YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 23 September 2015 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Sam Gaylard
Councillor Simon Huggins

I. ATTENDANCE
Matt Cohen (Manager Statutory Planning)
John Theodosakis (Senior Statutory 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

Item		Page	Rec. Page
1.1	33 - 41 Balmain Street, Cremorne - Planning application PLN15/0309 - Development of the land for the construction of a four storey office building (no permit required for use) above basement with roof terrace, and associated reduction in the car parking requirements.	5	34
1.2	PLN14/0529 89-95 Walker Street, Clifton Hill	61	84
1.3	34 Fraser Street, Richmond 3121 - Planning Permit Application No. PLN14/1170 (Construction of a double storey dwelling).	96	118

1.1 33 - 41 Balmain Street, Cremorne - Planning application PLN15/0309 - Development of the land for the construction of a four storey office building (no permit required for use) above basement with roof terrace, and associated reduction in the car parking requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for part of the land at 33 – 41 Balmain Street, Cremorne for the development of a four storey office building (no permit required for use) above basement and with roof terrace, and associated reduction in car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 11 – Settlement
   (b) Clause 15 – Built Environment and Heritage;
   (c) Clause 17 – Economic Development;
   (d) Clause 18 – Transport;
   (e) Clause 21.05-2 – Urban design;
   (f) Clause 21.05-3 – Built form character;
   (g) Clause 21.06-1 – Walking and cycling;
   (h) Clause 21.07-1 – Ecologically sustainable development;
   (i) Clause 21.08 – Neighbourhoods;
   (j) Clause 22.05 – Interface Uses Policy;
   (k) Clause 22.07 – Development abutting laneways; and
   (l) Clause 22.10 – Built Form and Design.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic justification;
   (b) Built form and relevant Urban Design principles;
   (c) Off-site amenity;
   (d) Traffic, access, and car parking reduction;
   (e) Objector concerns; and
   (f) Other matters.

Objector Concerns

4. A total of thirteen objections and one submission of support were received to the application, these can be summarised as:

   (a) Not in keeping with the character due to height and massing; design and materiality;
   (b) Amenity impacts (visual bulk; overshadowing; overlooking; increase in noise, waste collection/ delivery issues and lack of control over future office use);
   (c) Design is not in accordance with Council's sustainability policies;
   (d) Increased traffic generation and lack of on-site car parking;
   (e) The development will encourage increased use of ROW; and
   (f) The ground floor of the building should be setback further from the Balmain Street footpath.

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: **Laura Condon**
TITLE: **Senior Statutory Planner**
TEL: **92055352**

1.1 33 - 41 Balmain Street, Cremorne - Planning application PLN15/0309 - Development of the land for the construction of a four storey office building (no permit required for use) above basement with roof terrace, and associated reduction in the car parking requirements.

Trim Record Number: D15/119903
Responsible Officer: Director Planning and Place Making

Proposal:	Development of the land for the construction of a four storey office building (no permit required for use) above basement and with roof terrace, and associated reduction in car parking requirements.
Existing use:	Carpark
Applicant:	Planned F.X. Pty. Ltd.
Zoning / Overlays:	Commercial 2 Zone (C2Z)
Date of Application:	23 September 2013
Application Number:	PLN13/0787

Planning Permit and VCAT History

1. Planning permit application PLN13/0716 for the *development of the land for buildings and works and construction of a 2-level building with roof terrace for use as a food and drinks premises (tavern) with an on-premises liquor licence, a waiver of the associated loading bay requirement and a reduction of the associated car parking requirement of the Yarra Planning Scheme* was refused by Council officers on 1 October 2014. This application applied to the western portion of the site (approximately two-thirds of the site). This portion of the site is now proposed to be developed as part of the current planning permit application.

2. The remaining one-third of the site has approval for a four storey office building, which mirrors the development proposed at the subject site. A Notice of Decision for planning application PLN13/0787 for the *development of the land for the construction of a four storey office building (no permit required for use) above basement with roof top terrace, and associated reduction in car parking requirements* was issued by Council's Internal Development Assessment Panel (IDAC) on 12 March 2014.

3. At this IDAC meeting, Councillors imposed the following condition 1 requirements:

   (a) Deletion of the roof terrace level;
   (b) Deletion of the balcony at third floor level;
   (c) *Ground level to be setback from Balmain Street by 1.5m.*

4. The applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) against these conditions (*Pulitano v Yarra CC [2014] VCAT P761/2014 (3 October 2014*)). The Tribunal ordered on 3 October 2014 that an amended permit issue with condition 1 a), b) and c) deleted.

5. The Tribunal member offers the following justification (in summary) for the deletion of these conditions at paragraphs:

   [16] *The site is in a Commercial 2 Zone where an office use is as-of-right. No permit is required for the use….*

   [17] *As far as noise is concerned, an office use is generally less problematic than many other non-residential uses permissible in a residential zone, such as eat and drink premises, places of assembly or a place of worship which is as-of-right in the General Residential Zone.*

[18] *Noise is usually dealt with by EPA guidelines. If noise from a Christmas party of a nearby warehouse is deemed excessive, the remedy is these guidelines. It is unreasonable to expect the same level of residential amenity in an area where commercial or industrial uses are the preferred use. To restrict activities for an as of right use is tantamount to saying a dwelling, an as-of-right use in a standard residential zone, must not have special occasions such as 21st birthdays, weddings, or festivals, for fear of noise nuisance when there is a separate mechanism to deal with the nuisance.*

[23] *I now return to the height of the building. Respondents had the impression that the height of the building is not acceptable because it does not comply with the heights specified in the Swan Street Structure Plan. As commented at the hearing, this plan is not part of the Scheme. It is the strategic work that Council has conducted which may form the basis of a future planning scheme amendment…..*

[25] *Under this plan, the site is in Precinct 4 where the maximum height is nominated as 13-16 metres with low street wall. These heights are comparable to a four storey building, depending on whether it is a domestic or commercial building, the latter of which has higher floor to ceiling heights.*

[30] *…The proposed building presents as a four storey building. Its scale is consistent with the intention of allowing a building mass of four storeys and in increasing employment opportunity in the area. It is not out of place with the size and scale of development intended for the area.*

[31] *I now turn to the detailed design relating to the third floor balcony, which Council said the pergola structure over the balcony as giving the building a four storey appearance at street front.*

[32] *I disagree. The fourth floor is setback 4 metres from the street, giving the street view a three storey street wall. The steel frames over the balcony are an open structure and unroofed. The spacing of the steel columns is not close together at over 2 metres apart. The structure does not present as a wall or as a storey. There is no justification to delete it on the ground that it visually presents as an additional storey.*

[33] *The remaining design modification is to setback the ground floor by 1.5 metres….*

[36] *Balmain Street is relatively narrow. Traffic speed should be relatively slow. If a substandard footpath is the cause of pedestrian hazards, many parts of Yarra are in the same situation, and would have been addressed by Council's traffic engineer as manager of its road system, or a structure Plan. In addition, if this logic prevails, there can be no development of the intensity contemplated in the zone.*

[38] *Commercial buildings in the area generally have zero street setback. Graphics in the Swan Street Structure Plan also showed zero setback. Building to the front boundary is common for commercial buildings.*

[39] *In practical terms, such a setback, being south facing, can only cause maintenance and visual problems, as it tends to become a depository for rubbish, windblown or dumped. The 1.5 metre setback of the ground floor is not warranted.*

6. Given the similarities between this approved development and the currently proposed development, the following report is based on the assessment of application PLN13/0787.

7. Planning permit PLN14/0219 at No. 31 Balmain Street (adjoining the subject site to the west) issued the 5 May 2015 at the direction of VCAT for *buildings and works for extension of dwelling with existing use rights including a roof top terrace*. This permit allowed for the construction of a roof top terrace with part of the terrace being an enclosed/ outdoor area atop the existing two storey office/ dwelling. Works associated with this permit have not commenced.

Existing Conditions

Subject Site

8. The overall site is located on the north side of Balmain Street between Gwynne Street to the east and Cubitt Street to the west of the site. The site is regular in shape with a frontage of 27.23m to Balmain Street, and site depth of 24.38m and yielding an area of approximately 669m^2.

9. A planning permit has been granted to the eastern third of the site. This application seeks to develop the remainder of the site. The portion of the site to be occupied by the proposed office building has a frontage to Balmain Street of 19.8m and a rear interface to a laneway 18.3m wide. The area of site applicable to this development is approximately 420m2.

10. The site is currently used as a car park accessed via the laneway abutting the site to the north, which separates the subject site from the former Kangan TAFE campus car park to the north. The subject site was formerly also used as a car park for the former Kangan TAFE campus buildings to the north. There is a vehicle crossover from Balmain Street. There are some small trees and a low metal mesh fence along the frontage to Balmain Street. The footpath to the front of the site measures approximately 1.2m in width, with no footpaths located on the rear laneway.

Restrictive Covenants

11. There are no restrictive covenants registered on the certificate of title for the subject site.

Surrounding Land

12. As noted in the previous officer report:

13. *The surrounding area is mixed in character in both built form and uses. The subject site and land to the east, west, and north are within a Commercial 2 Zone, which is predominantly commercial and industrial, with pockets of residential.*

14. *Notably, the closest residential properties abut the subject site to the east and west, and are within the C2Z. The dwelling to the east is a single storey Victorian era dwelling with an area of secluded private open space (SPOS) sited at the rear of the dwelling that is partially under cover. Further east of this dwelling are two similar sized Victorian era single storey dwellings, one extending to the rear boundary and the other with SPOS at the rear of the site to the corner of Gwynne Street. The abutting dwelling to the west of the site is three storeys with an area of SPOS at the rear of the site, and two double storey dwellings further west of the site to the corner of Cubitt Street.*

15. *Along the southern side of Balmain Street and further south, are residential properties within a Residential 1 Zone that are covered by Heritage Overlay Schedule 342 (Cremorne Precinct). These dwellings vary between single and two storeys in height and are set on narrow allotments with shallow or no front setbacks. Approximately 70m east of the site along Balmain Street is the Cherry Tree Hotel and railway overpass.*

16. *To the north of the site, separated by a 3m wide laneway, is the open air car park associated with the former Kangan TAFE campus at 75 – 119 Cubitt Street that currently accommodates two storey brick saw-tooth factory style buildings that extend to Kelso Street to the north. Planning Permit PLN13/0055 was granted on 6 September 2013 approving buildings and works to convert these existing buildings into 17 warehouses with car parking on site accessed via new vehicle crossovers along Cubitt and Gwynne Streets.*

17. *To the north, north-east and north-west are a mix of buildings types, generally warehouse with conventional facades consisting of windows and roller doors. Large paved front setbacks are commonly provided to accommodate off-street parking.*

18. *To the east is Gwynne Street. A series of commercial and residential buildings ranging between one and three storeys in height are located on the west side of the street. The commercial buildings are conventional warehouse type buildings which have been constructed hard-edged to the street, with roller doors presenting to the street also a common feature.*

19. *To the west is Cubitt Street. The western side of Cubitt Street consists of commercial and residential properties ranging between one and three storeys in height. The buildings are constructed hard-edged to the street, with roller doors in the front façade. The residential properties are also constructed to the street frontage.*

20. *The following street network and on-street parking surround the subject site:*

    (a) Gwynne Street to the east - one way street (south-bound) with unrestricted parking available on both sides of the street. A loading zone is provided on the western side of the street, between Kelso and Balmain Streets.
    (b) Cubitt Street to the west- one way street (north-bound) with 2P restriction parking available only on the east side of the street.
    (c) Balmain Street to the south- two way street with on-street parking only available on portions of the northern side. No parking is permitted in front of the subject site, or the stretch of Balmain Street between Cubitt Street and Green Street.

21. *The subject site is located approximately 500 metres south of the Swan Street Major Activity Centre and 380m west of Church Street. Both of the streets provide access to public transport, as well as cafes, restaurants and shops.*

22. *Number 27- 31 Balmain Street (to the west) and 43 and 47 Balmain Street (to the east) have been included in the Cremorne Precinct Heritage gaps study and are all graded contributory.*

The Proposal

23. The proposal is for the construction of a four storey office building (no permit required for use) above basement and with roof terrace, and associated reduction in car parking requirements. The key elements of the proposal can be summarised as follows:

    Use

24. Use of the land for the purpose of offices, does not require a planning permit.

    Buildings and Works

25. Construction of a four storey building above basement, with a roof top terrace, within the western portion of the site. The building will have a 19.8m wide frontage to Balmain Street and an 18.3m wide rear frontage to the laneway. The building is described as follows:

    Basement Level
    (a) Triple-width car stacker pit and lift pit.

Ground Level

(b) Pedestrian entrance accesses a lobby area including mail boxes, services, and lift and stairwell access; two office tenancies (66m2 and 150.6m2 in area) with frontages to Balmain Street and accommodating a bathroom (with shower), a bicycle hoop and kitchen facility. A triple-width car stacker and an accessible car space accessed via the rear laneway; four visitor bicycle spaces, a rear pedestrian access from the laneway; and bin store (with capacity for 8 x 240ltr bins).

First & Second Levels

(c) Lift and lobby area leading to three separate office tenancies; with tenancy 5 and 8 to be accessed from the approved office building to the east (access issue to be discussed later in assessment). Two of the offices on each level will measure 129m2 with the remaining one measuring 163m2 in area and each with kitchen and bathroom facilities (including showers); and wintergarden (enclosed balcony) along the northern boundary.

Third Level

(d) Lift and lobby area leading to three separate office tenancies; with tenancy 11 to be accessed from the approved office building to the east (access issue to be discussed later in assessment). Two of the offices will measure 102m2 with the remaining one measuring 134m2 in area and each with kitchen and bathroom facilities (including showers); and wintergarden along the northern boundary. Each office will be provided with a 4.2m deep balcony with steel framed pergola over within the front setback from the southern boundary.

Fourth Level

(e) Lift and stair access to a 335.9m2 roof top terrace area constructed to the rear (northern) boundary and setback 4.44m from the front (southern) boundary.

General

(f) The building will result in full site coverage. A 300mm setback from the southern front boundary is accommodated from the ground to second level.

(g) The overall height of the building is 19.375m to the top of the lift core; a maximum height of 12.0m on the Balmain Street frontage; the west, east and north elevation being a maximum height of 16.05m.

(h) The design of the overall building is industrial in style utilising, orange brick banding elements; aluminium-framed grid patterned windows, and textured concrete panel walls.

Car parking reduction

26. For the proposal, the Yarra Planning Scheme requires 49 car parking spaces on site for a total office area of 1400m^2. A total of 9 car spaces are proposed on site, therefore the application seeks a reduction of 40 car spaces.

Planning Scheme Provisions

Zoning

Commercial 2 Zone (C2Z)

27. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for the use of the land for 'office'.

28. Pursuant to Clause 34.02-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.

Overlay

29. No overlays apply to the site.

Particular Provisions

Clause 52.06 - Car Parking

30. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

31. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.

32. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the responsible authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.

33. Pursuant to the table at Clause 52.06-5 of the Scheme an office use requires 3.5 spaces for each 100m^2 of net floor area. The proposal accommodates a total of 1401m^2 of net floor area of office space. Therefore the proposal triggers a requirement of 49 car spaces.

34. The proposal accommodates nine (9) on-site car spaces, therefore a reduction of 40 car spaces is sought as part of this application.

Clause 52.34 – Bicycle Facilities

35. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

36. Pursuant to Clause 52.34-3 an office requires one bike space to each 300m^2 of net floor area if the net floor area exceeds 1,000m^2 for employees; and one visitor space to each 1,000m^2 of net floor area if the net floor area exceeds 1,000m^2. With a nett floor area of 1,400m2, the office building generates a required rate of 5 bicycle spaces. Four visitor bicycle hoops are proposed adjacent to the shared zone in the rear car parking area, with each office provided with a bicycle hoop in the office; with a total of 15 bicycles spaces proposed, in excess of the requirements.

General Provisions

Clause 65 – Decision Guidelines

37. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

State Planning Policy Framework (SPPF)

38. Relevant clauses are as follows:

Clause 15.01-1 – Urban Design

39. 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

40. Policy objective 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.*

41. The strategy to achieve this is to apply the listed strategies to development proposals for non-residential development. The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.

Clause 15.01-4 – Design for safety

42. The objective is: *to improve community safety and encourage neighbourhood design that makes people feel safe.* The clause includes several strategies to achieve this objective.

Clause 15.01-5 – Cultural identity and neighbourhood character

43. The objective is: *to recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 – Sustainable development: Energy and resource efficiency

44. The objective is: *to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

45. The clause has the following strategies:

(a) *Ensure that buildings and subdivision design improves efficiency in energy use.*
(b) *Promote consolidation of urban development and integration of land use and transport.*
(c) *Improve efficiency in energy use through greater use of renewable energy.*
(d) *Support low energy forms of transport such as walking and cycling.*

Clause 17.01-1 – Business

46. The objective is: *to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18.02-2 – Cycling

47. It is an objective: *to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

48. The clause includes several strategies to achieve this objective including to: r*equire the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals*.

Clause 18.02-5 – Car parking

49. The objective is to ensure an adequate supply of car parking that is appropriately designed and located. It is also required to allocate or require land to be set aside for car parking 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. Proposals are also encouraged to facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

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

(a) Clause 21: Municipal Strategic Statement [MSS]; and
(b) Clause 22: Local Planning Policies.

Municipal Strategic Statement

51. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

52. Relevant clauses are as follows:

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.05-2 – Urban design

54. The relevant objectives of this clause are:

(a) To reinforce the existing urban framework of Yarra.
(b) To retain Yarra's identity as a low-rise urban form with pockets of higher development.
(c) To retain, enhance and extend Yarra's fine grain street pattern.
(d) To ensure that new development contributes positively to Yarra's urban fabric.
(e) To encourage the provision of universal access in new development.

Clause 21.05-3 – Built form character

55. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. The general objective of this clause is to maintain and strengthen the identified character of each type of identified built form within Yarra.

Clause 21.06-3 – The road system and parking

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

(a) To reduce the reliance on the private motor car.
(b) To reduce the impact of traffic.
(c) Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.

Clause 21.07 – Environmental sustainability: Ecological Sustainable Development

57. This clause seeks to promote ecologically sustainable development with the following strategies:

    (a) *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 21.08-2 – Burnley, Cremorne, South Richmond

58. This clause provides the following description for the Burnley, Cremorne, South Richmond neighbourhood:

    (a) This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.

59. The subject site is in an area identified as 'non-residential area'. The objective for this area is to improve the interface of development with the street. The subject site is directly opposite the built form character area identified as the 'inner suburban residential' area (to the south).

Relevant Local Policies

60. The following Local Planning Policies are relevant:

Clause 22.05 – Interface Uses Policy

61. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others).

62. The policy has the following objectives:
    (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 – Development Abutting Laneways Policy

63. Pursuant to Clause 22.07 of the Scheme, this policy applies to applications for development that is accessed from a laneway or has a laneway abuttal. The objectives of this policy 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 22.10 – Built Form and Design Policy

64. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

    (a) Setbacks and building heights;
    (b) Street and public space quality;
    (c) Environmental sustainability;

(d) On-site amenity;
(e) Off-site amenity;
(f) Landscaping and fencing; and
(g) Parking, traffic and access.

65. The policy has the following objectives:

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

66. This policy to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. The relevant objective of this policy is to achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.*

Relevant Strategic Document

67. Council adopted the *Swan Street Structure Plan* (Structure Plan) at its Council meeting in December 2013. This Structure Plan is applicable in assessing the subject proposal as the site is within the 'Cremorne Mixed Use' precinct.

68. The intent of the Structure Plan is to be used as a guide for Council in the consideration of planning applications for new development in the area; and will also be used to improve planning controls for the study area. There have been no amendments to the Yarra Planning Scheme since the adoption of this structure plan, therefore the Structure Plan does not form part of the Scheme.

69. The Structure Plan outlines the overall spatial framework for development in the area. Further guidance on the character and form of development within each precinct is outlined in core themes of *land use; built form; access and movement;* and, *public spaces.*

70. Following are relevant extracts from the Structure Plan relevant to the Cremorne area:

(a) The existing context of Cremorne mixed commercial precinct is described as: *an eclectic mix of buildings and land uses. Its strong industrial heritage is juxtaposed with more recent office developments and existing residential uses. The precinct has a strong educational, small to medium size enterprises and arts-based presence which has formed the basis of the emerging character in the area.*
(b) Some of the objectives identified for land use within the Cremorne area are to: *ensure active uses at street level*; and, e*ncourage commercial uses that consolidate the role of the precinct as a business and employment area.*
(c) Strategies outlined to achieve these objectives include: *increase active uses at ground floor level particularly along Cremorne Street, Kelso Street, Stephenson Street and Balmain Street*; and, encouraging *land uses that complement the business activities that activate streets beyond conventional business hours.*

(d) Objectives identified for built form within the Cremorne area include: *reinforce the industrial and commercial building character of the precinct*; and, *promoting development that responds to the diverse character and architectural styles of the precinct's existing built form*.
(e) Relevant strategies outlined to achieve these objectives include: *reinforce the street wall height across the Precinct to create a consistent 10m (3 storeys) built form with visually recessive upper levels within the existing Commercial 2 Zone; buildings should be built to the street edge and extend the full width of the property at lower levels; ensure new development integrates successfully with heritage dwellings; ensure a transition in building heights and scale to the adjoining lower scale residential areas;* and, *provide active frontages to the street.*
(f) The subject site is included within an area where the overall preferred maximum building heights is four (4) storeys, between 13m – 16m.
(g) The Structure Plan also outlines incentives to improve access and movement throughout the area. Objectives include: *improve access to surrounding areas and public transport infrastructure; improve the internal connectivity and local circulation network for pedestrians and cyclists;* and, *manage local traffic with targeted traffic management measures.*

71. Council has also prepared the *Cremorne and Church Street Urban Design Framework* (UDF) that was adopted by Council in September 2007.

Advertising

72. The application was advertised under the provision of section 52 of the *Planning and Environment Act,* 1987 by 237 letters sent to the surrounding owners and occupiers and a sign displayed at the Balmain Street frontage and along the rear laneway. A total of thirteen objections were received, and one submission of support.

73. The issues raised in the objections can be summarised as follows:

(a) Not in keeping with the character due to height and massing; design and materiality;
(b) Amenity impacts (visual bulk; overshadowing; overlooking; increase in noise, waste collection/ delivery issues and lack of control over future office use);
(c) Design is not in accordance with Council's sustainability policies;
(d) Increased traffic generation and lack of on-site car parking;
(e) The development will encourage increased use of ROW; and
(f) The ground floor of the building should be setback further from the Balmain Street footpath.

74. The submission of support considered the proposal makes a positive contribution to the area for its architecture and choice of sympathetic materials.

75. A consultation meeting was held on 25 August 2015 to discuss the proposal and was attended by Council's officers, the applicant and two objectors. No changes have been made to the proposal since this meeting.

Referrals

<u>External</u>

76. There are no relevant external referral authorities required by the Scheme.

<u>Internal</u>

Engineering Services Unit

77. The Engineering Unit have no objection to the application and advise as follows:
(a) Car Parking Provision – Office Use

(b) Engineering comments and observations:

(c) The proposed development comprises the construction of a four-storey office building containing 11 tenancies and eight on-site car parking spaces accommodated in a mechanical stacker device. The site is located on the north side of Balmain Street, between Cubitt Street and Gwynne Street. The surrounding area contains a mix of commercial, educational and residential uses.

(d) Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Size	Statutory Parking Rate	No. of Spaces
Office	11 tenancies ($1,411\ m^2$ in total)	3.5 spaces per $100\ m^2$ of net floor area	49

(e) Since eight on-site spaces will be provided, a reduction of 41 spaces in the car parking requirement is sought.

(f) Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. Nearly all streets in the area surrounding the site contain time based parking restrictions and the supply of on-street unrestricted parking is very limited. On-street all day parking for office employees is not a practical or viable option and the parking restrictions that are in force in the surrounding streets would be a disincentive for employees attempting to drive to the site. Cardno has indicated that a previous parking occupancy study they had conducted in the Cremorne area in July 2013 also confirmed that all-day parking in the vicinity of the subject site was utilised.

(g) It is agreed that the constrained on-street parking conditions in the Cremorne area would reduce the attractiveness and convenience of travelling to the subject site by private motor vehicle. Parking restrictions in the Cremorne area are regularly monitored and enforced by officers from Council's Parking Services unit.

(h) The site has access to a range of public transport services. Although several hundred metres away, tram services along Swan and Church Streets, rail services from Richmond railway station and buses along Punt Road can all be reached by foot.

(i) The development will be providing 15 on-site bicycle parking spaces. According to Cardno, each office tenancy would be provided with a shower. Providing on-site bicycle facilities is seen as a positive step in helping to offset the reduction in the car parking requirement.

(j) From a traffic engineering perspective, the operation of the proposed office and the reduction in the car parking requirement should not adversely impact on existing parking conditions in the area. On-street parking in the Cremorne area during business hours is already close to saturation point and there are very few opportunities, if any, for employees to park on-street. Sustainable forms of transport (public transport, bicycles) would form the bulk of employees' travel modes – a shift that is in line with Council's strategic transport objectives. Engineering Services has no objection to the reduction in the car parking requirement for this site.

(k) Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.

