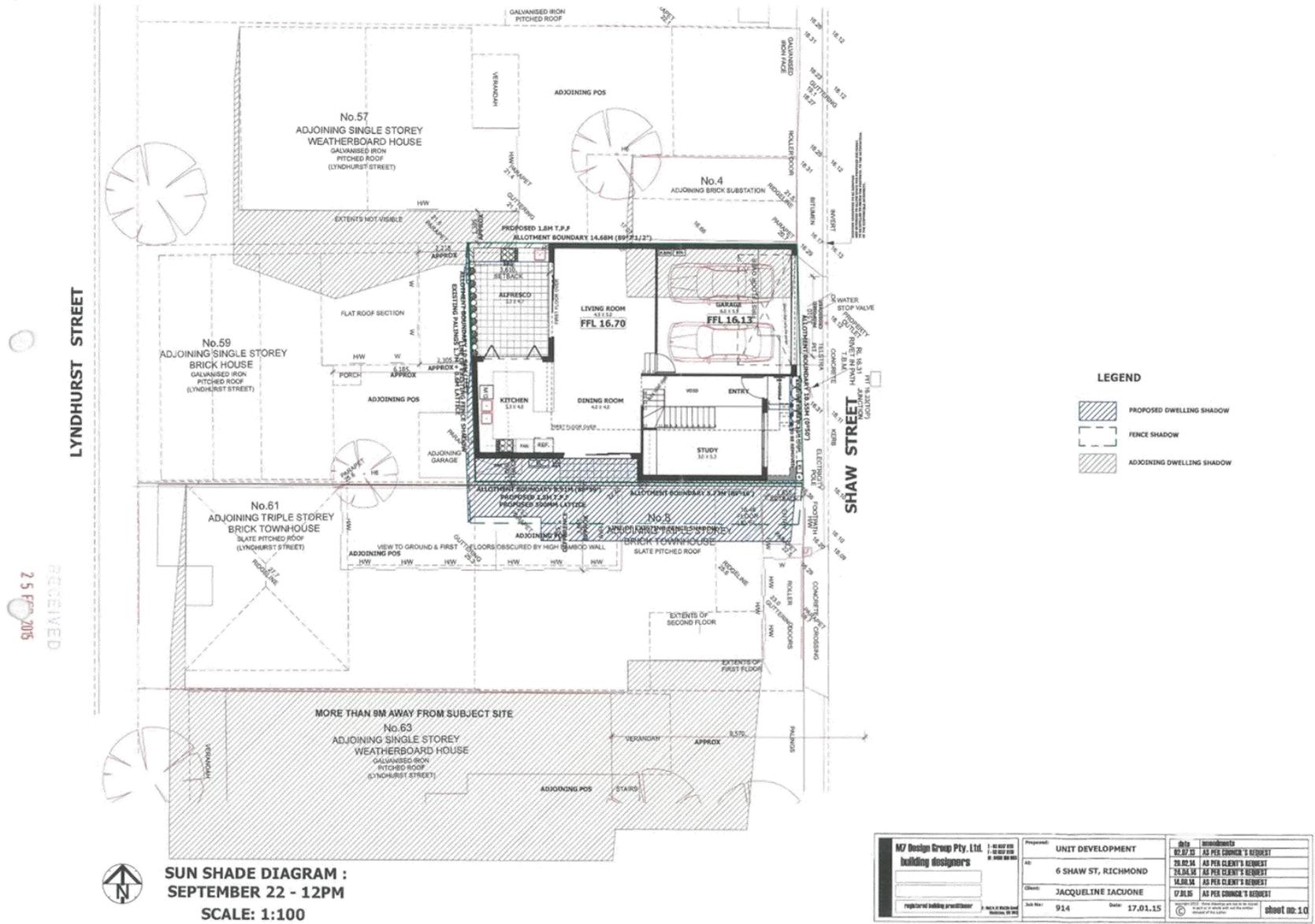
Attachment 4 - Shadow diagrams



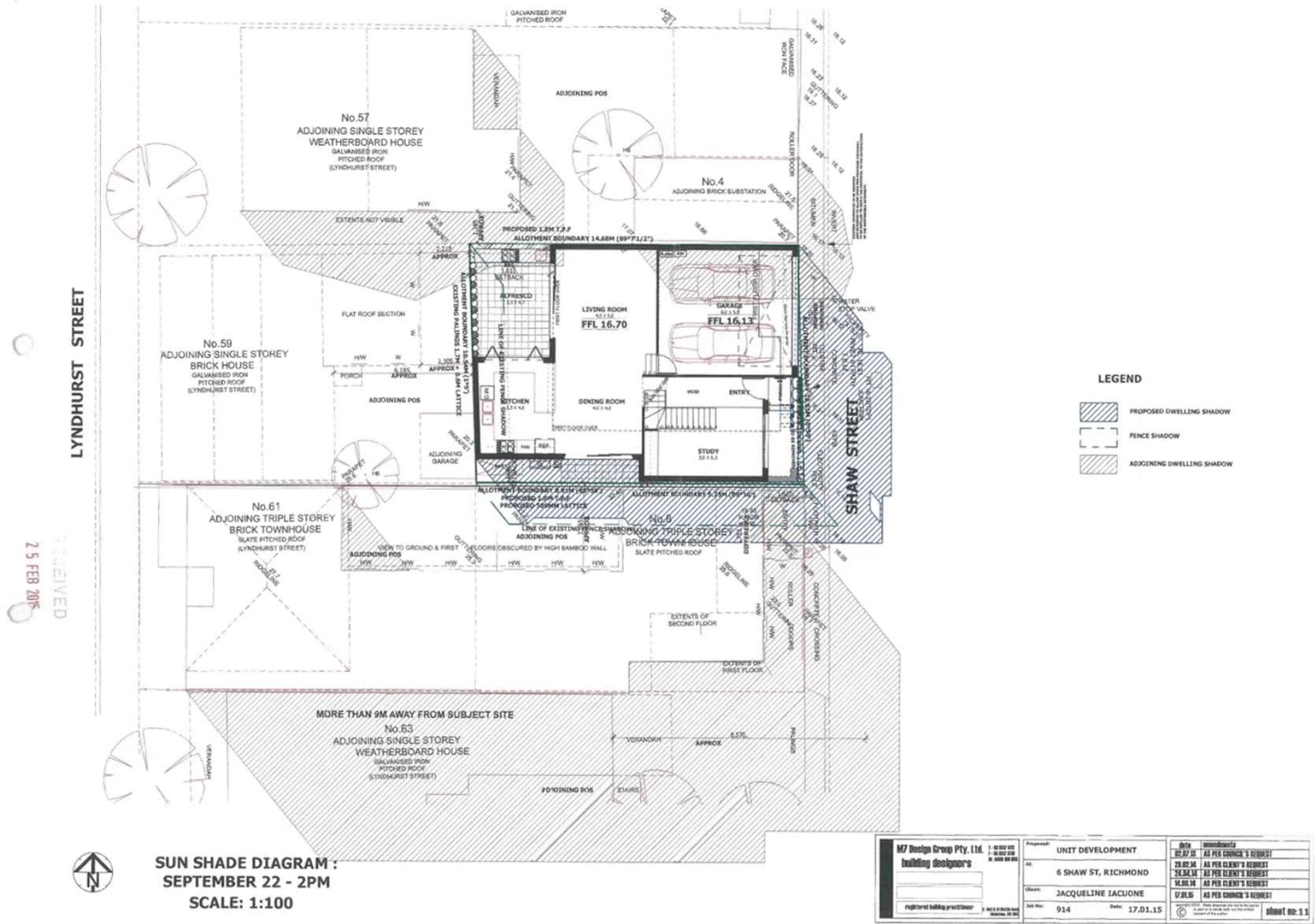
Attachment 4 - Shadow diagrams



Attachment 4 - Shadow diagrams



Attachment 4 - Shadow diagrams



1.3 PLN14/0515 - 3 Rae Street Fitzroy North - Increase the liquor licence area of the existing food and drinks premises (bar/restaurant).

Executive Summary

Purpose

1. This report provides Council with an assessment of the planning application for the land at 3 Rae Street, Fitzroy North. This report recommends approval, subject to conditions.

Background

2. The application was advertised and received ten objections.
3. A consultation meeting was held on 25 September 2014. Six objectors and the applicant were in attendance. At the consultation meeting the applicant agreed to amend their application to not include the outdoor dining area in the licensed area. Objectors present verbally agreed to withdraw their objections.
4. Following consultation the application was amended on 1 October 2014 under Section 57(A) of the *Planning and Environment Act (1987)* to delete the outdoor dining area from the licensed area and was re-advertised. Two objections were withdrawn, there are eight objections remaining.

Key Planning Considerations

5. Key planning considerations include:
 - (a) Clause 17.01-1 – Business;
 - (b) Clause 21.04-3 – Land Use;
 - (c) Clause 21.08-10 – Neighbourhoods – Fitzroy North;
 - (d) Clause 22.09 – Licensed Premises; and
 - (e) Clause 52.27 – Licensed Premises.

Key Issues

6. The key issues for Council in considering the proposal relate to:
 - (a) Liquor licence;
 - (b) Potential off-site amenity impacts; and
 - (c) Objector concerns.

Objector Concerns

7. At the time of writing, eight objections have been received to the application and can be summarised as:
 - (a) Noise (patron and staff using the outdoor area; rubbish being removed, and background music);
 - (b) Inadequate noise and patron management procedures;
 - (c) Excessive hours of operation; and
 - (d) The potential for increased patrons visiting the site.

Conclusion

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

CONTACT OFFICER: Danielle Connell
TITLE: Coordinator Statutory Planning
TEL: 9205 5157

1.3 PLN14/0515 - 3 Rae Street Fitzroy North - Increase the liquor licence area of the existing food and drinks premises (bar/restaurant).

Trim Record Number: D15/26089

Responsible Officer: Manager Statutory Planning

Proposal: Increase the liquor licence area of the existing food and drinks premises (bar/restaurant).

Existing use: Bar/Restaurant

Applicant: Priority Planning Pty Ltd

Zoning / Overlays: General Residential Zone (Schedule 3)
Design and Development Overlay (Schedule 2)
Special Building Overlay

Date of Application: 16 June 2014

Application Number: PLN14/0515

Planning History

1. Building permit No. 6471 was issued 21 November 1964 for alterations and additions to the ground floor of the subject site (operating as the Jika Jika Hotel).
2. Planning permit No. 2000 was issued 20 August 1992 for an internally illuminated sign fronting Alexandra Parade (sign stated "Tooheys Red"). The business at the time was operating as the "Jika Jika Hotel".
3. Planning permit No. 2172 was issued 18 January 1993 for three attached houses (land currently used as car parking). The permit was not acted upon and has since expired.
4. Planning permit No. 2964 was issued 29 July 1994 for an illuminated business sign fronting Rae Street (sign stated "Victoria Bitter" and "Bottle Shop"). The business at the time was operating as "Rubira's".
5. Planning Application No. PL07/0792 lapsed in November 2007 after further information was not provided. The application was to provide for two, glazed sliding doors to the northern elevation at ground level (the business was operating as "Ginter's Bar and Restaurant").
6. Planning Application No. PLN11/0999 was submitted on 1 December 2011 and sought an extension to the red line (licensed) area of the premises (increase in licenced area with no increase in patron numbers of hours of operation). The business at the time was operating as the "Richmond Seafood Tavern". This application was withdrawn at the request of the applicant in May 2012.
7. Planning Application No. PLN14/1062 was submitted on 17 November 2014, for construction of a five storey building containing 34 dwellings (no permit required for dwelling use), including a reduction of car and bicycle parking requirements. The application finished advertising at the end of March 2015.

Background

8. The application was advertised and received ten objections.
9. A consultation meeting was held on 25 September 2014. Six objectors and the applicant were in attendance. At the consultation meeting the applicant agreed to amend their application to not include the outdoor dining area. Objectors present verbally agreed to withdraw their objections.

10. Following consultation the application was amended on 1 October 2014 under Section 57(A) of the *Planning and Environment Act* (1987) to delete the outdoor dining area from the licensed area and re-advertised. Two objections were withdrawn, there are eight objections remaining.

Existing Conditions

Subject Site

11. The subject site is occupied by a food and drinks premises (bar/restaurant) currently operating as "Richmond Seafood Tavern".
12. The subject site is located on the north-western corner of Rae Street and Alexandra Parade, approximately 100 metres west of the intersection with Brunswick Street.
13. The site is rectangular in shape with frontages to Alexandra Parade and Rae Street comprising an overall area of 653m².
14. The site contains a double storey, Victoria-era building fronting Alexandra Parade, with a later single storey addition to the north. Furth north of the building proper is a covered outdoor dining area, with a parking area beyond this.
15. Ground floor of the building comprises bar and dining areas, as well as service and kitchen areas. First floor is occupied by offices, staff facilities and residential rooms. The first floor is unlicensed.
16. The entire ground floor of the building is currently licensed (under liquor licence 31907386) with the exception of a store area, residential access, the outdoor dining area and the bar/dining room at the south-eastern corner of the restaurant (fronting Alexandra Parade).
17. Under the current liquor licence, the site allows for a maximum 130 patrons; with the following hours for the sale and consumption of liquor:
18. On-premises sale of liquor is currently permitted between:

(a) Monday – Saturday	7.00am and 1.00am (the following day)
(b) Sunday	10.00am and 11.00pm
(c) Good Friday	12 noon and 11.00pm;
(d) Anzac Day (not being Sunday)	12 noon and 1.00am (the following day)
19. Off-premises sale of liquor is currently permitted between:

(a) Monday – Saturday	7.00am and 11.00pm
(b) Sunday	10.00am and 11.00pm
(c) Good Friday and Anzac Day	12 noon and 11.00pm

Existing use

20. The site has been constructed as a purpose built hotel (shown as "Jika Jika Hotel" on the Melbourne Metropolitan Board of Works maps). The hotel has continued to be licensed as per the above liquor licence with no change to the hours of operation or patron numbers for at least the last 15 years, although the name of the business has changed over the years (ie. Jika Jika Hotel, Rubina's, Ginters Bar and Restaurant and, more recently, Richmond Seafood Tavern).

21. The hotel has maintained its use as bar and dining at ground level, with accommodation and offices at first floor. However, the red line plan for the licensed area (approved 28 June 1994 - see Attachment 2) clearly shows that the front section of the building (fronting Alexandra Parade) has not been included in the licenced area (although this would have been the bar and dining room area originally, as shown on the building permit plans – See Attachment 3).
22. While the layout of the ground floor has changed over time (when viewed against the 1994 red line plan which is ostensibly the removal of the bottle shop fronting Rae Street and use of this area as a dining area) the red line has not been altered to reflect the changes. The current application seeks to licence the front area of the ground floor and correctly label all areas.

Surrounding Land

23. The subject site is located approximately 100 metres west of the Brunswick Street Activity Centre (Major Activity Centre). Trams operate along Brunswick Street and Nicholson Street (also to the west).
24. The site fronts Alexandra Parade to the south, which is a major arterial road (Road Zone Category 1), providing access to the Eastern Freeway.
25. Rae Street is located to the east of the subject site; opposite the subject site is a service station which fronts Alexandra Parade but also has vehicle access from Rae Street. To the north of the service station is a three-storey apartment building, with a mix of single and multi-storey dwellings further north. Restricted car parking is available along both sides of Rae Street.
26. To the immediate north of the car parking area of the subject site is a three-storey apartment block (with driveway access along the southern boundary, and then the building setback). Further north are a mix of single, two and three-storey dwellings.
27. To the immediate west is a right-of-way (ROW) that runs north-south between Alexandra Parade and York Street. To the west of the ROW are dwellings that front Alexandra Parade and Curtain Place.

The Proposal

28. The proposal seeks to extend the liquor license area to include the whole internal ground floor. This involves licencing the existing unlicensed dining and storage rooms at the southern and south-eastern parts of the site at ground floor (approximately 100sq.m.).
29. The application proposes no changes to the external area, no change of trading hours and no increase in patron numbers. As such there would continue to be a maximum of 130 patrons, with the following hours for the sale and consumption of liquor:
30. On-premises sale of liquor between:

(a) Monday – Saturday	7.00am and 1.00am (the following day)
(b) Sunday	10.00am and 11.00pm
(c) Good Friday	12 noon and 11.00pm;
(d) Anzac Day (not being Sunday)	12 noon and 1.00am (the following day)
31. Off-premises sale of liquor between:

(a) Monday – Saturday	7.00am and 11.00pm
(b) Sunday	10.00am and 11.00pm
(c) Good Friday and Anzac Day	12 noon and 11.00pm

32. There are no buildings and works associated with this application. However it is noted that the outdoor dining area to the north of the building does not appear to have planning approval. This is a separate matter from the current application which is to increase the licensed area internally within the building. However the matter has been referred to Council's Community Amenity Unit for further investigation and a condition will require the deletion of this area from the current plans.

Planning Scheme Provisions

Zoning

Clause 32.08 – General Residential Zone (Schedule 3)

33. Pursuant to Clause 32.08-2 of the *Yarra Planning Scheme* (the Scheme) both a hotel and a restaurant are listed under "Food and Drink Premises" which is a Section 2 Use, which requires a planning permit. However, as the application is not for the use of the land (but for an extension to the liquor licence area as it has established existing use rights) a permit is not required under this zone.

Overlays

Clause 43.02 - Design and Development Overlay Schedule 2

34. In this instance a planning permit is not required under the provisions of the overlay as no buildings and works are proposed.

Clause 44.05 - Special Building Overlay

35. In this instance a planning permit is not required under the provisions of the overlay as no buildings and works are proposed.

Particular Provisions

Clause 52.27 – Licensed Premises

36. Pursuant to Clause 52.27 of the Scheme a permit is required to use land to sell or consume liquor if any of the following apply (emphasis added):

- (a) *A licence is required under the Liquor Control Reform Act 1998.*
- (b) *A different licence or category of licence is required from that which is in force.*
- (c) *The hours of trading allowed under a licence are to be extended.*
- (d) *The number of patrons allowed under a licence is to be increased.*
- (e) ***The area that liquor is allowed to be consumed or supplied under a licence is to be increased.***

37. Therefore a planning permit is required pursuant to this clause.

Clause 63 – Existing Uses

38. Pursuant to clause 63.01 of the Scheme, an existing use right is established in relation to use of land if any of the following apply:

- (a) *The use was lawfully carried out immediately before the approval date.*
- (b) *A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.*
- (c) *A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.*
- (d) *Proof of continuous use for 15 years is established under Clause 63.11.*

39. As stated earlier in the report, the use as a food and drink premises (which includes hotel and restaurant) is a Section 2 use under the General Residential zone, however the subject site has established existing use rights. Therefore, as set out in clause 63.05 of the Scheme:

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- (a) No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
 - (b) Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
 - (c) The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*
40. There appears to be no planning approval for works to allow for the outdoor dining area. As such, a condition will require this detail to be removed from the plans as this does not form part of the application.

General Provisions

Clause 65 – Decision Guidelines

41. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. If a permit can be granted it does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

State Planning Policy Framework (SPPF)

Clause 17 – Economic Development

42. Pursuant to Clause 17.01-1 (Business) of the Scheme, the objective is *‘to encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities’*.

Local Planning Policy Framework (LPPF)

Clause 21.04-3 – Industry, Office and Commercial

43. This clause states that: *‘Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base’*.

Clause 21.08-8 – North Fitzroy (Neighbourhoods)

44. This clause identifies North Fitzroy as a largely residential area with pockets of local convenience retail uses.

Relevant Local Policies

Clause 22.09 – Licensed Premises Policy

45. This policy applies to applications for licensed premises where a permit is required pursuant to Clause 52.27 of the Scheme. The objectives of this policy are:
- (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.*
 - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
 - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
46. The policy addresses matters relating to location and access, hours of operation, patron numbers, noise, car parking and general amenity considerations. The policy requires the provision of a Noise and Amenity Action Plan (NAAP) which was provided by the permit applicant.

Advertising

47. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by sending 53 letters to surrounding owners and occupiers of land and the display of three signs at the site (on the Rae Street frontage, Alexander Parade frontage and the ROW). Ten objections were initially received, and the grounds of objection are summarised as:
- (a) Noise (patron and staff using the outdoor area; rubbish being removed, and background music);
 - (b) Inadequate noise and patron management procedures;
 - (c) Excessive hours of operation; and
 - (d) The potential for increased patrons visiting the site.

Referrals

External Referrals

48. The application did not require any statutory referrals under the Yarra Planning Scheme.

Internal Referrals

49. The application was referred to Council's Community Amenity Team who advised that there is no history of complaints associated with this site. Furthermore, it was advised that the Noise and Amenity Action Plan (NAAP) provided by the applicant was sufficient to control noise sources associated with the use of the subject land.

OFFICER ASSESSMENT

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

- (a) Licensed premises; and
- (b) Objector Concerns.

Licensed premises

51. The application is proposing to extend the existing licensed floor area within the building. As stated previously in the report, there are no additional patrons or trading hours sought to those already established by the existing liquor licence.
52. As set out under clause 52.27 of the Scheme, the purpose of this control is:

- (a) *To ensure that licensed premises are situated in appropriate locations.*
- (b) *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

53. The decision guidelines under clause 52.27 of the Scheme state that before deciding on an application, the Responsible Authority must consider (as appropriate):

- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- (c) *The impact of the hours of operation on the amenity of the surrounding area.*
- (d) *The impact of the number of patrons on the amenity of the surrounding area.*
- (e) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

54. Given that there is an existing liquor licence for the premises, and there is to be no change to the hours, or increase in patron numbers, the impacts to be considered are in relation to the new licenced area which is located along Alexandra Parade within the existing ground floor (approximately 100sq.m.). Of this proposed licence floor area, the bar/dining area consists of approximately 50sq.m., with the remainder being storage areas, cool room, fridge and service areas

55. In addition to the considerations of clause 52.27, Council's local policy at Clause 22.09 should also be considered. The combination of these clauses articulate matters to be considered relating to cumulative impact, off-site amenity impacts, and land use conflict considerations.

56. The existing liquor licence on site means that planning consideration is limited to the new area for the liquor licence. However, in relation to location and access (under Clause 22.09-3.1), while the premises is within a residential zone, the new area to be licenced is located along Alexandra Parade (a major arterial road) and within the existing purpose-built (hotel) building. Further, a relevant purpose of the General Residential Zone is:

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

57. In addition, there is activity directly to the east of the site associated with the service station; and the Brunswick Street Major Activity Centre is less than 100m further east, which ensures that people are already in the area and are highly visible. The premises are not located in the middle of a residential area, but are located on the periphery of commercial and transport corridors and is therefore better suited to an increase in the licenced area (particularly given that it is within the existing building).

58. As stated previously, the hours proposed do not differ from those currently existing for the remainder of the site. In fact, the extended licenced area is located away from the residential uses to the north and west and located to the south of the existing building. Patrons will continue to enter and exit the building as currently exists, and there will be no increase to numbers already permitted on the site.

59. However, with reference to clause 22.09-3.2, the hours of operation will be limited to:

60. On-premises sale of liquor between:

- (a) Monday – Saturday 7.00am and 1.00am (the following day)
- (b) Sunday 10.00am and 11.00pm
- (c) Good Friday 12 noon and 11.00pm;
- (d) Anzac Day (not being Sunday) 12 noon and 1.00am (the following day)

61. Off-premises sale of liquor between:
 - (a) Monday – Saturday 7.00am and 11.00pm
 - (b) Sunday 10.00am and 11.00pm
 - (c) Good Friday and Anzac Day 12 noon and 11.00pm

62. Clause 22.09-3.2 of the Scheme states that licensed premises within 30m of a residential area not trade beyond 11.00pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area. As seen by the above existing hours, the sale of liquor off-premises ends at 11.00pm on every night; and the sale of liquor on the premises ends at 1.00am (except Sundays and Good Friday).

63. Taking into account the purpose-built building, the location on an arterial road and with 100m of a Major Activity Centre the hours for the extended licence area are considered appropriate. Noise from this new area will be contained inside the building, and the public area is limited to approximately 50sq.m. which further restricts the number of people who can be located in this area. Keeping in mind that the total number of patrons on site is restricted to 130 people (as per the existing licence), there will be no change to what is already permitted on site.

64. Concerns raised by objectors relate largely to existing conditions such as rubbish, background music and noise from the outdoor area. As part of any approval, conditions will be able to restrict hours of rubbish collection as well as ensuring that any music is limited to SEPP N-2 requirements. However as consideration is restricted to the internal area of the building subject to this application, noise is considered to be acceptable in this location.

65. The applicant has submitted a NAAP as required by clause 22.09, however there are details that need to be included (such as patron numbers, hours of operation, etc) as the existing NAAP references/relies on the existing liquor licence.

66. The applicant provided a revised NAAP on the 31 March 2015 which better addresses these issues. The NAAP states that only background music will be played within the building, and no speakers are to be sited outside the building. The NAAP further states that no live music/entertainment is proposed. This will be confirmed via conditions.

67. It was earlier noted in the report that standard conditions would be included requiring compliance with relevant State Environmental Protection Policies, restrictions on waste disposal and deliveries to the site, and a condition confirming that no music will be played outside the building.

68. Car parking is currently provided on-site, and as there will be no increased numbers of patrons no additional cars will be required.

69. Strategically, the site enjoys a unique location at the interface between the General Residential Zone and the Commercial 1 Zone, and is located within close proximity to existing commercial uses. Significantly, the subject site has historically and is currently used for commercial purposes as a licensed bar/restaurant.

70. Accordingly, it is considered that while Council's local planning policy discourages new licensed premises in residential zones, the subject site has a unique physical and historical context which warrants conditional support of the proposed liquor licence, subject to a detailed assessment of potential off-site amenity impacts. Subject to conditions addressing these matters (waste, music and no increase in patron numbers) it is considered that the proposed additional licensed internal area is appropriate and will not unreasonably impact the surrounding residential area.

71. It is therefore considered unlikely that the additional licensed floor area will lead to excessive levels of noise emitted from the site particularly given other commercial uses in proximity, combined with traffic and trams along Alexandra Parade and Brunswick Street.

Objector Concerns

72. The following comments are made in response to the grounds of objection submitted to Council:
73. *Noise (patron and staff using the outdoor area, rubbish being removed, and background music* – discussed at paragraphs 56-64.
74. *Inadequate noise and patron management procedures* – discussed at paragraph 65-67.
75. *Excessive hours of operation* – There is no increase proposed to the hours of operation. A separate application would be required if the applicant were to seek an extension of hours.
76. *The potential for increased patrons visiting the site* – The existing liquor licence allows for 130 patrons, there is no increase proposed to the number of patrons. A separate application would be required if the applicant were to seek an increase to the patron numbers.

Conclusion

77. Overall, the proposed licensed café is considered to be acceptable subject to conditions that will manage any potential off-site amenity impact and conditions relating to the management of noise impacts.

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN14/0515 be issued for the sale and consumption of liquor (bar/restaurant) at 3 Rae Street, Fitzroy North, in accordance with the decision plans received by Council on 01/10/2014 subject to the following conditions:

1. Before the extended liquor licence commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) Deletion of the outdoor dining area.
2. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No more than 130 patrons are permitted on the land at any time liquor is being sold or consumed.
4. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:

On-premises sale of liquor between:

- | | |
|----------------------------------|--|
| (a) Monday – Saturday | 7.00am and 1.00am (the following day) |
| (b) Sunday | 10.00am and 11.00pm |
| (c) Good Friday | 12 noon and 11.00pm; |
| (d) Anzac Day (not being Sunday) | 12 noon and 1.00am (the following day) |

Off-premises sale of liquor between:

- | | |
|-----------------------|--------------------|
| (e) Monday – Saturday | 7.00am and 11.00pm |
|-----------------------|--------------------|

- (f) Sunday 10.00am and 11.00pm
- (g) Good Friday and Anzac Day 12 noon and 11.00pm

5. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan (dated 31 March 2015) must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
7. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
8. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
9. Except with the prior written consent of the Responsible Authority, the provision of music on the land must be at a background noise level.
10. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
11. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
14. This permit will expire if the sale and consumption of liquor is not commenced within two years from the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Notes:

These premises will be required to comply with the Food Act 1984. The use must not commence until approval has been granted by Council's Health Protection Unit.

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

CONTACT OFFICER: Danielle Connell
TITLE: Coordinator Statutory Planning
TEL: 9205 5157

Attachments

- 1 Attachment 1 - Red line plan and Noise and Amenity Action Plan
- 2 Attachment 2 - Existing licensed red line plan
- 3 Attachment 3 - Approved building plans 1964
- 4 Attachment 4 - Revised Noise and Amenity Action Plan

Attachment 1 - Attachment 1 - Red line plan and Noise and Amenity Action Plan



Application for Planning Permit

Noise and Amenity Action Plan (NAAP)

1-5 Rae Street Fitzroy North

12 June 2014

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PRIORITY PLANNING PTY LTD
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47 BOURKE STREET MELBOURNE 3000
TELEPHONE: 9639 9599 MOBILE: 0407 845 686
Email: priorityplanning@iprimus.com.au

Attachment 1 - Attachment 1 - Red line plan and Noise and Amenity Action Plan

Noise and Amenity Action Plan (NAAP)
1-5 Rae Street Fitzroy North

Noise and Amenity Action Plan (NAAP) for licensed premises at 1-5 Rae Street Fitzroy North

The purpose of this Plan

This Noise and Amenity Action Plan is a requirement of Clause 22.09 of the Yarra Planning Scheme for the licensed premises at 1-5 Rae Street, Fitzroy ("the licensed premises").

It is anticipated that it would be endorsed under a permit issued to allow for an extension of the licensed ("red line") area on the premises ("the permit").

It is also a necessary management strategy for the operation of the licensed premises.

The NAAP is intended to allow the licensed premises to provide a good standard of service to patrons while maintaining an appropriate standard of amenity for any neighbouring residents, with minimal disturbance, particularly from noise from the premises itself or from patrons leaving the premises.

Current and future operators will abide by, and have ownership, of the Plan.

The NAAP is to form the basis of the sustainable business operation of the licensed premises, allowing the licensed premises operator/permit holder/licensee, neighbours and the Yarra City Council to coexist peacefully.

Details of the Plan

The location, type and details of existing licensed premises in the locality.

The site is in a generally residential area with the only significant area of existing licensed premises located along Brunswick Street, about 100m away.

The identification of all noise sources associated with the premise (including, but not limited to, music noise, entries and exits to the premise and courtyards) likely to impact on adjoining residents.

Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.

Noise emissions will be limited by both the physical attributes of the premises and the nature of the proposal itself:

- The main external interfaces of the licensed premises will continue to be to Alexandra Parade and Rae Street.

Patrons will be generally concentrated inside the building on the site, or when outside (when entering or leaving) on Alexandra Parade or Rae Street only, which, next to the site itself, is characterised more by commercial and transport uses than residential ones.
- The activities associated with the licensed premises (eg dining) will be relatively quiet and unlikely to generate noise audible from outside the subject land.
- While the outdoor dining area adjoins a residential area, it is separated from the nearest dwellings by the hotel car park (the lane to the west) and screening vegetation along the west and north site boundaries.

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Attachment 1 - Attachment 1 - Red line plan and Noise and Amenity Action Plan

Noise and Amenity Action Plan (NAAP)
1-5 Rae Street Fitzroy North

- The car park crossover is also located away from the nearest adjoining residential uses.
- No speakers will be provided outside the licensed premises building.
- Any permit or licence conditions relevant to noise attenuation will be met at all times.

Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an "authorised officer" of the Responsible Authority [Yarra City Council] or an officer of Liquor Licensing Victoria [Victorian Commission for Gambling and Liquor Regulation].

The licensed premises operator/permit holder and all staff will take all amenity-related complaints against the licensed premises, its staff or its patrons seriously and will deal with such complaints in a professional manner.

Upon receiving a complaint, a staff member at management level will immediately seek to determine the cause of the complaint and take steps to address it if the complaint is found to be associated with the use of the premises, or patrons who have just left the premises.

The permit holder/staff member at management level will keep an up-to-date register to record any complaints against the licensed premises, including:

- The date, time and nature of the complaint;
- The contact details of the person and/or organisation lodging the complaint; and
- Measures taken to address the complaint(s), with time and date.

The register will be kept on the premises and made available for inspection to officers of Victoria Police, the Responsible Authority or the Victorian Commission for Gambling and Liquor Regulation during all hours of operation.

The licensed premises operator/permit holder or staff member at management level will not refuse entry to any potential complainant or refuse to register a complaint.

Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters/waitresses, on-premises manager, and other staff.

There will be an appropriate number of staff present on the licensed premises, including a manager who will be on the premises at all times liquor is served.

Staff members will be on the premises during all hours that liquor is to be served. There will be no formal security staff, but there will be an on-premises manager will have responsibility for any security issues.

As is typical of the hospitality industry, the working hours of the staff will vary according to the particular circumstances, but obviously, staff will be available in the licensed premises during all hours that it is open to the public.

All staff members will be given a personal copy of this Noise and Amenity Action Plan and be required to familiarise themselves with its requirements.

Details of training provided for bar staff in the responsible serving of alcohol.

All bar staff members have completed a "Responsible Service of Alcohol" program.

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Attachment 1 - Attachment 1 - Red line plan and Noise and Amenity Action Plan

Noise and Amenity Action Plan (NAAP)
1-5 Rae Street Fitzroy North

Hours of operation for all parts of the premises.

Liquor will be served during the hours specified on the permit.

Lighting within the boundaries of the site.

The building and the open areas are adequately lit during the hours of operation.

Security lighting outside the premises.

External lights are oriented to prevent direct light spill outside the site.

Details of the provision of music including the frequency and hours of entertainment provided by live bands and/or DJs.

No music other than lightly amplified background music will be provided. No live music or DJs will perform on the premises, unless otherwise granted written permission by the Responsible Authority.

Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed use.

Storage for rubbish and recyclables will be as shown on plans endorsed under the permit.

Unless by the Council, garbage collections will take place between 7.00 am and 8.00 pm on any day.

Emptying of bottles into bins will not occur after 10.00 pm or before 7.00 am.

Any other measures to be undertaken to ensure minimal amenity impacts from proposed licensed use.

The total number of patrons will be limited to the number allowed by the permit and/or licence.

Staff members will use their best endeavours to ensure that patrons on the premises (including in the outside areas), will conduct themselves in a quiet and orderly manner, without causing a nuisance to the amenity of the area by way of noise and/or boisterous behaviour.

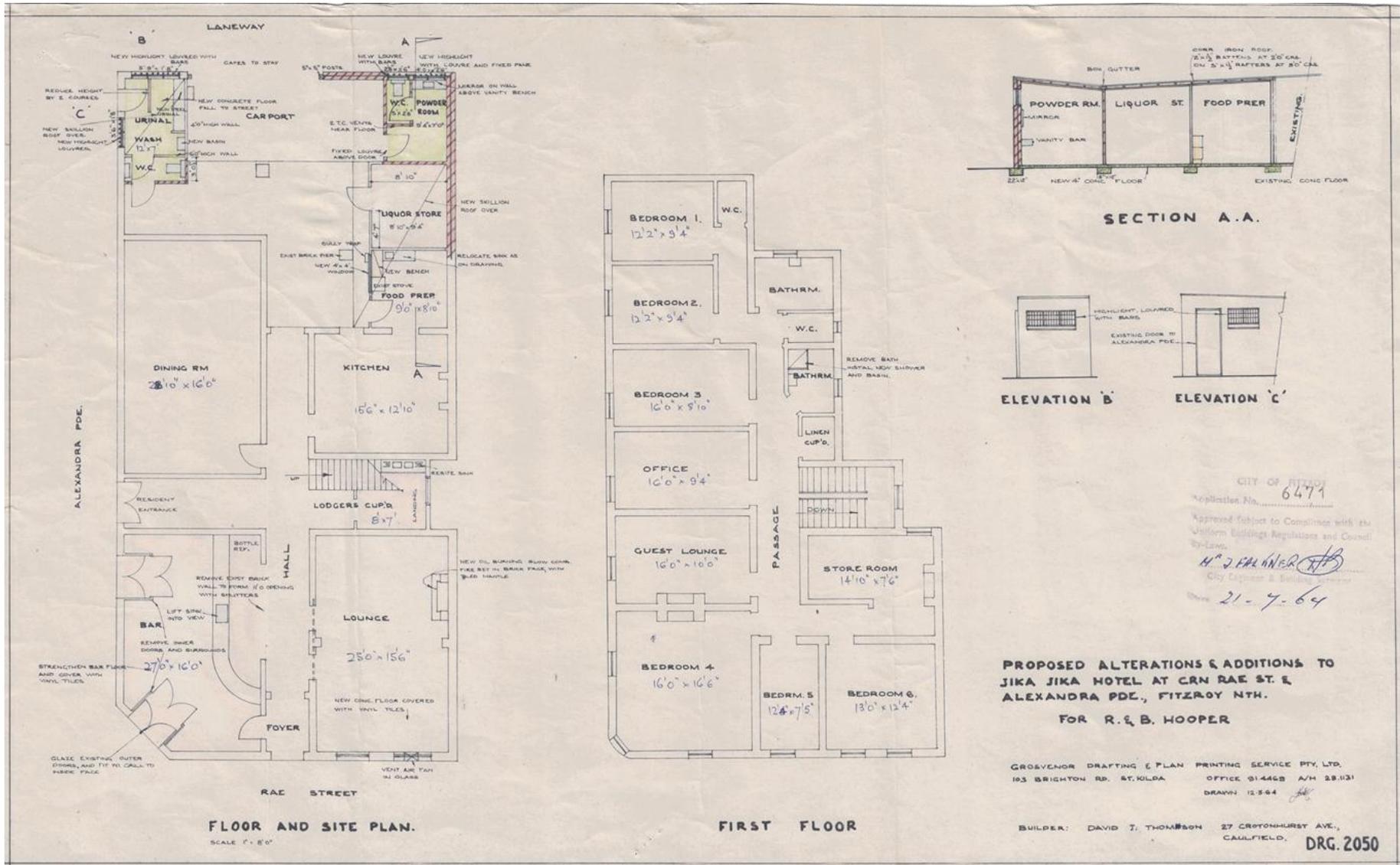
Staff members will also use all reasonable and practical methods to ensure that patrons leave the premises in a quiet and orderly manner at all times the use is operating and immediately after the hours of operation.

END OF DOCUMENT

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Attachment 3 - Attachment 3 - Approved building plans 1964



Attachment 4 - Attachment 4 - Revised Noise and Amenity Action Plan



Application for Planning Permit

Noise and Amenity Action Plan (NAAP)

1-5 Rae Street Fitzroy North

31 March 2015

PRIORITY PLANNING PTY LTD
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Attachment 4 - Attachment 4 - Revised Noise and Amenity Action Plan

Noise and Amenity Action Plan (NAAP)
1-5 Rae Street Fitzroy North

Noise and Amenity Action Plan (NAAP) for licensed premises at 1-5 Rae Street Fitzroy North

The purpose of this Plan

This Noise and Amenity Action Plan is a requirement of Clause 22.09 of the Yarra Planning Scheme for the licensed premises at 1-5 Rae Street, Fitzroy ("the licensed premises").

It is anticipated that the Noise and Amenity Action Plan will be endorsed under a permit issued to allow for an extension of the licensed ("red line") area on the premises ("the permit").

It is also a necessary management strategy for the operation of the licensed premises.

The NAAP is intended to allow the licensed premises to provide a good standard of service to patrons while maintaining an appropriate standard of amenity for any neighbouring residents, with minimal disturbance, particularly from noise from the premises itself or from patrons leaving the premises.

Current and future operators will abide by, and have ownership, of the Plan.

The NAAP is to form the basis of the sustainable business operation of the licensed premises, allowing the licensed premises operator/permit holder/licensee, neighbours and the Yarra City Council to coexist peacefully.

Details of the Plan

The location, type and details of existing licensed premises in the locality.

The site is in a generally residential area with the only significant area of existing licensed premises located along Brunswick Street, about 100m away.

The identification of all noise sources associated with the premise (including, but not limited to, music noise, entries and exits to the premise and courtyards) likely to impact on adjoining residents.

Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.

Noise emissions will be limited by both the physical attributes of the premises and the nature of the proposal itself:

- The main external interfaces of the licensed premises will continue to be to Alexandra Parade and Rae Street.

Patrons will be generally concentrated inside the building on the site, or when outside (when entering or leaving) on Alexandra Parade or Rae Street only, which, next to the site itself, is characterised more by commercial and transport uses than residential ones.
- The activities associated with the licensed premises (eg dining) will be relatively quiet and unlikely to generate noise audible from outside the subject land.
- While the outdoor dining area adjoins a residential area, it is separated from the nearest dwellings by the hotel car park (the lane to the west) and screening vegetation along the west and north site boundaries.

Attachment 4 - Attachment 4 - Revised Noise and Amenity Action Plan

Noise and Amenity Action Plan (NAAP)
1-5 Rae Street Fitzroy North

- The car park crossover is also located away from the nearest adjoining residential uses.
- No speakers will be provided outside the licensed premises building.
- Any permit or licence conditions relevant to noise attenuation will be met at all times.

Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an "authorised officer" of the Responsible Authority [Yarra City Council] or an officer of Liquor Licensing Victoria [Victorian Commission for Gambling and Liquor Regulation].

The licensed premises operator/permit holder and all staff will take all amenity-related complaints against the licensed premises, its staff or its patrons seriously and will deal with such complaints in a professional manner.

Upon receiving a complaint, a staff member at management level will immediately seek to determine the cause of the complaint and take steps to address it if the complaint is found to be associated with the use of the premises, or patrons who have just left the premises.

The permit holder/staff member at management level will keep an up-to-date register to record *any* complaints against the licensed premises, including:

- The date, time and nature of the complaint;
- The contact details of the person and/or organisation lodging the complaint; and
- Measures taken to address the complaint(s), with time and date.

The register will be kept on the premises and made available for inspection to officers of Victoria Police, the Responsible Authority or the Victorian Commission for Gambling and Liquor Regulation during all hours of operation.

The licensed premises operator/permit holder or staff member at management level will not refuse entry to any potential complainant or refuse to register a complaint.

Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters/waitresses, on-premises manager, and other staff.

There will be an appropriate number of staff present on the licensed premises, including a manager who will be on the premises at all times liquor is served.

Staff members will be on the premises during all hours that liquor is to be served. There will be no formal security staff, but there *will* be an on-premises manager who will have responsibility for any security issues.

As is typical of the hospitality industry, the working hours of the staff will vary according to the particular circumstances, but obviously, staff will be available in the licensed premises during all hours that it is open to the public.

All staff members will be given a personal copy of this Noise and Amenity Action Plan and be required to familiarise themselves with its requirements.

Details of training provided for bar staff in the responsible serving of alcohol.

All bar staff members have completed a "Responsible Service of Alcohol" program.

Attachment 4 - Attachment 4 - Revised Noise and Amenity Action Plan

Noise and Amenity Action Plan (NAAP)
1-5 Rae Street Fitzroy North

Hours of operation for all parts of the premises.

The hours of operation for the sale and consumption of liquor on the premises are from:

- 7am to 1am - Monday to Saturday;
- 10am to 11pm – Sunday;
- 12 noon to 11pm – Good Friday;
- 12 noon to 1am – Anzac Day.

No change is proposed to the hours of operation for consumption off the premises and will remain as follows:

- 10am to 11pm – Sunday;
- 12 noon to 11pm – Good Friday and Anzac Day;
- 7am to 11pm - Monday to Saturday.

Lighting within the boundaries of the site.

The building and the open areas are adequately lit during the hours of operation.

Security lighting outside the premises.

External lights are oriented to prevent direct light spill outside the site.

Details of the provision of music including the frequency and hours of entertainment provided by live bands and/or DJs.

No music other than lightly amplified background music will be provided. No live music or DJs will perform on the premises, unless otherwise granted written permission by the Responsible Authority.

Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed use.

Storage for rubbish and recyclables will be as shown on plans endorsed under the permit.

Unless by the Council, garbage collection will take place between 7.00 am and 8.00 pm on any day.

Emptying of bottles into bins will not occur after 8.30 pm or before 7.00 am.

Any other measures to be undertaken to ensure minimal amenity impacts from proposed licensed use.

The total number of patrons will be limited to 130 in accordance with Liquor License 31907386.

Staff members will use their best endeavours to ensure that patrons on the premises (including in the external area), will conduct themselves in a quiet and orderly manner, without causing a nuisance to the amenity of the area by way of noise and/or boisterous behaviour.

Staff members will also use all reasonable and practical methods to ensure that patrons leave the premises in a quiet and orderly manner at all times the use is operating and immediately after the hours of operation.

1.4 PLN14/0834 - 150A Princes Street Carlton North - Partial demolition for the construction of six dwellings, up to four storeys in height and a reduction in visitor car parking requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN14/0834 at 150A Princes Street, Carlton North and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Strategic support (Clauses 11.02-1, 15, 17, 18, 21.06 and 21.07-1)
 - (b) Built form (Clause 55 – ResCode; Heritage; Clause 22.07 – Development Abutting Laneways) and
 - (c) Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic Support;
 - (b) Clause 55 – ResCode;
 - (c) Heritage;
 - (d) Clause 22.07 – Development Abutting Laneways;
 - (e) Car Parking and
 - (f) Objector’s concerns

Objector Concerns

4. Eight objections were received to the application, these can be summarised as:
 - (a) The proposal does not respect the existing neighbourhood heritage character (including heritage value of laneways);
 - (b) Overdevelopment in terms of scale, height and bulk;
 - (c) Access situation in the laneway is narrow and dangerous.
 - (d) Safety for access
 - (e) Waste will have to be taken down laneways
 - (f) Will not be able to be accessed by emergency services.
 - (g) Off-site amenity:
 - (i) overshadowing (including to dance school);
 - (ii) overlooking;
 - (iii) impact on daylight to existing windows
 - (h) Will exacerbate traffic issues due to one point of egress and one of ingress.
 - (i) Car parking already limited
 - (j) Deck and garden of dance school incorrectly shown as storage area
 - (k) Materials inappropriate.
 - (l) Will block laneway during construction.
 - (m) Too much lighting in laneway.

Conclusion

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

CONTACT OFFICER: Vicky Grillakis
TITLE: Principal Planner
TEL: 92055124

1.4 PLN14/0834 - 150A Princes Street Carlton North - Partial demolition for the construction of six dwellings, up to four storeys in height and a reduction in visitor car parking requirements.

Trim Record Number: D15/61770

Responsible Officer: Coordinator Statutory Planning

Proposal: Partial demolition for the construction of six dwellings, up to four storeys in height and a reduction in visitor car parking requirements.

Existing use: Vacant lot

Applicant: Contour Consultants Pty Ltd c/o Jonathan Arthur Hepworth Perring and James Stephan Mcentee

Zoning / Overlays: General Residential Zone/Heritage Overlay (HO326)

Date of Application: 9 September 2014

Application Number: PLN14/0834

Planning History

1. Planning Permit PL08/0781 was issued at the direction of VCAT on 29 October 2009 allowing 'demolition of all existing structures on the land, the development of the land for a part two, part three and part four storey building (with roof decks) containing seven dwellings and a reduction in the car parking requirements'.
2. The most recent Extension of Time approved required that the development must commence no later than 29 October 2015 and be completed no later than 29 October 2017. To date no plans have been endorsed.
3. Planning Permit PLN12/0334 be issued by VCAT as a part of P3229/2012 on 24 May 2013 for part demolition for the construction of two, three storey dwellings and a reduction in the car parking requirements. There are endorsed plans and the permit has not expired.
4. Planning Permit PLN13/0014 was issued on 1 October 2013 for partial demolition and construction of three, three-storey (with roof terrace) dwellings. There are no endorsed plans, and the permit has not expired.