78. *Access Arrangements and Internal Layout*

(a) Car Stacker

(i) The stacker device to be used for the development is a Wöhr Combilift 543-2,0. Each individual stacker platform has a useable width of 2.5 metres and a useable length of 5.5 metres. A check of the technical literature for the stacker indicates that the 'Standard type 543' and 'Comfort type 543' models can accommodate car height clearances of 1.8 metres. This stacker device satisfies the Clause 52.06-8 of the Yarra Planning Scheme's Design standard 4 – Mechanical parking, where at least 25 percent of the mechanical parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.

(ii) The total apron width servicing the car stacker (the distance from the edge of the stacker device to the northern alignment of the Right of Way) is 7.01 metres. The swept path diagrams provided by Cardno for access and egress into the individual stacker platforms are considered satisfactory.

(b) Disabled Parking Space

(i) The dimensions of the disabled parking space and associated shared area have been designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.6:2009.

(ii) A 300 mm clearance has been provided to the space where is abuts a wall as per the Australian/New Zealand Standard AS/NZS 2890.1:2004.

(c) Concrete Apron abutting Right of Way

(i) The finished floor levels along the edge of the concrete apron must be set 40 mm higher than the edge of the Right of Way pavement – Council infrastructure requirement.

79. *Capital Works Programme*

(a) 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.

80. *Building Works and Impact on Council Road Assets*

(a) The construction of the new building, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site. No Stopping restrictions operating along the development's road frontage in Balmain Street would result in the development being constructed from the Right of Way at the rear.

(b) It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for employees and visitors of the site.

81. *Engineering Conditions*

(a) Balmain Street Civil Works

(i) All pedestrian access to the development frontage in Balmain St must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

(ii) The redundant vehicle crossing at the property's Balmain Street frontage must be demolished and reinstated with concrete footpath, kerb and channel to Council's satisfaction and the developer's cost.

(iii) Upon the completion of all building works and connections for underground utility services, the concrete footpath and kerb and channel immediately outside the property's Balmain Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.

82. *Right of Way Civil Works*

(a) Upon the completion of all building works and connections for underground utilities, the Right of Way at the rear of the property between Gwynne Street and Cubitt Street must be reconstructed in bluestone to Council standard and satisfaction at the developer's expense as per the Council Standard Drawings and the Council Infrastructure Road Materials Policy 2015.

83. *Pedestrian Access*

(a) Prior to the endorsement of the plans, levels need to be checked and confirmed by the developer to ensure that pedestrian access to the development frontage in Balmain Street must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

84. *Road Asset Protection*
   (a) 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 should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.
   (b) 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.

85. Council's traffic engineer's comments incorrectly stipulate that 8 car spaces are proposed when 9 are proposed. This issue was discussed with the engineers who indicated they were satisfied with the proposed reduction, particularly given an additional space is provided.

Urban Design

86. Council's Urban Design unit generally support the proposal as follows:

   (a) General comments
      (i) This application forms the second stage of a previously approved application for the eastern end of the subject site (PLN13/0787). The design of this stage reflects the approach taken in stage 1 and is generally supported. Therefore, limited comments have been provided below.

   (b) Built form and massing
      (i) The built form and massing are generally acceptable.

   (c) Building layout and interface
      (i) The building layout and interface are generally acceptable. However, consideration should be given to the vertical sliding shutters and entry from the laneway. The approved stage 1 proposal is built to the property boundary while the current application proposes a setback of approximately 1.2m. It is unclear why this setback is required? A continuously aligned frontage should be provided to the laneway which would improve safety by removing blind corners.

   (d) Facade Design and streetscape fit
      (i) The façade design and streetscape fit are generally acceptable and there are clear references to the built fabric of the Cremorne area.

   (e) West Elevation
      (i) The provision of glazing along the third floor of the west elevation is not supported. Given the potential for future development of the abutting property, this does not result in an equitable development outcome. While there is a short term benefit of additional daylighting and outlook, future development of the abutting property will likely result in a significant impact on this amenity. It should also be noted that this approach was not supported for the east elevation of stage 1.

   (f) Material and colour

(i) *The material and colour are generally acceptable. However, the proposed material above the fire booster on the south elevation is unclear. Drawing TP21 only makes reference to 'PF1 PAINT FINISH; COLOUR - DARK GREY', there is no reference to the proposed material. Given the consistent use of brick finish on the south elevation it would be preferable to see this material treatment used above the fire booster.*

(g) Internal/external amenity

(i) *The internal/external amenity is generally acceptable.*

Environmental Sustainable Design (ESD)

87. The application was referred to Council's ESD Advisor who provided the following comments:

88. Applicant ESD Commitments
(a) *Use of wintergardens to the north façade*
(b) *Natural cross flow ventilation from north to south*
(c) *Bicycle parking spaces*
(d) *Rainwater tanks for toilet flushing and landscaping*
(e) *Post occupancy evaluation*

89. Application ESD Deficiencies
(a) *Provide a Sustainable Management Plan (SMP) which will explain how the proposed development responds to sustainable design in detail. The SMP should response to the 10 key sustainable design categories and provide benchmarks (minimum standards) to compare the performance of the development. A design tool such as BESS (Built Environment Sustainability Scorecard) should be used to assist with the benchmarking process. BESS can be accessed at www.bess.net.au*
(b) *Demonstrate how the proposed development exceeds minimum requirements for daylight and ventilation.*
(c) *Demonstrate how the proposed development will exceed minimum requirements for energy efficiency (section J) by at least 10%. BESS will award developments which exceed minimum requirements by 10% or more.*
(d) *Provide information for proposed WELS ratings and other water efficient features of the development. The 'ESD Study' indicates water tanks will be used to irrigate plants on the roof terrace however the plans show little detail for the layout on the roof terrace.*
(e) *Provide a STORM report which demonstrates that the proposed design can achieve a minimum STORM rating of 100%. Provide supporting information on the town planning drawings which demonstrate how the STORM report inputs and calculations are evaluated.*
(f) *Provide information in regards to the number of bicycle parking spaces for occupants and visitors which exceeds minimum planning scheme requirements. Ensure this information is updated on the planning drawings.*

90. Outstanding Information and ESD Improvement Opportunities:
(a) *Council recommends providing external shading devices to the north facing wintergardens. The unwanted heat gains during summer will increase internal heat loads and therefore require increased air-conditioning for occupant comfort. Providing external shading devices will holistically complete the winter garden passive design strategy.*
(b) *Consider installing gas boosted solar hot water systems.*
(c) *Consider providing a solar PV system to supplement common area energy useage.*
(d) *Provide bicycle parking spaces for at least 10% of the total number of building occupants.*

(e) *Demonstrate how proposed amenities can accommodate suitable change area facilities for occupants who will ride bikes or run to work. More information on transport (and the other key 10 sustainable building categories) can be found at www.yarracity.vic.gov.au/planning--building/Environmentally-Sustainable Design/tenkeysustainable-building-categories/ - transport*

(f) *As a post occupancy building evaluation is proposed to be done, commit to submitting the outcomes to council as per the following condition:*

(i) *Prior to the occupation of any building approved under this permit, a report from the author of the Sustainable Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved Plan.*

91. As part of the final assessment, 15 bicycle spaces were noted on the plans, contrary to the ESD advice that indicated that no spaces were proposed. This issue was raised with the ESD officer who indicated that the proposed 15 bicycle spaces are satisfactory.

OFFICER ASSESSMENT

92. The primary considerations for this application are as follows:
(a) Strategic justification;
(b) Built form;
(c) On-site amenity;
(d) Off-site amenity impacts;
(e) Traffic, access, and car parking reduction;
(f) Objector concerns; and
(g) Other matters.

Strategic justification

93. The officer's assessment in PLN13/0787 remains relevant, as follows (in italics):

94. *The subject site is located within a Commercial 2 Zone (C2Z) that encourages commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. An office use does not require a planning permit in the C2Z, however the construction of a building does require a permit in the zone.*

95. *State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport as this ensures efficient use of existing infrastructure. Council's Swan Street Structure Plan provides further specific guidance for the preferred direction for land use and development of the Swan Street Major Activity Centre (MAC) and the surrounding land, which reinforces current State and Local policy to increase the number and diversity of employment opportunities within and around activity centres.*

96. *The application proposes the construction of a four storey office building on a site that is currently underutilised as a car park in an area zoned for commercial purposes, and identified in the Swan Street Structure Plan as a mixed commercial precinct. The proposal is consistent with the purpose of the zone and strategic incentives for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities.*

97. *Furthermore, the site is well connected to existing public transport infrastructure being train and tram, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicle, as encouraged by clauses 18.02; 212.06-3; and 21.07.*

98. *In a strategic sense the proposal to construct a multi-storey office building is consistent with the relevant State (clause 11.02-3) and Local (clause 21.04-3) policies; the Swan Street Structure Plan that has been prepared by Council as a result of clause 11.02-3; and, the purpose of the Commercial 2 Zone.*

Built form

99. As there has been no change to the zoning or to the planning controls in the area, and the proposal uses the same height and design language as that already approved, the officer's assessment for PLN13/0787 continues to be relevant. As such the following extracts (in italics) have been taken from the previous report:

100. *The relevant permit trigger for the development is the Commercial 2 Zone, and the primary considerations for the proposed development are the decision guidelines at clause 34.02-7. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at clauses 15.01-2 (Urban design principles); 21.05 (Urban design); 22.05 (Interface uses policy); 22.07 (Development abutting laneways); 22.10 (Built form and design policy); and the Structure Plan.*

101. *These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be had to the acceptability of the design in terms of height and massing, street setbacks, relationship to adjoining buildings, and existing context.*

102. *With particular reference to the LPPF, the MSS establishes a townscape vision for Yarra as having a distinctive identity as a low-rise urban form punctuated by areas of higher development. The Structure Plan identifies the existing context of the Cremorne area as an eclectic mix of built form and land uses.*

103. *Consideration of the built form and design will be assessed under the following applicable headings of Clause 15.01-2 of the Scheme which incorporates several relevant LPPF objectives.*

Context

104. *In order to understand the site and its context, Clause 21.08 of the Scheme describes the built form character of specific neighbourhoods. Relevant to this section of Cremorne, Clause 21.08-2 of the Scheme identifies the character of the subject site as 'non-residential area'. The objective for this area is to improve the interface of development with the street. The subject site is directly opposite the built form character area identified as the 'inner suburban residential' area; while the Structure Plan also encourages the activation of the street frontage for several streets in Cremorne including Balmain Street.*

105. *The existing neighbourhood character of the surrounding area is a mix of building sizes and heights varying between single to triple storey buildings on narrow allotments, and larger commercial and educational buildings industrial in design including hard edged forms built to street frontages. The direct interfaces to the subject site include blank walls of single and three storey dwellings, and single and two storey dwellings on the opposite side of Balmain Street. The dwellings to the east of the site accommodate shallow front setbacks with landscaping and front verandahs, and the dwellings to the west of the site are constructed to the street boundary. The residential properties opposite the site have consistent shallow front setbacks with minimal landscaping and verandahs within these setbacks.*

106. *The proposed four storey building with roof terrace will be taller than the buildings immediately interfacing the site, however is not at odds with existing building heights and forms within the surrounding area. Furthermore, the height is generally consistent with the strategic direction as identified in the Structure Plan.*

107. *Given the site's commercial zoning it is expected to have higher built form than the residential zoning to the south, especially if development is to achieve State and Local strategic policy of increased development and employment opportunities near activity centres and close to public transport modes.*

Height, scale and massing of the development

108. *It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.*

109. *The Scheme and Structure Plan provide guidance to assist in determining whether the proposed four storey height is acceptable within the site context. In relation to the SPPF, building heights are best derived from specific design objectives; the aspirations for urban consolidation; and issues of minimising adverse off-site amenity impacts, rather than outlining arbitrary height limits. The SPPF specifically directs higher density development in or near activity centres and areas with good access to public transport and services.*

110. *Clause 22.10-3.3 encourages the height of new development respond to the existing urban context. This policy recommends that the maximum building height for the portion of the new development between the primary setback and the secondary setback should not exceed the height of the higher of the two adjacent buildings unless the height is specified in any relevant policy or schedule set out under this Scheme; and/or, the development is in an area where it is appropriate and practicable to establish a distinctly different new character in order to achieve planning objectives.*

111. *Clause 22.07 (Development Abutting Laneways) encourages development along a laneway to respect the scale of surrounding built form and Clause 22.10-3.3 states that new development that abuts a laneway should not exceed two storeys.*

112. *The proposed four storeys with roof top terrace will be taller than the abutting single storey dwelling to the east; and the three storey dwelling to the west, and the residential properties opposite the site along the southern side of Balmain Street. However, in principal the four storey height is considered acceptable as it is consistent with the strategic direction for the area as outlined in the Structure Plan.*

113. The stairwell access results in a maximum height of 17.7m setback 7.82m from Balmain Street and the lift shaft is a maximum height of 19.375m setback 15.5m from Balmain Street. At approximately 3m wide; and given the substantial setback combined with the narrow width of Balmain Street, this element will be recessive and not a dominant feature of the building.

114. Council's Urban Design Unit advised that the proposed height and massing of the development is acceptable within the existing context and given the approved development to the east of the site. The scale of the development along the laneway is also deemed acceptable as the site to the north will likely be developed in the future, and four storeys to the laneway is already established.

115. The Swan Structure Plan includes preferred building heights for the different precincts in the structure plan area. The preferred building height for the subject site is a three storey street façade height (10m) with recessed upper levels up to four storeys (between 13m – 16m).

116. The proposed three storey street wall height is 12m, however the building does present as three storeys to the street, as per the approved development to the east of the site. The height to the top of the fourth level parapet wall is 16.05m with this element being setback 4.4m from Balmain Street; and constructed to the rear boundary with the laneway, which is generally consistent with the recommended maximum height of 16m as outlined in the Structure Plan.

117. Objectors have raised concerns that the proposed building height will be out of character. As discussed earlier in the background section, an almost identical development has been approved on the eastern portion of the site at the direction of VCAT. The VCAT order aconsidered the building height and resolved that it was appropriate in *Pulitano v Yarra CC [2014] VCAT P761/2014 (3 October 2014*) at paragraphs:

> [23] *I now return to the height of the building. Respondents had the impression that the height of the building is not acceptable because it does not comply with the heights specified in the Swan Street Structure Plan. As commented at the hearing, this plan is not part of the Scheme. It is the strategic work that Council has conducted which may form the basis of a future planning scheme amendment…..*
>
> [25] *Under this plan, the site is in Precinct 4 where the maximum height is nominated as 13-16 metres with low street wall. These heights are comparable to a four storey building, depending on whether it is a domestic or commercial building, the latter of which has higher floor to ceiling heights.*
>
> [30] …*The proposed building presents as a four storey building. Its scale is consistent with the intention of allowing a building mass of four storeys and in increasing employment opportunity in the area. It is not out of place with the size and scale of development intended for the area.*

118. Given this clear direction offered by the Tribunal on height, and that the office proposed as part of this current application matches the height of the approved building, support is recommended for the proposed building height.

119. Council's Urban Design Unit raised concerns with the fourth level west-facing windows (setback 436mm). This was raised with the applicant who is aware of the limitations (particularly as they are the same applicant as that approved on the eastern site).

120. However, future development of the adjoining property to the west should be acceptable as this level is limited to one tenancy of 134m2 and therefore has access to alternative light sources to the north (laneway) and south (balcony). Therefore should the building to the west be extended, the alternative light sources to the north and south would still provide adequate daylight to this level.

121. In addition and as stated in the previous officer report for PLN13/0787, the provision of the windows to the western elevation breaks up the solidity of this elevation and reduces the visual bulk, as well as reflecting existing window design of built form within the area.

> *The Public Realm*
> *(a) the public realm, which includes main pedestrian spaces, streets squares, parks and walkways, should be protected and enhanced.*

122. The interface to Balmain Street and the extensive glazing to the southern and northern elevations will assist in passive surveillance and activation of both Balmain Street and the laneway. This outcome is encouraged within commercial areas and within the zone (decision guidelines) at clause 34.02-7.

123. Objectors raised concerns that the footpath to Balmain Street should be widened to improve pedestrian safety in the public realm. The VCAT order at the site also considered the issue and resolved this was inappropriate in *Pulitano v Yarra CC [2014] VCAT P761/2014 (3 October 2014*) at paragraphs:

    [33] *The remaining design modification is to setback the ground floor by 1.5 metres….*

    [38] *Commercial buildings in the area generally have zero street setback. Graphics in the Swan Street Structure Plan also showed zero setback. Building to the front boundary is common for commercial buildings.*

    [36] *Balmain Street is relatively narrow. Traffic speed should be relatively slow. If a substandard footpath is the cause of pedestrian hazards, many parts of Yarra are in the same situation, and would have been addressed by Council's traffic engineer as manager of its road system, or a structure Plan. In addition, if this logic prevails, there can be no development of the intensity contemplated in the zone.*

    [39] *In practical terms, such a setback, being south facing, can only cause maintenance and visual problems, as it tends to become a depository for rubbish, windblown or dumped. The 1.5 metre setback of the ground floor is not warranted.*

    Landmarks, Views and Vistas

    (a) landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

124. The proposed development does not compete with any identified landmark buildings or structures.

    Pedestrian Spaces

    (a) design of the interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows and architectural detailing, should enhance the visual and social experience of the observer.

125. The building provides extensive glazing to the north and south which reflects industrial buildings within the area. This is a positive outcome as it activates what could otherwise be a very bland interface, and allows for passive surveillance with the street, as encouraged by the commercial zone at clause 34.02-7 and by the Structure Plan.

126. Council's Urban Design Unit raised concerns with the proposed 1.2m setback to the rear laneway stating that a continuously aligned frontage at the laneway boundary would be preferable to improve safety by removing blind corners. However, the applicant has indicated that the recess has been incorporated into the design to facilitate vehicle movements in the rear laneway. As vehicles can access the rear lane from both Cubitt Street and Gwynne Street, vehicles are required to reverse from the laneway to allow a vehicle travelling in the opposite direction out of the lane.

127. The recess allows for more efficient vehicle movements in the laneways and is long enough (at 18.83m) to not allow for easy concealment (unlike a more residential width of 1-2m for pedestrian access). Further the extent of passive surveillance to the laneway from the glazed walls above would further discourage anti-social behaviour in the laneway. Given this, and that Council's traffic engineers have not raised concern with the proposed position of the garage door, the recess from the rear laneway is considered acceptable.

    Consolidation of Sites and Empty Sites

    (a) new development should contribute to the "complexity" and diversity of the built environment;

    (b) site consolidation should not result in street frontages that are out of keeping with the "complexity" and "rhythm" of existing streetscapes; and

(c) the development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.

128. As stated in the previous officer's report for PLN13/0787: *The subject site is under-utilised land that currently interrupts the rhythm of built form along northern side of Balmain Street where there is a mix of building heights and hard edged development to the street boundary. The proposal will improve the existing conditions by partially filling in an essentially vacant site with a purpose built office building that will add to the eclectic mix of built form in the surrounding area and also providing increased employment in the area.*

Light and Shade

(a) enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade; and

(b) this balance should not be compromised by undesirable overshadowing or exposure to the sun.

129. As noted in the previous officer's report: *Due to the north-south orientation of the site the development will result in overshadowing to the roadway of Balmain Street, including the footpath along the southern side of Balmain Street. The overshadowing plans indicate shadows will encroach into the front setback of the residential properties along the southern side of Balmain Street. However the extent of shading cast by the development onto these properties is not likely to be more than the shadows cast by the existing front fences of these dwellings.*

130. *The subject site is located in an inner-urban location and some degree of overshadowing is inevitable. However the proposed development will not affect the usability of the public realm and the amount of overshadowing is considered to be reasonable.*

Energy and Resource Efficiency

(a) all building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.

131. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances; and provision of water tanks to reticulate stormwater in the toilet facilities. However, the plans do not note the location of water tanks nor was a written response to clause 22.13 (*Stormwater Management*) to ensure a minimum of 100% STORM rating can be achieved. A condition will address this (in compliance with advice from Council's ESD officer).

132. Similarly the submitted ESD report does not detail how compliance will be achieved with energy rating requirements. In line with Council's ESD officer advice, a condition will require that a detailed Sustainable Design Management Plan is submitted and that the report addresses demonstrate how the proposed development will exceed minimum requirements for energy efficiency (section J) by at least 10%. This will also allow for solar photovoltaic provision to be addressed as recommended by Council's ESD officer. The applicant is accepting of a condition to this effect. Council's ESD officer is also satisfied with the provision of 15 on-site bicycle spaces.

133. Council's ESD officer also requested that the applicant demonstrate that the development will achieve minimum requirements for daylight and ventilation. However given the large extent of north and south-facing windows to each office and each provided with numerous small operable windows and operable doors to all terrace areas, it is considered the proposal will achieve reasonable access to daylight and ventilation.

134. Council's ESD officer also requested that a change room be provided for people who cycle or run to work. However given the toilet for each office is provided with a shower, this is considered adequate to suit the needs of those who might cycle or run to work. Council's ESD officer also requested that a post development report is provided to demonstrate that all ESD commitments have been carried out. However, Council's Community Amenity Team are responsible for enforcing any breaches of permit conditions, and so it is not considered warranted to require this report.

135. Council's ESD officer also requested that further shading be provided to the north-facing winter gardens. However, as these gardens are shaded by the subsequent floors and roof terrace above, it is not considered necessary to require this. Subject to a condition requiring a Sustainability Management Plan to address storm water and energy efficiency issues, the development is considered to achieve a reasonable level of compliance with the objectives of this policy.

Site Coverage

136. The proposal occupies approximately two thirds of the overall site identified as No's 33 – 41 Balmain Street. However combined with the approved development on the eastern portion of the site, built form covers 100%. Full site coverage is consistent with the commercial/industrial zone and the area generally which contains hard-edged built form with little or no areas of open space or landscaping.

Architectural Quality

(a) new development should aspire to the high standards in architecture and urban design; and

(b) any rooftop plant, lift over-runs, service entries, communication devices and other technical equipment should be treated as part of the overall design.

137. In terms of built form, the proposal creates an on-street facade wall of three storeys to Balmain Street with the fourth level setback from the street that will accommodate a balcony. The fourth level of the building will be a recessive element overall.

138. The extensive glazing of the façade with the brick and concrete banding elements to the front façade is identical to that of the approved development to the east, and also reflects other industrial buildings in the area. Further Council's Urban Design Unit have supported the application. However it was suggested that the rendered panel above the ground floor fire-booster cupboard on the facade be replaced with a brick finish to match the remainder of the brickwork on the façade.

139. The applicant has indicated that the dark plain render was selected to mute and disguise the fire-booster cupboard. By extending the red brick to the top of the cupboard this would draw attention to the utility installation on the façade, and would interrupt the horizontal brick banding theme across the façade. This concern was discussed with the applicant who was agreeable to a condition requiring a more visually interesting finish be adopted instead of the plain render, to improve the visual presentation of this portion of the façade.

140. The proposed design is considered an appropriate architectural response within the commercial context of the site.

<u>Waste management and deliveries</u>

141. The plans detail the location of service facilities, including the bin storage areas (accommodating 8 x 240ltr bins), and service infrastructure throughout the various levels of the building. A Waste Management Plan (WMP) has not been submitted with the application. A condition will require a WWP is provided to ensure waste collection will be efficiently managed at the site.

142. Objectors have raised concerns that rubbish collection trucks and deliveries will block access to Balmain Street and the rear lane. However, it is unreasonable to suggest that the office should not be permitted to undertake rubbish collection and deliveries from this location, particularly given the commercial zoning of the land. The WMP will include details which will need to be to the satisfaction of Council.

143. Further, typically rubbish trucks will only stop for short periods of time, and so should not unreasonably interfere with traffic flow. Finally Balmain Street is approximately 6m wide, which allows vehicles to overtake waste collection truck when waste is being collected. However, as bins are located to the rear of the building and given the narrow footpath, it is expected that loading will be from the laneway. Further any deliveries are likely to be undertaken from the rear as smaller vans are typically used for office supply delivery that could access the rear lane.

144. As only 6 other properties back onto the laneway and given the short length of the laneway, residents will be able to easily gain access to their properties while deliveries are being undertaken from either the Gywnne Street or Cubitt Street entrances to the laneway. Further, a reduction in the loading bay requirements is not required in this instance.

145. Finally, the purpose of laneways in the area is to allow for rear access to dwellings and businesses. Thus it is considered unreasonable to prohibit deliveries from laneways constructed for this purpose, particularly given the zoning of the land facilitates and encourages commercial uses.