Background

5. The application was lodged on 9 September 2014, with further information subsequently requested in September 2014. The information was received on 17 November 2014 and the application was then advertised with eight objections being received. A consultation meeting was held on 26 February 2015 and was attended by representatives of the applicant, objectors, Nicholls Ward Councillors and Council planning officers.
6. Whilst this process was occurring, Council had sought and received advice from traffic and waste engineers. Referral advice is outlined later in this report.
7. Following the consultation meeting, the applicant and the objector from No. 569 Rathdowne Street made an agreement for the development to include a vertical slatted privacy screen, a wider gate to the western laneway and a bin ramp along the western laneway also. The vertical privacy screen will be along the northern boundary of the first floor void between the roller door and Dwelling 1. The objector has contacted Council and confirmed they are happy with this arrangement. Council Planning Officers would not have required these changes to be made or believe they are necessary.

However, planning officers can include these as conditions on any permit (should one be issued) upon the request of the applicant and the objector.

8. The State Government has introduced three new residential zones for Victoria, namely Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) and the Residential Growth Zone (RGZ). On 30 April 2015, the new residential zones were gazetted and incorporated into the Yarra Planning Scheme.
9. The subject site was previously located in a GRZ, but is now located within a NRZ Schedule 1.
10. Clause 32.09-8 (NRZ) contains the following transitional provisions:
 - (a) *Clause 32.09-8 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approval date continue to apply.*
11. As the current application was lodged on 9 September 2014 as outlined within clause 32.09-8 (*Transitional provisions*), the permit requirements of the GRZ continue to apply to the subject site.

Existing Conditions

Subject Site

12. The subject site is known as No. 150A Princes Street North Carlton however it has no street abuttal and can only be accessed from the surrounding streets. The site is comprised of a section of previously subdivided land, originally part of the former Bible Christian Church Complex as well as what appears to have been part of No. 568 Drummond Street North Carlton.
13. The subject site is irregularly shaped forming two separate parts, each on its own title. The main (southern) section of the site is approximately 20.12m in width by 20.42m in depth. The second (northern) part of the site is approximately 17.28m in width by 10.11m in depth. The subject site yields an overall site area of approximately 555m².
14. The site has been unoccupied for over 45 years however there are a number of dilapidated single and double storey sheds and brick along the perimeter of the site (previously providing storage to the owner) and, a vacant grassed area located in the centre of the site.

Restrictive Covenants

15. There are no restrictive covenants which affect the subject site.

Surrounding Land

16. The subject site is located within the middle of a generally residential block boarded by Lee Street to the north, Rathdowne Street to the east, Princes Street to the south and Drummond Street to the west.
17. To the north of the site is a laneway, which services many of the houses oriented towards Drummond and Rathdowne Streets as well as two properties oriented to Lee Street.

To the south-east, the site also has direct abuttal to a 5.2m wide laneway (reducing to a width of 2.9m) which services No. 136-148 Princes Street and some buildings along Rathdowne Street. To the south-west, the site also abuts a 3.05m wide laneway which services No. 150 Princes Street and No. 548-568 Rathdowne Street.

18. To the north, the subject site abuts two residential properties (separated by the northern laneway). No. 569 Rathdowne Street is developed with a, two-storey, terrace dwelling. The site is a double width block with a large area of private open space located to its north. The south-west corner of the site has been developed with a number of rear outbuildings including a double storey structure and a carport which is currently accessed via electronic gates along the side laneway. The north-west corner of the site is truncated for vehicular access. No. 570 Drummond Street is developed with a, single-storey, Victorian, terrace dwelling. The eastern end of the site consists of outbuildings and private open space. Pedestrian access is gained via the rear laneway.
19. Further north of these sites are a range of Victorian terrace and Edwardian dwellings oriented towards Rathdowne, Lee and Drummond Streets, with all sharing common access to the rear lane that runs in a north-south direction. This lane is accessed via a shorter lane running east-west, where vehicles and pedestrians currently enter via Rathdowne Street. There is a mixture of development patterns with some sites being constructed deep into the site, others having large open spaces and others having garages or studios fronting onto the laneway.
20. To the east, the site directly abuts a large, two-storey building which forms part of the large, old church site which is an L-shaped lot oriented towards Rathdowne Street.
21. To the south of the site is No. 150 Princes Street which is owned by the City of Yarra and operates as a dance school within the double storey building. It has a large triple storey recent extension at the rear as well as a small open area abutting its northern boundary. It has a frontage onto Princes Street.
22. The site directly abuts No. 568 Drummond Street to the west which is a single-storey, terrace dwelling, oriented towards Drummond Street, with a small courtyard to the rear. To the west there is a narrow ROW and beyond that are dwellings fronting onto Drummond Street. These are generally single storey, with some double storey extensions at the rear. They all generally are constructed deep into the sites with small private open spaces.
23. Lee, Drummond and Rathdowne Streets all consist of a number of two-hour and permit zone parking bays. The site is located close to public transport services, including the Rathdowne and Princes Street bus services and, nearby, Nicholson and Lygon Street tram services.
24. Rathdowne St to the east of the site is a Neighbourhood Activity Centre (NAC). The Rathdowne Village NAC is a mixed use centre with a convenience retailing and hospitality function with a local and regional focus. The centre has a strong complement of heritage buildings and attractive streetscaping and landscaping.

The Proposal

25. The application is for the partial demolition for the construction of six dwellings, up to four storeys in height and a reduction in visitor car parking requirements.

Demolition

- (a) Demolition of a portion of the boundary walls along the eastern and western side of No 150 Princes Street, the northern wall abutting the laneway and the west-facing wall of the double-storey warehouse along the eastern boundary.

Construction

- (b) Construction of six dwellings with three being located in the northern portion of the site, and three in the larger, southern portion.

Ground floor

- (c) A large car park area is located at this floor with access via a roller door leading out onto the northern laneway.
- (d) The car parking area will accommodate seven cars, six bicycle spaces, bin areas as well as providing pedestrian access for each of the dwellings.
- (e) Dwelling 1 is to be constructed along the eastern boundary and will retain the existing two-storey brick wall. At this floor it includes a large rumpus room (with roller door leading to the car park), a study, bath and a pedestrian entrance from the southern laneway.
- (f) Dwelling 2 is constructed along the southern boundary, with a store (plus roller door leading to the car park) and study (with ensuite) at ground floor, with narrow 5sqm deck abutting the southern boundary and two entrances from the car park.
- (g) Dwelling 3 is constructed along the western boundary, with two bedrooms, a bathroom, study nook and a small deck.
- (h) Dwelling 4 is constructed along the northern boundary, with one bedroom, a bathroom, study nook and a small deck.
- (i) Dwellings 3 and 4 each also have pedestrian entrances from the western laneway.

First floor

- (j) A large central common terrace exists at this floor with a void down to the ground floor. A portion of the common terrace is separated by a 1.7m high screen with the smaller sectioned off portion providing the access for Dwelling 4 and 5 and the larger section accessing Dwelling 1 and 2.
- (k) Dwelling 1 has a large kitchen/living area, bedroom and bathroom.
- (l) Dwelling 2 has a large entry area with two entrances.
- (m) Dwelling 3 includes a deck in the north-western corner of the site, with an open plan kitchen/living/dining area and laundry.
- (n) Dwelling 4 includes a large deck along the northern boundary, a bedroom with ensuite, a toilet with an open plan kitchen/living/dining area. It also has a secondary entrance leading out onto the common terrace.
- (o) There is a void between Dwellings 3 and 4 to the ground floor decks below.
- (p) Dwelling 6 includes two bedrooms, two bathrooms, an open plan kitchen/living/dining area and a terrace with an entrance onto the common terrace.

Second floor

- (q) Dwelling 1 includes a large lounge room, two bedrooms, a library and a terrace with a spiral staircase leading to the floor below.
- (r) Dwelling 2 includes two bedrooms (each with ensuite), study nook, library and a large terrace with planters.
- (s) Dwelling 5 includes two bedrooms, one bathroom, a galley kitchen and an open dining/living area with a deck. This dwelling is accessed via the common terrace.
- (t) There is an open void area for the terrace on the level below.
- (u) There are photovoltaic panels on the roof of Dwelling 1 above its second floor.

Third floor

- (v) Dwelling 1 includes a large terrace area with pool and a pergola.
- (w) Dwelling 2 includes an open plan kitchen/living/dining area with a narrow terrace and toilet.
- (x) Development is contained to the southern portion of the site at this level.

Roof

- (y) Photovoltaic solar panels are located above Dwellings 1, 2 and 5.

General

- (z) ~~The proposal is to be constructed using fibre cement cladding, recycled timber, colorbond in a mixture of~~

North (abutting No. 570 Drummond Street)	As per existing conditions
North (abutting 569 Rathdowne Street)	10.006m (with 6.7m being existing boundary wall height)
South	4.22m and 11.115m (between 4.2m and 6.86m for the existing boundary wall height- with a reconstructed portion to the north of No. 150 Princes Street)
West	Between 3.16m and 12m- with a reconstructed portion to the east of No. 150 Princes Street.
East	11.5m (with an existing 6.86m high boundary wall)

- (aa) The proposal has a maximum height of 12.8m.
 (bb) The wall heights are as follows:

ESD features

- (cc) An 8 kw PV system
 (dd) An 8 kW solar photovoltaic system is to be installed on the roof which will reduce reliance on fossil fuels for electricity generation.
 (ee) All appliances will be within one star of the best available.
 (ff) Domestic hot water will be supplied by a gas instantaneous unit which reduces heat losses due to short hot water runs, require no pumping energy and use less water.
 (gg) LED lighting will be used
 (hh) Self-closing louvers
 (ii) High quality insulation for walls and roof
 (jj) Double glazed windows

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (NRZ) – Schedule 1

26. Amendment C176 was gazetted on 30 April 2015, and applies a new clause 32.09 Neighbourhood Residential Zone (NRZ) containing 3 Schedules to the majority of residential zoned land within the municipality, and introduces four new Schedules to the existing Clause 32.08 - General Residential Zone (GRZ).
27. The subject site was previously located in a GRZ, but since the gazettal of amendment C176 the subject site is now located in a NRZ Schedule 1.
28. Clause 32.09-8 (NRZ) contains the following transitional provisions:
- (a) *Clause 32.09-8 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approval date continue to apply.*

29. As the current application was lodged before the gazettal date of Amendment C176; in accordance with clause 32.09-8 (*Transitional provisions*), the permit requirements of the GRZ continue to apply to the subject site.

General Residential Zone (GRZ)

30. The relevant purposes of the General Residential Zone are:
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To encourage development that respects the neighbourhood character of the area.*
 - (c) *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
 - (d) *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
31. Pursuant to Clause 32.08-4 of the Yarra Planning Scheme [the Scheme], a planning permit is required to construct two or more dwellings on a lot.
32. A four storey development must meet the requirements of Clause 55.

Overlays

Heritage Overlay

33. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building, construct a building and construct or carry out works.

Particular Provisions

Clause 52.06

34. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided for a development having regard to the activities on the land and the nature of the locality. Under clause 52.06-2 and relevant to this application, prior to a new use commencing and a new building being occupied, the required car parking should be provided as per clause 52.06-5. However, clause 52.06-3 states that a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
35. Under clause 52.06-5, the following parking rates are required:

Use	Bedrooms/ Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	5 x 2 bedroom	1 space per 1 and 2 bedroom dwelling	5	5	0
	1 x 3 bedroom	2 spaces per 3 bedroom dwelling	2	2	0
		1 space for visitors to every 5 dwellings for developments	1	0	0
Totals			8	7	1

36. Applying the above rates, a total of eight car parking spaces are required to be provided on-site. With seven spaces provided, a planning permit is required to reduce this rate by one space.

Clause 52.34 – Bicycle Facilities

37. The purpose of this Clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
38. The following table provides a summary of the bicycle requirement for each use under Clause 52.34-3:

Land use	Unit	Employee/resident requirement	Visitor/shopper/student requirement	No. required
Dwellings	6	1 resident bicycle parking space for every 5 dwellings	1 visitor space for every 10 dwellings.	1 resident spaces 0.6 visitor spaces
Total required				2 (rounded up from 1.6)
Provision				6 spaces

39. In the case of the proposed development, a total of 2 bicycle parking spaces are required and a total of 6 spaces are proposed. On this basis, the on-site provision substantially exceeds the statutory requirement and, therefore, a permit is not required for a reduction from the statutory bicycle parking provision requirements of clause 52.34.

Clause 55

40. Pursuant to Clause 55 of the Scheme the provisions apply to construct two or more dwellings on a lot.

General Provisions

41. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 11 – Settlement

42. *Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);*
- (a) *Diversity of choice.*
 - (b) *Adaptation in response to changing technology.*
 - (c) *Economic viability*
 - (d) *A high standard of urban design and amenity.*
 - (e) *Energy efficiency.*
 - (f) *Accessibility*

(g) *Land use and transport integration*

43. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.02 – Urban Growth

Clause 11.02 -1 – Supply of Urban Land

44. The objectives of this clause is as follows:

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

45. The relevant strategies of this clause are as follows:

- (a) *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- (b) *Ensure that sufficient land is available to meet forecast demand.*
- (c) *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- (d) *Planning for urban growth should consider:*
- (i) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - (ii) *Neighbourhood character and landscape considerations.*
 - (iii) *The limits of land capability and natural hazards and environmental quality.*
 - (iv) *Service limitations and the costs of providing infrastructure.*
 - (v) *Monitor development trends and land supply and demand for housing and industry.*

[Emphasis Added]

Clause 11.04-2 Housing choice and affordability

46. The objective of this clause is 'to provide a density of housing in defined locations that cater for different households and are close to jobs and services'. Relevant strategies include;
- (a) *Understand and plan for expected housing needs; and*
 - (b) *Reduce the cost of living by increasing housing supply near services and public transport.*

Clause 15.01-1 Urban design

47. The objective of this Clause is:

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

Clause 15.01-2 Urban design principles

48. The objective of this clause is:

- (a) *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.*

Clause 15.01-5 Cultural identity and neighbourhood character

49. The objective of this Clause is:

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

Clause 15.02-1 Energy and resource efficiency

50. The relevant objective of this Clause is:

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

Clause 15.03 Heritage

51. The objective of this clause is:

- (a) *To ensure the conservation of places of heritage significance*

Clause 16 Housing

52. *Clause 16.01 (Residential Development)* promotes an increase in housing within existing urban areas, particularly “*in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport*”. Strategies are (relevantly) to:

- (a) *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas;*
- (b) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport;*
- (c) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

[Emphasis Added]

53. *Clause 16.01-4 (Housing Diversity)* seeks “*to provide for a range of housing types to meet increasingly diverse needs*”. A strategy is to “*encourage the development of well-designed medium density housing which:*

- (a) *Respects the neighbourhood character.*
- (b) *Improves housing choice.*
- (c) *Makes better use of existing infrastructure.*
- (d) *Improves energy efficiency of housing.*

54. *Clause 16.01-5 (Housing Affordability)* seeks to “*deliver more affordable housing closer to jobs, transport and services*”.

Clause 18 Transport

55. *Clause 18.01-1 (Land Use and Transport Planning)* has a strategy of “*ensuring access is provided to development in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas*”.

56. *Clause 18.02-1 (Sustainable personal transport)* seeks to ensure that new development provide opportunities for walking, cycling and use of public transport. *Clause 18.02-2 (Cycling)* further encourages the provision of facilities to meet forecast cycling demand.

57. *Clause 18.02-5 (Car parking) seeks to “ensure an adequate supply of car parking that is appropriately designed and located”. This requirement is subject to “the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking”.*

Local Planning Policy Framework (LPPF)

Clause 21.04 Land Use

58. *Clause 21.04-1 Accommodation and housing states that “in order to protect valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030 (now replaced by Plan Melbourne)”. The following objectives and strategies are relevant:*
- (a) Objective 1 To accommodate forecast increases in population.*
 - (i) 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.*
 - (b) Objective 2 To retain a diverse population and household structure.*
 - (i) Strategy 2.1 Support the provision of affordable housing for people of all abilities, particularly in larger residential development and on Strategic Redevelopment Sites.*
 - (c) Objective 3 To reduce potential conflicts between residential and other uses.*
 - (i) Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2 and Business 5 zones (note all business zones identified are now in the Commercial 1 Zone), and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
 - (ii) Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.05-2 – Built Form: Urban Design

59. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities. In managing the City’s built form, development that builds upon Yarra’s existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This Clause incorporates the following objectives to achieve this:

Objective 15: To reinforce the existing urban framework of Yarra.

Objective 16: To retain Yarra’s identity as a low-rise urban form with pockets of higher development.

Objective 17: To retain, enhance and extend Yarra’s fine grain street pattern.

Objective 18: To create an inner city environment with landscaped beauty.

Objective 19: To ensure that new development contributes positively to Yarra’s urban fabric.

Objective 21: To encourage the provision of universal access in new development.

Clause 21.05-4 – Public environment

60. The objective of this clause is “to provide a public environment that encourages community interaction and activity”. Strategies to assist towards the implementation of the objective include:

Strategy 27.1 Encourage universal access to all new public spaces and buildings;

Strategy 27.2 Ensure that buildings have a human scale at street level;

- Strategy 27.3 Require buildings and public spaces to provide a safe and attractive public environment; and*
- Strategy 27.5 Require new development to make a clear distinction between public and private spaces.*

Clause 21.06 – Transport

61. This clause focuses on Yarra’s need to reduce car dependence by promoting viable and preferable alternatives, such as walking, cycling and using public transport. A relevant objective at Clause 21.06-3 (The road system and parking) is “*to reduce the reliance on the private motor car*”.

Clause 21.07.1 – Environmental Sustainability: Ecological Sustainable Development

62. This Clause seeks to “*promote ecologically sustainable development*” through strategies such as to “*Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation*”.

Clause 21.08-1 Neighbourhoods – North Carlton

63. Figure 9 of this clause identifies this site as being affected by the Heritage Overlay and provides the foot note, ‘*Ensure that development does not adversely affect the significance of the heritage place*’.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

64. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:
- (a) to conserve Yarra’s natural and cultural heritage;*
 - (b) to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - (c) to retain significant view lines to, and vistas of, heritage places;*
 - (d) to preserve the scale and pattern of streetscapes in heritage places;*
 - (e) to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*
 - (f) to ensure the adaption of heritage places is consistent with the principles of good conservation practice;*
 - (g) to ensure that additions and new works to a heritage place respect the significance of the place;*
 - (h) to encourage the retention of ‘individually significant’ and ‘contributory’ heritage places; and*
 - (i) to protect archaeological sites of cultural heritage significance.*

65. *Clause 22.02-5.1- Demolition*

Full demolition or removal of a building outlines that it is policy to (as applicable to this application)

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

66. *Clause 22.02-5.7 (New Development, Alterations or Additions) outlines that it is policy to (as relevant to this application)*

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

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

67. The subject site is classified as being “not-contributory” to the heritage overlay and forms part of the North Carlton heritage precinct. This classification is derived from the incorporated policy document within the schedule to clause 81.01 of the Yarra Planning Scheme, “*City of Yarra Review of Heritage Overlay Areas 2007*”. Levels of significance are defined at Clause 22.02-3.

Clause 22.07 Development Abutting Laneways

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

69. This policy applies to applications for new buildings and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways. The relevant objectives of this Clause are as follows:
- (a) To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
 - (b) To promote the use of water sensitive urban design, including stormwater re-use.*
 - (c) To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
 - (d) To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
 - (e) To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*

Other Policies

Amendment C133

70. Council has prepared a new local policy to consider environmentally sustainable design. Amendment C133 proposes to introduce Clause 22.17 – Environmentally Efficient Design into the Scheme. The Amendment will also update Clause 21.07-1 – Ecologically sustainable development by introducing a new strategy. An Advisory Committee and Panel Report was released on 7 April 2014 and recommended adoption of the amendment subject to minor changes.
71. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the SPPF and the MSS. The policy requires applications to be considered against the following objectives (where applicable):
- (a) *Energy efficiency;*
 - (b) *Water resources;*
 - (c) *Indoor environment quality;*
 - (d) *Stormwater management;*
 - (e) *Transport;*
 - (f) *Waste management;*
 - (g) *Innovation; and*
 - (h) *Urban ecology.*
72. In determining an application, the Responsible Authority will consider as appropriate:
- (a) *How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.*
 - (b) *How the development considers:*
 - (i) *Best practice principles;*
 - (ii) *Innovation;*
 - (iii) *Use of emerging and proven technology; and*
 - (iv) *Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).*
 - (c) *Any relevant adopted policies.*

Advertising

73. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 56 letters sent to the surrounding property owners/occupiers and by three signs, one on each of the three abutting lanes.
74. Eight objections were received to the application, these can be summarised as:
- (a) The proposal does not respect the existing neighbourhood heritage character (including heritage value of laneways);
 - (b) Overdevelopment in terms of scale, height and bulk;
 - (c) Access situation in the laneway is narrow and dangerous.
 - (d) Safety for access
 - (e) Waste will have to be taken down laneways
 - (f) Will not be able to be accessed by emergency services.
 - (g) Off-site amenity:
 - (i) overshadowing (including to dance school);
 - (ii) overlooking;
 - (iii) impact on daylight to existing windows
 - (h) Will exacerbate traffic issues due to one point of egress and one of ingress.
 - (i) Car parking already limited
 - (j) Deck and garden of dance school incorrectly shown as storage area
 - (k) Materials inappropriate.
 - (l) Will block laneway during construction.
 - (m) Too much lighting in laneway.

75. The grounds of objections raised will be considered and addressed where possible throughout the following assessment.
76. A Consultation Meeting was held on 26 February 2015, where the key issues raised in the objections were discussed with Ward Councillors, the Permit Applicant, Objectors and Planning Officers present.

Referrals

External Referrals

77. No external referrals or notice of the application was required by the Yarra Planning Scheme.

Internal Referrals

Waste Services

78. The following comments were made by Council's Waste Services Unit:
 - (a) *I refer to Tarquin Leaver's referral dated 17 December 2014 and advise that the Waste Management Plan (WMP) from Leigh Design, dated 22 December 2014 (attached), is satisfactory from the Engineering Operations Branch's perspective. Please note that this WMP supersedes all previous WMPs and you should amend your records accordingly.*

79. The waste management summary is as follows within the WMP dated 22 December 2014 :

- (a) The owners corporation will manage the waste system and develop and implement adequate safe operating procedures.
- (b) Waste shall be stored within the development (hidden from external view).
- (c) Residents shall sort their waste and dispose garbage and recyclables into collection bins.
- (d) Waste shall be collected on Rathdowne Street. The owners corporation will transfer council bins between the building and kerbside.
- (e) Council shall provide waste collection services.