On-Site Amenity

146. As stated in the previous report for PLN13/0787: *In accordance with the design objectives of the On-site Amenity outlined in Clause 22.10, the office building has been designed to accommodate including kitchens, bathrooms, and shower facilities for future users. In addition, the design incorporates several openings to the north and south elevations, including winter gardens, allowing daylight/solar access and ventilation.*

147. *The provision of a substantial balcony at the fourth level as well as a roof-top terrace, allows for adequate outdoor space for users of the building further enhancing the amenity of the office space. The proposed design response and full site coverage negates any landscaping or fencing provision at ground level, which is appropriate within the commercially zoned site context. Further the development proposes enclosed car parking spaces and bicycle parking, providing adequate security measures for future users.*

Off-site amenity

148. The previous officer's considerations under PLN13/0787 remain relevant as follows (in italics): *The policy framework for external amenity considerations is contained within 22.10-3.8 (Off-site amenity) and 22.05 (Interface uses policy). The following is a consideration of external amenity impacts.*

149. *The proposal is located within a Commercial 2 Zone, albeit abutting residential properties to the east and west; and opposite a Residential 1 Zone along the southern side of Balmain Street. Given the site's location within the commercial area and an area identified strategically for further intensive commercial development, the amenity expectations afforded to residential zones cannot be as strictly applied to dwellings in commercial areas. Notwithstanding this, maintaining reasonable levels of amenity for existing uses must be considered.*

150. *Clause 22.10-3.8 (Off-Site Amenity) outlines objectives and decision guidelines for considering whether a development has adequate regard to the site's context and surrounding pattern of development. Following is an assessment of the development against the potential off-site amenity impacts.*

151. *Residential properties located within commercially zoned areas do not have the same level of protection as dwellings within a residential zoned area. This issue has been discussed in many Tribunal decisions, particularly with regard to the Business 3 zoning that applied to much of Cremorne prior to the introduction of the new Commercial zones. For example, the Tribunal member states in Huczek v Yarra CC [1999] VCAT 45 (31 August 1999) at paragraph:*

    [97] *Neither the zone purpose, nor the decision guidelines, indicate an intention that residential amenity should be an issue in this zone, or residential standards of amenity applied within it.*

152. *And further:*

    [108] *It is not for the Tribunal to refuse a commercial development which complies with the zone requirements in a "Business" zone on the basis that if residential standards of amenity are applied, it would have an adverse impact on a non-conforming residential use. Such assertions would render the planning controls unwieldily, cumbersome and unpredictable, and would lead to a reduction in confidence in those particular planning controls.*

Visual bulk, Overshadowing and loss of light to surrounding properties

153. The previous officer's considerations under PLN13/0787 remain relevant as follows (in italics): *While the proposal will be the tallest building within this section of Balmain Street between Gwynne and Cubitt Streets, it will be similar in height to nearby built form within the wider precinct. Clause 22.10-3.8 includes design objectives and guidelines to ensure development does not result in unreasonable impacts by way of visual bulk, overshadowing and loss of light to surrounding properties. The proposal will not overshadow secluded private open spaces or impact daylight or solar access window's or the private open space to the residential properties to the south or east of the site given the adequate setbacks from these residential properties.* The most sensitive interface to the subject site is the abutting residential/office property adjoining the site to the west.

154. The construction of a three storey on-boundary wall with the fourth level setback 120mm to 436mm from the western boundary is considered acceptable in an area identified for intensive commercial development. In addition, the proposal reflects that already approved. The western elevation will be finished with a textured concrete, with the fourth level containing significant solid to glazed ratio that breaks up the elevation. The overall visual impact of this elevation is therefore lessened when viewed from western properties and the public realm.

155. The property to the west has a commercial office, kitchen and dining area and carport at ground floor with a 2.7m wide open space area to the rear of carport. First floor comprises a tv room, bathroom, mezzanine bedroom and master-bedroom with small balcony to the rear. As discussed in the background section, planning permit PLN14/0219 at No. 31 Balmain Street issued on 5 May 2015 at the direction of VCAT for *buildings and works for extension of dwelling with existing use rights including a roof top terrace*. This permit allowed for the construction of a roof top terrace with part of the terrace being an enclosed and roofed indoor/outdoor area and approval to increase the size of the master-bedroom balcony. Given this building already measures an average of 8.5m in height and with the approval allowing for further rooftop development to a height of 9.65m, the height differentiation between the two buildings is considered reasonable, reducing visual bulk and providing an appropriate transition.

156. There is a 2.7m wide ground floor private open space area to the rear of the adjoining dwelling to the west, with the boundary wall proposed to abut this area. However, in line with Council's strategic incentives for development of commercial areas it is inevitable that this outlook will be built out. Further, given the ground floor of this property has a carport at the rear of the building, with the open space to the rear of the carport, the open space does not offer high level of amenity as it does not have direct access from a living area.

157. The property has a supplementary balcony to the rear at first floor, and given the north-facing aspect of both of these open space areas, it is considered that the open space will not be detrimentally affected by shadow. The ground floor open space is also significantly overshadowed in the morning period by its 2.5m high northern roller door and eastern boundary wall (approx. 90% shadow); and the balcony is substantially shaded by its own 6.9m high wing wall. With additional shadow as result of the proposed western wall of the subject site having moved off this site by noon, it is considered these existing open space areas will not be detrimentally affected by shadow, particularly given the recent approval for the roof terrace which will be used as the principal open space area and the second level balcony to be increased in size. The terrace will not be detrimentally affected given its northern orientation will allow it to be in full sun from noon and throughout the afternoon.

158. For these reasons, the proposal is considered an appropriate response to the context of the site, taking into account the commercial zoning and relevant policies.

Overlooking

159. Clause 22.10-3.8 of the Scheme provides guidance to assess overlooking of surrounding properties. Policy recommends screening of windows or balconies that have views to secluded private open space (SPOS) or habitable room windows within 9m measured within a 45 degree arc from the edge of a proposed window or balcony.

160. The secluded private open space of the residential properties along the southern side of Balmain Street are more than 9m from the site, and the built form of these properties will block views to the SPOS that is situated to the south of the dwellings. The residential property to the east of the site is over 9m from the edge of the roof terrace and therefore is also outside the viewing threshold.

161. The secluded private open spaces of the dwellings to the west are within 9m of the edge of the roof terrace. Insufficient information has been provided to demonstrate whether these will be overlooked by the proposed roof terrace. A condition will address this. The wing walls to the north-facing winter gardens will adequately prevent overlooking to these neighbouring western private open spaces.

Noise

162. As stated in the previous report for PLN13/0787: *In transitional or interface areas where there are often points of conflict between different uses, there is a need to maintain the viability of commercial areas and to also maintain a reasonable level of amenity for existing residents. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.*

163. *The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the use for office. Furthermore, the majority of the office space is enclosed and the majority of the use will be conducted indoors. The south-facing balcony at the fourth level and roof terrace are the likely areas where noise may emanate from, however as the office use does not require a planning permit, there is no further control that can be applied.*

164. Further the VCAT order also considered the noise issues in *Pulitano v Yarra CC [2014] VCAT P761/2014 (3 October 2014*) at paragraphs:

[16] *The site is in a Commercial 2 Zone where an office use is as-of-right. No permit is required for the use….*

[17] *As far as noise is concerned, an office use is generally less problematic than many other non-residential uses permissible in a residential zone, such as eat and drink premises, places of assembly or a place of worship which is as-of-right in the General Residential Zone.*

[18] *Noise is usually dealt with by EPA guidelines. If noise from a Christmas party of a nearby warehouse is deemed excessive, the remedy is these guidelines. It is unreasonable to expect the same level of residential amenity in an area where commercial or industrial uses are the preferred use. To restrict activities for an as of right use is tantamount to saying a dwelling, an as-of-right use in a standard residential zone, must not have special occasions such as 21st birthdays, weddings, or festivals, for fear of noise nuisance when there is a separate mechanism to deal with the nuisance.*

165. The operation of services and plant equipment must comply with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1). A standard condition will be included to this effect.

Traffic, access, and car parking reduction

166. Pursuant to the table at Clause 52.06-5 of the Scheme an office use requires 3.5 spaces for each 100m^2 of net floor area. The proposal accommodates a total of 1401m^2 of net floor area of office space. Therefore the proposal triggers a requirement of 49 car spaces.

167. The proposal accommodates nine (9) on-site car spaces, therefore a reduction of 40 car spaces is sought as part of this application.

168. A traffic assessment report prepared by Cardno (dated 3 June 2015) undertook an assessment of the travel options available in the surrounding area; and reviewed the adequacy of the on-site car parking provisions and access to these spaces.

169. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the responsible authority that the provision of car parking is justified having regard to an assessment requirements of Clause 52.06-6. A car parking reduction is considered to be justified in this instance for the following reasons:

Car parking demand, availability of public transport in the locality and convenient access.

170. The site is conveniently located to alternative modes of public and more sustainable modes of transport, including buses along Punt Road 400m to the west and trams and railways stations between 500m and 800m from the site. In addition, the provision of car spaces in accordance with the rates of Clause 52.06 and in accordance with the expectation of surrounding occupiers would increase the traffic generation and congestion in the area, and would also not be possible to accommodate on-site.

171. The site is located within a constrained parking area. This leaves workers with no choice but to utilise alternative modes of transport rather than relying on the car. The proposal provides adequate space to accommodate on-site bike parking, thereby encouraging alternative transport modes. Given the site's inner city location and its inability to provide any on-site car parking combined with the nature of the proposed use requiring long-term car parking, it is likely that employees will use alternate methods to travel to and from work. Further given the limited size of each of the office tenancies it is expected that each tenancy will not accommodate large numbers of employees.

The availability of car parking in the surrounding area, traffic and local amenity

172. The applicant provided a car parking assessment report, prepared by Cardno. The report included an on-street car parking survey of all-day car parking available surrounding streets. The report found that of the 158 spaces available, 156 and 157 of them were occupied during the survey times.

173. Council's Engineering Services Unit indicated that the existing capacity for on-street car spaces is very low, (as supported in the Cardo report findings) and stated that based on their local knowledge, parking availability is very finite, particularly during the day when visitors to the businesses in the area generate large demand for on-street car parking. However, Council's Traffic Engineers did not object to the proposal given the site's proximity to public transport services and taxi services, stating the lack of convenient long-term car parking within the area will discourage car dependant travel and encourage alternative modes of transport. It is also considered that the development will not generate unreasonable levels of traffic in the area, given that only 9 vehicles will access the site during the day.

174. As assessed under PLN13/0787: *Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking at unconstrained demand rates, as set out in the Scheme, will not provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme; and, is further ingrained in policy objectives as outlined in the Structure Plan.*

175. *Car parking provision will be by mechanical car stackers. An assessment of the proposal against the design standards of clause 52.06 indicates that applicable standards are satisfied. Overall, the stacker arrangement and accessible space for this site is considered satisfactory and has been supported by Council's Engineers.*

176. *Access to the on-site car parking is via the rear laneway, which is encouraged by Clause 22.07 of the Scheme. The design of the interface with the laneway is acceptable as currently the character of the lane is defined by an open car park along the northern side of the lane, and the rear fencing of the dwellings along the southern side of the lane.*

177. Council engineers have requested that the finished floor levels along the edge of the vehicle concrete apron of must be set 40 mm higher than the edge of the ROW pavement. A condition will address this. The engineers have also requested the redundant crossover to Balmain Street be reinstated as footpath and that the footpath is appropriately graded to the pedestrian entry's. Further requested conditions include a Construction Management Plan be submitted along with a condition requiring any damage to Council infrastructure be re-instated. The engineers have also requested that the rear laneway be reconstructed on completion of the development. This is considered onerous given the number of properties which utilise this laneway, particularly as a condition will require that any damage to Council infrastructure is repaired (which includes the rear laneway).

Objector Concerns

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

Not in keeping with the character due to its height; massing; design and materiality;

179. Discussed at paragraphs 99 -130.

Amenity impacts (visual bulk, overshadowing, overlooking, increase in noise, waste collection/ delivery issues and lack of control over future office use);

180. These issues have been discussed at paragraphs 94, 141-145; 148-165 and 164 -165.

Design is not in accordance with Council's sustainability policies;

181. Discussed at paragraphs 131-135.

Increased traffic generation and lack of on-site car parking;

182. Discussed at paragraphs 170 -177.

The development will encourage increased use of ROW.

183. The purpose of the laneway is to provide vehicular access to properties. The proposal accommodates nine car spaces on site, which is not a significant number of car spaces. Therefore the use of the laneway for vehicular access to the site, which it currently does, is acceptable as this is the purpose of the lane. Further the recessed area provided at the rear of the site allows for passing vehicles in the lane and so will improve the efficiency of the laneway.

The ground floor of the building should be setback further from the Balmain Street footpath.

184. As discussed at paragraphs 123, given this clear direction offered by the Tribunal and as this has not been recommended by either Council's engineers or Urban Design Units, it is not considered appropriate to require the building is further setback from Balmain Street footpath edge.

Other matters

185. As mentioned is the *Proposal* section, offices No's 5, 8 and 10 are reliant for access on the stair and lift in the building approved under planning permit PLN13/0787. To address this, conditions will require that the current application is updated to include the development approved under PLN13/0787 and thus address the issue of access. A further condition will require that planning permit PLN13/0787 is cancelled prior to commencement of this development to ensure that this permit is not acted upon separately. In addition the floor plans as "dotted in" do not exactly match those already endorsed under the permit PLN13/0787. Conditions will require this is corrected. The applicant is agreeable to conditions to this effect.

Conclusion

186. Given a balanced assessment of the relevant policies of the Yarra Planning Scheme, the proposed development is considered to demonstrate a reasonable level of compliance with the relevant policies and objectives contained within the State and Local Planning Policy Framework and the strategic incentives for the area identified in the Structure Plan.

187. The application is therefore considered to be acceptable subject to the conditional changes outlined throughout the assessment section of this report.

RECOMMENDATION

That having considered all objections and relevant Planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit (PLN15/0309) for the development of a four storey office building (no permit required for use) above basement and with roof terrace, and associated reduction in car parking requirements subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided.

   The plans must be generally in accordance with the advertised plans prepared by Armsby Architects TP13 – TP22 and RFI13 Council date stamped received 5 June 2015 2013, but modified to show:

(a) Plans to label tenancies as offices;
(b) Floor plans to include remnant of site (No. 33-41 Balmain Street as approved under PLN13/0787) with no further changes;
(c) Elevations to include remnant of site (No. 33-41 Balmain Street as approved under PLN13/0787) with no other changes;
(d) Use of an alternative material with an improved finish (such as perforated metal) at ground level south façade above the fire booster cupboard;
(e) Ground floor plans to nominate that 8 car spaces will be provided in the car stacker;
(f) Demonstrate the roof terrace will not overlook private open space areas to the west within 9m, with detail of treatments necessary to limit overlooking;
(g) The plans updated to provide the following detail:
    (i) A STORM report with roof areas and water tank size details etc (as applicable) to correspond with detail provided on the submitted plans, including that water tanks will be connected to toilets, and demonstrating a minimum 100% STORM score, and
    (ii) The minimum NCC energy efficiency standards for thermal performance are to be exceeded by at least 10%, and demonstrated through a Section J report or JV3 model, or equivalent and including the installation of solar panels.

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 commencement of the development, Planning permit PLN13/0787 must be cancelled:

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

4. Before the development 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.

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Management Plan must be provided to be endorsed and to include changes required by condition 1g) and will then form part of the permit. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with 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, a Waste Management Plan must be provided to be endorsed and will then form part of the permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with 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, the car stackers must be installed in accordance with the manufacturer’s specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

8. 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 all office entrance entrances and the car parking area must be provided. Lighting must be:

    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity, and
    (e) to the satisfaction of the Responsible Authority.

9. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any 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.

10. Before the development 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.

11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Balmain Street frontage must be stripped and re-sheeted with the pedestrian entry to the footpath edge having a grade of no more than 1 in 40:

    (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.

12. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the existing vehicle crossover to Balmain Street must be re-constructed with footpath and kerb and channel:

    (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.

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

14. 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; and
(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.

15. 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.

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

All future occupiers approved under this permit will not be permitted to obtain employee or visitor parking permits.

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.

CONTACT OFFICER: **Laura Condon**
TITLE: **Senior Statutory Planner**
TEL: **92055352**

Attachments
1 33-41 Balmain Street- Site plan
2 33-41 Balmain Street Cremorne - Plans Part 1
3 33-41 Balmain Street Cremorne - Plans Part 2

Attachment 1 - 33-41 Balmain Street- Site plan

33 – 41 Balmain Street, Cremorne

Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 14 PLANNING CONCEPT
DEVELOPMENT SUMMARY
SCHEMATIC DESIGN
APRIL 2015

DEVELOPMENT SUMMARY

ROOF TERRACE

Lobby/Core/Lift	31.8m²	
Roof Terrace	335.9	
TOTAL	**367.7m²**	

THIRD FLOOR

Lobby/Core/Lift	31.8m²	
Offices	312.98m² NFA	298.68m² LFA
Wintergarden	29.5m²	26.6m² LFA
Balconies	82.04m²	
TOTAL	**456.32m²**	

SECOND FLOOR

Lobby/Core/Lift	31.8m²	
Offices	395.77m² NFA	373.47m² LFA
Wintergarden	30m² NFA	26.8m² LFA
TOTAL	**457.57m²**	

FIRST FLOOR

Lobby/Core/Lift	31.8m²	
Offices	395.77m² NFA	373.47m² LFA
Wintergarden	30m² NFA	26.8m² LFA
TOTAL	**457.57m²**	

GROUND FLOOR

Lobby/Core/Services/Lift	61.8m²	
Offices	216.70m² NFA	201.00m² LFA
Car Stacker/ Car Space/Driveway	168.51m²	
TOTAL	**447.01m²**	

TOTAL OFFICES (Including Wintergardens)	**1410.72m² NFA 1326.82m² LFA**
TOTAL LOBBY/CORE/STACKER (Excluding Driveway & Stacker Void)	**357.51m²**
TOTAL ROOF TERRACE (Excluding Core)	**335.9m²**
TOTAL CAR SPACES	**8 CAR STACKER SPACES** **1 DISABLED CAR SPACE**
TOTAL BIKE SPACES	**11 EMPLOYEE** **4 VISITOR**

4/06/2015 1502_Balmain St_TP.pln

33-41 BALMAIN STREET CREMORNE

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03/06/2015 - REVISION B

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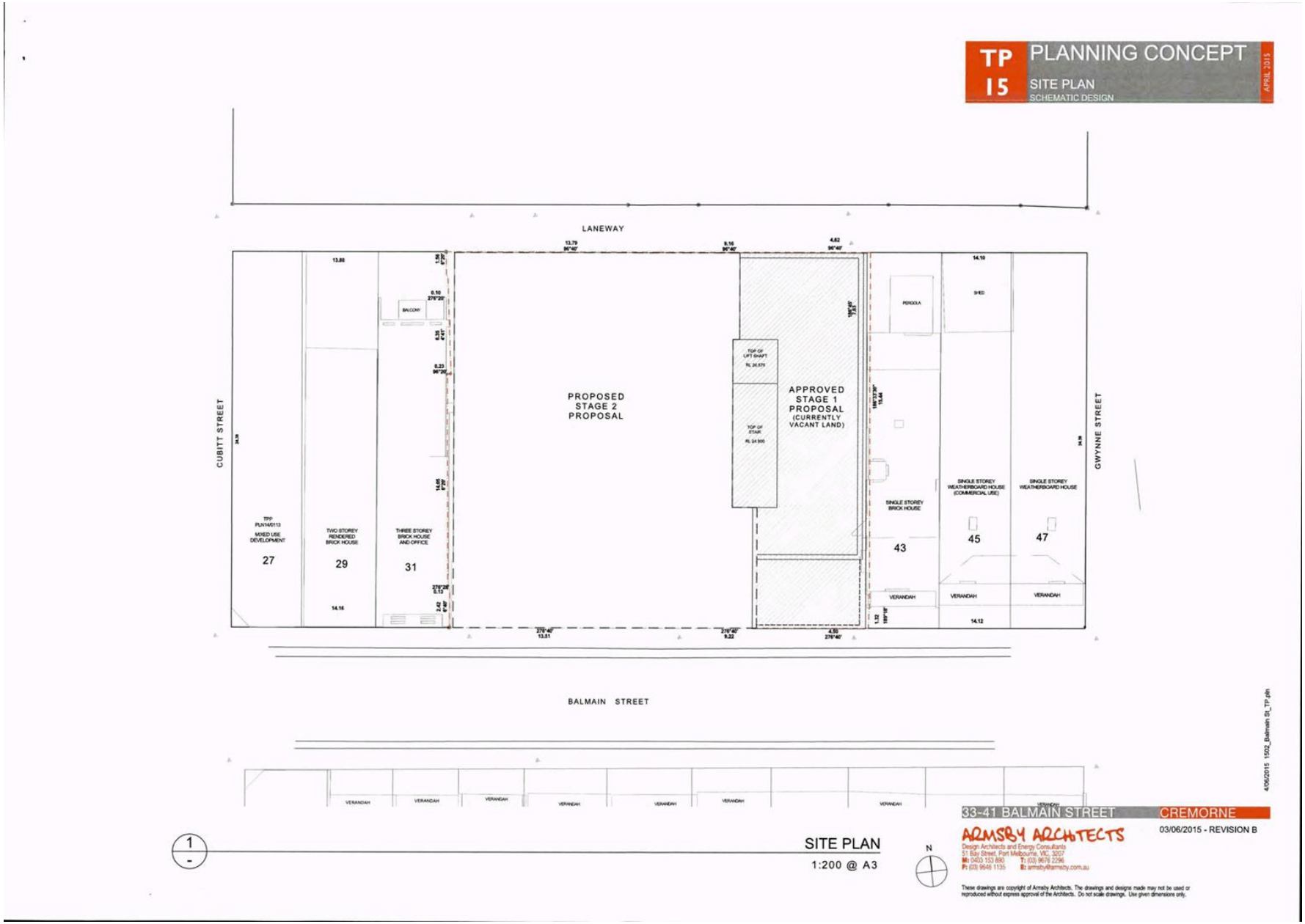
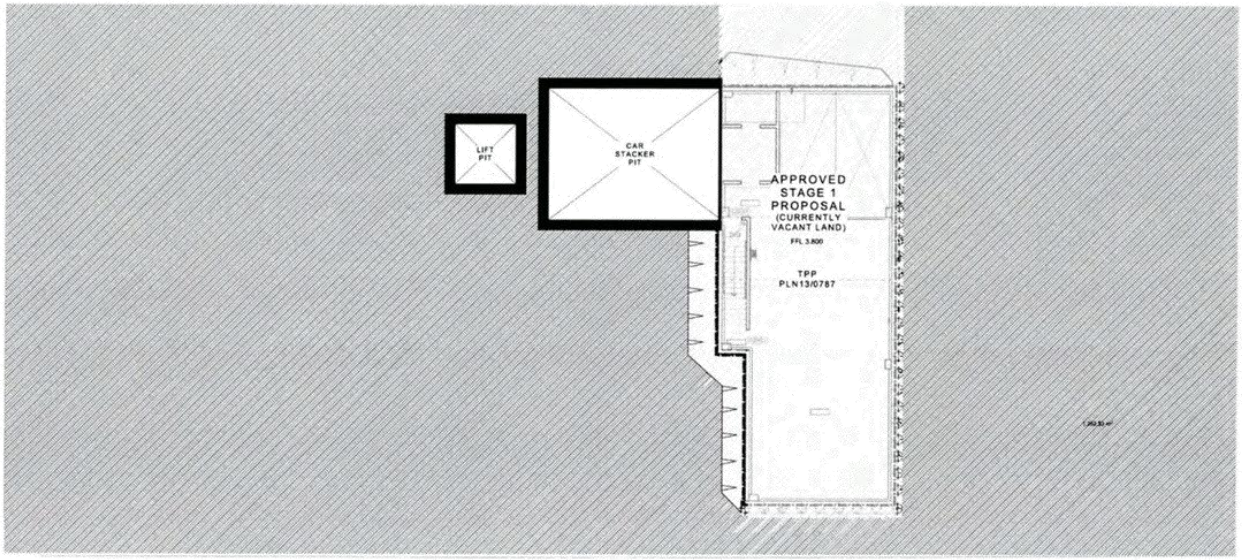
Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1



Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 15A PLANNING CONCEPT
LIFT & CAR STACKER PIT
SCHEMATIC DESIGN
APRIL 2015



1 BASEMENT STAGE 2
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33-41 BALMAIN STREET CREMORNE

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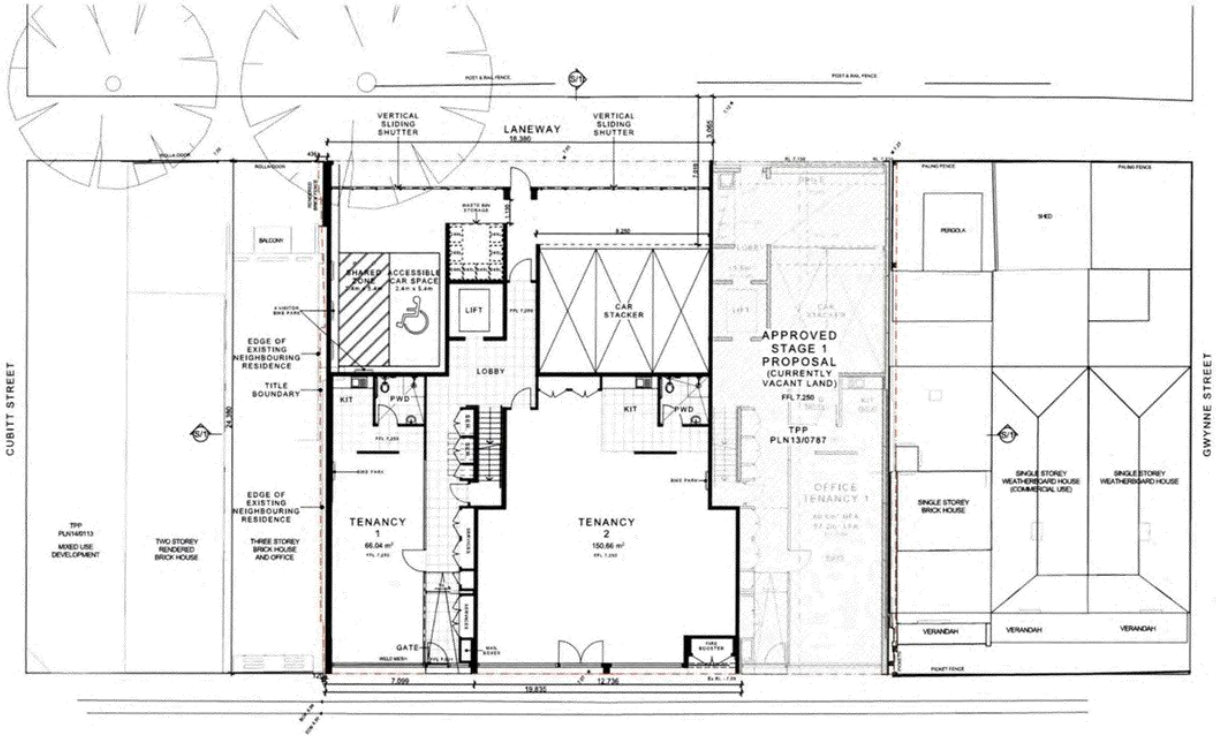
4/06/2015 1502_Balmain St_TP.pln

Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 16 PLANNING CONCEPT
GROUND FLOOR PLAN
SCHEMATIC DESIGN
APRIL 2015



1 GROUND FLOOR PLAN
1:200

33-41 BALMAIN STREET CREMORNE

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N

1:200 @ A3

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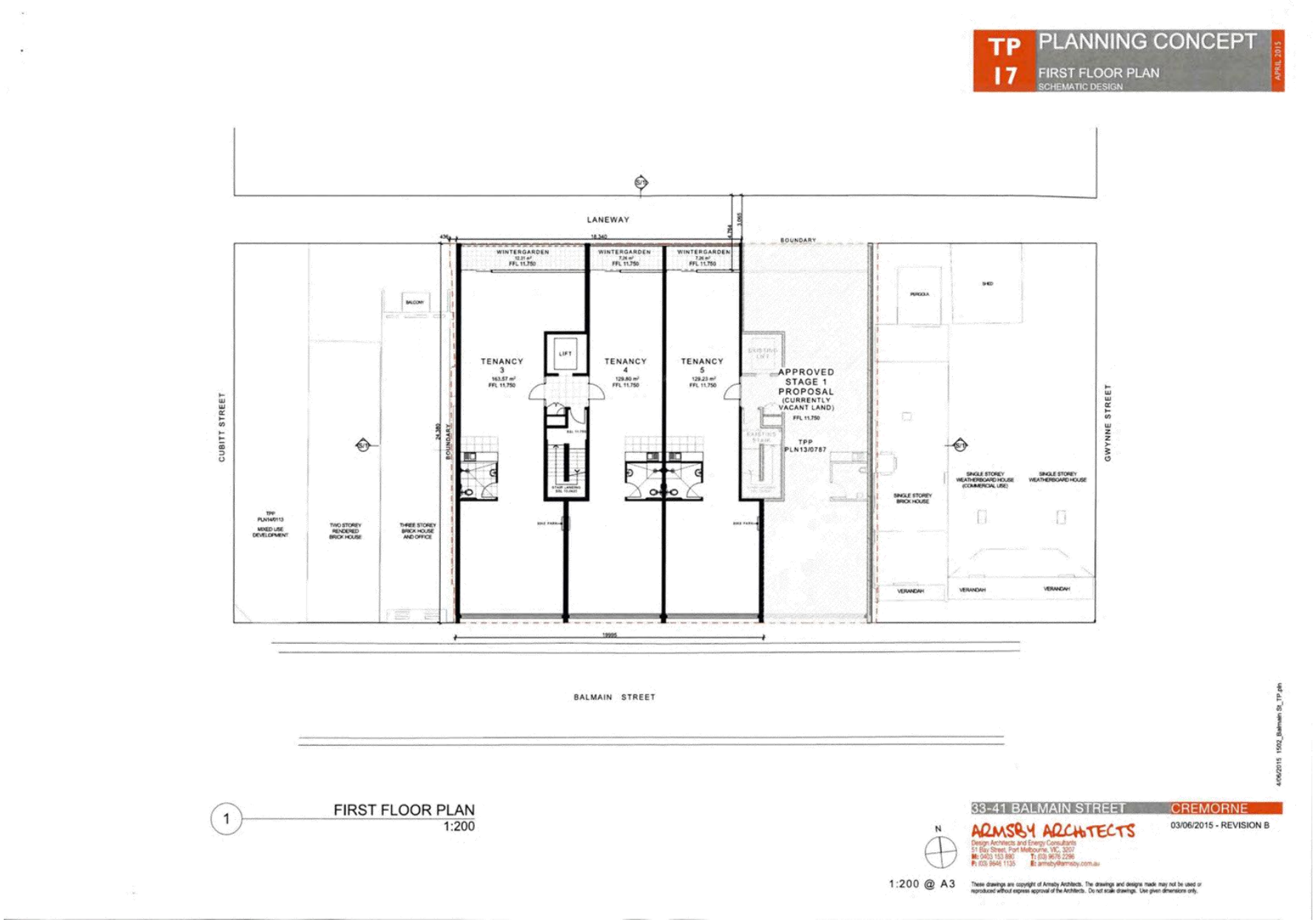
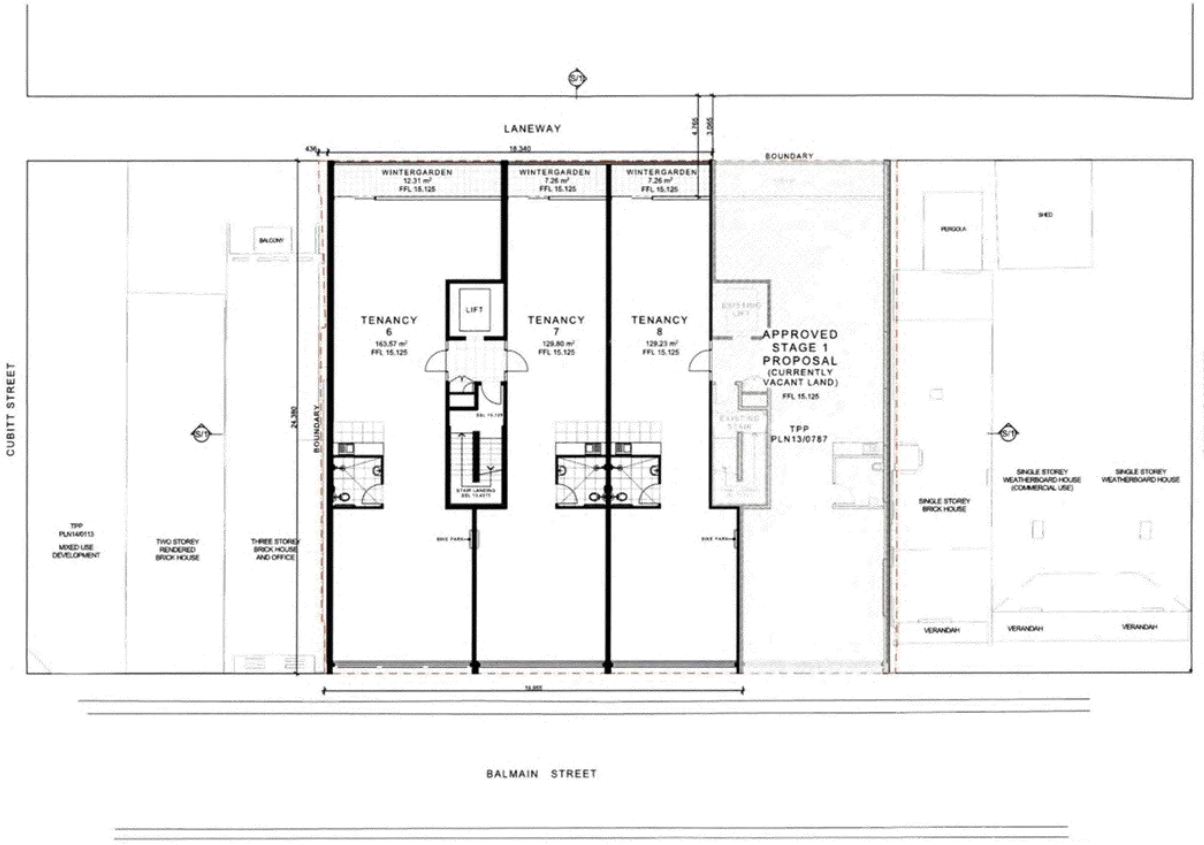
4/06/2015 1502_Balmain St_TP.pln

Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1



Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 18 PLANNING CONCEPT
SECOND FLOOR PLAN
SCHEMATIC DESIGN
APRIL 2015



1 SECOND FLOOR PLAN
1:200

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N

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1:200 @ A3

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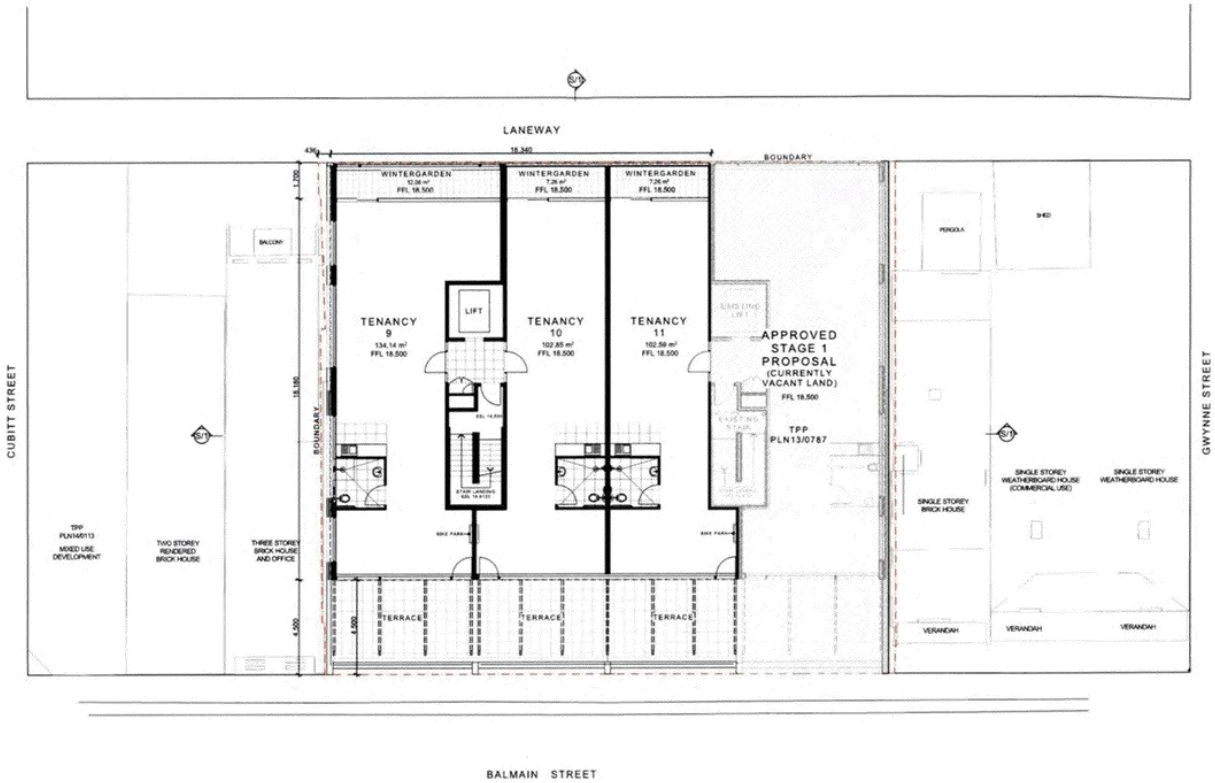
Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 19 PLANNING CONCEPT
THIRD FLOOR PLAN
SCHEMATIC DESIGN
APRIL 2015



1 THIRD FLOOR PLAN
1:200

4/06/2015 1502_Balmain St_TP.pln

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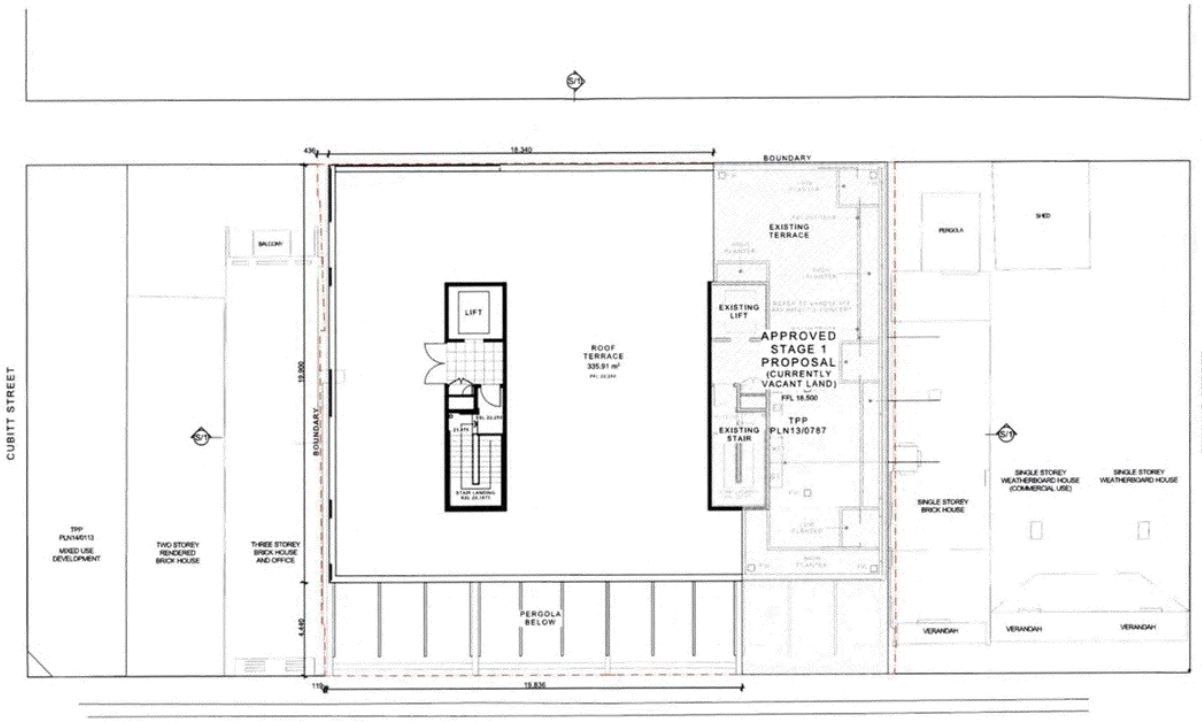
TP 20 PLANNING CONCEPT
ROOF TERRACE
SCHEMATIC DESIGN
APRIL 2015



1 ROOF TERRACE
1:200

N

1:200 @ A3

33-41 BALMAIN STREET CREMORNE

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Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 21 PLANNING CONCEPT
BALMAIN STREET ELEVATION
SCHEMATIC DESIGN
APRIL 2015

PALETTE OF EXTERNAL MATERIALS & FINISHES:

	PC1	PRECAST CONCRETE INSULATED PANELS; FINISH & COLOUR - NATURAL GREY SMOOTH
	PC2	PRECAST CONCRETE INSULATED PANELS; FINISH & COLOUR - NATURAL GREY TEXTURED
	BF1	BRICK FINISH; COLOUR - ORANGE 'ENGLISH BOND' PATTERN - 'ENGLISH BOND'
	GL1	CLEAR GLAZING; COLOUR - GREEN
	GL2	COLOURBACK GLAZING; COLOUR - GREEN
	GL3	TINTED GLAZING; COLOUR - GREEN
	MF1	POWDERCOATED ALUMINIUM METAL FINISH; COLOUR - 'CHARCOAL'
	PF1	PAINT FINISH; COLOUR - DARK GREY
	L1	LANDSCAPING

KEY
OPENABLE SASH

1

BALMAIN STREET ELEVATION (South Elevation)
1:200 @ A3

33-41 BALMAIN STREET CREMORNE
03/06/2015 - REVISION B

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Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 22 PLANNING CONCEPT
LANEWAY ELEVATION
SCHEMATIC DESIGN
APRIL 2015

1

LANEWAY ELEVATION (North Elevation)
1:200 @ A3

4/06/2015 1502_Balmain St_TP.pln

33-41 BALMAIN STREET CREMORNE

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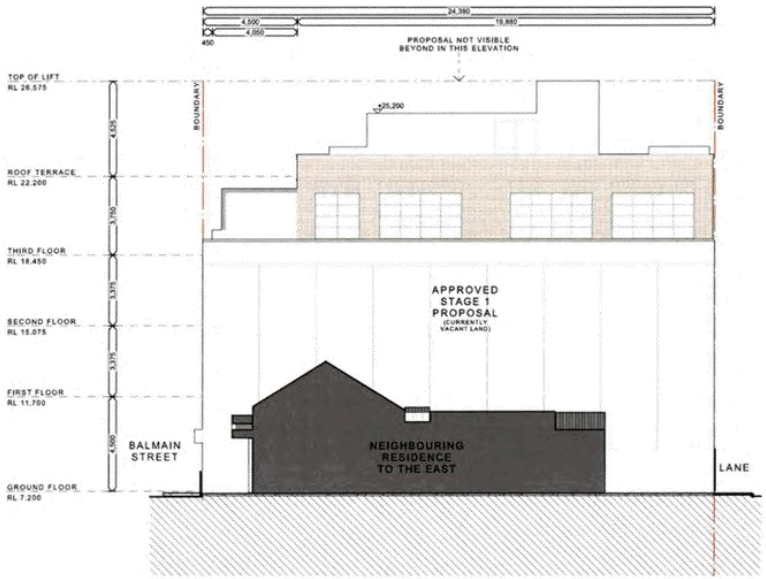
Attachment 2 - 33-41 Balmain Street Cremorne - Plans Part 1

TP 23 PLANNING CONCEPT
EAST & WEST ELEVATIONS
SCHEMATIC DESIGN
APRIL 2015



1 EAST ELEVATION
1:200 @ A3

2 WEST ELEVATION
1:200 @ A3

4/06/2015 1502_Balmain St_TP.pln

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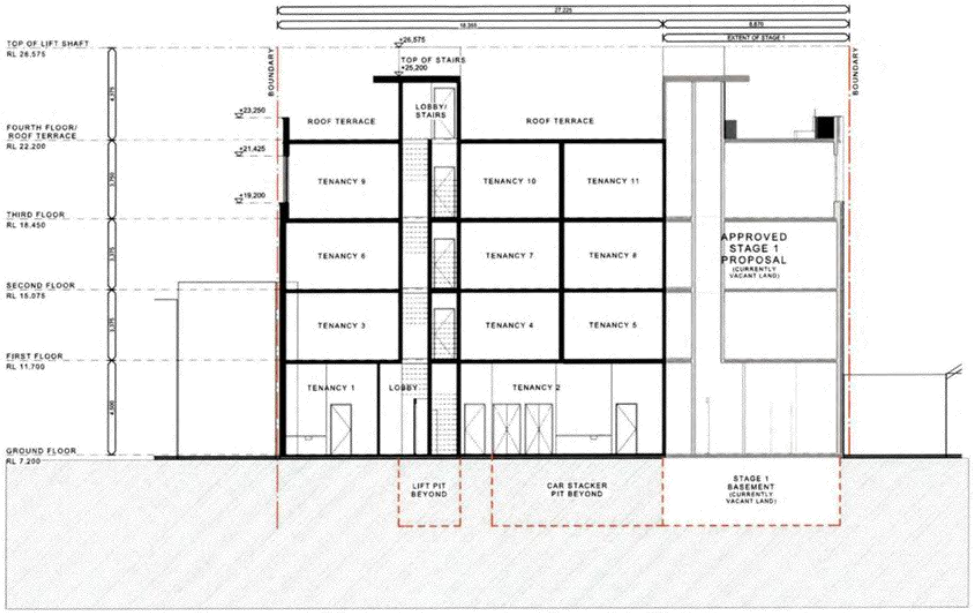
Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 24 PLANNING CONCEPT
SECTION
SCHEMATIC DESIGN
APRIL 2015



1

SECTION 1
1:200 @ A3

4/06/2015 1502_Balmain St_TP.pln

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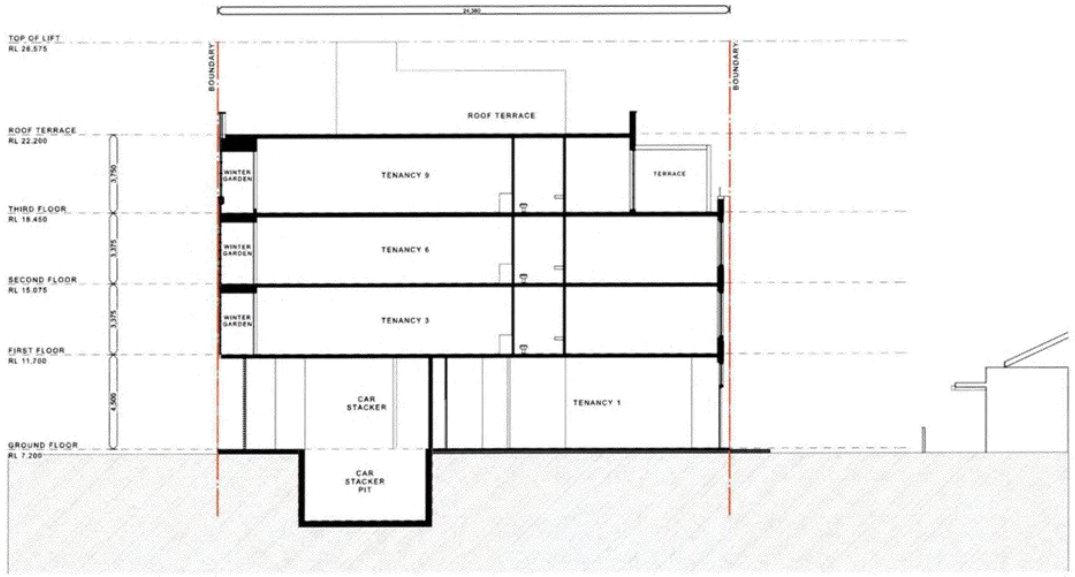
TP 25 PLANNING CONCEPT
SECTION
SCHEMATIC DESIGN
APRIL 2015



1

SECTION 2
1:200 @ A3

4/06/2015 1502_Balmain St_TP.pln

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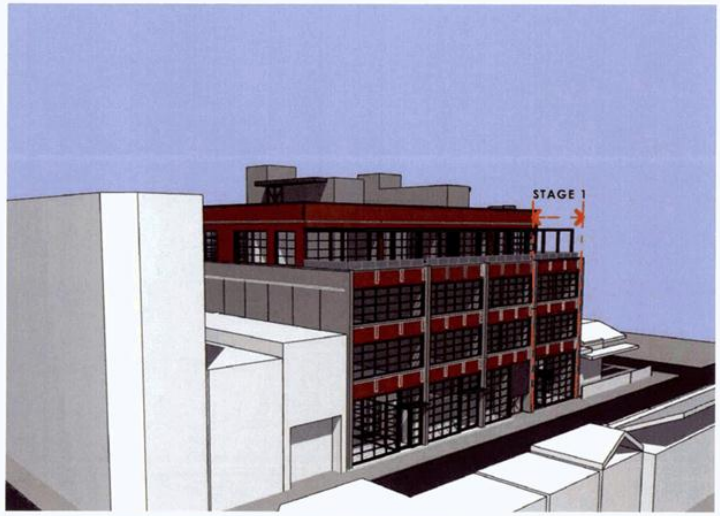
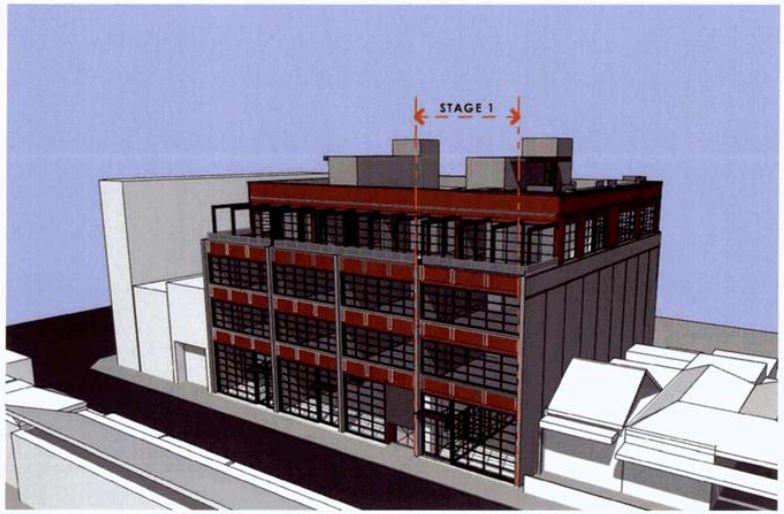
Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 26 PLANNING CONCEPT
SKETCH PERSPECTIVES
SCHEMATIC DESIGN
APRIL 2015