Engineering

80. The application was referred to Council's Engineering Services Unit who provided the following comments:

Car Parking Provision – Residential Use

- (a) *The proposed development comprises the construction of five two-bedroom dwellings and one three-bedroom dwelling serviced by a total of seven on-site car parking spaces. The site would have a total statutory car parking requirement of eight spaces (five spaces for the two-bedroom dwellings; two spaces for the three-bedroom dwelling and one visitor space).*
- (b) *All residents and prospective property owners of the new dwellings will be ineligible to apply for on-street resident and visitor parking permits. On-street parking for residents is not a practical or viable option, and the local roads surrounding the site cannot sustain any resident parking.*

- (c) *When purchasing or intending to move into the dwellings, residents/occupants will know up-front whether dwellings have any parking or no on-site parking. Residences with no on-site parking would be appropriate for persons who are prepared to heavily rely on public transport, bicycles or other forms of sustainable transport for their transportation needs – and it is also highly likely that the new dwellings would be specifically marketed towards this group, particularly persons who wish to make a lifestyle choice centred around inner city living.*
- (d) *Visitors to the site would be inclined to park in either Princes Street or Rathdowne Street. Since the site does not have any street frontages, visitors would want to park such that it is easy and convenient, rather than negotiate a Right of Way to access an on-site parking space.*
- (e) *The site is within easy walking distance of tram and bus routes. Shops, businesses and essential facilities can be accessed from the site by foot.*
- (f) *From a traffic engineering perspective, the allocation of one space per two-bedroom dwelling and two spaces for the three-bedroom dwelling is considered appropriate. The waiver of the visitor space should not have a detrimental impact on existing parking conditions in the surrounding area.*
- (g) *Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.*

Traffic Generation

- (h) *TTM Consultants have estimated the likely traffic volumes of the site using the NSW RTA's Guide to traffic generating developments (issue 2.2) – a reputable source. The guide recently published a Technical Direction supplement which provides traffic generation rates for inner metropolitan areas. In this instance, residential developments would generate some 1.52 trips per unit. Applying this rate to the subject site, the seven on-site parking spaces would be expected to generate a daily traffic volume of 12 vehicle trips per day. The magnitude of this volume is low and should not adversely affect the traffic operation of the Right of Way.*

Access Arrangements

- (i) *The development's vehicular traffic would be accessed via a north-south Right of Way which bends at ninety degrees and connects to Rathdowne Street. All vehicles must enter and exit the development in a forward direction. Vehicular movements into and out of the site are considered satisfactory (all movements in a forward direction).*

Internal Layout

Proposed – Ground Floor – ITN Architects Drawing No. TP401 dated 13 November 2014

- (j) *The dimensions of the car parking spaces and aisle satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004. The swept path diagrams provided by TTM are considered satisfactory. Vehicles would need to perform an additional correction movement when entering or exiting the bays – permissible under AS/NZS 2890.1:2004 for residents/long term parking.*
- (k) *Spaces have been provided with 300 mm clearances adjacent to walls as required under AS/NZS 2890.1:2004.*
- (l) *Bicycle parking in front of parking spaces should be wall mounted. Parked bicycles must not obstruct parking space for vehicles.*

Pedestrian Access

- (m) *The development has road abutments to three Rights of Way. One Right of Way provides access to Rathdowne Street whilst two Rights of Way provide access to Princes Street. All three Rights of Way will provide pedestrian access to the site.*
- (n) *The bluestone surfaces of the Rights of Way are not suitable for pedestrian access. The developer must provide improved pedestrian access and satisfy DDA requirements. To achieve this, one half of the Right of Way carriageway will need to be reconstructed. The stones are to be saw-cut/sliced and re-laid with the smooth side of the stones facing upwards. These reconstruction works apply to all three Rights of Way since they are to provide pedestrian access. These works must be undertaken after all building works and utility provision works have been completed. The cost of these reconstruction works shall be borne by the developer.*
- (o) *For Residence 01, the existing concrete steps leading to the pedestrian entry must be removed from the Right of Way. The developer must internally modify the pedestrian entry to provide satisfactory access (from the Right of Way to the dwelling).*

Public Lighting

- (p) *Primary pedestrian access off the Rights of Way will require the developer to supply and install public lighting or upgrade any existing public lighting to Council's satisfaction and at the developer's expense.*
- (q) *The designer must ensure light does not spill into any of the new dwellings' windows from any existing street/public lights. Any shielding or baffling that may be required for any existing street lights shall be supplied and installed by the developer and at their expense.*

Provision of Underground Utility Services

- (r) *The trenching and excavation for underground utility service connections by service authorities on Public Highways will require the reinstatement/rectification of Council road infrastructure.*
- (s) *Underground services connecting to the site should be installed on the side of the Right of Way/s that is to be reconstructed.*
- (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.*

Dilapidation Report, Construction Management Plan and Protection of Council Assets

- (u) *During construction works, the transportation and delivery of heavy construction vehicles, plant and equipment to the site will impact on the Council's road infrastructure. Bluestones on the Right of Way surface can be easily dislodged by trucks, causing the pavement to heave and subside.*
- (v) *Prior to the commencement of works, the developer must prepare a dilapidation report of the subject property, all connecting Rights of Way and adjacent road infrastructure. The condition of the Rights of Way and adjacent road infrastructure is to be assessed, photographed and documented, and will form part of the construction management plan for the site. The construction management plan is to be submitted to Council's Management branch for assessment and approval.*

- (w) *Any Council assets or road infrastructure damaged during construction works shall be reconstructed by the developer and at their cost. Given the nature and position of this site relative to the road network, the Rights of Way will sustain damage during the building works. It is advisable that the rectification/rehabilitation works to Council's road infrastructure be done in conjunction with the pedestrian access works required as part of this development.*
- (x) *The dilapidation report must detail and document the existing and post construction conditions of adjoining properties and structures.*

Capital Works Programme and Development Contribution

- (y) *A check of the Capital Works Programme for 2014/15 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.*
- (z) *However, Council's Capital Works Programme for 2015/2016 lists the western north-south Right of Way (Right of Way No. 1572; abutting the west side of the Dance House and leading to the western access of the development) for reconstruction that year. The redevelopment of the subject site will necessitate the re-programming of these Right of Way works to coincide with developer works. As a consequence, it is recommended that a developer contribution of \$30,000.00 be received by Council for the full reconstruction of this Right of Way after building works and utility connections have been completed.*

ENGINEERING REQUIREMENTS

- (aa) *The following items must be included in the Planning Permit for this site:*

Civil Works for Improved Pedestrian Access

- (bb) *All pedestrian access to the site must be DDA compliant.*
- (cc) *All Rights of Way providing primary pedestrian access to the site must be reconstructed along one half of the carriageway width. The bluestones are to be taken out and saw-cut/sliced and re-laid with the smooth side facing upwards. The reconstruction works are to be done after all building works and connections for underground services have been completed, and to Council's satisfaction and at the developer's expense.*
- (dd) *The developer must submit plans for all civil and road infrastructure works to Council for assessment and approval. Upon approval of detailed civil/infrastructure construction plans, A Consent for Works must be taken out by the developer for all works undertaken in the road reserve.*

Provision of Underground Utility Services

- (ee) *The alignment of any new underground utility services should run within the reconstructed half of the Rights of Way or to the satisfaction of Council.*

Road Infrastructure

- (ff) *A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report must document and photograph the existing and post construction conditions of the Rights of Way and surrounding road infrastructure. The dilapidation report for the site must also detail and document the existing conditions of adjoining buildings and private property.*
- (gg) *All details regarding the movements and routes of construction vehicle traffic and the transportation, access and delivery of construction equipment and plant must be documented and agreed to by Council.*

- (hh) *Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.*

Development Contribution

- (ii) *A development contribution of \$30,000.00 be made by the permit holder to Council for the full reconstruction of the north-south Right of Way off Princes Street (No. 1572 on Council's Register of Public Roads).*

Public Lighting Provision

- (jj) *Public lighting for pedestrian access to the development (from the nearest streets to the pedestrian entries off the Rights of Way) must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The lighting levels of all existing public lights in the Rights of Way near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required.*
- (kk) *The developer must consult nearby affected residents for the upgrade of existing lighting and/or the provision of new lighting and poles. All works for public lighting installation must be authorised by CitiPower and meet CitiPower and Victorian Electrical Distribution Network (VEDN) requirements. All costs associated with the consultation, design, supply and installation of any new and upgraded public lights, poles and other lighting hardware shall be borne by the developer.*
- (ll) *A Public Lighting Plan must be prepared and submitted to Council for approval. The developer must supply and fund any new and upgraded public lighting in any of the connecting Rights of Way where existing lighting levels are insufficient for pedestrian access and do not satisfy minimum Australian Standards.*

Drainage

- (mm) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be discharged to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- (nn) *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.*

Notes

- (oo) *For further information on public lighting, Council's Construction Management branch can be contacted on 9205 5115.*

81. All referral advice is considered in the assessment section of this report and can be ensured via planning permit conditions where appropriate, should Council determine to support the application.

OFFICER ASSESSMENT

82. The key planning considerations for Council in considering the proposal are:
- (a) Strategic Support;
 - (b) Clause 55 – ResCode;
 - (c) Heritage

- (d) Clause 22.07 – Development Abutting Laneways;
- (e) Car Parking and
- (f) Objector's concerns.

Strategic Support

83. In relation to the SPPF and LPPF it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.
84. The proposed density of the development is consistent with both State and Local Policies such as clause 16.01-2, which encourages concentration of development around activity centres and intensifying development on sites well connected to public transport. This ensures efficient use of infrastructure and supports Council's preference within clause 21.04-1, Strategy 1.3 that established residential areas experience residual increase in population and density.
85. The subject site is currently sitting disused and in a dilapidated state with a number of old, remnant sheds and other structures in various states of disrepair. This site has had a number of previous planning permits on it and the construction of a modern development on this site, will certainly be an improvement. On 29 October 2009 VCAT approved a similarly sized building on the site. This current proposal is similar in terms of setbacks, height, site coverage and modern-style construction.
86. The concentration of higher density residential development is encouraged within clause 18.01-1 around Neighbourhood Activity Centres (NACs) such as the nearby Rathdowne Street NAC. The location of this site in proximity to the Rathdowne Street NAC allows future occupiers to be close to the nearby Lygon and Nicholson Streets tram routes and a number of bus routes. This is in addition to the business, shopping, working, leisure and community facilities which are located within this activity centre and in the surrounding area. This part of North Carlton is well known for its restaurants and parklands.
87. The importance of urban consolidation, which clauses 16.0-2 and 21.04-1 (amongst others) encourage, was raised in the Tribunal decision *NJJJKT v Whitehouse CC* [2008] VCAT 1410, where Senior Member Liston stated:
- [14] I think there needs to be a greater emphasis on the importance of metropolitan policies in relation to urban consolidation, housing diversity, and affordability. I do not say that neighbourhood character is of less importance, rather I say that in each decision consolidation diversity and affordability need to be at the forefront of our thinking, and not merely a background hum.
88. In summary, the subject site is considered to be appropriate for a residential development of the nature proposed. The following heritage and built form policies (clauses 15.01, 21.05, 22.02-5.7.1 and 55) support the proposal and will be discussed in detail later in this assessment.

Clause 55 – ResCode:

89. This particular provision comprises 32 design objectives and standards to guide the assessment of new residential development.
90. It has been often repeated by the Tribunal that in inner city locations, the standards of Rescode are not always able to be met, and that meeting the objectives of each standard is sufficient. For example in *Ryan v Moreland CC* [2005] VCAT 1361, the Tribunal stated:

[61] In making this decision, it is important to note that this site is in an inner urban location, where due to the size of sites and location of existing dwellings, the standards of ResCode cannot be achieved, but the objectives can. It is unreasonable in this location to expect that all off site amenity impacts must be contained within the subject site. The best that can be achieved in a location such as this is for the impacts to be minimised.

91. Given the site's location within a built up inner city residential area and being an atypical lot, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

92. The following standards are either not applicable to the consideration of this application or are met through existing conditions:

- (a) *Standard B3 - Dwelling diversity – (this application is for less than ten dwellings)*
- (b) *Standard B5 – Integration with the street –(this application has no street frontage)*
- (c) *Standard B6 - Street setback – (the proposal has no street frontage)*
- (d) *Standard B14 – Access – (no vehicle crossovers onto any street frontages are proposed)*
- (e) *Standard B19 - Daylight to existing windows - (there are no habitable windows facing the proposal within 3m of the development)*
- (f) *Standard B20 - North-facing windows - (there are no north facing windows facing the proposal within 3m of the development)*
- (g) *Standard B32 - Front fence (no front fence is proposed)*

Standard B1 - Neighbourhood character

93. Complies with the objective. As the subject site is situated to the rear of existing residential properties and is accessed down laneways with no street frontages, the proposal cannot be considered to have the same impact on neighbourhood character as a similar development on a typical site.

94. The existing neighbourhood character surrounding the subject site is mixed. The surrounding area also has a mixture of development patterns, with some dwellings being constructed deep into the site, whilst others have large rear setbacks, and also include studios or garages.

95. Overall, the surrounding area is varied in its character and the proposed dwelling has drawn on a number of visible elements such as flat roofs and the use of cement, bricks, colorbond and timber which are consistent with the surrounding development. The proposed dwellings make a positive contribution to a presently unutilized and dilapidated site.

96. The proposed dwellings make the most of an existing brick warehouse through retaining a number of the existing boundary walls and incorporating the two lower floors of Dwelling 1 within the existing footprint along the eastern boundary. The addition of the upper levels above the existing structures and boundary walls will have little impact on neighbourhood character due to the site's location down laneways which result in having no street presentation.

Standard B2 - Residential policy

97. Complies with the objective. The proposed development meets the relevant SPPF and LPPF objectives with regard to:

- (a) meeting the objective of clause 11.02-1 through the intensification of the use of underutilised land;
- (b) providing increased housing diversity and housing choice thus complying with clauses 16.01-1 and 16.01-4;
- (c) meeting forecast increases in resident and household numbers;
- (d) providing higher density housing within proximity to public transport (Rathdowne Street bus routes and Lygon/Nicholson Street Trams) and retail / activity centres;

- (e) Taking advantage of and maximising the existing local infrastructure.

Standard B4 – Infrastructure

98. Complies with the standard. The proposal is located within an existing residential area with existing utility services and infrastructure.

Standard B7- Building height

99. Complies with objective, varies the standard which prescribes a 9m height. The proposed development incorporates a part two/part three/part four storey development at a maximum height of 12.8m. The lower portions are abutting areas of private open space whilst the taller portion is adjacent to the southern (and wider) laneway and abutting existing built form.
100. The building heights are therefore considered to appropriately respond to the surrounding buildings and area. There are a number of buildings in the immediate vicinity of the site which are of a similar height. It should also be noted that VCAT approved a 15.2m high building in this same location as part of planning permit PL08/0781.

Standard B8 - Site coverage

101. Complies with the objective. The proposed site coverage is to be 100 percent which is well above the maximum as required by the standard. It should be noted that abutting sites and others in the surrounding area also have high levels of site coverage (for example, No. 567 Rathdowne Street, Nos. 548 to 568 Drummond Street, No. 150 Princes Street and Nos. 103 and 105 Lee Street). It is a characteristic of inner city suburbs such as Carlton North to have high levels of site coverage. The Tribunal approved a building with a similar level of site coverage as part of planning permit PL08/0781.

Standard B9 – Permeability

102. Complies with the objective. The total site's level of permeable surfaces is zero. This is well below the required 20 percent. The proposal has incorporated a 10,000L underground water tank which will limit the impact of the stormwater run-off on the drainage system due to the lack of permeable surfaces. The Tribunal approved a building with a similar level of permeability as part of planning permit PL08/0781.

Standard B10 - Energy efficiency protection

103. Complies with the standard. The proposal includes a number of windows including north-facing windows and lightcourts which will allow for a greater level of sunlight penetration into the dwellings. There are a number of openable windows and doors which will allow for cross-ventilation and daylight access.
104. The proposal includes a number of energy efficient features which result in it having high energy efficiency and they are as follows:
- (a) An 8 kW solar photovoltaic system is to be installed on the roof which will reduce reliance on fossil fuels for electricity generation.
 - (b) All appliances will be within one star of the best available.
 - (c) Domestic hot water will be supplied by a gas instantaneous unit which reduces heat losses due to short hot water runs, requiring no pumping energy and uses less water.
 - (d) LED lighting
 - (e) Self-closing louvers.
 - (f) High quality insulation for walls and roof.
 - (g) Double glazed windows.

Standard B11- Open space

105. Complies with the standard. The proposal includes a common terrace at first floor as an open space area for Dwellings 1 and 2. This open area provides for an outlook for those two dwellings with both of them fronting onto it at those levels. It is a large, usable space which is also partly covered, ensuring it can be used year-round by these two dwellings.

Standard B12- Safety

106. Complies with the standard, subject to conditions.
107. The main entrance for the dwellings will be through the secured ground floor car park with some having an additional entrance from the abutting laneways. Laneway access for pedestrians is as per all previously approved permits which also utilised the western and southern laneways. As with these previously granted permits, a condition on the permit can require the provision of public lighting in the Rights of Ways, ensuring that no unreasonable light spills into surrounding residential properties. The lighting will provide a sense of security to the occupiers and visitors of the dwellings as well as a sense of safety.
108. Further to this, the incorporation of windows and balconies adjacent to the laneways will increase the perception of safety for the users of the laneways.

Standard B13 – Landscaping

109. Complies with the standard. There is currently no significant vegetation on the site. Provision has been made for a tree in the void area as well as planter boxes on the common terrace and private terraces.
110. The applicant has provided a landscape plan for these areas

Standard B15 - Parking location

111. Complies with the standard. The car spaces are conveniently located for the residents in the secured, ground floor car park which is the main entrance of the development with each space being close to the dwelling entrances. The car spaces are covered by the first floor communal terrace.

Standard B17 - Side and rear setbacks

112. Complies with the objective, varies the standard. In terms of side and rear setbacks the following apply:

Boundary	Height of wall	Minimum setback required	Setback provided
North (abutting No. 570 Drummond Street)	5.08m (from the northern boundary ground level) 5.96m (from NGL)	1.44m 1.7m	1.7m
North (abutting 569 Rathdowne Street)	11.7m	6.79m	9.86m
South	9.2m to 12.2m	4.29m to 7.29m	1.2m to 2.6m

113. The setbacks from the northern boundaries show the proposal complies with the standard for that boundary.

114. In regards to the setbacks from the southern boundary abutting the laneway, whilst there is non-compliance, if the width of the laneway to the south (5.42m) were included in the calculations, it would comply with these setbacks and provides a reasonable buffer from any potential amenity impacts. This is therefore considered acceptable. In the previous Tribunal decision for the site in relation to PL08/0781, *Forza & Anor v Yarra CC* [2009] VCAT 2303, the following comments were made in relation to visual bulk and setbacks from the southern boundary abutting No. 148 Princes Street:

[48] Mr. English argued that the proposal's abuttal with the northern boundary of No. 148 Princes Street should be set back to achieve a closer compliance with the wall-setback-from-boundary provision of Clause 55. However, we have concluded that any benefit of this requirement would be trivial in the context of adjoining existing and proposed boundary walls and, in our view, this requirement is not justified in terms of benefits achieved.

115. In terms of the portion abutting the private open space of No. 148 Princes Street, it is considered that the variation to the standard is acceptable given there is an existing 4.2m high wall along this boundary (which is being retained) which will prevent close-range views to these upper levels which minimises the potential for visual bulk issues.

116. It should also be noted that the previously approved permit PL08/0781 had a similarly high wall with a 1.5m setback from the shared boundary with No. 148 Princes Street.

Standard B18 - Walls on boundaries

117. Complies with the objective, varies the standard. The proposal incorporates a number of the existing boundary walls with a number having additional form being added above. The surrounding area includes a number of on-boundary walls with it being a character of the area. A number of these walls are particularly high such as at No. 150 Princes Street and at Nos. 567 and 569 Rathdowne Street. The site is fortunate that in addition to existing on-boundary walls and high abutting structures, the site also has laneways which provide a buffer from any visual impacts of new on-boundary walls. It is within this context that this proposal must be considered.

118. In terms of the new walls on boundaries the following apply:

Boundary	Proposed total length of wall	Maximum allowed for boundary length	Height of wall	Maximum height allowed for boundary wall
North (abutting No. 570 Drummond Street)	As per existing conditions	As per existing conditions	As per existing conditions	As per existing conditions
North (abutting 569 Rathdowne Street)	As per existing conditions	As per existing conditions	10.006m (with 6.7m being existing boundary wall height)	3.2m
South	As per existing conditions – with a reconstructed portion to the north of No. 150 Princes Street.	As per existing conditions	4.22m and 11.115m (between 4.2m and 6.86m for the existing boundary wall height- with a reconstructed portion to the north of No. 150	3.2m

			Princes Street)	
West	As per existing conditions – with a reconstructed portion to the east of No. 150 Princes Street.	As per existing conditions	Between 3.16m and 12m- with a reconstructed portion to the east of No. 150 Princes Street.	3.2m
East	As per existing conditions	As per existing conditions	11.5m (with an existing 6.86m high boundary wall)	3.2m

119. The following table shows each of the boundary wall height increases compared to existing conditions:

Boundary	Additional wall above existing height
North (abutting No. 570 Drummond Street)	0m
North (abutting No. 569 Rathdowne Street)	3.3m
South	Between 0m and 4.6m - with a reconstructed portion to the north of No. 150 Princes Street.
West	7.9m - with a reconstructed portion to the east of No. 150 Princes Street.
East	4.6m

120. As seen from the table above, a number of the boundary walls will have additional height added.

121. For the northern boundary portion which faces No. 569 Rathdowne Street, the new wall height will be abutting an existing 4.6m high on-boundary wall associated with a large structure with an overall height of 6m. The private open space of that site is located further to the north and reduces any potential visual bulk impacts as views will be from a distance and over existing built form. This existing structure will limit the visibility of the new wall. It should be noted that this objector has agreed with the applicant to include a privacy screen along a portion of this shared boundary. This is an agreement made between these two parties.

122. In the previous Tribunal decision *Forza & Anor v Yarra CC* [, the following comments were made in relation to visual bulk and setbacks from the northern boundary abutting No. 569 Rathdowne Street:

[38] In the final result, we consider that the proposed NE Building as a whole will not cause any unreasonable visual bulk impacts on the use of the No. 569 property, relying on:

- the fact that the No. 569 dwelling is double storey and built to the common boundary, with the practical result that this dwelling in itself provides a real degree of visual screening if one is looking south from the No. 569 garden;
- the fact that the available views of the NE Building from the No. 569 garden involves looking south, whereas we expect that a person using the garden (or for that matter the alfresco area at the western end of the No. 569 building) would be more focused on enjoying the northern outlook;

123. The new southern on-boundary wall is adjacent to the laneway which provides a 5.4m wide buffer for the sites to the south. Adding to this, the majority of these sites use the northern section of their property adjacent to the laneway for storage (including some with sheds) which is generally an area of low amenity.

124. Along the western boundary, the proposal will be demolishing existing walls and rebuilding to a total of 12m in height. This new wall will have minimal material detriment as a similarly sized wall is directly to the west of the site (associated with No. 150 Princes Street) with only a small portion being visible beyond this. The northern section of wall will be adjacent to the open area of the dance school which is not secluded private open space and is subsequently not considered to be a sensitive interface.
125. For the new western wall along the laneway, the height ranges between 3.116m (existing) to the new 6.23m high portion. Again, the laneway provides a 3m wide visual buffer from the private open spaces further to the west in addition to their own rear fences which limit views. A number of these sites have structures in their small rear yards which will further limit the visibility of the proposal. If the width of the laneway were included in a side and rear setback calculation, this width would be in excess of the setback requirements.
126. Along the eastern boundary the new wall height is generally constructed abutting the Church of Holy Trinity which has an overall height of 8.4m. This existing building will generally block the majority of views. The southern end of the wall is adjacent to the open area associated with the Church, however this is not considered a sensitive area and therefore any views from this area are acceptable.

Standard B21- Overshadowing open space

127. Complies with the objective, subject to conditions. Due to the width of the laneways separating the development from the abutting private open space, existing on-boundary walls and extent of existing surrounding built form, it is considered that the proposed dwellings will not create unreasonable additional shadows, subject to conditions.

9am

128. There is an increase at No. 564 Drummond and No. 148 Princes Streets of 6sqm and 12sqm respectively.
129. No. 146 Princes Street has an increase of 1sqm at 9am however this is marginal and would be imperceptible from the ground.

10am

130. The shading to No. 564 Drummond Street decreases to a marginal 1sqm with it being unaffected from this time onwards. As such, this site is unaffected by the proposal for more than four hours between 9am and 3pm, which complies with the standard.
131. No. 148 Princes Street will have an increase in shadows of 13sqm.

132. Nos. 144 and 146 Princes Streets have increases of 1sqm each. This is marginal and would be imperceptible from the ground.

12noon

133. No. 148 Princes Street will have an increase of 16sqm in the central portion of its private open space.
134. No. 142 Princes Street experiences an increase of 7sqm in shadowing, however the area free from shadow remains at 65 percent. The shadowing to No. 144 Princes Street increases to less than 1sqm at this time.

2pm

135. At Nos. 142, 140 and 138 Princes Streets the overshadowing increases by 1sqm, 6sqm, and 1.8sqm respectively. There is no impact to No. 148 Princes Street at this time.