SKETCH PERSPECTIVES
BIRDS EYE VIEWS



BALMAIN STREET VIEW FROM THE SOUTHWEST



BALMAIN STREET VIEW FROM THE SOUTHEAST

2/04/2015 1502_Balmain St_TP [ARMSEC-PC]

33-41 BALMAIN STREET CREMORNE

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Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 27 PLANNING CONCEPT
SKETCH PERSPECTIVES
SCHEMATIC DESIGN
APRIL 2015

SKETCH PERSPECTIVES
STREET LEVEL VIEWS

BALMAIN STREET FROM THE SOUTHEAST

RIGHT OF WAY VIEW FROM THE NORTHEAST

2/04/2015 1502_Balmain St_TP [ARITEC_PC]

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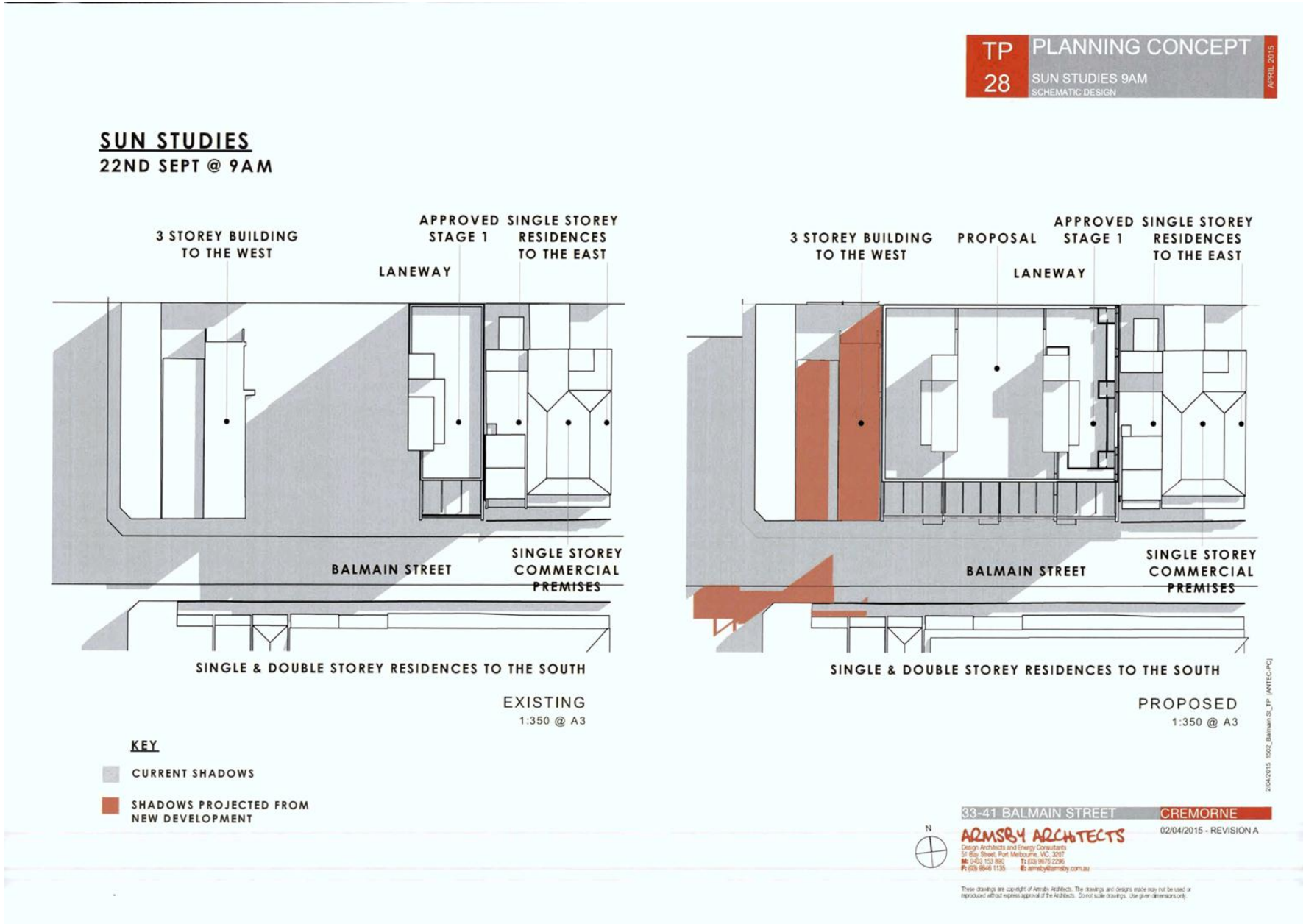
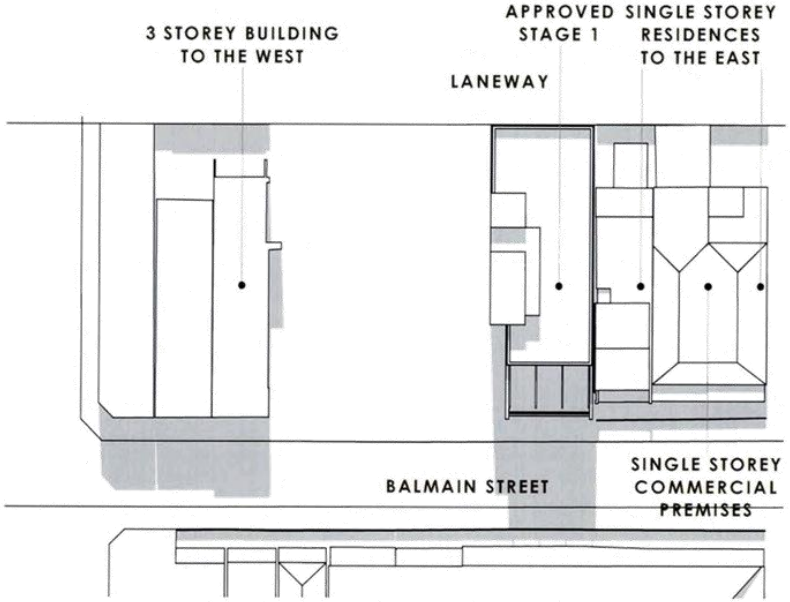


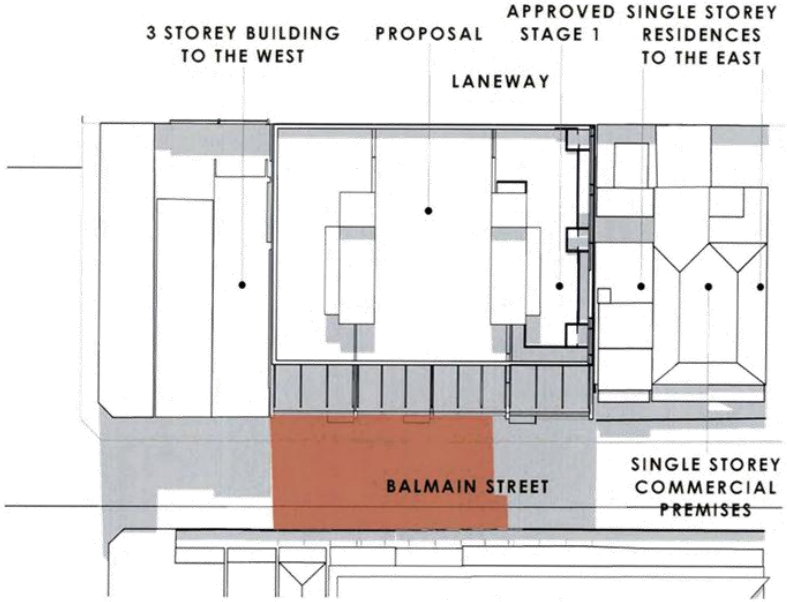
Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 29 PLANNING CONCEPT
SUN STUDIES 12PM
SCHEMATIC DESIGN
APRIL 2015

SUN STUDIES
22ND SEPT @ 12PM



EXISTING
1:350 @ A3



PROPOSED
1:350 @ A3

KEY

CURRENT SHADOWS

SHADOWS PROJECTED FROM NEW DEVELOPMENT

33-41 BALMAIN STREET CREMORNE

N

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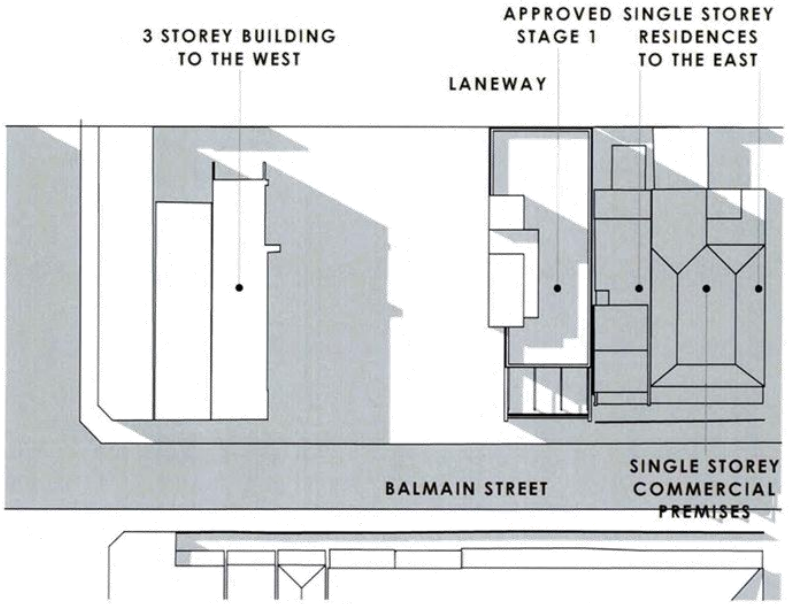
2/04/2015 1502_Balmain St_TP (AMTEC-PC)

Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 30 PLANNING CONCEPT
SUN STUDIES 3PM
SCHEMATIC DESIGN
APRIL 2015

SUN STUDIES
22ND SEPT @ 3PM



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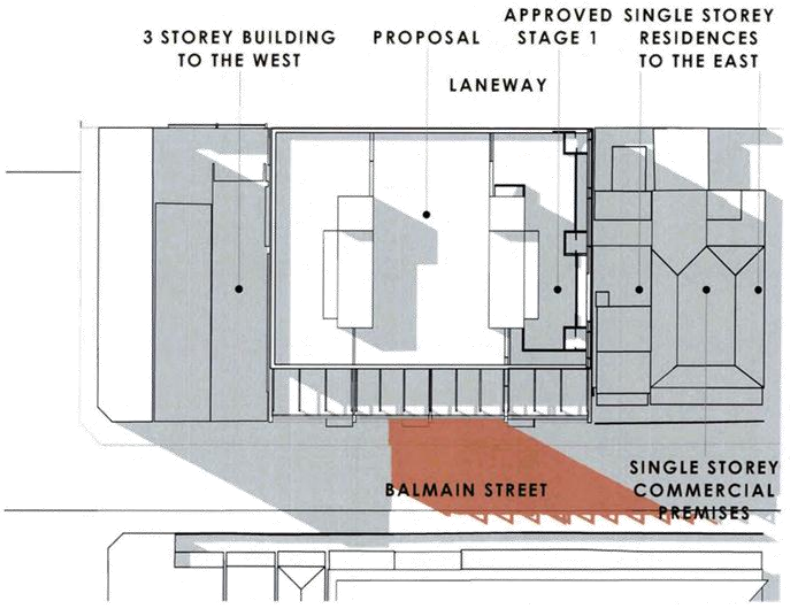

PROPOSED
1:350 @ A3

KEY

CURRENT SHADOWS

SHADOWS PROJECTED FROM NEW DEVELOPMENT

2/04/2015 1502_Balmain St_TP (ARITEC.PC)

33-41 BALMAIN STREET CREMORNE

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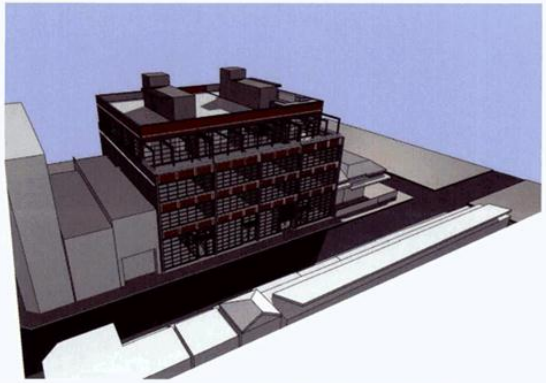
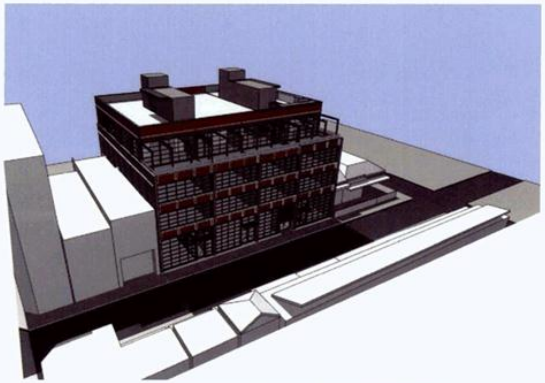
Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 31 PLANNING CONCEPT
STAGE 2 MASSING & SUN STUDIES
SCHEMATIC DESIGN
APRIL 2015

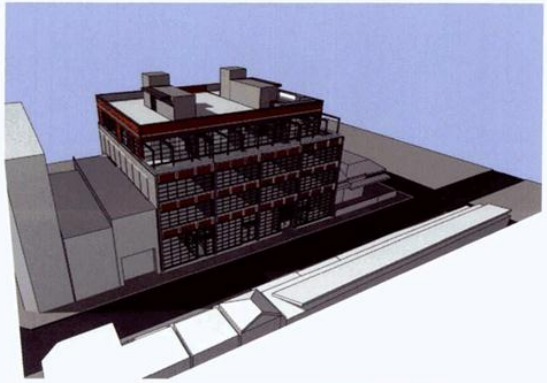
SUN STUDIES
PROPOSED DEVELOPMENT



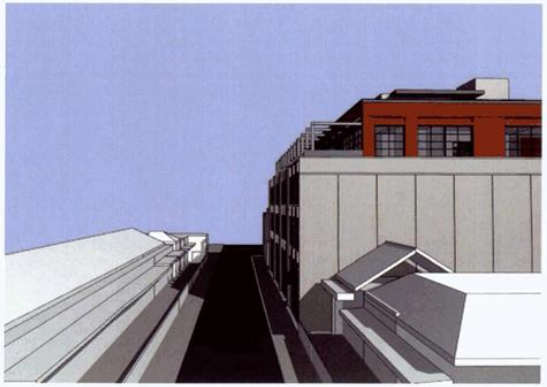
1 BIRDS EYE 22 SEPT @ 9AM



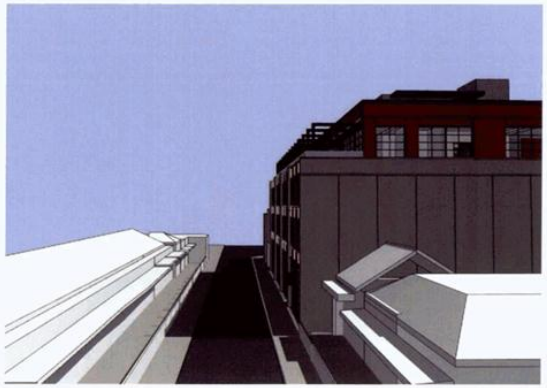
3 BIRDS EYE 22 SEPT @ 12PM



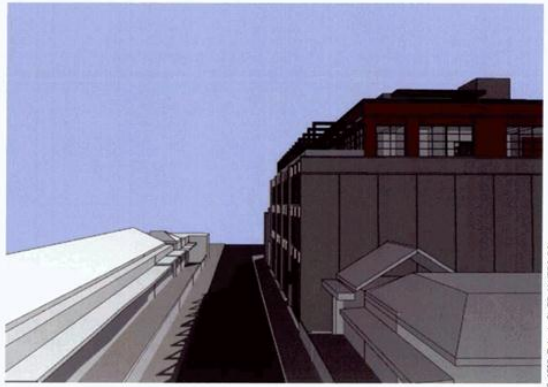
5 BIRDS EYE 22 SEPT @ 3PM



2 SUN SHADOWS 22 SEPT @ 9AM



4 SUN SHADOWS 22 SEPT @ 12PM



6 SUN SHADOWS 22 SEPT @ 3PM

2/04/2015 1502_Balmain St_TP (ANTEC-PC)

33-41 BALMAIN STREET CREMORNE

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Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 32 PLANNING CONCEPT
ESD STUDY
SCHEMATIC DESIGN
APRIL 2015

ESD STUDY

The proposal incorporates a number of ESD Initiatives in an effort to minimise its 'effects on the natural environment' and provide a better working environment and amenity for people working in the building.

Below is a summary, categorised under the key environmental categories of the Structure Plan, some of the ESD principles adopted in the proposal.

ESD INITIATIVES INTEGRATED WITHIN THE PROPOSAL

INDOOR ENVIRONMENTAL QUALITIES
- Incorporation of winter gardens within the north elevation of the building that will provide warm, sunny spaces in winter and act as solar shading devices in summer.
- Cross ventilation through the building via the use of operable windows on the northern and southern facades.
- Passive solar gains from the north.
- Use of low VOC paints, adhesives, sealants, flooring and wood products.

ENERGY EFFICIENCY
- Thermal mass incorporated in the west boundary walls, to minimise energy use through effective insulation and storage and transfer of heat from the sun.
- Energy efficient lighting throughout.
- All windows and glazing doors will meet the requirements of Part J of the BCA to ensure that the thermal envelope is appropriately energy efficient.
- Energy efficient hot water and air conditioning systems.

WATER RESOURCES
- Water conservation fixtures and fittings,with good WELS star ratings, will be used for toilets, taps and showerheads.

STORMWATER MANAGEMENT
- Rain water tanks to be used for flushing of toilets and watering of the plants on the roof terrace.

BUILDING MATERIALS
- Utilisation of thermal mass as mentioned above.
- The incorporation of brick, concrete and insulated walls will give the building 'thermal mass' properties.

TRANSPORT
- Provision of on-site bicycle storage spaces.
- Reduction in car parking spaces.

INNOVATION
- Utilisation of thermal mass.
- Rain water flushing of toilets and irrigation of landscaping.

ONGOING BUILDING AND SITE MAINTENANCE
- Post-occupancy building evaluation and tuning as required to optimise occupant comfort, energy efficiency and minimise waste.
- Use of materials that can be easily recycled/reused beyond the life span of the building.

WINTERGARDEN EXAMPLES

Objective 5
To promote the integration of ESD initiatives into new development

Strategy 5.1
Encourage the incorporation of best practice ESD principles through addressing the ten key environmental categories, which are:
- Indoor environment quality
- Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Transport
- Waste management
- Urban ecology
- Innovation
- Ongoing building and site maintenance

STRUCTURE PLAN ESD STRATEGY

ROOF GARDEN EXAMPLE

2004/2015 1502_Balmain St_TP [ANTEC-PC]

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Attachment 3 - 33-41 Balmain Street Cremorne - Plans Part 2

TP 33 PLANNING CONCEPT
SURVEY PLAN
SCHEMATIC DESIGN
APRIL 2015

SURVEY PLAN

33-41 BALMAIN STREET CREMORNE

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2/04/2015 1502_Balmain St_1P (ANTEC.PC)

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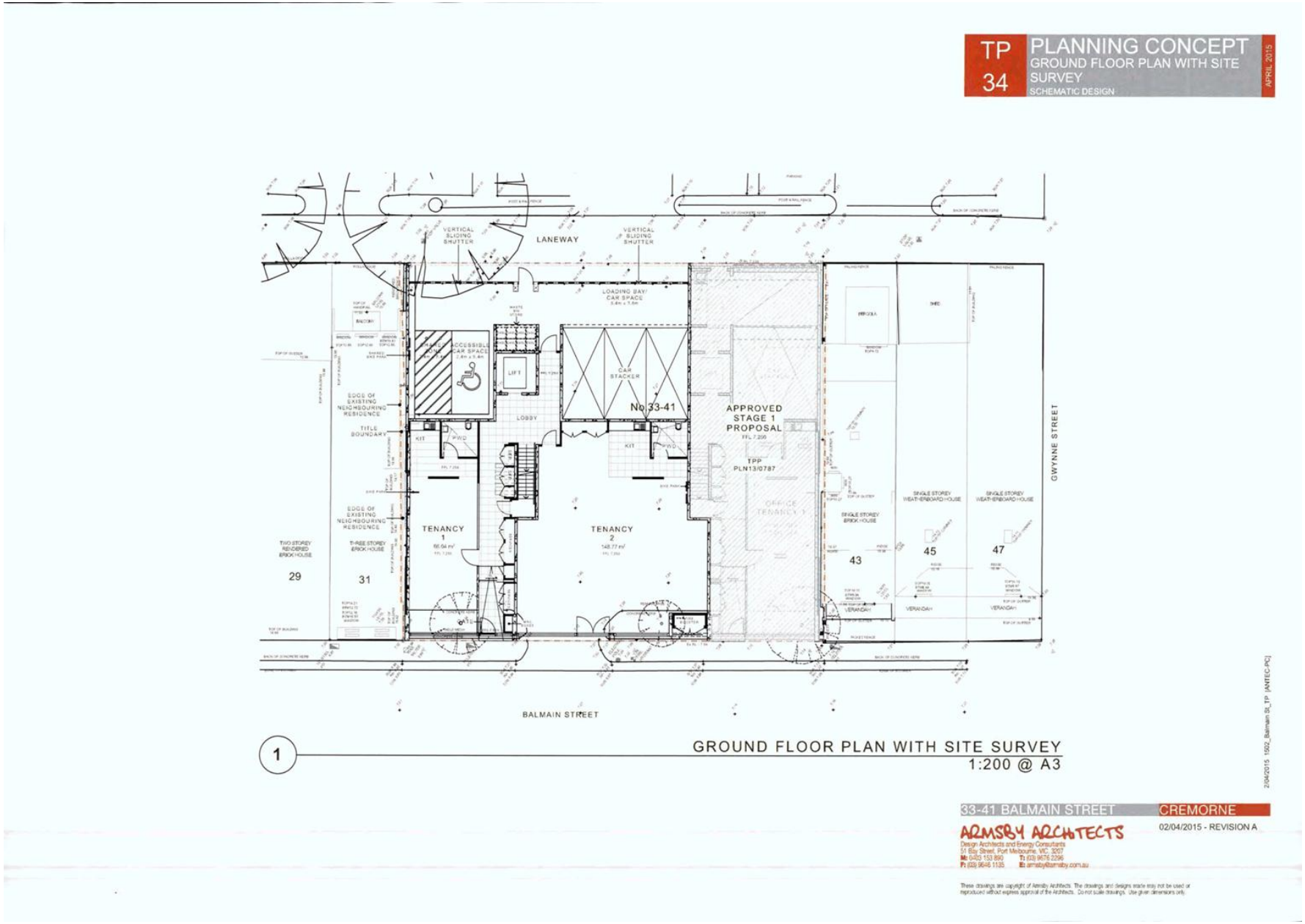

1.2 PLN14/0529 89-95 Walker Street, Clifton Hill – Development of the land for buildings and works associated with the construction of a new single-storey hall (with mezzanine level) and rear shed and removal of vegetation, incorporating Existing Use Rights for the site's use as a Place of Assembly (Scout Hall).

Executive Summary

Purpose

1. This report provides Council with an assessment of the application which seeks permission for development of the land buildings and works associated with the construction of a new single-storey hall (with mezzanine level) and rear shed and removal of vegetation, incorporating Existing Use Rights for the site's use as a Place of Assembly (Scout Hall).

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 15.01 – Built environment;
   (b) Clause 21.05 – Urban Design;
   (c) Clause 22.10 – Built form and design;
   (d) Clause 42.01 – Environmental Significance Overlay;
   (e) Clause 43.02 – Design and Development Overlay;
   (f) Clause 52.06 - Car Parking;
   (g) Clause 63 – Existing use rights

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Existing Use Rights;
   (b) Neighbourhood character and Built form;
   (c) Residential interfaces and amenity impacts;
   (d) Vegetation removal and landscape considerations;
   (e) Car parking; and
   (f) Objector's concerns

Objector Concerns

4. Ten objections were received to the application, these can be summarised as:
   (a) Loss of existing car parking areas;
   (b) Location of the building too close to front and side boundaries;
   (c) Loss of vegetation;
   (d) Visual bulk;
   (e) Loss of daylight

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.

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TITLE: **Senior Statutory Planner**
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1.2 PLN14/0529 89-95 Walker Street, Clifton Hill

Trim Record Number: D15/115111
Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for buildings and works associated with the construction of a new single-storey hall (with mezzanine level) and rear shed and removal of vegetation, incorporating Existing Use Rights for the site's use as a Place of Assembly (Scout Hall).
Existing use:	Scout hall
Applicant:	Scouts Victoria
Zoning / Overlays:	Neighbourhood Residential Zone & Public Park and Recreation Zone, Environmental Significance Overlay (ESO-2), Design and Development Overlay (DDO-1)
Date of Application:	16 June 2014
Application Number:	PLN14/0529

Planning History

1. Planning Permit PL07/0980 was issued at the direction of VCAT on 4 August 2008 for *the use and development of a kindergarten, tree removal and waiver of car parking* at 85 Walker Street Clifton Hill (as the subject site was known at the time). This lot is now known as No.89 Walker Street.

2. Planning Permit PLN11/0957 was issued on 11 April 2012 for *development of the land for the construction and display of a business identification sign* at No.89 Walker Street.

Background

3. The application was lodged on 16 June 2014 and following the provision of further information on the 12 December 2014 was advertised in February 2015. A total of ten (10) objections were received.

4. The application was advertised including reference to '*reduction in the car parking requirement*s'. While the application was lodged with the intention of seeking permission for a reduction in car parking requirements, this facet of the application has since been removed from the preamble as a reduction in car parking requirements is technically not required under the provisions of the Yarra Planning Scheme. This aspect of the application will be assessed in detail later in this report under Paragraphs 48 to 49.

5. A public consultation meeting was held on 19th May 2015 and was attended by representatives of the applicant, objectors and Council planning officers. No agreement was reached from this meeting. The application is now presented to IDAC for a determination.

Existing Conditions

Subject Site

6. The subject site is located on the southern side of Walker Street, approximately 350m east of the intersection between Fenwick and Walker Streets in Clifton Hill. The subject site consists of two (2) allotments being Crown Allotments 41 and 2006, Township of Clifton Hill, At Collingwood, Parish of Jika Jika.

7. These two lots have a combined frontage to Walker Street of 25.6m a depth of 48.7m on the eastern side and 37.5m on the western side boundary giving a total area of approximately 663m2.

8. The western portion of the site contains the Walker Street Community Childcare Centre as approved under planning permit PL07/0980 with the eastern portion of the site developed with a single-storey Scouts Hall.

9. For the purposes of this report, the 'subject site' will refer to the eastern lot (containing the scouts hall) and a 4.5m x 37.4m portion of the western-adjoining lot which contains the childcare centre. This area is currently occupied by the vehicle access and car parking areas associated with the scout hall with an existing fence separating the childcare centre from these areas.

10. The scout hall contains a hall area, storage space, kitchen and toilet facilities and is constructed approximately 700mm from the eastern boundary and 4.5m from the western perimeter of the subject site for a length of 18.5m. The building has a flat roof which a maximum height of approximately 4.1m.

11. The building is located behind an informal car parking area and landscaping strip within the lot frontage. The car parking area is unfinished with no delineation of individual car parking spaces.

12. Two outbuildings are located at the rear (southern) end of the lot adjacent to the eastern boundary.

13. Vehicle access is available via the Walker Street frontage to the car parking area and also via a rear laneway which runs east-to-west behind properties which are orientated north towards Walker Street.

Surrounding Land

14. The surrounding area is predominantly residential, with the exception of a kindergarten located directly to the west of the site and land to the south which forms the Quarries Park Reserve. The immediately adjoining lots can be described as follows:

North – Walker Street

15. North of the subject site is Walker Street which is residential in character with lots generally containing single or double-storey dwellings located behind landscaped front setbacks. Areas directly north of the subject site fall within a Heritage Overlay area which is characterised by Edwardian-era dwelling types.

16. Parallel, on-street car parking is located on both sides of the street and is not subject to any time restrictions.

17. Properties on the opposite side of Walker Street from the subject site contain single-storey, weatherboard dwellings, with some containing first floor additions to the rear. These dwellings are oriented south towards Walker Street, set behind landscaped front setbacks and verandahs.

South – Quarries Reserve

18. Areas to the south of the subject site are associated with the Quarries Reserve.

East – No.101 Walker Street

19. No.101 Walker Street contains a double-storey townhouse which is orientated north towards Walker Street. This dwelling contains private open space within a first floor terrace which is orientated west towards the subject site above a 4.2m high on-boundary wall constructed to the shared boundary with the subject site.

No.1 Park Drive

20. This property contains a double-storey townhouse which is orientated east towards Park Drive. This building has been constructed to both side (north and south) boundaries and contains an area of private open space within a first floor terrace adjacent to the western boundary.

No.3 Park Drive

21. No.3 Park Drive is similar in design to No.1 as described above but with the first floor balcony being located approximately 2.0m from the boundary shared with the subject site. A ground floor courtyard is also located adjoining the rear boundary.

No.5 Park Drive

22. No.5 Park Drive contains a double-storey townhouse which is orientated north and east towards Park Drive. This building is primarily built to the common boundary shared with the subject site with the exception of a 2m wide by 1m deep light court.

23. Private open space areas are located to the south of the dwelling with a 2.5m wide length of the POS adjoining the common boundary with the subject site.

West – No.89 Walker Street

24. Land immediately to the west of the subject site is occupied by a childcare centre. The single-storey building on this site is located approximately 20m from the Walker Street frontage with the area between the building and the street containing an outdoor play area which is fenced off from the street.

No.83 Walker Street

25. Land to the west of the Childcare centre is occupied by a single-storey, weatherboard dwelling which has been developed with first floor additions to the rear. This dwelling is orientated north towards Walker Street with an area of private open space located to the south.

The Proposal

26. The application is proposing development of the land for buildings and works associated with the construction of a new single-storey hall (with mezzanine level) and rear shed and removal of vegetation, incorporating Existing Use Rights for the site's use as a Place of Assembly (Scout Hall). The development can be summarised as follows:

Demolition

27. The existing buildings including outbuildings within the subject site would be demolished (no permit triggered for demolition) along with existing cyclone fencing to the east boundary and rear perimeters of the subject site.

Development - Construction of a new scout hall.

28. The proposed building/hall would be located 6.2m from the Walker Street frontage with the exception of a pedestrian ramp which would extend forwards to the front boundary to provide universal access to the building.

29. The hall would contain an office and storage area, main hall, kitchen/meeting area, den and bathroom and toilet facilities. A second storage area would be located within a mezzanine level.

30. The east-facing wall would be located 1.0m from the boundary with a height ranging between 3.8m and 4.3m. The west-facing walls would be located between 1.2m to 8.4m from the western perimeter of the subject site, with maximum heights ranging between 3.8m and 4.2m.

31. The south-facing walls of the building would be located between 7.8m and 18.7m from the boundary.

32. The maximum height of the building would be 7.2m

33. A single parking space would be located within the site's frontage, utilising the existing vehicle crossover into Walker Street. Bicycle parking facilities for six bicycles would be located adjacent to this parking space.

34. Front fencing and a gate across the car parking spaces would be introduced along with a 1.25m high wall which is only partially shown in elevation on the submitted drawings. A condition of permit would require the fencing and walls to be shown in elevation.

35. A 6m long x 3.7m wide shed would be located within the south-eastern corner of the lot, 500mm from the eastern boundary with a 5000 litre water tank located adjacent to its north-facing wall. The maximum height of this shed would be 2.4m.

36. A flagpole is proposed to be located adjacent to the northern boundary within the Walker Street frontage (no permit is triggered to erect a flagpole).

Materials

37. The external walls of the building would consist of timber weatherboards and metal sheet roofing.

Vegetation removal

38. Table 1 below outlines the vegetation proposed for removal under the application.

Table 1: *Trees proposed for removal*

Tree No.	Common Name	Tree Type	DBH (cm)	Height x Width(m)	Retention value
4.	Weeping Bottlebrush	Aust. Native	14	5 x 4	Low
5.	Weeping Bottlebrush	Aust. Native	Multi-stemmed	6 x 5	Low
6.	Prickly leaved Paperbark	Aust. Native	Multi-stemmed	10 x 7	Low
7.	Prickly leaved Paperbark	Aust. Native	Multi-stemmed	10 x 7	Low

Planning Scheme Provisions

Zoning

Clause 32.09 – Neighbourhood Residential Zone

39. At the time the application was lodged, the site was in a General Residential Zone. However Amendment C176 was gazetted on 30 April 2015, applying a new clause 32.09 Neighbourhood Residential Zone (NRZ) Schedule 1 to the site. The NRZ Schedule 1 is therefore the zone which must be considered in the assessment.

40. A 'Place of Assembly' is listed as a Section 2 – Permit required use under the Table of uses at clause 32.09-1 of the Yarra Planning Scheme (the Scheme). Pursuant to clause 32.09-7 of the Scheme a permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.09-1.

Clause 36.02 – Public Park and Recreation Zone

41. Clause 36.02-2 of the Scheme outlines that a permit is required to construct a building or construct or carry out works. Only the southern portion of the subject site is covered by the PPRZ and therefore the above permit trigger applies to the development of the proposed shed only.

Overlays

Clause 42.01 – Environmental Significance Overlay (Schedule 2)

42. Pursuant to clause 42.01-2 of the Scheme a permit is required to construct a building or carry out works (including to remove, destroy or lop vegetation). This does not apply if a schedule to the overlay specifically states that a permit is not required.

43. Section 3.0 under Schedule 2 to the ESO outlines the following permit exemptions (listed as relevant to the proposed development):

    (a) *The requirement for a permit to construct a building or to construct or carry out works does not apply to the following provided that sites of archaeological sensitivity, known Aboriginal heritage sites, or areas of remnant vegetation are not disturbed:*

        (i) *A building (including foundation works of less than 1 metre below ground level) in a residential zone if it is 6 metres or less above ground level.*

    (b) *The requirement for a permit to remove, destroy or lop vegetation does not apply to:*

        (i) *A tree in a residential zone with a single trunk circumference of less than 0.35 metre at 1 metre above the ground and which is less than 6 metres high or has a branch spread of less than 4 metres*.

44. The proposed development would result in a maximum building height of 7.2m and therefore no exemptions for buildings and works apply and a permit is triggered under the ESO.

45. Of the four trees proposed for removal (outlined in Table 1) Tree 4 is exempt under the provisions outlined above (having a height and/or canopy spread less than the outlined requirements) the remaining three trees trigger a permit for removal.

Table 1 – Trees proposed for removal

Tree No.	Common Name	Tree Type	DBH (cm)	Height x Width(m)	Retention value
4.	Weeping Bottlebrush	Aust. Native	14	5 x 4	Low
5.	Weeping Bottlebrush	Aust. Native	Multi-stemmed	6 x 5	Low

6.	Prickly leaved Paperbark	Aust. Native	Multi-stemmed	10 x 7	Low
7.	Prickly leaved Paperbark	Aust. Native	Multi-stemmed	10 x 7	Low

Clause 43.02 – Design and Development Overlay (Schedule 1)

46. Pursuant to clause 43.02-2 of the Scheme a permit is required to:

    (a) *Construct a building or construct or carry out works. This does not apply:*
        (i) If a schedule to this overlay specifically states that a permit is not required.

    (b) *Construct a fence if specified in a schedule to this overlay*.

47. In addition, Section 2.0 – *Buildings and works* to the Schedule outlines that a permit is required to construct a fence that abuts a road or public area. No exemptions are provided for buildings and works and therefore a permit is triggered under the DDO.

Particular Provisions

Clause 52.06 – Car parking

48. Pursuant to clause 52.06-2, 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. Clause 52.06-5 outlines the statutory car parking requirement for a Place of Assembly use at 0.3 spaces per patron permitted.

49. Under the existing conditions, the Scouts Hall (Place of Assembly) operates under the provision of existing use rights, without restrictions to the number of patrons permitted on-site at any one time. In light of this, there is no permit trigger for a reduction in car parking requirements under clause 52.06 of the Scheme as the application is not applying to increase the number of patrons permitted within the premises.

Clause 52.34 – Bicycle facilities

50. Pursuant to clause 52.34 of the Scheme, before a new use must not commence until the required bicycle facilities have been provided on the land. Table 1 to clause 52.34-3 outlines that bicycle parking is to be provided at a rate of 1 space to each 1500m^2 of net floor area.

51. In the same vein as the discussion in regards to car parking provisions and existing use rights under Paragraphs 46 to 47 earlier in this report, no permit is triggered for the provision of these facilities due to the operation of the premises under existing use rights.

52. While this may be the case, the application has opted to provide six bicycle parking spaces within the Walker Street frontage.

General Provisions

Clause 63 – Existing Use Rights

53. Clause 63.01 of the Scheme outlines that an existing use right is established in relation to use of the land under this Scheme if proof of continuous use for 15 years is established under Clause 63.11.

54. Documentation has been provided with the application which outlines license agreements for the use of the subject site as a ‘Scout Hall’ from July 2000 – these details are considered sufficient for the establishment of an existing use right in conjunction with council’s records which also indicate that the subject site has continuously operated as such since that date.

55. Clause 63.05 stipulates that a use in Section 2 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*.

Clause 65 – Decision Guidelines

56. 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 Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

Clause 12.01-2 – Native vegetation management

57. The objective of this clause is to ensure the clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Clause 13.04-1 – Noise abatement

58. The objective of this clause is to assist the control of noise effects on sensitive land uses. Relevant strategies include: Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 15.01-1 – Urban design

59. 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*.

60. Strategies under the clause are:

    (i) Promote good urban design to make the environment more liveable and attractive.
    (ii) Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
    (iii) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate*.

Clause 15.01-2 – Urban design principles

61. The relevant policy objective under 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*.

62. The strategy to achieve this is to apply the listed strategies for development proposals for non-residential development. The strategies include the application of design principles to the proposed development relating to context, public realm, safety, pedestrian spaces, energy and resource efficiency, architectural quality and landscape quality.

Clause 15.02-1 – Sustainable development: Energy and resource efficiency

63. It is an objective under this clause to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions. The clause includes the following strategies:

(i) Ensure that buildings and subdivision design improves efficiency in energy use.
(ii) Promote consolidation of urban development and integration of land use and transport.
(iii) Improve efficiency in energy use through greater use of renewable energy.
(iv) *Support low energy forms of transport such as walking and cycling*.

Clause 15.01-5 Cultural identity and neighbourhood character

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

65. Strategies are to:

(i) *Ensure development responds and contributes to existing sense of place and cultural identity.*

Clause 18.02-5 – Car parking

66. The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located. Proposals are also encouraged to facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

Clause 21.04 – Land use

67. The relevant objectives and strategies under this clause are:

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

Strategy 3.2 *Apply the Interface Uses policy at clause 22.05*.
Strategy 3.3 *Ensure the location, design and operation of community facilities minimises the potential for negative amenity impacts on the surrounding area*.

Clause 21.05-2 - Urban Design

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

Objective 16: *To reinforce the existing urban framework of Yarra*.

Strategy 16.1: *Reinforce the Yarra River Corridor as the key ecological and open space element of the urban framework*.
Strategy 16.2 *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra*.

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

Strategy 17.1: *Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form*.
Strategy 17.4: *Apply the Residential Built Form policy at clause 22.13*.

Objective 19: *To create an inner city environment with landscaped beauty*.
Strategy 19.1 *Require well resolved landscape plans for all new development*.
Strategy 19.2 *Encourage opportunities for planting suitable trees and landscape areas in new development*.
Strategy 19.3 *Encourage the retention of mature vegetation*.
Strategy 19.4 *Protect mature and healthy flora species where they have heritage value or are a valued part of the character of an area*.

Objective 25: *To ensure that development maintains and enhances the environmental, aesthetic and scenic qualities of the Corridor.*

Strategy 25.1 *Apply the Design and Development Overlay Schedule 1*.
Strategy 25.2 *Ensure development in the Corridor upstream of Church Street, Cremorne, keeps the overall scale of the development within the prevailing scale of built form within the municipality*.
Strategy 25.3 *Use a combination of height, setback and vegetation screening to protect and enhance the landscape qualities of the Corridor as a vegetation dominated Corridor, particularly in views from roads, paths and rail corridors and areas of public open space adjacent to the Corridor or on the opposite bank*.

Clause 21.05-3 – Built form character

69. This clause outlines that new development must respond to Yarra's built form and cultural character. The policy describes structural elements and character types for areas which are not covered by a heritage overlay. These areas are identified under clause 21.08 – *Neighbourhoods* of the Scheme.

70. The clause contains the following objectives and strategies:

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

Objective 24 *To maintain and reinforce preferred character.*
Strategy 24.1 *Apply the Residential Built Form policy at clause 22.13.*

Objective 25 *To ensure that development maintains and enhances the environmental, aesthetic and scenic qualities of the Corridor.*
Strategy 25.1 Apply the Design and Development Overlay Schedule 1.
Strategy 25.2 *Ensure development in the Corridor upstream of Church Street, Cremorne, keeps the overall scale of the development within the prevailing scale of built form within the municipality.*
Strategy 25.3 *Use a combination of height, setback and vegetation screening to protect and enhance the landscape qualities of the Corridor as a vegetation dominated Corridor, particularly in views from roads, paths and rail corridors and areas of public open space adjacent to the Corridor or on the opposite bank.*

Objective 28 *To provide a public environment that encourages community interaction and activity*.
Strategy 28.1 *Encourage universal access to all new public spaces and buildings.*
Strategy 28.2 *Ensure that buildings have a human scale at street level.*

Clause 21.06 – Transport

71. This clause contains the following objective:

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

Clause 21.07 – Environmental sustainability

72. The relevant objectives under this clause are:

Objective 35 *To protect wildlife habitat, provide habitat linkages and arrest the loss of biodiversity*.
Strategy 35.1 *Apply the Protection of Biodiversity policy at clause 22.08.*

Objective 37 *To protect and enhance the environmental values of land within the waterway Corridors*.
Strategy 37.1 *Protect, maintain, regenerate, restore or enhance (whichever is appropriate) features or locations of environmental significance*.
Strategy 37.3 *Ensure the use of indigenous trees and plants in public and private landscaping within and adjacent to the waterways Corridors*.
Strategy 37.4 *Ensure development along the waterway Corridors includes a landscaped buffer zone of indigenous plants to enhance the habitat value of the Corridor*.

Clause 21.08 – Neighbourhoods

73. Clause 21.08-4 of the Scheme describes the Clifton Hill area as follows: *This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.*

74. Figure 12 shows the subject site as being included within a Heritage Overlay area which contains the objective: *Ensure that development does not adversely affect the significance of the heritage place.*

75. While the subject site is not located within a Heritage Overlay itself, the northern side of Walker Street opposite the subject site is included under the Clifton Hill East Heritage Precinct.

Relevant Local Policies

Clause 22.01 – Discretionary use in the Residential 1 Zone

76. This policy applies to land in the Residential 1 Zone and is geared towards ensuring that non-residential uses located in residential areas do not unreasonable impact on the amenity of the area. In light of the provision of existing use rights for the subject site as a scout's hall, the policy requirements in relation to 'use' under this clause are not applicable to this application.

77. In regards to buildings and works, the clause contains the following policy objectives:

(a) *Except on land adjoining and gaining direct access from a road in a Road Zone:*

(i) all required car parking should be on-site.

(b) *New buildings and works should be consistent with the scale, bulk and character of the area.*

Clause 22.08 – Protection of biodiversity

78. This policy contains the following objectives:

(a) *To protect and enhance Yarra's natural biodiversity.*
(b) *To protect the long term survival and viability of remnant vegetation.*
(c) *To ensure the survival of indigenous species.*
(d) *To minimise the impacts of introduced flora and fauna on indigenous vegetation.*
(e) *To manage sites to allow for the natural regeneration of indigenous vegetation*.

79. It is policy under this clause that:

(i) Areas of remnant vegetation not be disturbed.
(ii) The disturbance of non-remnant indigenous vegetation be minimised.
(iii) A landscape plan be approved by Council before a development commences.
(iv) Indigenous species, as identified in Table 1 or as certified (as being indigenous) by a qualified horticulturalist be used.
(v) Environmental weed species as identified in Table 2 not be used

Clause 22.10 – Built form and Design policy

80. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

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

81. The policy has the following objectives:

(a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.*
(b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
(c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
(d) *Encourage environmentally sustainable development*.

Clause 22.13 – Residential built form policy

82. This policy applies to the Residential 1 Zone in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08.

83. As outlined earlier in this report under Paragraphs 73 to 75, the mapping under clause 21.08 identifies the subject site as being within a ‘heritage area’ and therefore the policy under this clause does not provide further guidance for built form outcomes.

Clause 22.16 – Stormwater Management

84. The policy contains the following objectives:

    (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
        (i) *Suspended Solids - 80% retention of typical urban annual load*
        (ii) *Total Nitrogen - 45% retention of typical urban annual load*
        (iii) *Total Phosphorus - 45% retention of typical urban annual load*
        (iv) *Litter - 70% reduction of typical urban annual load*

    (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 relevant documents

    Amendment C133

85. Council has prepared a new local policy to consider environmentally sustainable design.

86. Amendment C133 has finished exhibition, proceeded through a panel hearing, and is currently with the Minister of Planning for review. The amendment proposes to introduce Clause 22.17 Environmentally Efficient Design (EED) into the Yarra Planning Scheme. The Amendment will also update Clause 21.07-1 Ecologically Sustainable Development by introducing a new strategy.

87. 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 State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (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.

Advertising

88. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act* 1987 by letters sent to surrounding owners and occupiers and signs being placed on the Walker Street and rear lane frontages.

89. Ten objections were received to the application on the following grounds:

(a) Loss of existing car parking areas;
(b) Location of the building to close too front and side boundaries;
(c) Loss of vegetation;
(d) Visual bulk;
(e) Loss of daylight

Referrals

External Referrals

90. The application does not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

Internal Referrals

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

Car Parking Provision – Place of Assembly Use
Engineering comments and observations:

The proposed development comprises the construction of a new Scouts Hall (place of assembly) on the land. The existing buildings on the site occupy a floor area of 189 square metres and a hall area of 130 square metres. The new development will have a building floor area of 329 square metres and a hall area of 150 square metres. According to the applicant, the increase in the buildings and hall area would translate to 20 additional persons on site, however no increase in occupant numbers is proposed. The existing site contains five off-street car parking spaces. The redevelopment of the site will result in one off-street parking space, accessed off Walker Street. According to information supplied to Engineering Services, the new Scouts Hall would have a shortfall of four spaces.

Walker Street and nearby Edmund Street contain unrestricted on-street car parking. Persons who choose to drive to the site should be able to find a public on-street parking space within easy walking distance of the site.

Although the nearest public transport services are several hundred metres away, bus services along Heidelberg Road and Hoddle Street and rail services from Clifton Hill railway station can be reached by foot.

From a traffic engineering perspective, the reduction of four spaces in the car parking requirement should not have a detrimental effect on existing parking conditions in the surrounding area.

Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.

Access Arrangements

There is no objection to the utilisation of the existing vehicle crossing in order to provide access to the site.

Internal Layout – Disabled Parking Space

The disabled parking space must have an associated shared area and be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.6:2009, and must have a minimum unobstructed length of 5.4 metres since it immediately abuts a Public Highway.

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.

Council Underground Drain running through rear of Development

A check of Council's asset records revealed that there is a 375 mm diameter underground drain running in the rear asphalt Right of Way and through the rear of the subject property. A check of Council's drainage map suggests that the drain would run underneath the proposed kitchen/meeting room.

The designer/developer must not construct any building or structure above the drain. The designer must accurately identify the alignment of the drain and have it depicted on the drawings. Any structure built on the property must be at least 1.5 metres offset from the drain alignment to allow for maintenance or emergency repair works to the drain and to allow for the angle of repose from footings.

ENGINEERING REQUIREMENTS

The following items must be included in the Planning Permit for this site:

Road Infrastructure Works

Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Walker Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the developer's expense.

Clearances from Electrical Assets

The designer/developer must check and ensure that the building and any balconies (where applicable) have adequate clearances from overhead power lines, transformers, substations or any other electrical assets as per CitiPower requirements. The developer must contact CitiPower and seek advice on EMF and clearances from electrical assets.

Impact of Assets on Proposed Development

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

Drainage

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.

Notes

The drawings will need to be revised to reflect the underground drain and for the structure to be clear of the drain.

92. The application has been referred to council's Open Space Unit with the following comments provided:

Glen went and inspected the trees and site of the Scout Hall on the 17/02/15 as per the Arboricultural Report (Treemap Arboriculture).

I agree with the assessment conducted by Dean regarding the size/structure & overall condition of the trees on site. The trees while being native species are not indigenous to the area and of no arboricultural significance. They do however provide some screening and softening of the building. However, this should be achieved again once the new landscaping has developed.

Most trees on site have some moderate structural issues and/or previous limb failure due to these issues. Council would have no objection to the removals outlined in the assessment taking place (Removing trees 2 through 7)

Tree 1 (Council street tree) and trees 8 & 9 (Council park trees) are to be retained and as such needs to be protected under AS49870 (Protection of trees on development sites).

Tree 2 (Melaleuca linariifolia) also appeared to contain a possum nest (see attached image). This would need to be checked prior to any removals taking place and a wildlife carer should be utilised to ensure the safety of the possums during removal.

OFFICER ASSESSMENT

93. The following key issues and policies will be used to frame the assessment of this planning permit application:

(a) Existing Use Rights;
(b) Neighbourhood character and built form;
(c) Residential interfaces and amenity impacts;
(d) Vegetation removal and landscape considerations;
(e) Car parking;
(f) Objector's concerns; and
(g) Other issues

Existing use rights

94. As discussed earlier in this report, the subject site has accrued existing use rights pursuant to clause 63 of the Yarra Planning Scheme having continuously operated for a period of 15 years prior September 2015.