3pm

136. At 3pm, Nos. 138 and 140 Princes Street have shadow increases of 1sqm and 5sqm respectively.
137. Overall, the majority of sites are only marginally affected (with additional shadowing either 7sqm or below) and for only an hour to two hours over the course of the day between 9am and 3pm. The majority of additional shading is between 1sqm and 5sqm. This is not unreasonable level of additional overshadowing.
138. The most affected is No. 148 Princess Street which has larger affected areas over a number of hours between 9am and 12noon. Although the annotation on the plans provided state the area is used as a car space, the owner of the land has objected and stated that the area is also used for entertaining. Council's GIS does not show this area as being used as a car space. The additional overshadowing to this area is significant and unreasonable. A condition can require that the second and third floors of Dwelling 2 be setback an additional 1.4m from the southern boundary. This will reduce the additional of overshadowing of the proposal by over 50 percent and will result in there always being an area free of shadow adjacent to the rear of the dwelling which is typically the primary area.
139. Whilst it is noted that the previous permit for PL08/0781 had similar built form in this location, at that time, the area was primarily used for car parking and was used by a different owner.
140. This is believed to be acceptable as these two levels are quite large and are able to accommodate a reduction in size (with internal reconfiguration of the levels potentially being required) whilst remaining liveable.

Standard B22- Overlooking

141. Complies with the standard, subject to conditions. There is no potential for overlooking at ground floor as the boundary fences/walls provide a visual barrier of at least 1.8m in height.
- (a) The only window of Dwelling 1 which is within 9m of any areas of existing private open space or habitable room windows are those of the angled windows abutting the southern laneway. The plans show that at each level there are privacy louvers and this has been confirmed by the applicant. No detail regarding these louvers has been provided. A condition can require these windows to show compliance with the objective of Standard B22.
 - (b) Dwelling 2 has no potential for overlooking due to its setbacks resulting in a distance greater than 9m from any areas of private open space or habitable room windows.
 - (c) Dwellings 3 and 4 have no potential for overlooking as there is an existing northern boundary wall which is 1.9m above the northern first floor level which blocks any potential for views from the first floor balconies and habitable room windows. Dwelling 4 also has a north-facing window at first floor, however this window is located at 1.7m above the finished floor level and therefore complies.
 - (d) Dwelling 5 has no potential for overlooking as all habitable room windows are located 1.7m above the finished floor level and the deck has a privacy screen up to 1.7m above the finished floor level.
 - (e) The only window of Dwelling 6 which is within 9m of any areas of private open space or habitable room windows is the angled window on the first floor. Within a 46 degree arc, this window complies with this standard.

Standard B23 - Internal views

142. Complies with the objective, subject to conditions. There is potential for overlooking into the ground floor deck of Dwelling 3 from the first floor deck of Dwelling 4. Should Council be of a mind to support the proposal, compliance with the objective can be required by way of condition. Dwelling 6 is protected from views into its first floor terrace from the windows and terraces above by its 1.7m high screening. The second floor terrace of Dwelling 1 is generally protected from views from above by the canopy over it.
143. There are substantial internal views between Dwellings 1 and 2. Planning officers discussed this with the applicant who stated that these dwellings would be occupied by the two owners of the land who were satisfied with this arrangement and specifically had the development designed with this in mind. Any future occupiers or owners would be well aware of these circumstances prior to purchase or moving in. Should Council be of a mind to support the proposal, an amendment could be made in the future to include fencing or screens according to the preferences of those future owners/occupiers.

Standard B24 - Noise impacts

144. Complies with the standard. It is not expected that the proposed dwellings would create noise that is beyond what is typical of a residential development.

Standard B25 - Accessibility

145. Complies with the standard. The proposed dwellings have provided ground floor entrances as well as habitable rooms. A condition can require that the laneways will be made DDA complaint for all pedestrians. The dwellings could be easily modified to be able to meet the needs of people with limited mobility through the inclusion of a mechanical device for the stairwells.

Standard B26 - Dwelling entry

146. Complies with the objective. Each of the dwellings has an entrance from the communal car parking area as well as some having a secondary entrance from laneways. Each of these entrances are quite separate and allow for their own sense of address within the development. The first floor communal terrace above provides shelter.
147. Whilst these entrances will not be visible from the street, a condition can require that those which also have one from the laneway are clearly signposted.

Standard B27- Daylight to new windows

148. Complies with the objective. The majority of new windows face out onto at least 1m clear to the sky and 3sqm in area. This is with the exception of the ground and first floor windows which are covered by the deck and terraces above.
149. For Dwelling 1, the ground floor rumpus has no access to direct light and will only receive daylight from a void within the terrace. This does not comply, however this is not the main living area and as there are other living areas which do have direct sunlight access, this is acceptable.
150. At first floor, the deck above overhangs and results in these windows not having area clear to the sky. This does not comply with the standard; however as they face out onto the much larger terrace area, there will be daylight access. Furthermore, the bedroom has a secondary source of light from the southern laneway.
151. The study of Dwelling 2 at ground floor, will receive daylight from the void abutting the southern boundary. Whilst the void doesn't comply with the requirements of this standard, there will be some light reaching the room. Adding to this, considering it will be used as a thoroughfare from the ground floor entrance and the store and wont be of high amenity.

152. It should be noted that these two dwellings will be occupied by the owners of the site who have specifically designed the dwellings in this manner. Any future owners/occupiers will be well aware of this prior to moving in and can make a decision based on their personal preferences.

Standard B28- Private open space

153. Complies with the objective. Each of the proposed dwellings has been provided with a balcony/deck which is directly accessed from the living room with a minimum area of 8sqm.
154. The deck of Dwelling 3 has a maximum width of 1.5m which is 0.1m below the minimum width of 1.6m in the standard. This is acceptable however as 1.5m will still allow for table and chairs to be placed on the balcony and the total area of the balcony is 12sqm which far exceeds the 8sqm minimum. This combined will ensure that this area is a usable space.

Standard B29- Solar access to open space

155. Complies with the objective. Whilst some balconies (Dwelling 3 and 4) do not strictly comply with the setbacks required in this standard, each of the balconies has a north-facing aspect which ensures they do receive direct northern solar access.

Standard B30- Storage

156. Complies subject to conditions. None of the dwellings have any specific externally accessible storage areas. Dwellings 1 and 2 are both large dwellings with ample storage areas within the dwellings. Dwelling 2 has a 36sqm store accessed from the ground floor car park.
157. A condition however can require that dwellings 3-6 each be provided with a storage cage within the car park. For dwellings within an inner suburban setting and without the need for a lawnmower, etc., residents of these townhouses would not have the same storage needs as residents in detached dwellings, and therefore a minimum of 3 cubic meters would be required. This minimum was confirmed within the recent Tribunal decision *U1 Stanley Street Pty Ltd v Yarra CC [2012] VCAT 1455* where the minimum acceptable amount of storage was defined as being 3 cubic meters.

Standard B31 - Design detail

158. Complies with the standard. The proposal is a clearly modern design using a number of materials such as timber, fibre cement cladding in generally neutral colours and also utilizing the existing bricks. The proposal incorporates a rectilinear form with a flat roof with some angled fins also included. A condition can require the correct colour shown for the recycled timber as the materials schedule and the coloured elevations differ.
159. Regardless of the materials and finishes proposed, the majority of the development will not be visible from the surrounding streetscapes due to the location of the site and therefore have limited impact on the existing neighbourhood character.

Standard B33 – Common Property

160. Complies with standard. The development has proposed an area of common property for the car parking area and also the common terrace. Upon further discussion with the applicant, it has been confirmed that the larger common terrace on the first floor uses by Dwellings 1 and 2. The common property area is suitable and would likely be supported in future subdivision of the site.

161. It should also be noted that the pool on the third floor will be accessed by the residents of both Dwelling 1 and 2. It is noted that there is clearly views into the habitable rooms of Dwelling 1 from the common terrace. The planning officer discussed the semi-private areas situation with the applicant who stated that these two dwellings would be for the owners of the land who were happy with this arrangement.

Standard B34 - Site services

162. Complies subject to conditions. The dwellings have been provided with bin storage areas beside the car spaces. Mailboxes have not been shown and this will be required by way of condition.

Clause 22.07 – Development Abutting Laneways:

163. It is considered that the dwellings access off the laneways is appropriate in this situation. The application was referred to Council's Engineering Services Unit who did not object to the proposal subject to conditions. The level of traffic in the laneways will be low and not create any material traffic detriment to any adjoining occupier. A number of conditions will need to be included on the permit as per the recommendations of Council's Engineering Services Unit.
164. The application proposes separate pedestrian and vehicular access as is encouraged in the policy. Another condition on the permit can require that, prior to the occupation of the dwellings, laneway lighting / illumination be installed from the subject site, along the laneways which provide pedestrian access. The lighting will facilitate pedestrian access and provide a sense of safety to the dwellings. The lighting is to be to the satisfaction of the Council's Engineering Services Unit, with all costs associated with the lighting to be borne by the developer. The lighting will be required to be designed to prevent spillage into neighbouring properties.
165. The development of the dwellings adjacent to the laneways will not allow for any unreasonable overlooking into the secluded private open space of the dwellings on the other side of the lanes. The development also complies with other specific requirements of the policy in that it respects the scale of the surrounding built form (such as Nos. 150 Princes Street and the Church of Holy Trinity), does not obstruct existing access to other properties in the laneway and will not protrude into the laneway.
166. Engineering conditions can be placed on the permit requiring a dilapidation report of the subject property and all the Rights of Way and adjacent road infrastructure as well as a requirement to undertake civil works to improve pedestrian access. The works must be done in accordance with Council's Road Infrastructure Materials Policy and to the satisfaction of the Responsible Authority. The cost of these works shall be borne by the developer.
167. The condition of the Rights of Way and adjacent road infrastructure is to be assessed, photographed and documented. Any Council asset or road infrastructure damaged during the construction of the development is to be returned to the same state upon completion of the development.

Heritage:

168. The primary considerations for this application relate to whether compliance is achieved with *clause 43.01-4 (Heritage Overlay: Decision guidelines)* and *clause 22.02-5.7 – New Development, Alterations or Additions* of the Scheme.

Demolition

169. Very little demolition will occur on the site as a result of the proposal with only some on-boundary walls to be demolished and internal walls. The building is currently listed as not-contributory and therefore it is considered that the proposed level of demolition is acceptable and is supported by heritage policy.

Construction

170. Although the area is affected by a heritage overlay and the surrounding housing stock is of high heritage value with it being graded either significant or contributory, the proposed development will not have a negative impact as it will be mostly obscured from any of the surrounding streetscapes and is thus compliant with clause 22.02. Heritage significance is generally considered to be predominantly perceived from the streetscape (not laneways or private property) as confirmed within Paragraph 20 of the previous Tribunal decision *Forza & Anor v Yarra CC* :

[20] We do not accept the arguments that we should treat the access laneways as “streets” in terms of Council’s heritage policy. So few people use these that we do not consider them to be effective public thoroughfares for the intentions of this policy.

171. The required works will not impact on the heritage significance of the subject site or the surrounding heritage precinct for the following reasons:
- (a) The subject site is classified as non-contributory to the heritage overlay.
 - (b) The site is located in the middle of a residential block with no street frontages.
 - (c) The proposed works will not be visible from the streetscape of any of the surrounding streets due to the height of the surrounding existing buildings and the distance of the site from the closest street frontage.
172. Therefore it is considered that the proposal complies with Clause 22.02.

Car Parking

Car parking reduction

173. As previously stated, the proposal requires a car parking reduction of one visitor car parking space as it is required to provide eight spaces. Considering the narrowness of the laneways, it is not practical to provide a visitor car space. The laneway access and car parking arrangement proposed is best suited to those who are aware of the conditions.
174. Council’s Traffic Engineers confirmed that visitors would want to park in a more convenient location and not have to negotiate the ROW.
175. There is two-hour restricted parking along Rathdowne, Drummond and Lee Streets, Monday to Saturday 7am to 7pm which ensures there is a regular turnover of parking spaces. Lee Street also includes Permit Only outside of these hours ensuring that existing permit holders are prioritised in this location. All residents and prospective property owners of the new dwellings will be ineligible to apply for on-street resident and visitor parking permits. The site is within easy walking distance of tram and bus routes. Shops, businesses and essential facilities can be accessed from the site by foot. Considering all of these factors, the proposed reduction in one visitor car parking space is acceptable.

Access and Internal Layout

176. Vehicular access is proposed to be gained via the laneway to the north of the site which is accessed off Rathdowne Street. The lane is a minimum of 3.7m wide and provides convenient and safe access. Exiting the site will also be via this laneway. The three previous permits required cars to exit via the southern laneway.

This laneway was previously acknowledged within *Forza & Anor v Yarra CC* as being “quite tight” (Paragraph 60). The applicant has provided swept paths showing how cars will use the northern laneway for access.

177. Council officers understand from the objections received that access from the laneways is one of the main issues for objectors. The planning officer specifically raised these concerns with Council’s Engineering Services Unit during the referral process. Council’s Traffic Engineers assessed the vehicular movements into and out of the site and found them to be satisfactory (with all movements in a forward direction).
178. The applicant’s traffic report confirms that due to the irregular shape of the site it is difficult to provide a car park layout that either complies with Clause 52.06 of the Planning Scheme or AS2890.1-2004. As such, the applicant submitted swept path diagrams for all spaces to confirm that adequate manoeuvring space is provided for vehicular access to the parking spaces. The B85 vehicle from AS2890.1:2004 has been used for the analysis provided by the applicant. The diagrams confirm that all spaces are accessible in four (4) manoeuvres or less. This is acceptable for all day residential and domestic car parks as per AS2890.1:2004. This is confirmed by Council’s Senior Traffic Engineer.
179. Council’s Engineering Services Unit found the internal layout satisfactory for the following reasons:
- (a) *The dimensions of the car parking spaces and aisle satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004. The swept path diagrams provided by TTM are considered satisfactory. Vehicles would need to perform an additional correction movement when entering or exiting the bays – permissible under AS/NZS 2890.1:2004 for residents/long term parking.*
 - (b) *Spaces have been provided with 300 mm clearances adjacent to walls as required under AS/NZS 2890.1:2004.*
180. The *Forza & Anor v Yarra CC* decision discussed the access arrangements at length and made the following comments about laneway access:
- [63] Whilst we might have taken a different approach were the appeal site in a middle-outer suburbs location, ultimately we see the vehicle access arrangements as acceptable in this type of inner city location where:
 - (a) The use of rear laneways as part of residential living is more common and drivers more commonly have to deal with more challenging manoeuvres, and
 - (b) The typical residential occupier is more likely to choose a smaller vehicle than the norm.

...
 - [65] We agree with Mr Davies that some weight can be given to the prospect that “the market will self-regulate”. Following this line of thinking, a person choosing to live in this building will presumably be aware of the need to traverse the 90 degree elbow to gain vehicle access to Princes Street, and may well for this purpose simply avoid owning a large vehicle.
181. It is acknowledged that a recent application at No. 587 Rathdowne Street to convert an existing garage to a studio encountered issues with its access onto this same laneway. In that application, the issue related to the proposed altering of the existing garage door width. This was an issue as the site was also at the end of the laneway and vehicles would have to turn into the vehicle space. The proposed entry width was not wide enough to accommodate this. In that instance, a condition was required on the permit that the existing garage door width was not altered as the existing conditions were found to be satisfactory.
182. This aforementioned application is not a similar situation to this development as cars would drive directly into the car park at the entry rather than having to turn. Also, in the previous application, Council’s Senior Traffic Engineer confirmed that there was an issue however has found this access arrangement satisfactory.

183. Within the previous Tribunal decision on the subject site (*Forza & Anor v Yarra CC*) the member made these comments about the use of laneways:

[65] In relation to the concerns raised by certain neighbours about vehicles causing damage to nearby fences and/or causing major pedestrian risks to children, whilst the Tribunal accepts that these concerns are genuinely held, we consider them to be overstated:

- There are many inner city laneways around Melbourne of a like kind, with like problems or narrow width or sharp angles, and
- There are also occasional pedestrian movements through these laneways, sometimes by children.

In these other examples, it is clear that life goes on without any particular drama, danger or poor planning outcome to which the Tribunal need refer. Rather, this seems part and parcel of inner city living.

184. It should also be noted that a number of the sites which access this northern laneway also use it for vehicular access with this proposal continuing this. Council's Senior Traffic Engineer has confirmed the access and internal layout is satisfactory.

Traffic

185. The applicant's traffic report estimated the likely traffic volumes of the site using the NSW RTA's Guide to traffic generating developments (issue 2.2) which Council's Senior Traffic Engineer confirmed as being a reputable source. The guide recently published a Technical Direction supplement which provides traffic generation rates for inner metropolitan areas. In this instance, residential developments generate some 1.52 trips per unit. Applying this rate to the development, the seven on-site parking spaces would be expected to generate a daily traffic volume of 12 vehicle trips per day. The magnitude of this volume is low and should not adversely affect the traffic operation of the Right of Way even though there is only one point of egress and ingress. Council's Engineering Services Unit confirmed this.

Bicycle parking

186. As outlined earlier in the report the development is required to provide a total of two bicycle spaces under clause 52.34 of the Scheme. The applicant has provided six bicycle spaces within the car parking area which exceeds the statutory rate and allows for at least one space per dwelling. Through the provision of these spaces, the applicant has responded to the importance that State and Local policies place on encouraging low energy forms of transport such as clause 15.02-3, 18.02-1, 18.02-2 and 21.06.

187. Council's Engineering Services Unit stated that bicycle parking in front of parking spaces should be wall mounted and that parked bicycles must not obstruct parking space for vehicles.

Waste

188. Council's Waste Services Unit was not previously satisfied with the original WMP, and an amended WMP was submitted and has been found to be satisfactory. Residents will be responsible for sorting garbage and recycling directly into the waste storage bins. The Owners' Corporation will move the bins from the internal area to Rathdowne Street and back again following Council collection. This arrangement is satisfactory to Council's Waste Services Unit.

Other matters

Pedestrian Access

189. In terms of pedestrian access to the site, Council's Engineering Services Unit stated that the bluestone surfaces of the Rights of Way are not suitable for pedestrian access. The developer must provide improved pedestrian access and satisfy DDA requirements and this will be required by way of condition as outlined within their referral comments.
190. In addition to this, Council's Engineering Services Unit stated the existing concrete steps leading to the pedestrian entry of Dwelling 1 must be removed from the Right of Way. The applicant has now requested to delete this entrance rather than modifying it. Therefore, the southern laneway will no longer be used for pedestrian access by any dwelling part of this development. If Council were to be of a mind to approve this proposal, this can be resolved by way of condition.
191. Council's Engineering Services Unit also suggested that a financial contribution be made by the permit holder for the reconstruction of the southern laneway. As this laneway will not be used for pedestrian or vehicular access, this is no longer seen as necessary.

Objector concerns

192. The majority of the issues which have been raised by the objectors have been addressed within this report.
- (a) The proposal does not respect the existing neighbourhood heritage character (including heritage value of laneways); (paragraphs 93-96 and 168-172)
 - (b) Overdevelopment in terms of scale, height and bulk; (paragraphs 99-101 and 112-126)
 - (c) Access situation in the laneway is narrow and dangerous (paragraphs 106-108 and 176-184)
 - (d) Waste will have to be taken down laneways (paragraph 188)
 - (e) Off-site amenity:
 - (i) overshadowing (including to dance school); (paragraphs 127-140)
 - (ii) overlooking; (paragraph 141)
 - (iii) impact on daylight to existing windows (paragraph 92)
 - (f) Safety for access (paragraphs 106-108)
 - (g) Car parking already limited (paragraphs 173-175)
 - (h) Will exacerbate traffic issues due to one point of egress and one of ingress (paragraph 185)
 - (i) Materials inappropriate (paragraphs 158-159)
193. Outstanding concerns will be discussed below, and relate to:
- (a) Will not be able to be accessed by emergency services.
This will be dealt with at the Building Permit stage and the development must meet the appropriate fire safety regulations at that stage. The Tribunal have previously approved similarly designed building.
 - (b) Deck and garden of dance school incorrectly shown as storage area
Council' Planning Officers were aware of the rear outdoor area, and considered this in its assessment.
 - (c) Will block laneway during construction.
This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) can be required by way of condition and will manage impacts during the construction stage.
 - (d) Too much lighting in laneway.
A condition can require that all lighting in the laneway be baffled.

Conclusion

194. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives.
195. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0834 for the partial demolition for the construction of six dwellings, up to four storeys in height and a reduction in visitor car parking requirement at 150A Princes Street, Carlton North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) The second and third floors of Dwelling 2 setback an additional 1.4m from the southern boundary.
 - (b) All bicycle parking located in front of car parking spaces as being wall mounted and not obstructing parking spaces for vehicles.
 - (c) The removal of the pedestrian entry to Dwelling 1 from the southern laneway.
 - (d) Dwellings 2 to 6 to each have a storage cage of at least 3 cubic meters in capacity.
 - (e) Mail boxes locations.
 - (f) A schedule of all materials and finishes including colours and samples with the colour of the recycled timber clearly shown.
 - (g) Details of the privacy louvers along the southern boundary of Dwelling 1 to show compliance with the objective of Standard B22.
 - (h) The first floor deck of Dwelling 4 as being compliant with the objective of Standard B23 in relation to views into the ground floor deck of Dwelling 3.
 - (i) The pedestrian entrances along the laneways as clearly signposted.
 - (j) Any requirement of the endorsed ESD report (condition 3) (where relevant to show on plans).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Lighting

7. Before the building is occupied, laneway lighting / illumination must be installed from the subject site to along the northern and western Right of Ways to facilitate pedestrian access, to the satisfaction of the Responsible Authority, with all costs associated with the lighting to be borne by the developer. The lighting must be screened to limit light spill into the surrounding residential properties.
8. Public lighting for pedestrian access to the development (from the nearest streets to the pedestrian entries off the Rights of Way) must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the lighting levels of all existing public lights in the northern and western Rights of Ways near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the developer must consult nearby affected residents for the upgrade of existing lighting and/or the provision of new lighting and poles. All works for public lighting installation must be authorised by CitiPower and meet CitiPower and Victorian Electrical Distribution Network (VEDN) requirements. All costs associated with the consultation, design, supply and installation of any new and upgraded public lights, poles and other lighting hardware shall be borne by the developer.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be prepared and submitted to Council for approval for the northern and western Right of Ways. The developer must supply and fund any new and upgraded public lighting in any of the connecting Rights of Way where existing lighting levels are insufficient for pedestrian access and do not satisfy minimum Australian Standards.
12. Before the building is occupied the developer must undertake the following to the northern and western Right of Ways:
 - (a) civil works to improve pedestrian access and satisfy DDA requirements;
 - (b) reconstruction of relevant lengths of carriageway following the completion of all building works and connections for underground services;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.

13. Before the development commences, the developer must submit plans for all civil and road infrastructure works to Council for assessment and approval. Upon approval of detailed civil/infrastructure construction plans, A *Consent for Works* must be taken out by the developer for all works undertaken in the road reserve.
14. The alignment of any new underground utility services should run within the reconstructed half of the Rights of Way or to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkways, laneway and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
17. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
19. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
20. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;

- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

21. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

All future residents 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.

For further information on public lighting, Council's Construction Management branch can be contacted on 9205 5115.