95. Pursuant to 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:

(i) 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.
(ii) 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.
(iii) *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.*

96. Buildings and works trigger a planning permit under the requirements of clause 63 as outlined under point (i) above. Built form will be assessed under its own heading with the focus broadened to encompass council's built form policies and sensitive interfaces with the abutting lots.

97. In regards to built form, it is sufficient at this point to state that the built form outcomes proposed under the application are considered to be generally acceptable and compliant with the requirements under the Neighbourhood Residential Zone, Design and Development Overlay and Environmental Significance Overlay which apply to the subject site.

98. In regards to the use of the Scout Hall within the subject site, it is significant that the premises currently operates with no restriction in regards to hours of operation or numbers and as such there are no restrictions in place on the operation of the premises. In light of the provision of existing use rights there is no scope for conditions to be included in relation to the 'use' of the Scout Hall within any permit issued.

99. While this may be the case it is considered that the development of a new/replacement Scouts Hall would not alter the use in such a way that would damage (or further damage) the amenity of the surrounding area in light of the existing and proposed uses being identical.

Neighbourhood character and Built form

100. As outlined earlier in this report the lots on the northern side of Walker Street and land to the west beyond the childcare centre are located within a Heritage Overlay area and this is reflected within the streetscape which generally consists of single and double-storey dwellings with only some examples of more contemporary built form within proximity to the subject site (ie townhouse dwellings within the Park Drive development to the east).

101. These Walker Street dwellings are generally built in proximity to both side boundaries with areas of private open space to the rear. While a number of the dwellings have been developed with first floor additions to the rear of the building, the scale presented to Walker Street is generally single-storey.

102. Being located further from the northern boundary than the adjoining dwelling at No.101 Walker Street, which is approximately 3.0m from the street frontage, the proposed building would provide a graduation in setbacks between the childcare centre which is located approximately 20m from the street.

103. This graduation in setbacks from the frontage is considered acceptable in light of the staggered setbacks which are seen in the existing building stock on both sides of Walker Street. The fact that both abutting buildings (as viewed from Walker Street) are not considered to hold any heritage significance would ensure that the location of the building within the streetscape would not result in a loss of views to any existing heritage building within the streetscape. This outcome is generally consistent with the policy direction under clause 21.08 which contains the objective: *Ensure that development does not adversely affect the significance of the heritage place.*

104. As part of the proposed development, the existing car parking area within the site's frontage would be reduced to contain a single car parking space which would provide a more complementary urban design outcome in regards to the landscaped front setbacks for other residential lots within Walker Street. The reduction of areas designated for car parking within the lot frontage to Walker Street would enhance public safety and pedestrian experience by providing for the creation of an attractive interface with the street which the existing car park does not provide. This outcome is considered to be generally in accordance with the policy direction under clause 22.10-3.5 – *Street and Public Space Quality.*

105. The location of the building 7m from the Walker Street frontage would provide sufficient space for the inclusion of landscape plantings to replace vegetation which is proposed for removal from the site. While vegetation removal and landscape considerations will be discussed in more detail later in this report, it is sufficient at this point to state that the areas free of built form within the frontage would be sufficient to accommodate landscape plantings to ensure the character of the surrounding area is protected, generally in accordance with the design objectives under clause 22.10-3.9 – *Landscaping and fencing.*

106. It is considered that the location of the proposed building in regards to the side boundaries and its proximity to the neighbouring buildings would complement the neighbourhood character in this regard and that this outcome is generally consistent with the design objectives under clause 22.10-3.3 – *Setbacks and building height* under the Scheme.

107. The maximum height of the building at 7.2m would sit comfortably within the streetscape, being lower than the double-storey townhouses within the lots immediately to the east and approximately the same height as the childcare centre to the west.

108. The pitched roof form while being more pronounced than the roofing of residential development within Walker Street is considered to achieve an acceptable design response which references the existing pattern of built form in the streetscape. The building would utilise weatherboard for the external walls and corrugated roofing which are both materials which are evident within the surrounding residential developments and are therefore considered to adequately respond to the streetscape while being introduced within a non-residential building.

109. While the interface with adjoining lots will be assessed within the following section of this report, it is considered that the location, height and design of the proposed building and car parking areas would achieve an acceptable design which would sit comfortably within the context of Walker Street meeting the policy design objectives of the relevant built form considerations under the Yarra Planning Scheme.

Residential interfaces and amenity impacts

110. The proposed development is located adjacent to four dwellings on its eastern boundary and a childcare centre to its west. The dwellings contain private open space areas and other sensitive interfaces opposite the proposed development which must be considered along with any amenity impacts to the childcare centre.

111. The decision guidelines for buildings and works associated with non-residential development are outlined under clause 32.09-11 of the Scheme and require council to consider the design, height, setback and appearance of the proposed buildings and works.

112. While clause 54 requirements are not specifically listed under these decision guidelines, it is considered appropriate to utilise the Standards under clause 54 as a guide to assess whether the proposed built form would achieve an acceptable design response in regards to the residential interfaces to the east and childcare centre to the west. As not all of the individual Standards under clause 54 of the Scheme will be relevant to the interface between the sites, the following section of this report will assess the relevant Standards only.

Side and rear setbacks objective

113. Utilising the requirements under Standard A10 as a guide, the maximum height of the east-facing wall of the proposed building which ranges between 3.8m and 4.3m would trigger a setback requirement from the eastern boundary of 1.06m to 1.21m and therefore a variation from the setbacks of 0.21m would be considered.

114. The east-facing wall has been designed to provide a wall height which is equal to or lower than the balustrades, on-boundary walls and/or fencing associated with the dwellings at No's 101 Walker Street and 1 Park Drive and would therefore not result in unreasonable visual bulk impacts to these properties.

115. In regards to the interface with No.3 Park Drive it is noted that the existing building is located approximately 0.8m from the boundary with a maximum height of 3.7m. Eaves extend past the east-facing wall to be within 0.2m from the boundary.

116. The visual bulk from the ground floor courtyard of No.3 Park Drive would be marginally improved as a result of the increased setback from the boundary and deletion of eaves (as per the existing conditions). These outcomes would increase the available line of sight from the ground floor courtyard over the development when compared to the existing conditions. While the proposed wall would be located opposite Private Open Space (POS) areas at ground level within No.3 Park Drive, it is therefore considered that the height and setback of the proposed wall achieves a reasonable design response.

117. The dwelling within No.3 Park Drive also contains its primary area of POS within a first floor terrace which leads from the primary living areas. Significantly, an individual standing within this first floor terrace would be at a level almost entirely above the proposed east-facing wall. This outcome is considered to achieve an acceptable design response in regards to avoiding unreasonable visual bulk impacts to this lot in conjunction with the improved outcomes discussed above in regards to the ground floor courtyard area.

118. The pitched roof form which would angle away from the east-facing wall would rise to a maximum height of 7.2m at a distance of 7.0m from the eastern boundary. The location of the peak of the roof exceeds the setbacks under the standard (ie 2.29m). It is considered that this outcome indicates that the visibility of the roofing to habitable areas (indoor and outdoor) associated with the lots to the east would not create detrimental visual bulk impacts.

119. Overall, it is considered that the height and location of the proposed development would not result in any unacceptable visual bulk impacts with the height and location of the development having been designed to minimise impacts to these neighbouring dwellings.

120. In regards to the interface with the childcare centre to the west it is considered that the 1.5m setback from the fenced 'play area' would not result in an unreasonable level of visual bulk with this setback exceeding the 1.12m outlined under Standard A10.

121. In light of the assessments outlined in the points above, it is considered that the location and height of walls in relation to the sensitive interfaces with the adjoining lots achieves an appropriate design response with regard to the design objectives under clause 22.10 – *Setbacks and building height*.

Daylight to windows objective

122. The proposed east-facing wall would be located approximately 3.8m from a west-facing, habitable room window associated with No.3 Park Drive. This setback would exceed the requirements of the Standard for a 2.15m setback (being half of the wall height).

123. The first floor, west-facing windows associated with No's 101 Walker Street and 1 Park Drive would be at a higher level than the proposed east-facing wall associated with the new building and would therefore not be subject to any loss of daylight as a result of the proposed development.

124. The windows associated with the west-facing light court for No.3 Park Drive are inwards facing and are designed to rely on the light court itself for the provision of daylight to the windows. With this in mind, it is considered that the single-storey wall associated with the kitchen/meeting area would not result in an unreasonable loss of daylight to these windows.

125. The proposed development would not be located opposite any other habitable room windows and accordingly it is considered that the proposed development would not result in any unreasonable loss of daylight to the neighbouring dwellings.

126. The west-facing wall of the proposed development would be located 1.8m from east-facing windows associated with the childcare centre to the west. The maximum height of the proposed west-facing wall at 4.1m would trigger a setback requirement of 2.05m from the neighbouring windows and therefore a variation of 0.25m would be triggered under the Standard.

127. Due to the commercial nature of the childcare centre and the modest variation which would need to be considered in relation to the setback from the windows, it is considered that the location and height of the west-facing wall achieves an acceptable design response in regards to the retention of daylight to the neighbouring windows.

Overshadowing open space objective

128. The proposed development would not result in any additional overshadowing to private open space areas associated with the adjoining dwellings.

129. Some additional overshadowing would be cast to the play areas associated with the childcare centre to the west at 9:00am. An assessment by council officers indicates that any additional shadowing from the proposed development to this area would be dissipated by 10:00am.

130. The level of additional shadowing cast from the development would equate to approximately 11m^2 with approximately 100m^2 retaining access to direct sunlight at this time. In light of the modest increase of shadowing for a limited time during the morning hours, it is considered that the level of shadowing cast to the childcare centre is acceptable.

Overlooking objective

131. The proposed development would contain an east-facing window associated with the corridor between the main hall area and the kitchen area. This window would be located opposite the ground floor courtyard associated with No.3 Park Drive.

132. It is considered that this window may provide unreasonable opportunities for overlooking to the courtyard and windows beyond as the fencing between the two sites at this interface contain a variety of materials, some of which are visually permeable. A condition would require that the window be treated with either obscure glazing or fixed external screens to resolve this issue.

133. The south-facing windows at ground and mezzanine level would not contain any direct line of sight to the POS areas or habitable room windows associated with the neighbouring dwellings which would fall within a 9m radius from the plane of the window with the first floor mezzanine window being located approximately 10m from these windows.

134. Views from the south-facing, kitchen windows to the POS associated with No.5 Park Drive would be interrupted by the on-boundary wall associated with this neighbouring dwelling and/or the proposed shed.

135. Views from north-facing windows would fall onto Walker Street and would not constitute unreasonable overlooking.

136. The west-facing windows would have a minimum sill height of no less than 1.9m above FFL and would therefore limit opportunities for overlooking towards the childcare centre to the west. This outcome is reflective of the requirements of the Standard (ie for minimum sill heights of no less than 1.7m) and therefore this is considered to achieve an acceptable design response in regards to overlooking to the west.

Noise

137. In the VCAT case *Gattuso & Ors v Yarra CC* (2008, P100/2008) member Bennet made the following comments in regards to noise from the childcare centre which is now located to the west of the proposed development:

> *The noise of children playing outdoors at schools, kindergartens and child care centres, particularly early in the morning or in the late afternoon, is an issue often raised in these cases and it was of particular concern to Mr and Mrs McLeod. This matter has been well canvassed in previous Tribunal decisions and the general view taken is that the noise of playing children is an entirely acceptable noise within a residential zone and within a residential area. In some cases conditions have been included requiring acoustic fencing along boundaries where houses are in close proximity, but I have no evidence to suggest that is necessary in this case.*

138. It is considered that any noise generated from the use of the proposed Scouts Hall would be comparable to that of the existing conditions and in light of the provision for existing use rights to the premises, there is no scope for council to require additional treatments to the building in this regard. While this may be the case, it is considered that noise generated from the use of the building is unlikely to be unreasonable in any case.

Materials

139. Clause 22.10-3.8 of the Scheme outlines that the design of development should avoid reflective materials unless it can be demonstrated that any potential reflection would not have a detrimental impact. There is no specific evidence to suggest that the corrugated roofing would create a detrimental level of glare/reflectivity to the adjoining dwellings and it is considered that the materials proposed within the proposed development would be acceptable.

140. In light of the assessment above in regards to visual bulk, overlooking and overshadowing it is considered that the proposed development would not result in any unacceptable amenity impacts to the adjoining lots and that this would achieve an outcome generally in accordance with the policy direction under clause 22.10-3.8 – *Off-site amenity.*

ESD considerations

141. Clause 22.10-3.5 of the Scheme contains design objectives in relation to providing environmentally sustainable development within Yarra. The application has proposed a number of environmentally sustainable design (ESD) options which have been integrated to the design of the building and are considered to achieve an acceptable response to these design objectives.

142. The proposed development would include the provision of a 5000lt rainwater tank and a rain garden adjacent to the rear outbuilding/shed which would combine with the retention of permeable surfacing around the proposed building to provide for a STORM report score of 134. This outcome is considered to achieve an outcome consistent with the policy direction under clause 22.16 – *Stormwater Management* in relation to minimising impacts of stormwater runoff from new developments.

143. The development would include other measures such as timber-framed, double glazed windows and the provision of skylights and operable windows which would maximise the ability to capture daylight and natural ventilation while minimising heat loss/gain within the building.

144. These outcomes have been demonstrated within the SDA scorecard submitted with the application to achieve a ‘best practise’ outcome for the commercial development. This SDA report would be endorsed to form part of the development approval. These outcomes are considered to provide for an outcome which is generally consistent with the design objectives under clause 22.10-3.5.

Vegetation removal and landscape considerations

145. The application is proposing the removal of vegetation from the site as outlined earlier in this report under Paragraph 36.

146. While no buildings or works would occur in proximity to Tree No.1 within the Road Reserve, Trees 8 & 9 would be located closely to the proposed outbuilding/shed at the rear of the development. The arborist report submitted with the application outlines that the buildings and works associated with the shed are unlikely to impact on the health of these trees and that their retention is viable. Council's Open Space Unit has commented that trees to be retained must be protected in accordance with Australian Standard AS49870 (*Protection of trees on development sites).* This issue would be addressed through a condition of permit.

147. In regards to the remaining vegetation which is proposed for removal under this application Council's Open Space Unit have confirmed the findings of the arborist report (Tree Map, November, 2014) that the vegetation holds little retention value and its removal is therefore supported.

148. With the subject site being located within the Design and Development Overlay (Yarra River Corridor) and Environmental Significance Overlay (Schedule 2) it is considered that the requirement for a landscaping plan to offset the proposed vegetation removal is warranted in this particular instance and would be required as a condition of permit. This would allow for an outcome which is generally in accordance with the policy direction under clauses 21.07 – *Environmental sustainability,* clause 22.08 – *Protection of biodiversity and* 22.10-3.9 – *Landscape and fencing* under the Scheme.

149. The removal of vegetation from the site when coupled with replacement plantings through the requirement of the landscaping plan as described above are considered to achieve an outcome which is generally consistent with the objectives of both the ESO and DDO in relation to enhancement of the natural landscape of the river corridor and protection of biodiversity.

150. In terms of the built form within the subject site and the interface of the development with Quarries Reserve and the river corridor, it is significant that the site is not prominently located within any significant sightlines along the corridor or within the wider landscape setting noting that the developments associated with Park Drive all contain double-storey built form located further south in relation to the interface with the Reserve.

151. The location of the south-facing walls away from the southern boundary, coupled with the height of the building at a maximum of 7.2m would ensure that the development would not become overly prominent within the wider landscape and would sit comfortably within the context of the immediate area without resulting in any unreasonable impacts on the landscape qualities of the river corridor or abutting reserve.

152. Overall it is considered that the proposed development would achieve an acceptable outcome in regards to vegetation removal and landscape considerations in light of the conditions discussed for tree protection plans and landscape plantings to be undertaken.

Car parking

153. As outlined earlier in this report, the existing building is located behind an unmarked car parking area which contains space for approximately five car parking spaces. As part of the proposed development, these car parking areas would be partially taken over by the new building and replaced with a single car parking space.

154. As discussed earlier in this report under Paragraphs 53 to 55 the establishment of existing use rights for the Scout Hall means there is no requirement for car parking under clause 52.06 of the Scheme for the new building.

155. While this may be the case, comments have been provided by council's Traffic Engineering Unit in regards to the 'loss' of car parking from the subject site and the possible impacts which this may have in regards to the demand for on-street parking within the surrounding area.

156. The comments received from council's Traffic Engineering Unit state that Walker Street and Edmund Street both contain unrestricted on-street car parking and persons who choose to drive to the site should be able to find a public on-street space within walking distance of the subject site.

157. The comments received go on to state that from a traffic engineering perspective, the removal of four (4) car parking spaces from the subject site should not have a detrimental effect on existing parking conditions in the surrounding area in light of the point above.

158. Providing additional car parking areas within the property frontage, adjacent to Walker Street is considered to result in a poor urban design outcome for the residential streetscape and in light of the nature of the use of the land as a scouts hall, the 'drop-off' and 'pick-up' demand for car parking is considered to be sufficiently catered for within the surrounding street network without resulting in unreasonable traffic/parking impacts beyond what is experienced under the existing conditions.

159. In light of the points above, it is considered that the provision of a single car parking space in lieu of the existing car parking area would achieve an acceptable outcome in this particular instance.

Objector's concerns

160. The following concerns were raised in the objections received for the application

Loss of existing car parking areas;

161. The loss of car parking areas from the subject site has been discussed earlier in this report under Paragraphs 153 to 159 and is considered to achieve an acceptable outcome.

Location of the building to close to front and side boundaries and visual bulk;

162. The design of the proposed building in relation to sensitive interfaces with the abutting lots has been assessed in detail earlier in this report under Paragraphs 100 to 107 and 110 to 121 and found to achieve an acceptable outcome.

Loss of vegetation;

163. The removal of vegetation has been discussed earlier in this report under Paragraphs 145 to 152 and found to achieve an acceptable outcome subject to replanting which would be reinforced through a condition of permit requiring the submission of landscaping plans to the satisfaction of council.

Loss of daylight

164. The interface of the proposed building with the dwellings to the east has been assessed earlier in this report under Paragraphs 122 to 130 in regards to daylight and shadowing impacts and is considered to achieve an acceptable outcome.

Other issues

165. Council's Traffic Engineering Unit has identified that a drain exists at the rear of the site. This council asset runs within the rear laneway through the rear of the subject site and beneath the area associated with the proposed kitchen.

166. The comments from council's Traffic Engineering Unit state that the developer must not construct any building or structure above the drain and that the location of this asset must be accurately identified within the plans with any proposed structure being located at least 1.5m clear. This issue would be addressed through a condition of permit.

167. The comments from councils Traffic Engineering Unit go on to detail requirements for various assets protection/reinstatement works which would be required in relation to road and other infrastructure (if damaged during construction). These comments would be included as conditions of permit or notations to the permit where appropriate.

Conclusion

168. The proposed development demonstrates compliance against the policy requirements outlined under the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with the relevant planning policy and is supported subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to grant a planning permit PLN14/0529 for development of the land for buildings and works associated with the construction of a new single-storey hall (with mezzanine level) and rear shed and removal of vegetation, incorporating Existing Use Rights for the site's use as a Place of Assembly (Scout Hall) at 89-95 Walker Street, Clifton Hill, generally in accordance with the decision plans, and 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 location of the council drain running through the southern portion of the site and any buildings or works being located no closer than 1.5m from the drain;
    (b) The east-facing window treated with either obscure glazing or fixed, external screens which provide for no more than 25% visual transparency, to a height of no less than 1.7m above FFL;
    (c) front fencing being no greater than 1.25m in height;

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

    (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
    (b) indicate the location of all areas to be covered by lawn or other surface materials; and
    (c) provide a specification of works to be undertaken prior to planting,

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, 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.

5. During the construction all trees which are to be retained must be protected in accordance with AS49870 (*Protection of trees on development sites)* to the satisfaction of the Responsible Authority.

6. 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

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.

5. 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.

6. 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.

7. 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:

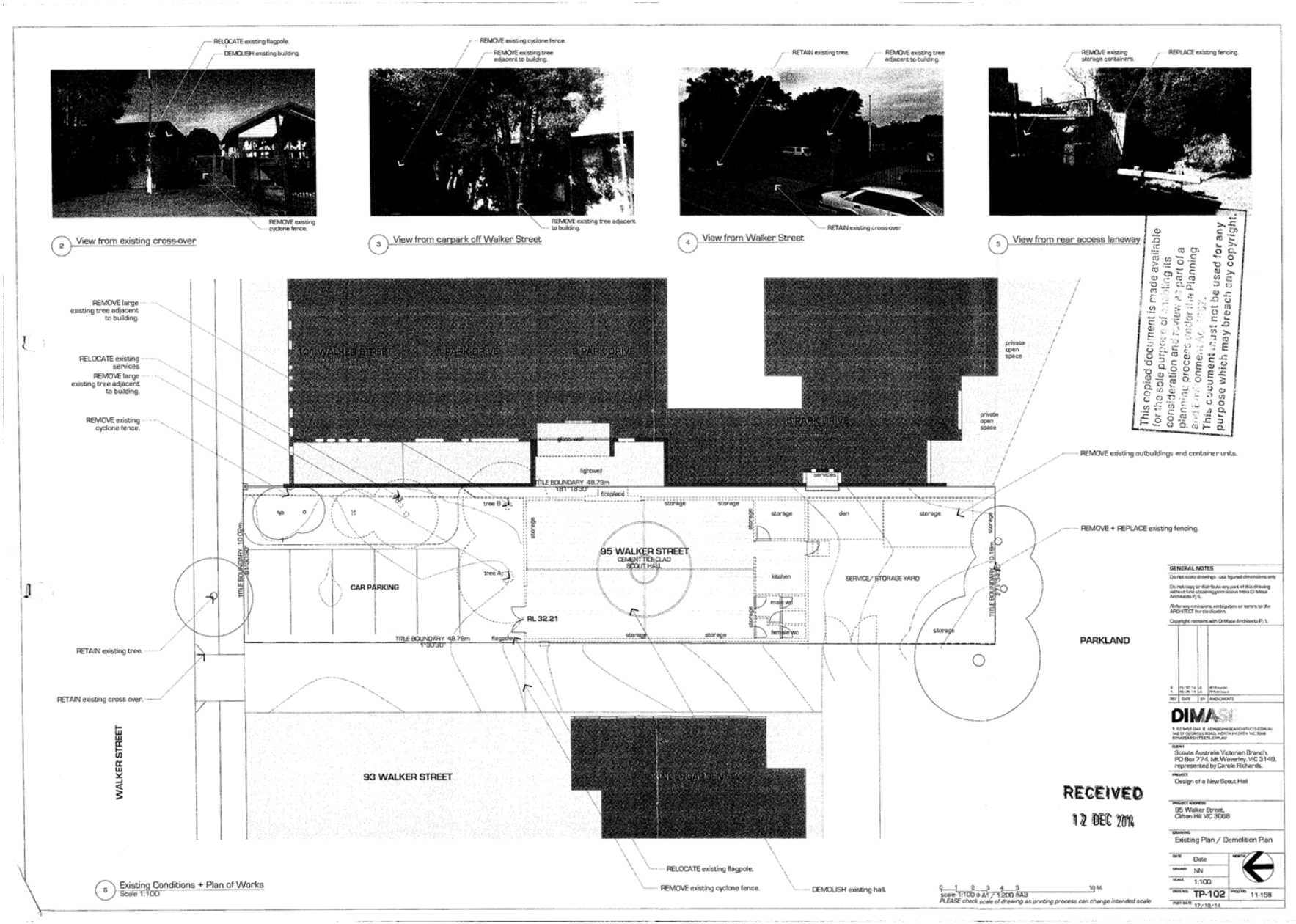
A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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 Existing floor plan and elevations
2 Floor Plans
3 Elevations and sections
4 Shadow diagrams