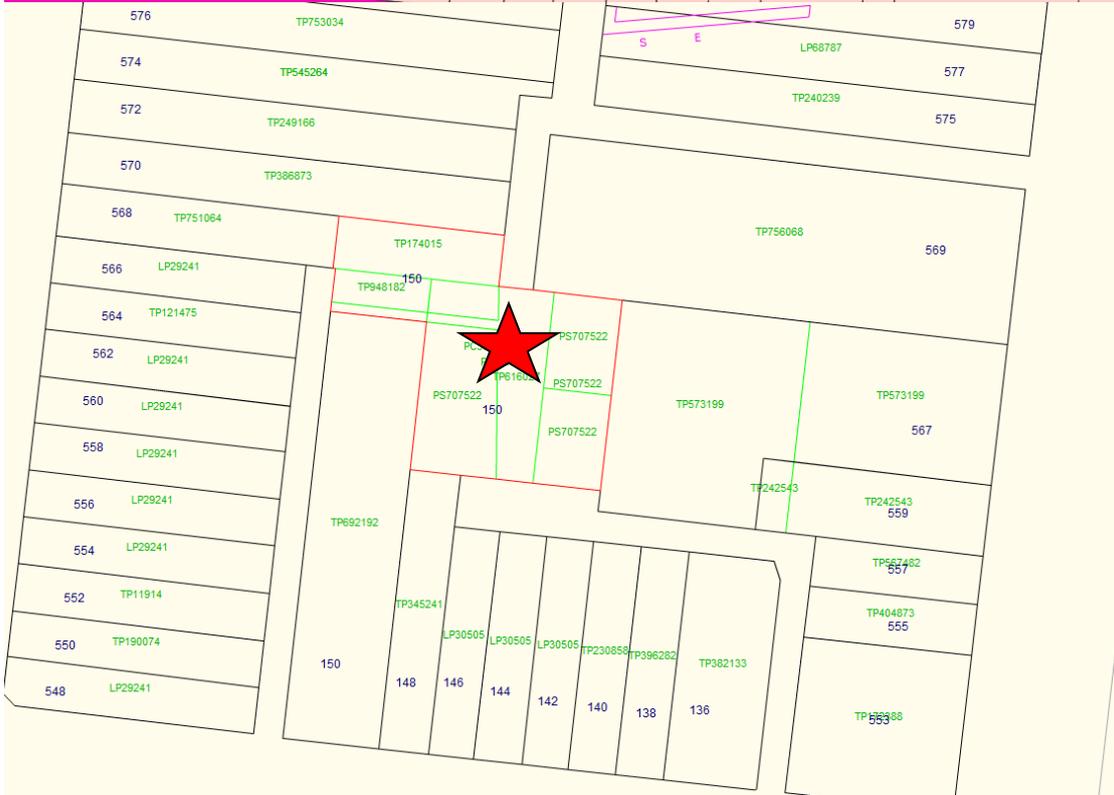
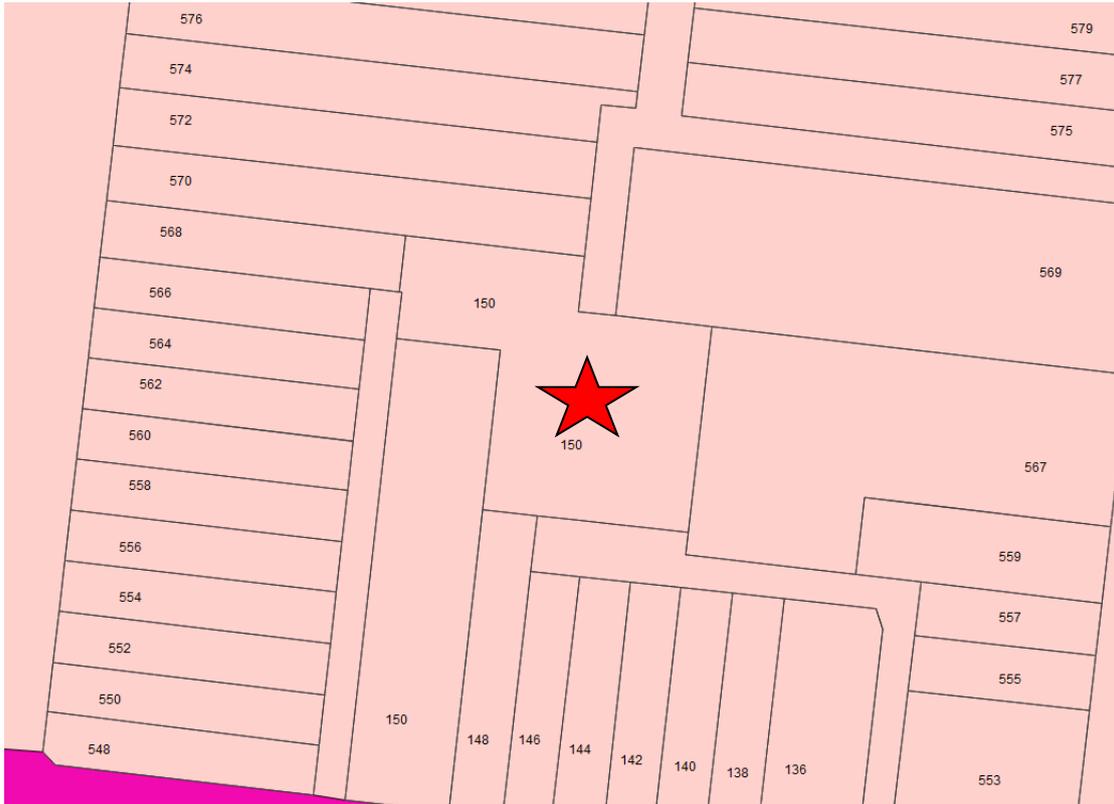
CONTACT OFFICER: Vicky Grillakis
TITLE: Principal Planner
TEL: 92055124

Attachments

- 1 PLN14/0834-02 - 150A Princes Street Carlton North - subject land
- 2 PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

Attachment 1 - PLN14/0834-02 - 150A Princes Street Carlton North - subject land

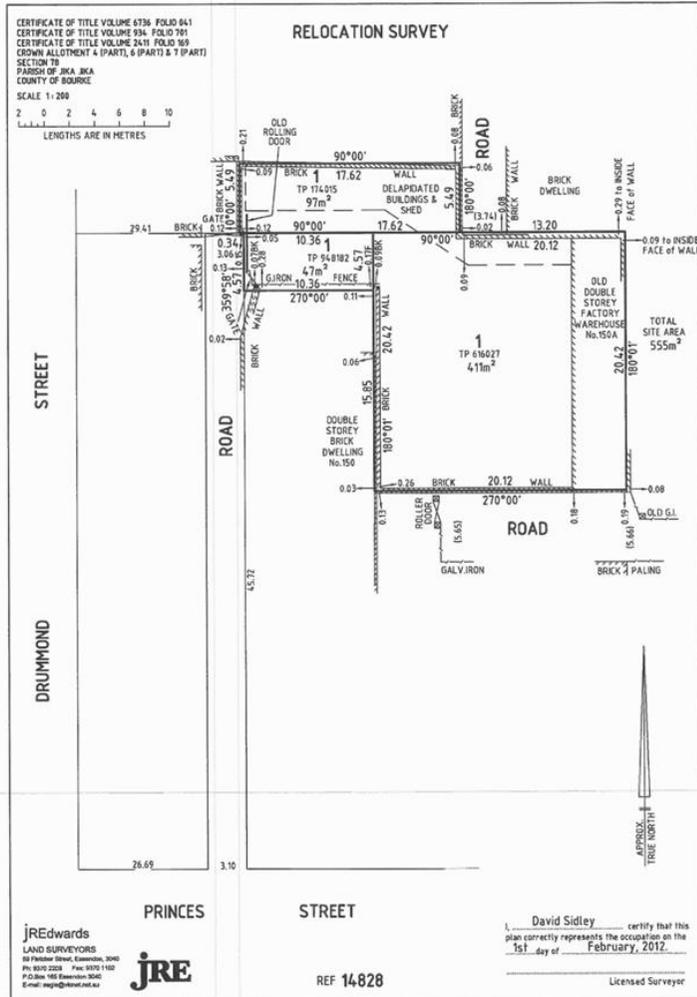
SUBJECT LAND:



↑ North

★ Subject Site

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



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 zvi@zviarchitects.com

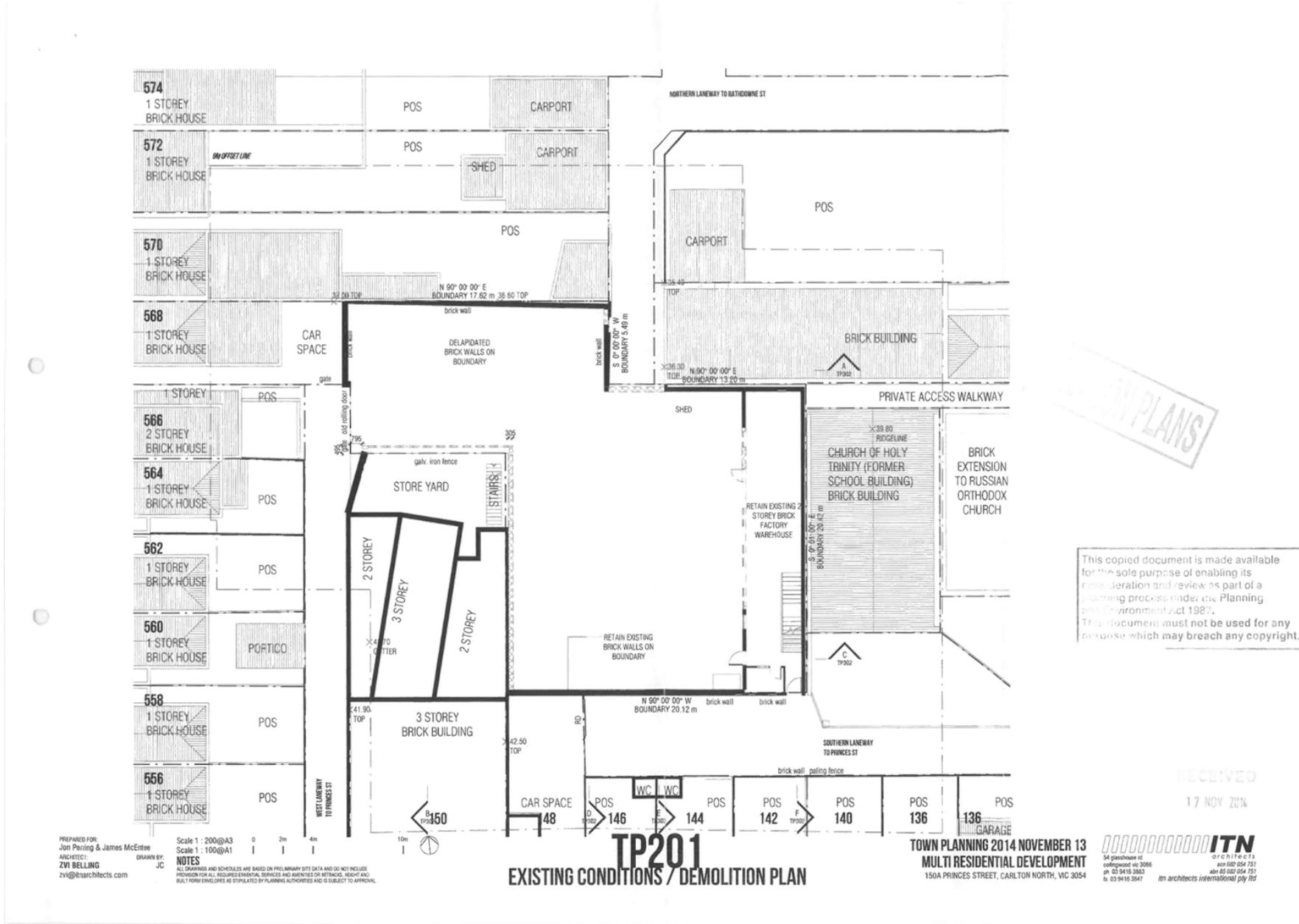
NOTES
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TP104
 SITE SURVEY

TOWN PLANNING 2014 NOVEMBER 13
 MULTI RESIDENTIAL DEVELOPMENT
 150A PRINCES STREET, CARLTON NORTH, VIC 3054

ITN
 54 Glenhouse Rd
 Collyerwood VIC 3066
 ph 03 9416 2883
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 itn architects international pty ltd

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

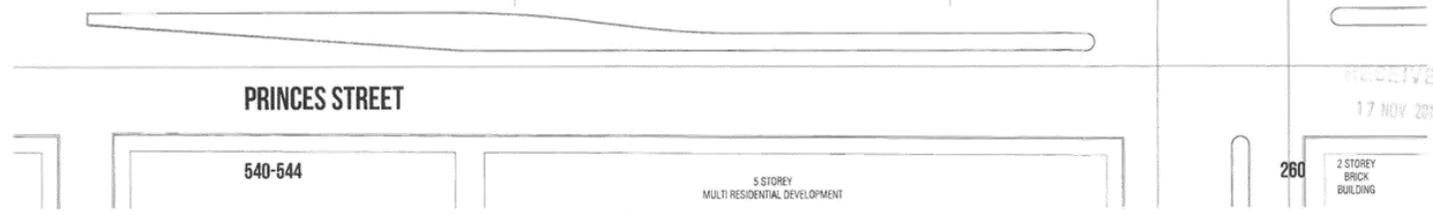
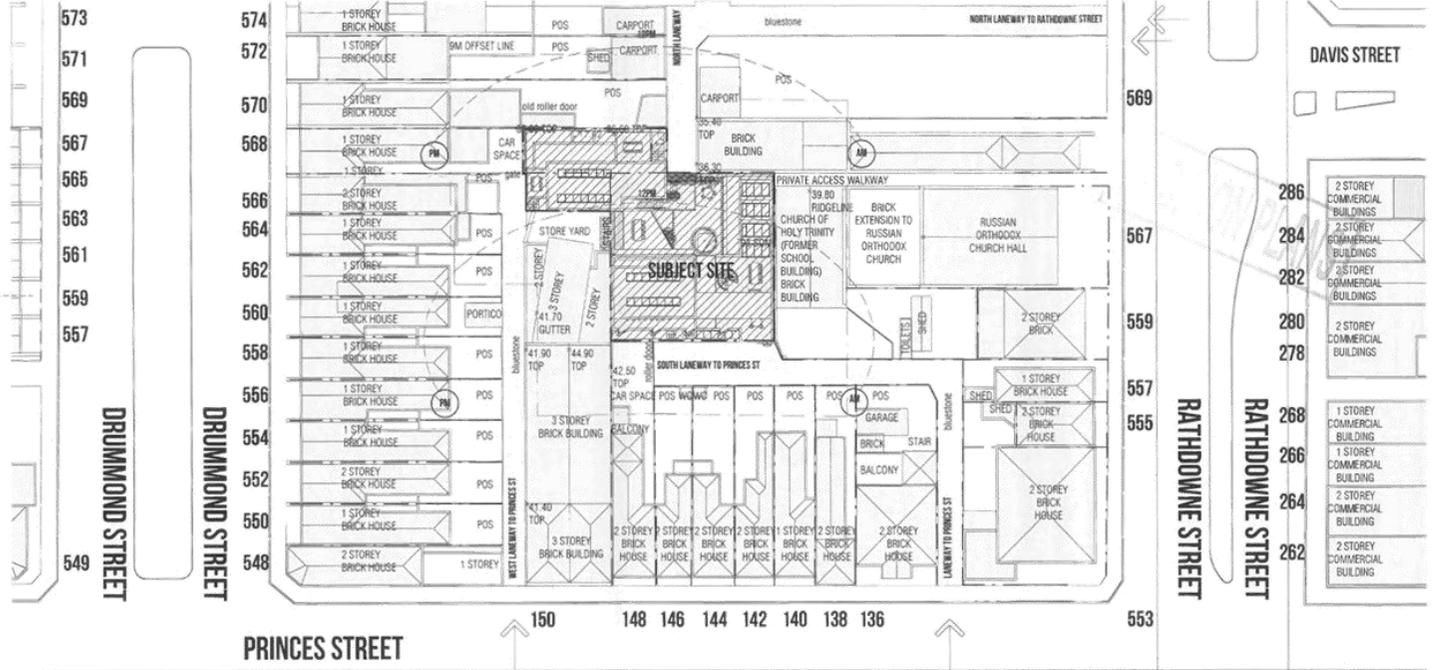
KEY

THERE ARE NO HABITABLE WINDOWS WITHIN 9M OF THE SITE BOUNDARY.

- SUMMER SOLAR PATH
- WINTER SOLAR PATH
- BUS ROUTE
- BICYCLE PATH
- ➔ ACCESS - VEHICULAR
- ➔ ACCESS - PEDESTRIAN

HERITAGE OVERLAY HO196
557-567 DRUMMOND STREET
NORTH CARLTON
Cambridge Terrace

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PREPARED FOR:
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ARCHITECT:
ZVI BELLING
zvk@zvmarchitects.com

Scale 1 : 500@A3
Scale 1 : 250@A1
NOTES
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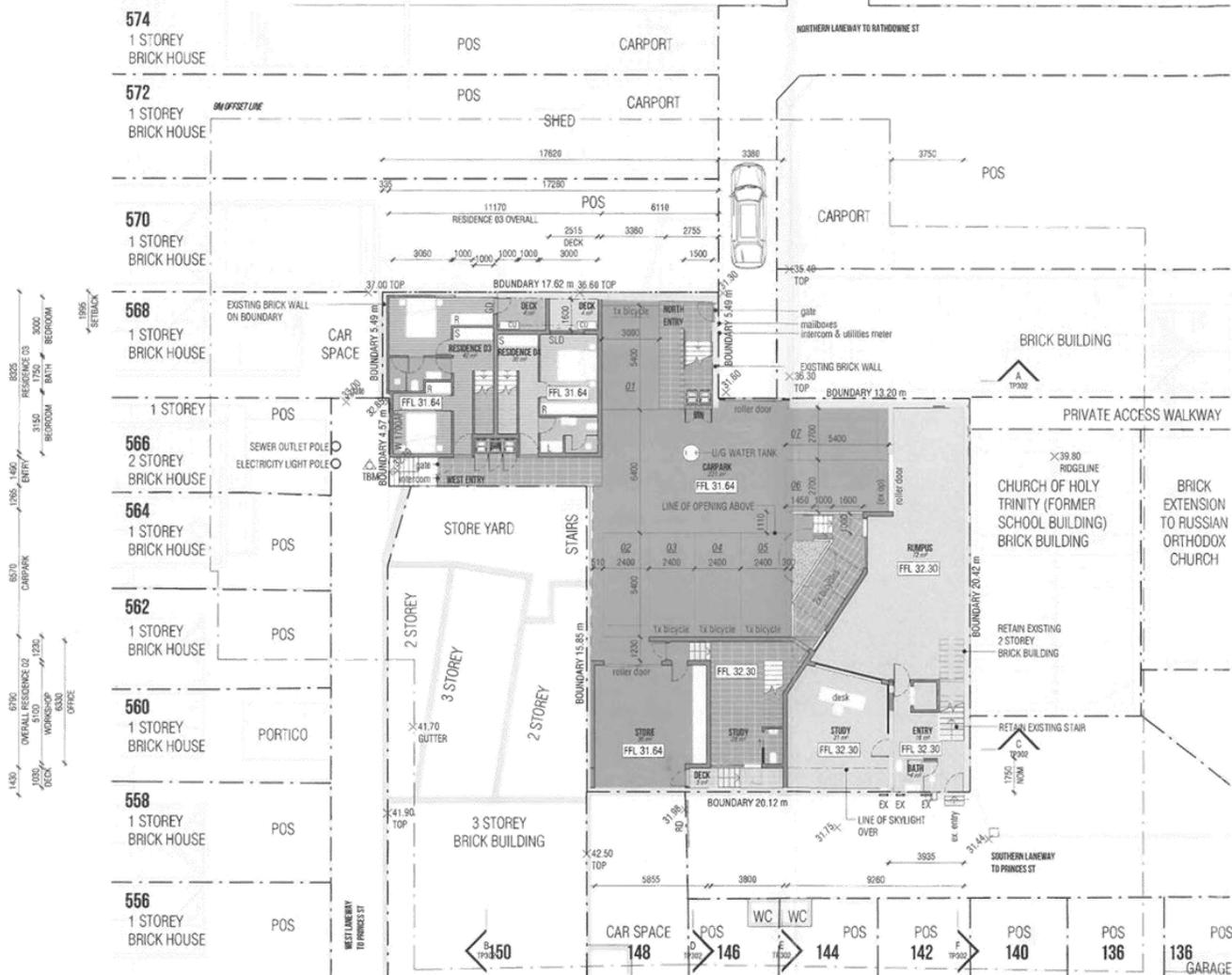


TP301
DESIGN RESPONSE

TOWN PLANNING 2014 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH, VIC 3054

ITN
54 glasgow rd
collingwood vic 3066
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01 2 111 4 01 1
ext 002 054 757
ext 03 002 054 757
itn architects international pty ltd

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



- KEY**
- GD GLAZED DOOR
 - P PANTRY
 - CU CONDENSER UNIT
 - W WINDOW
 - UGWT UNDERGROUND WATER TANK
 - F FRIDGE
 - L L'DRY
 - BFD BIFOLD DOOR
 - PW PIVOT WINDOW
 - PV PHOTOVOLTAIC PANEL
 - SLD SLIDING DOOR
 - RD ROLLER DOOR
 - FD FOLDING DOOR
 - FP FIREPLACE
- COMMON
 - RESIDENCE 01
 - RESIDENCE 02
 - RESIDENCE 02 - TERRACE
 - RESIDENCE 03
 - RESIDENCE 03 - TERRACE
 - RESIDENCE 04
 - RESIDENCE 04 - TERRACE

TOWN PLANS

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PREPARED FOR:
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zvi@tinarchitects.com

Scale 1 : 200@A3
Scale 1 : 100@A1
NOTES
ALL DIMENSIONS AND LEVELS ARE BASED ON PRELIMINARY SITE DATA AND DO NOT INCLUDE PROVISION FOR ALL REQUIRED ESSENTIAL SERVICES AND UTILITIES OR SETBACKS, HEIGHT AND BULK FORM ENVELOPES AS STIPULATED BY PLANNING AUTHORITIES AND ARE SUBJECT TO APPROVAL.

TP401

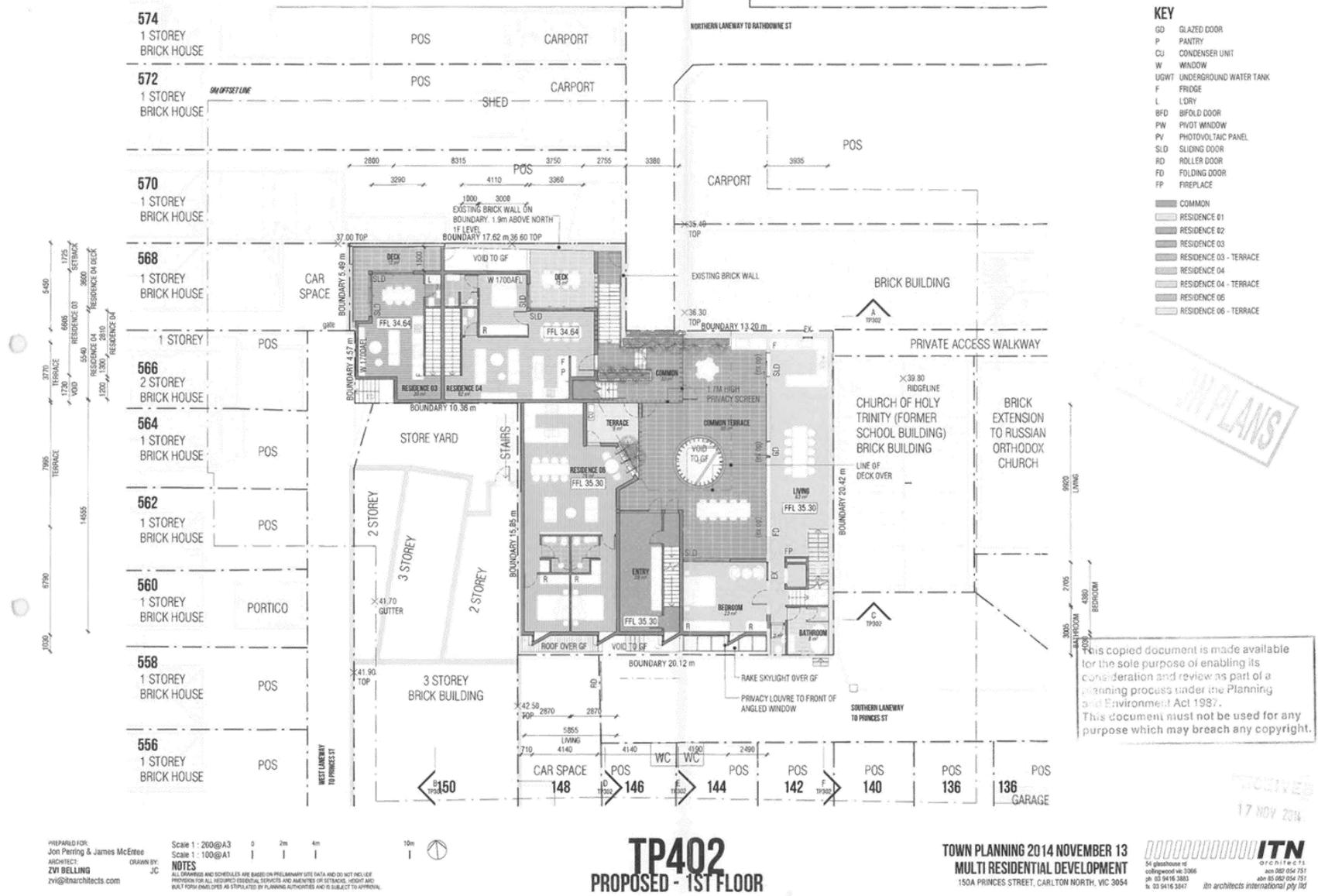
PROPOSED - GROUND FLOOR

TOWN PLANNING 2014 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH, VIC 3054

ITN
34 glasshouse rd
collingwood vic 3066
ph: 03 9418 3883
fx: 03 9418 3847

37 CHIFFINDELL
MUN 052 054 751
MUN 65 030 054 751
tin architects international pty ltd

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



- KEY**
- GD GLAZED DOOR
 - P PANTRY
 - CU CONDENSER UNIT
 - W WINDOW
 - UGWT UNDERGROUND WATER TANK
 - F FRIDGE
 - L LORY
 - BFD BIFOLD DOOR
 - PW PIVOT WINDOW
 - PV PHOTOVOLTAIC PANEL
 - SLD SLIDING DOOR
 - RD ROLLER DOOR
 - FD FOLDING DOOR
 - FP FIREPLACE
- COMMON
 - RESIDENCE 01
 - RESIDENCE 02
 - RESIDENCE 03
 - RESIDENCE 03 - TERRACE
 - RESIDENCE 04
 - RESIDENCE 04 - TERRACE
 - RESIDENCE 06
 - RESIDENCE 06 - TERRACE

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PREPARED FOR:
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Scale 1 : 200@A3
Scale 1 : 100@A1
NOTES
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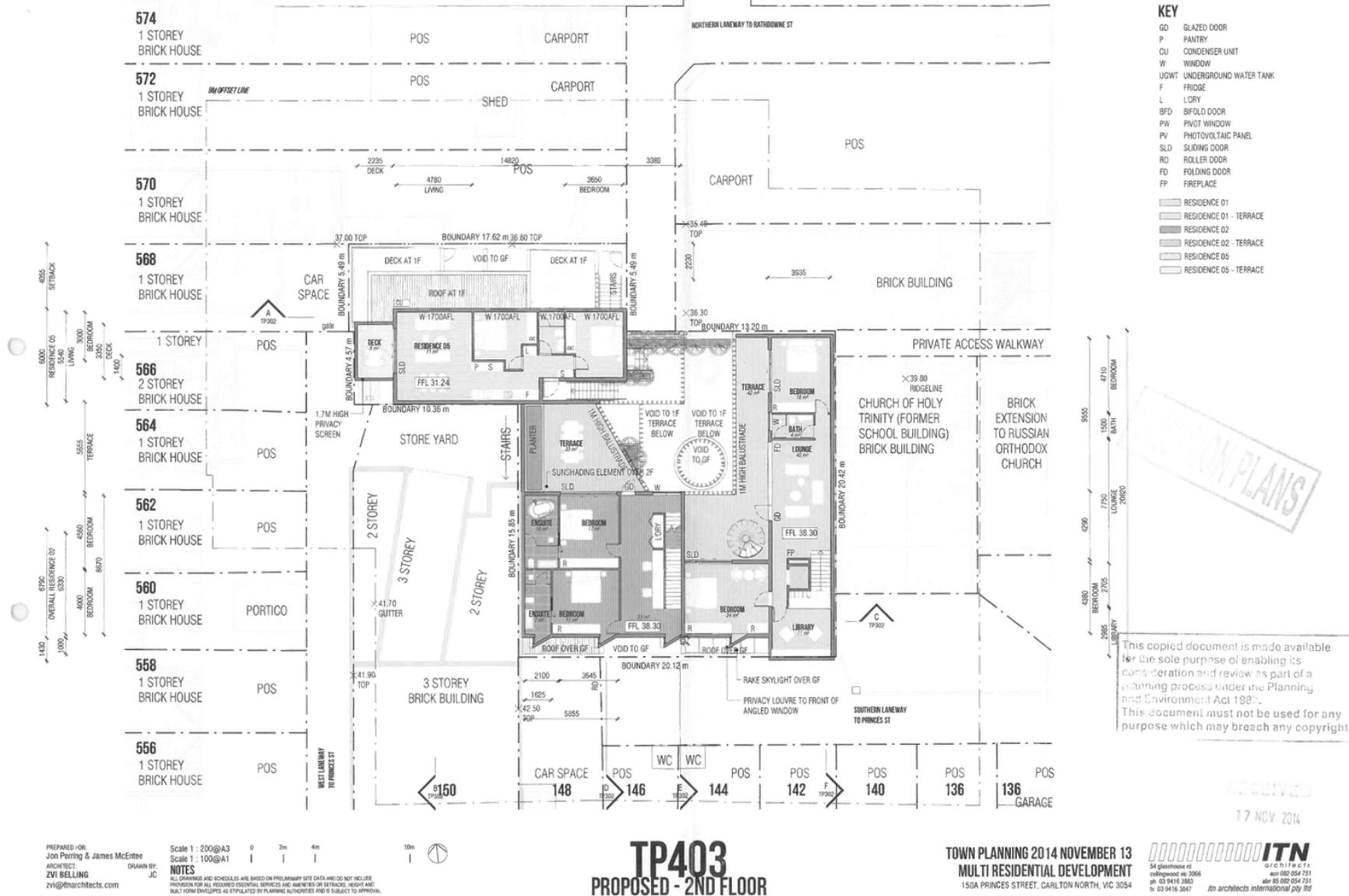
TP402
PROPOSED - 1ST FLOOR

TOWN PLANNING 20/14 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH, VIC 3054

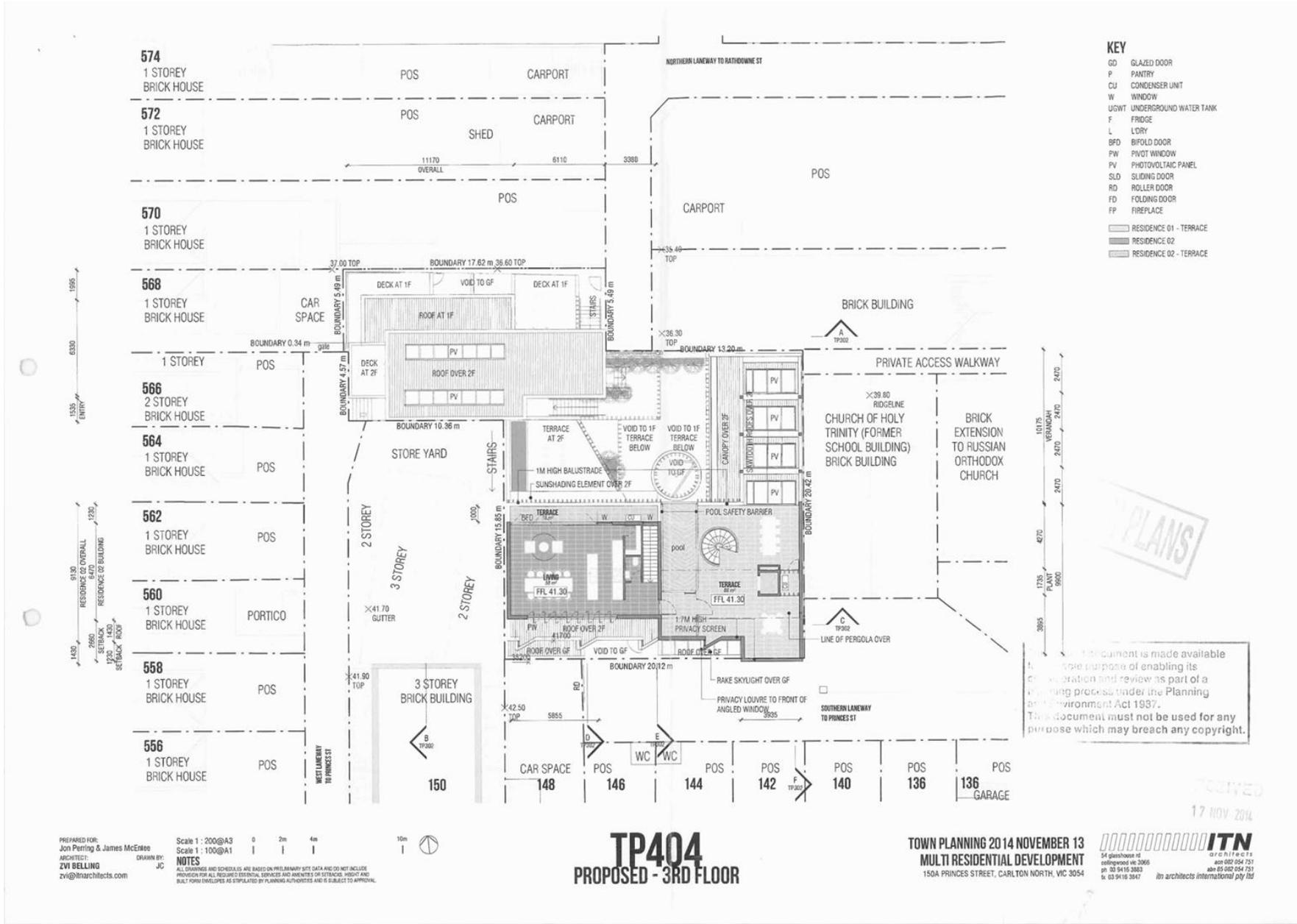
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collingwood vic 3066
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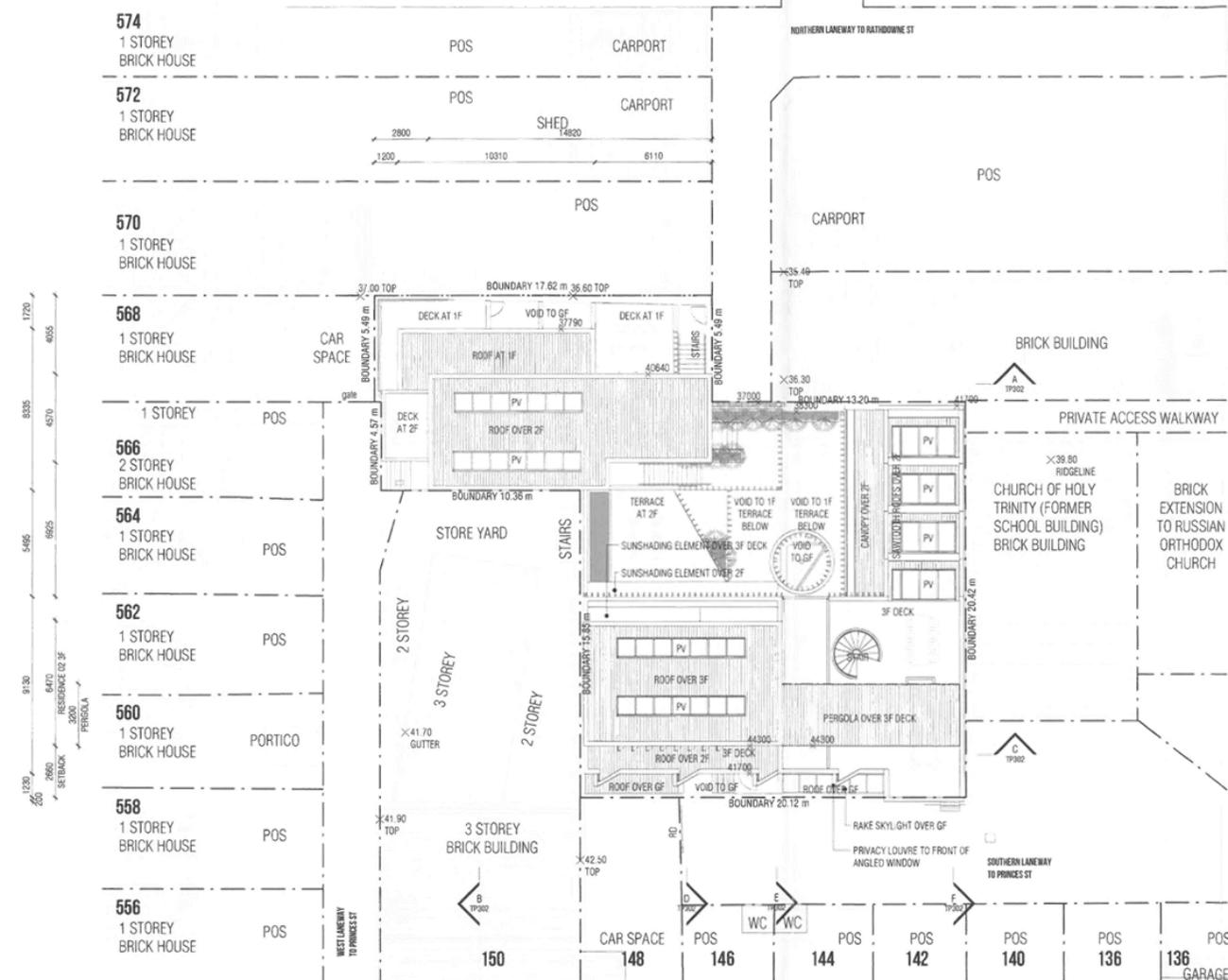
Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



- KEY**
- GD GLAZED DOOR
 - P PANTRY
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 - W WINDOW
 - UGWT UNDERGROUND WATER TANK
 - F FRIDGE
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 - BFD BIFOLD DOOR
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 - PV PHOTOVOLTAIC PANEL
 - SLD SLIDING DOOR
 - RD ROLLER DOOR
 - FD FOLDING DOOR
 - FP FIREPLACE

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PREPARED FOR:
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Scale 1 : 200@A3
Scale 1 : 100@A1

NOTES
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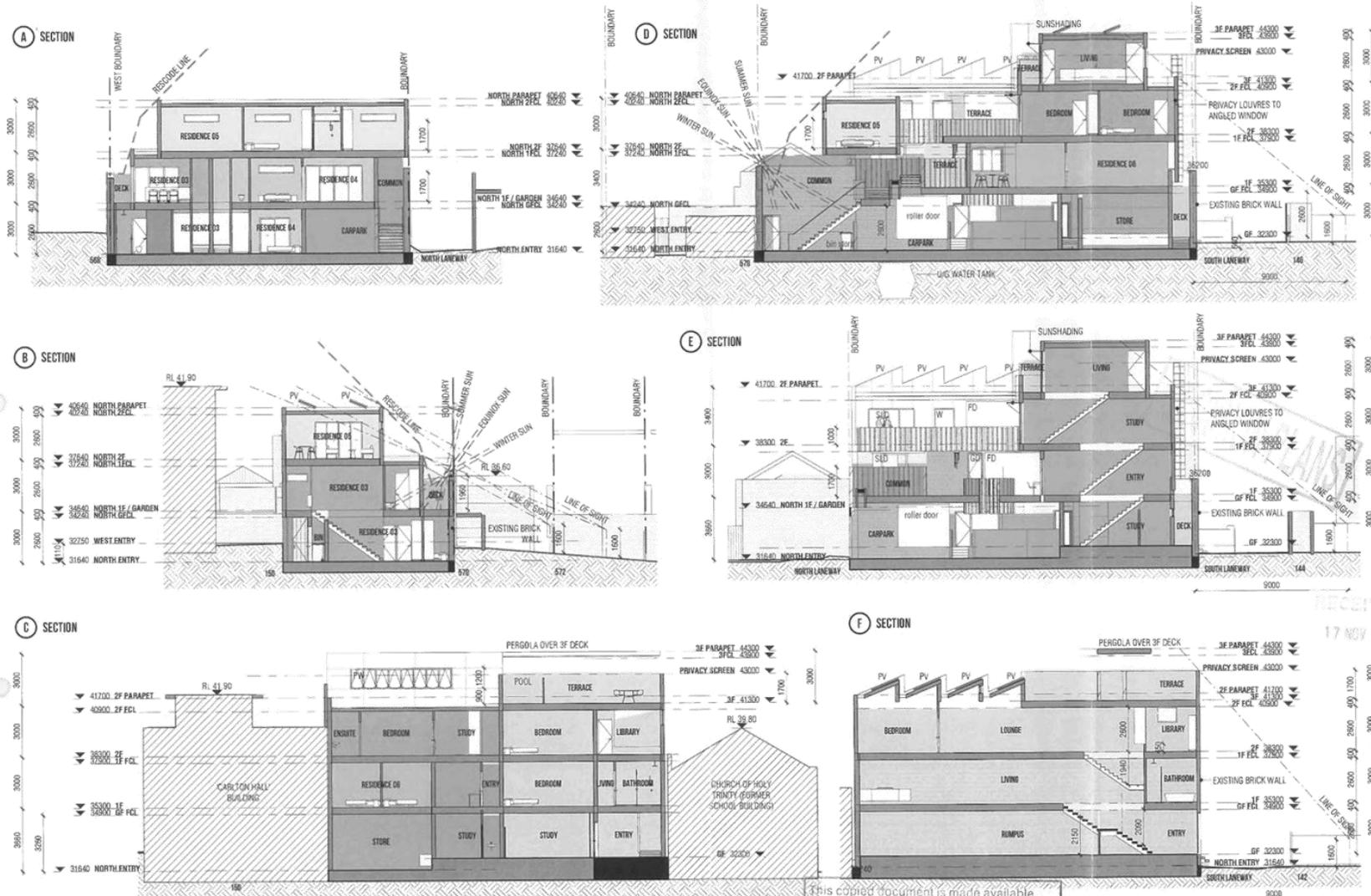
TP405
PROPOSED - ROOF PLAN

TOWN PLANNING 20 14 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH, VIC 3054

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Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



PREPARED FOR:
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Scale 1 : 200@A3
Scale 1 : 100@A1

NOTES
ALL DIMENSIONS AND SCHEDULES ARE BASED ON PRELIMINARY SITE DATA AND DO NOT INCLUDE PROVISION FOR ALL REQUIRED EXISTENTIAL SERVICES AND ANCHORS OR STRUKTUR, HEIGHT AND BUILT FORM ENVELOPES AS SPECULATED BY PLANNING AUTHORITIES AND IS SUBJECT TO APPROVAL.

TP302
DESIGN RESPONSE - MASSING

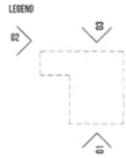
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TOWN PLANNING 2014 NOVEMBER 13
MULTI-RESIDENTIAL DEVELOPMENT
PRINCES STREET, CARLTON NORTH, VIC 3054

ITN
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ph 03 9416 3883
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01 61 111 41 11
adv 082 054 751
adv 85 082 054 751
an architects international pty ltd

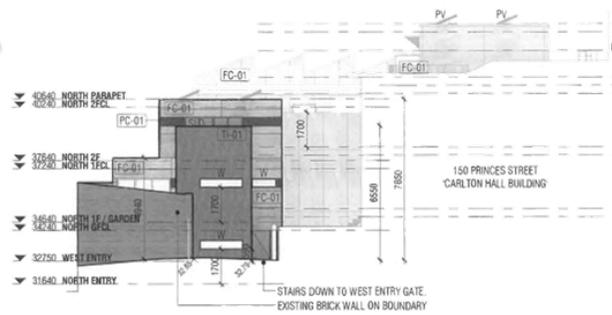
Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans



MATERIAL SCHEDULE

CODE	FC-01	FC-02	TH-01	PC-01	PC-02	PC-03	RL-01
LOCATION	Facade Cladding	Facade Cladding	Facade Cladding / Privacy Screen	Window Frames / Louvers / Fins	Terrace Dividers	Roofing	Windows
MATERIAL	Fibre Cement Sheet in Borestone Matt Finish	Fibre Cement Sheet with Paint Finish	Recycled Timber	Powdercoat Finish Monument	Powdercoat Finish Colorbond White	Powdercoat Finish Colorbond Sunrims	Glazing Grey Tinted

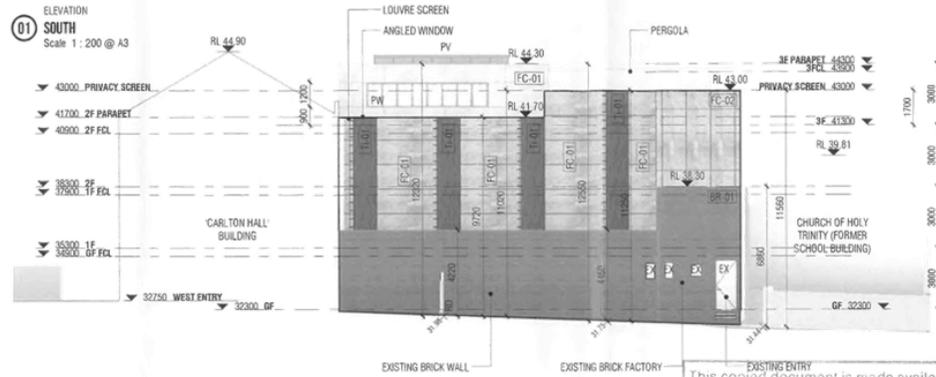
ELEVATION 02 WEST Scale 1:200 @ A3



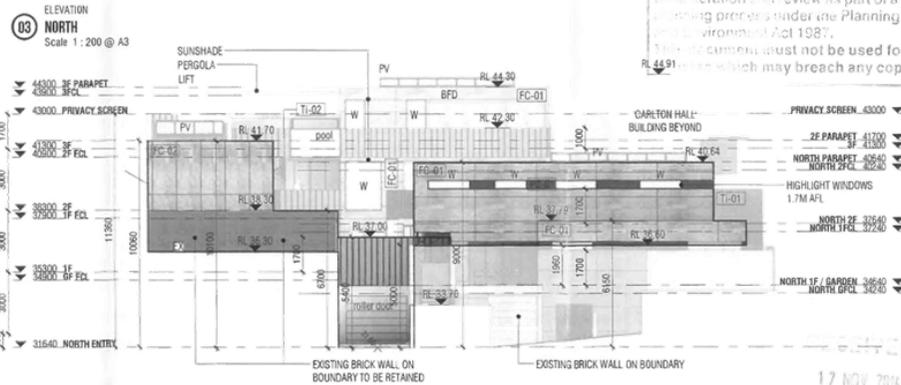
PREPARED FOR:
Jon Perring & James McEntee
ARCHITECT:
ZVI BELLING
zvi@rarchitects.com

Scale 1:200@A3
Scale 1:100@A1
NOTES
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ELEVATION 01 SOUTH Scale 1:200 @ A3



ELEVATION 03 NORTH Scale 1:200 @ A3



TP501
ELEVATIONS

TOWN PLANNING 2014 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH, VIC 3054

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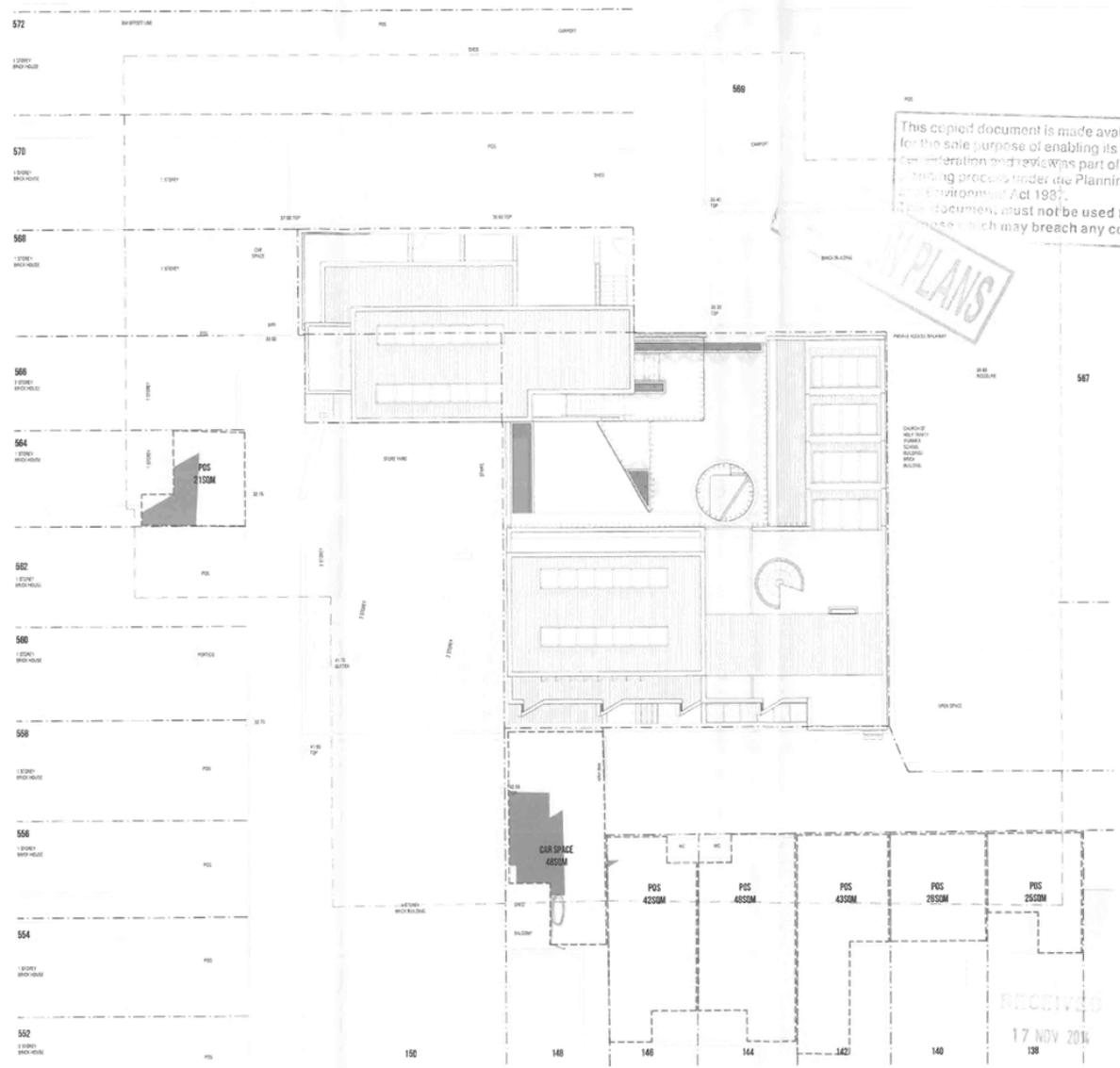
17 NOV 2014

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

SCHEDULE OF CHANGE IN SHADOW

09AM

PROPERTY	PRIVATE OPEN SPACE	SHADOW			
		EXISTING		PROPOSED	
	SQM	SQM	%	SQM	%
564 BRIMMOND STREET	21 SQM	15	71	21	100
148 PRINCES STREET	48 SQM	33	69	45	93
148 PRINCES STREET	42 SQM	26	62	27	64
144 PRINCES STREET	48 SQM	NO CHANGE			
142 PRINCES STREET	43 SQM	NO CHANGE			
140 PRINCES STREET	28 SQM	NO CHANGE			
138 PRINCES STREET	25 SQM	NO CHANGE			



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SHADOW PLANS

RECEIVED
17 NOV 2014

PROJECT: 150A PRINCES STREET CARLTON NORTH
 DATE: 13/11/2014
 DRAWN BY: J. WILSON
 CHECKED BY: J. WILSON
 APPROVED BY: J. WILSON

TP304
 DESIGN RESPONSE - SHADOW DIAGRAM 9AM

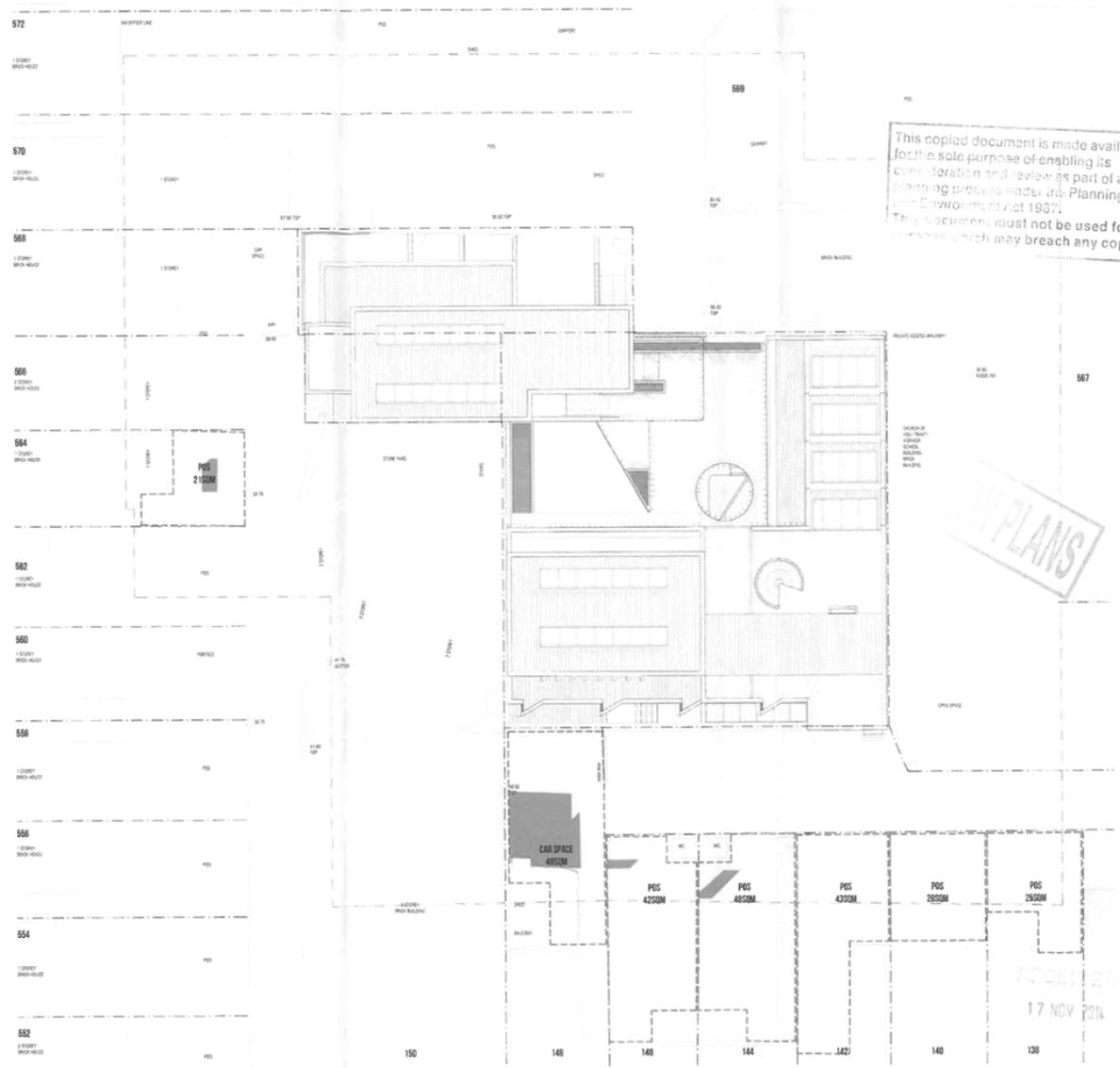
TOWN PLANNING 2014 NOVEMBER 13
 MULTI RESIDENTIAL DEVELOPMENT
 150A PRINCES STREET CARLTON NORTH VIC 3054

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

SCHEDULE OF CHANGE IN SHADOW

10AM

PROPERTY	PRIVATE OPEN SPACE	SHADOW			
		EXISTING		PROPOSED	
	SQM	SQM	%	SQM	%
584 DRAMMUND STREET	21 SQM	12	57	13	62
148 PRINCES STREET	48 SQM	26	54	39	81
146 PRINCES STREET	42 SQM	17	40	18	43
144 PRINCES STREET	48 SQM	21	44	22	46
142 PRINCES STREET	43 SQM	NO CHANGE			
140 PRINCES STREET	28 SQM	NO CHANGE			
138 PRINCES STREET	25 SQM	NO CHANGE			



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SHADOW PLANS

RECEIVED
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PROJECT: 150A PRINCES STREET CARLTON NORTH
 DRAWN: J. HARRIS
 CHECKED: J. HARRIS
 DATE: 11/11/14
 SCALE: 1:100
 SHEET: 1 OF 1
 KEY: EXISTING, PROPOSED, SHADOW, PRIVATE OPEN SPACE, PROPOSED LANDSCAPE

TP305
 DESIGN RESPONSE - SHADOW DIAGRAM 10AM

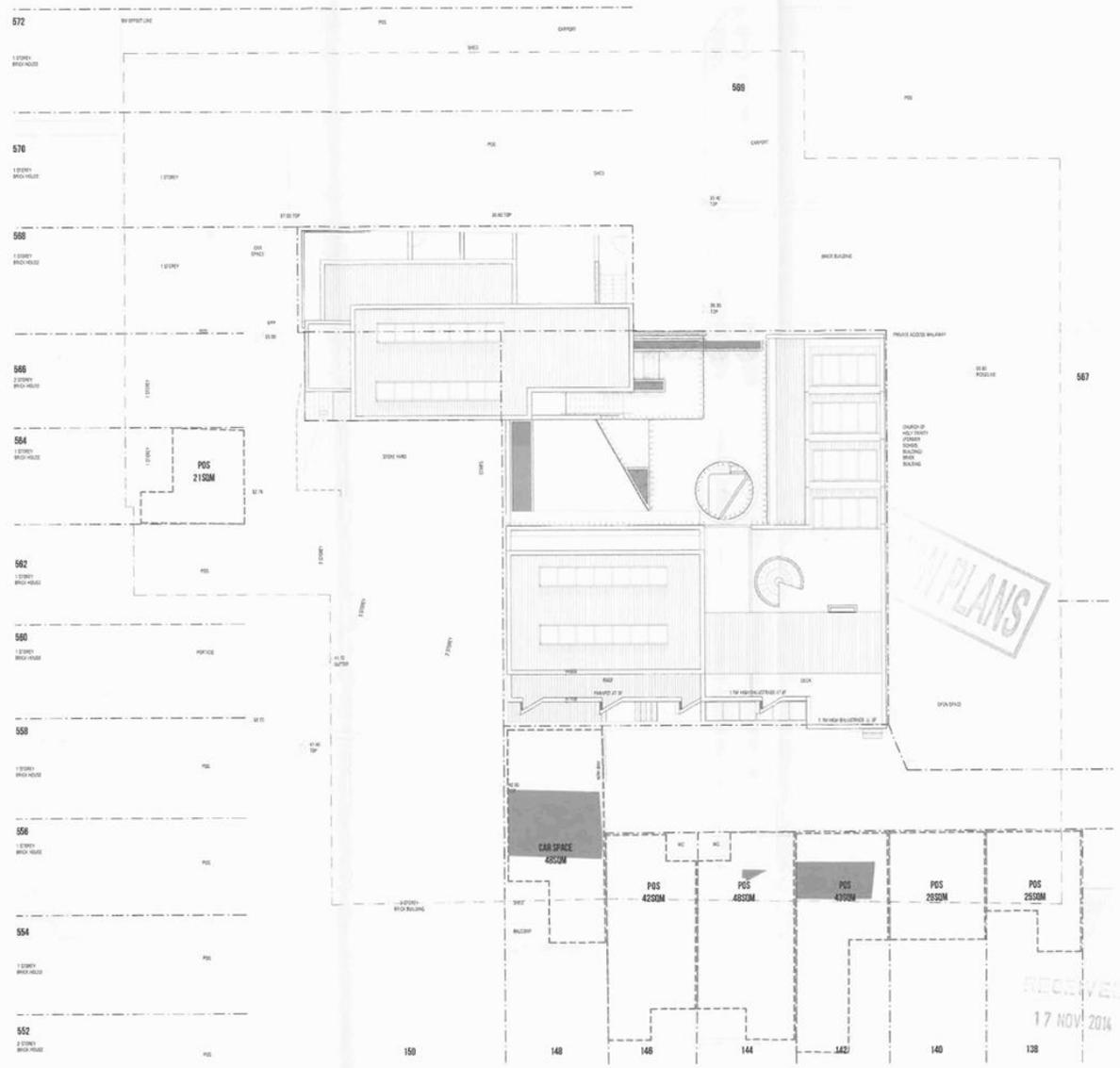
TOWN PLANNING 2014 NOVEMBER 13
 MULTI RESIDENTIAL DEVELOPMENT
 150A PRINCES STREET CARLTON NORTH VIC 3054
 ITN

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

SCHEDULE OF CHANGE IN SHADOW
12PM

PROPERTY	PRIVATE OPEN SPACE	SHADOW			
		EXISTING		PROPOSED	
	SQM	SQM	%	SQM	%
684 BRIMMOND STREET	21 SQM	NO CHANGE			
148 PRINCES STREET	48 SQM	20	42	36	75
148 PRINCES STREET	42 SQM	NO CHANGE			
144 PRINCES STREET	48 SQM	11	23	11.3	23.5
142 PRINCES STREET	43 SQM	8	19	15	35
140 PRINCES STREET	28 SQM	NO CHANGE			
138 PRINCES STREET	25 SQM	NO CHANGE			

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Prepared by: [unreadable]
Date: 11/10/2014
Scale: 1:500
Author: [unreadable]
Checked: [unreadable]
Approved: [unreadable]

KEY:
[Symbol] EXISTING SHADOW
[Symbol] PROPOSED SHADOW

TP306
DESIGN RESPONSE - SHADOW DIAGRAM 12PM

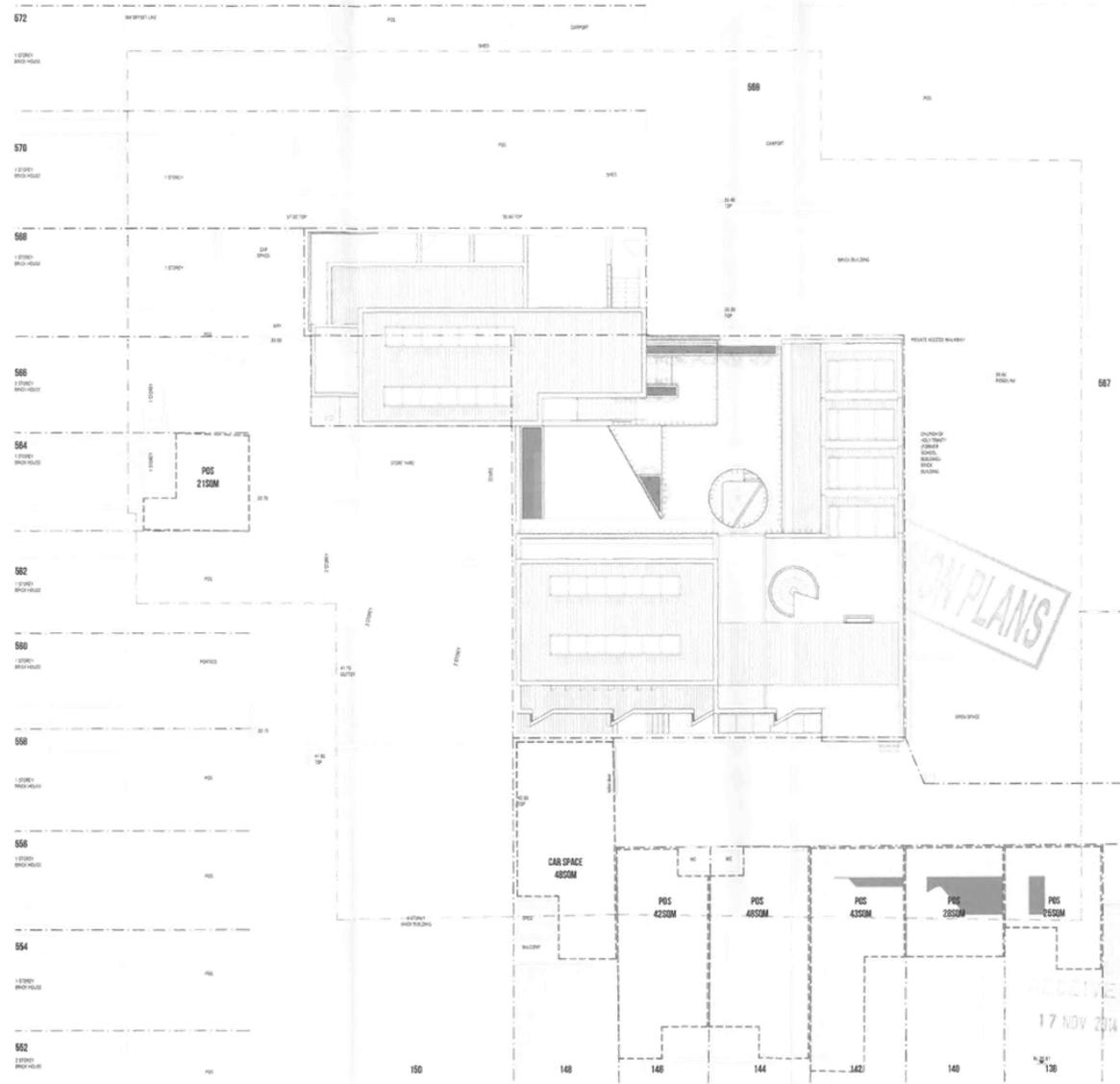
TOWN PLANNING 2014 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH VIC 3054
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ITN

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

SCHEDULE OF CHANGE IN SHADOW
02PM

PROPERTY	PRIVATE OPEN SPACE SQM	SHADOW			
		EXISTING		PROPOSED	
		SQM	%	SQM	%
564 GRIMMOND STREET	21 SQM	NO CHANGE			
148 PRINCES STREET	48 SQM	NO CHANGE			
146 PRINCES STREET	42 SQM	NO CHANGE			
144 PRINCES STREET	48 SQM	NO CHANGE			
142 PRINCES STREET	43 SQM	19	44	20	47
140 PRINCES STREET	28 SQM	11	39	17	60
138 PRINCES STREET	25 SQM	10.5	42	12.3	49

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150 Princes Street, Carlton North, VIC 3054
Tel: 03 9397 1000
www.itn.com.au

TP307
DESIGN RESPONSE - SHADOW DIAGRAM 02PM

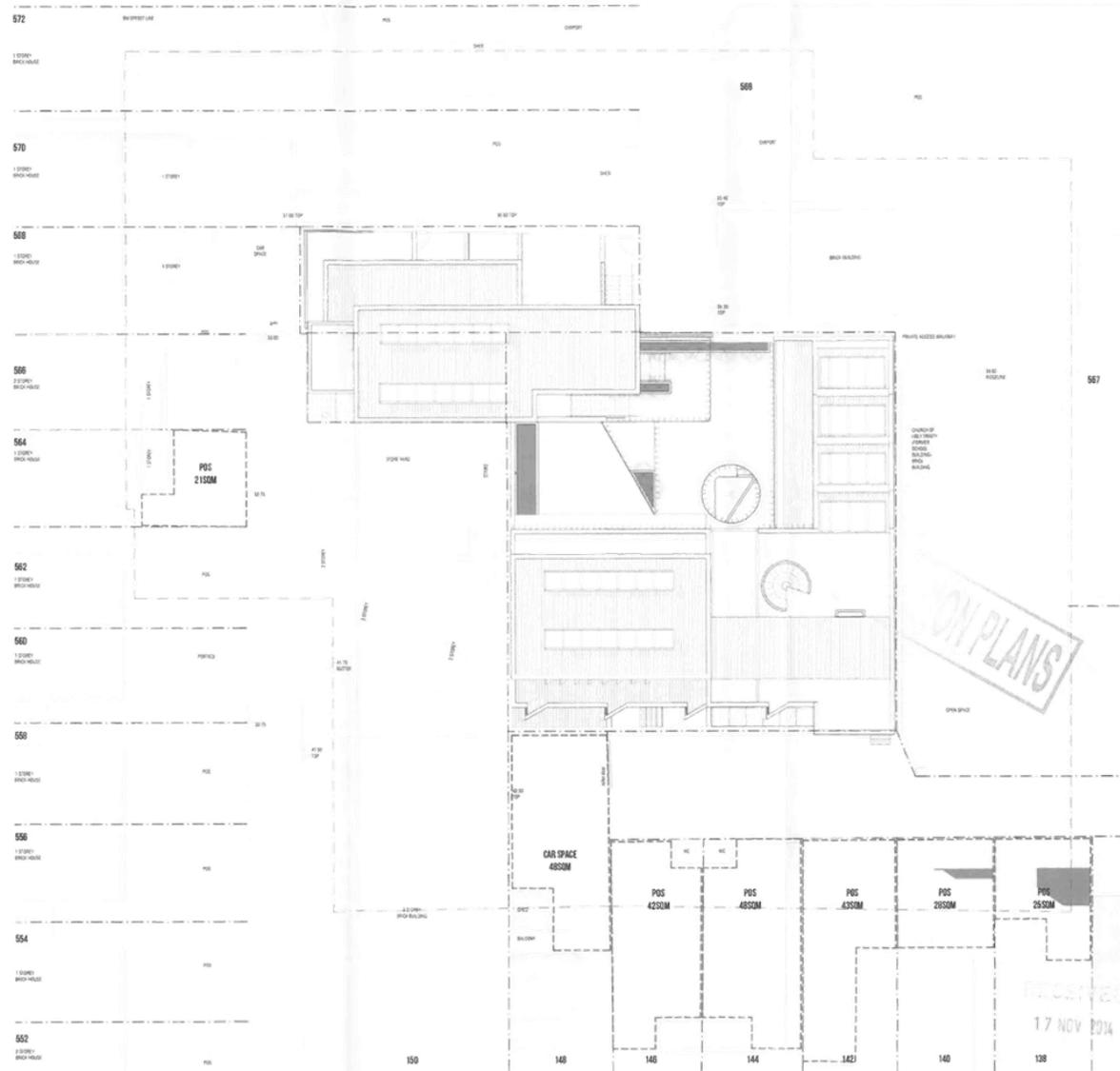
TOWN PLANNING 08/14 NOVEMBER 13
MULTI RESIDENTIAL DEVELOPMENT
150A PRINCES STREET, CARLTON NORTH, VIC 3054
ITN
17 NOV 2014

Attachment 2 - PLN14/0834-02 - 150A Princes Street Carlton North - decision plans

SCHEDULE OF
CHANGE IN SHADOW
03PM

PROPERTY	PRIVATE OPEN SPACE	SHADOW			
		EXISTING		PROPOSED	
	SQM	SQM	%	SQM	%
564 DRUMMOND STREET	21 SQM	NO CHANGE			
148 PRINCES STREET	48 SQM	NO CHANGE			
146 PRINCES STREET	42 SQM	NO CHANGE			
144 PRINCES STREET	48 SQM	NO CHANGE			
142 PRINCES STREET	43 SQM	NO CHANGE			
140 PRINCES STREET	28 SQM	15	54	16	57
138 PRINCES STREET	25 SQM	13	52	18	72

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TP308
DESIGN RESPONSE - SHADOW DIAGRAM 03PM

TOWN PLANNING 02/14 NOVEMBER 13
MUL TI RESIDENTIAL DEVELOPMENT
17 NOV 2014