Attachment 1 - Existing floor plan and elevations



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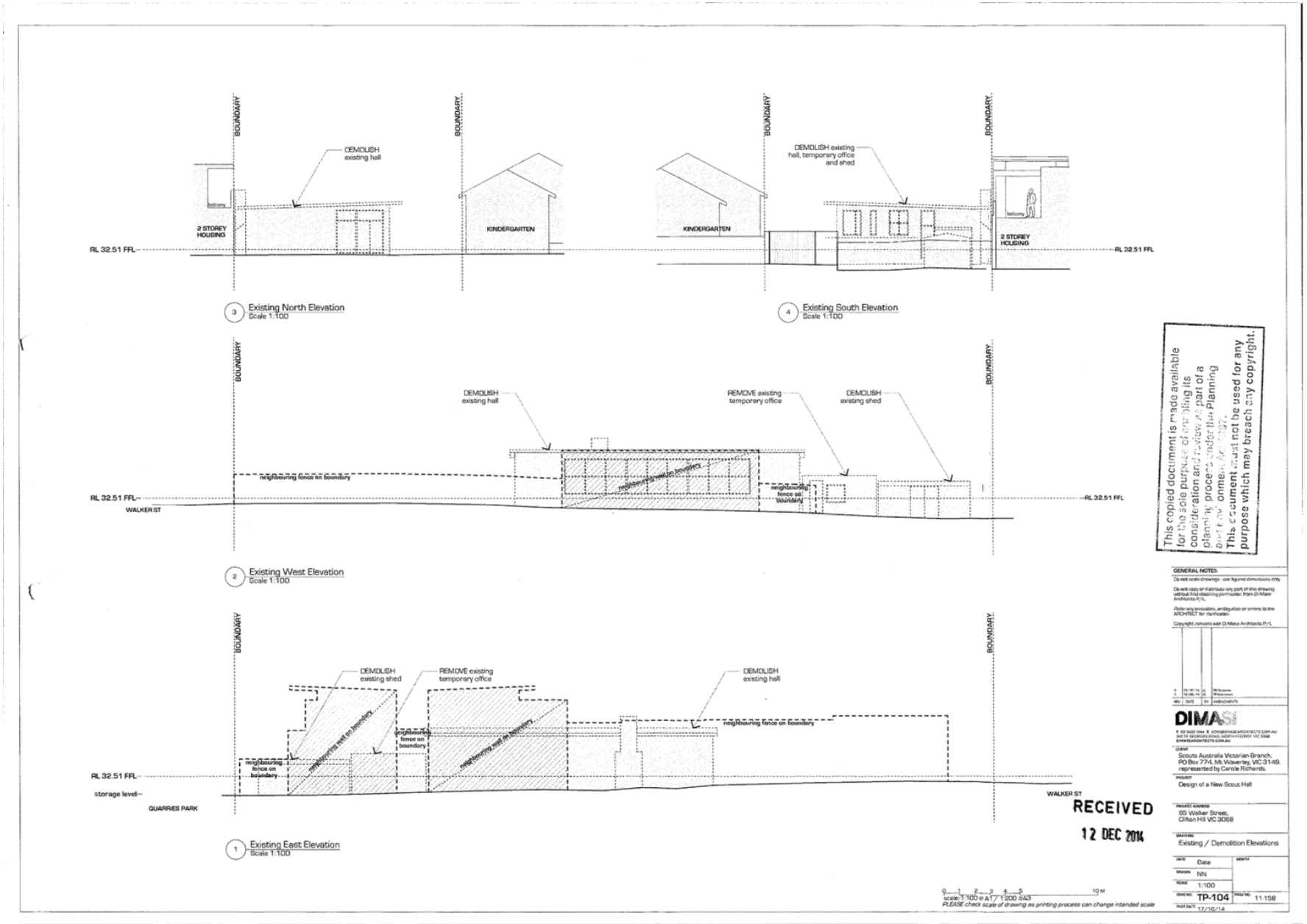
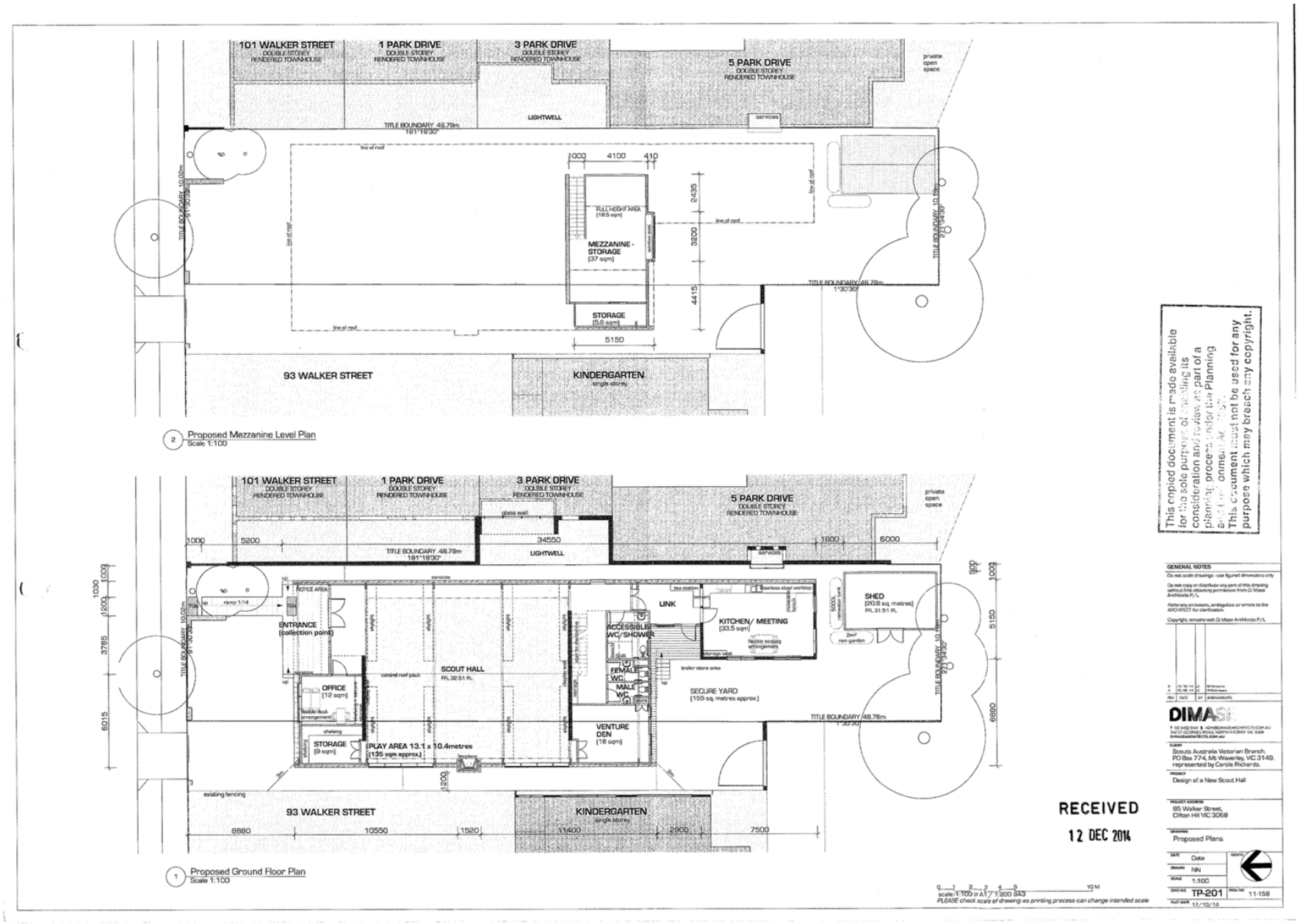


Attachment 2 - Floor Plans



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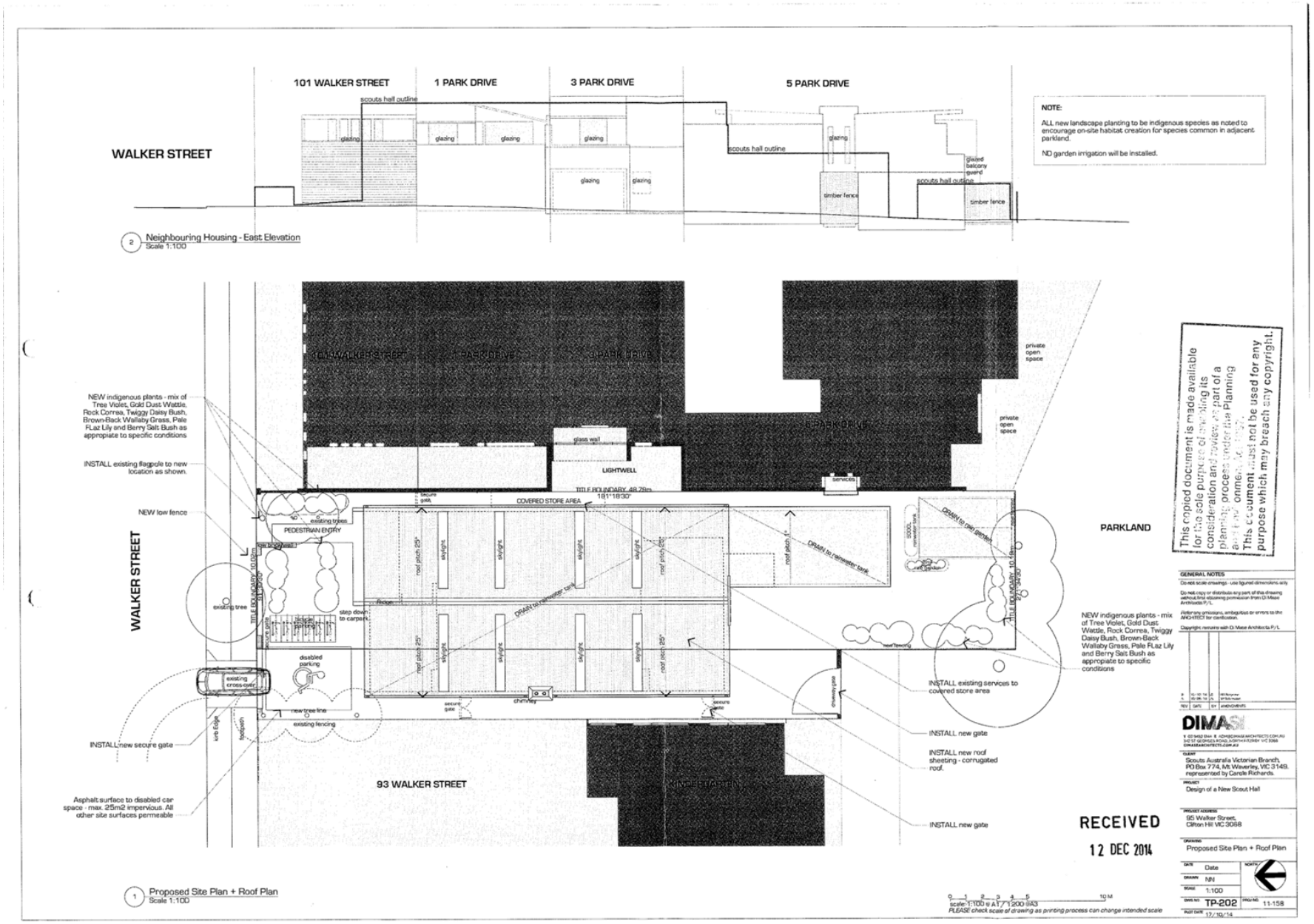
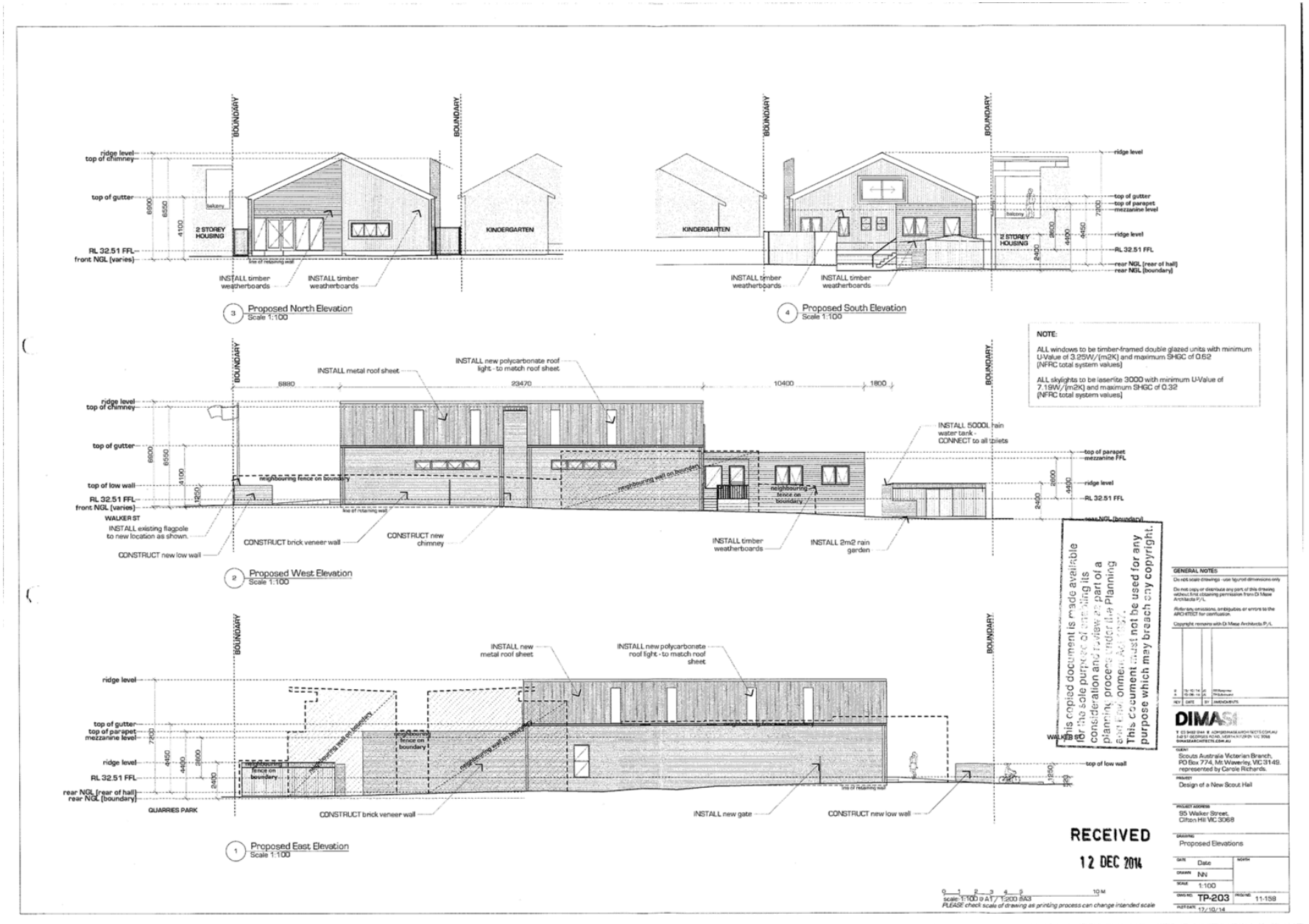


Attachment 3 - Elevations and sections



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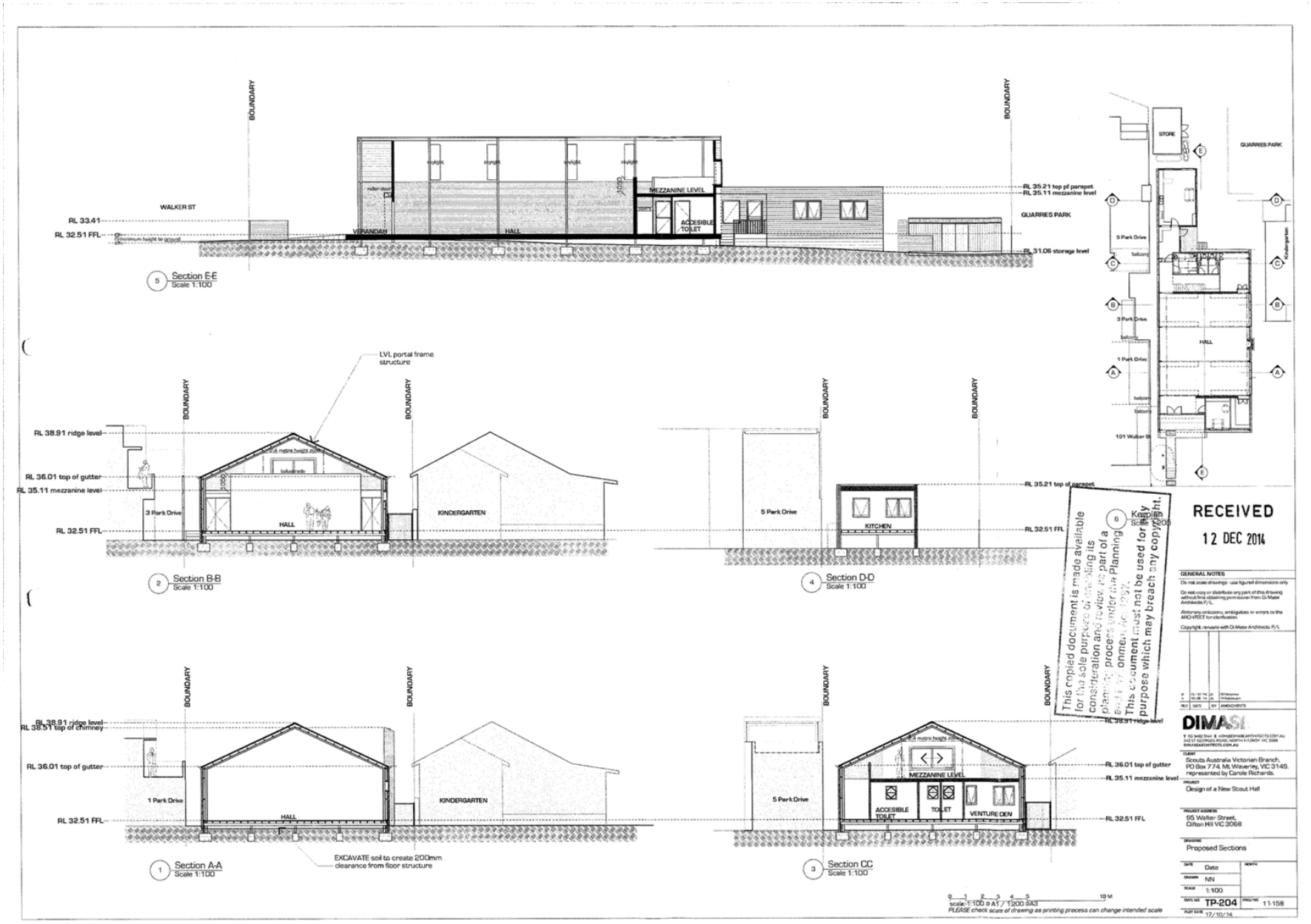
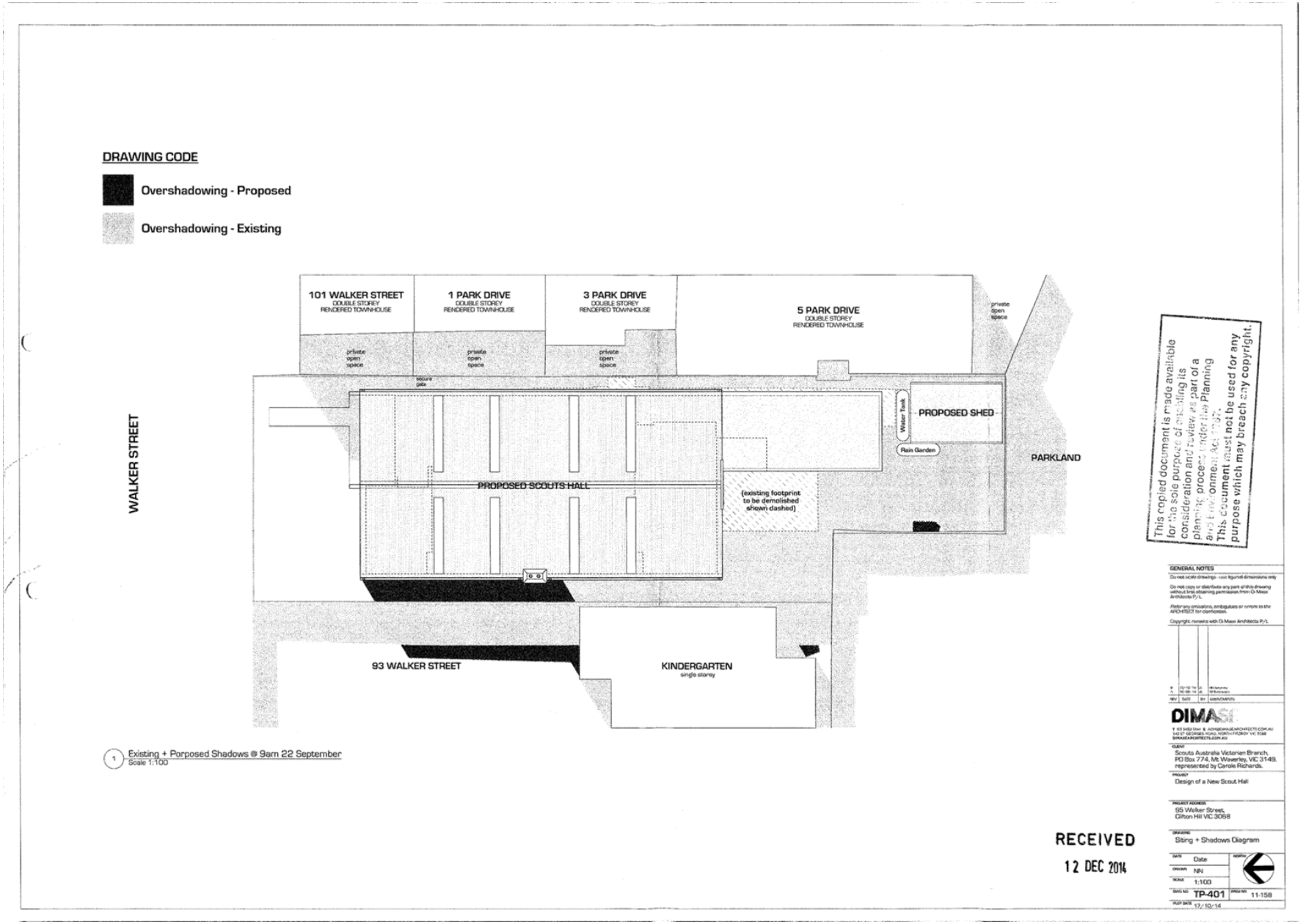


Attachment 4 - Shadow diagrams



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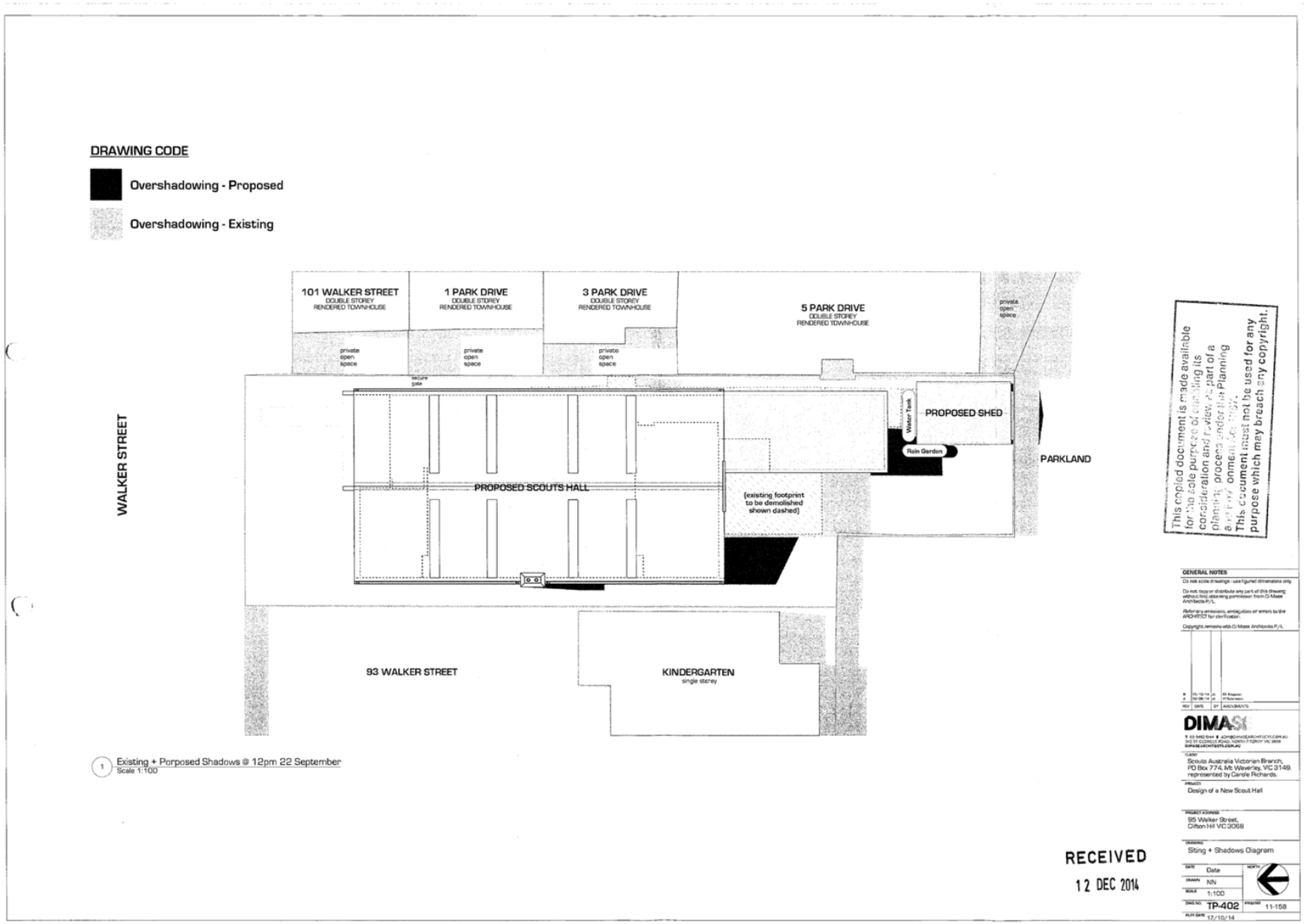
Attachment 4 - Shadow diagrams



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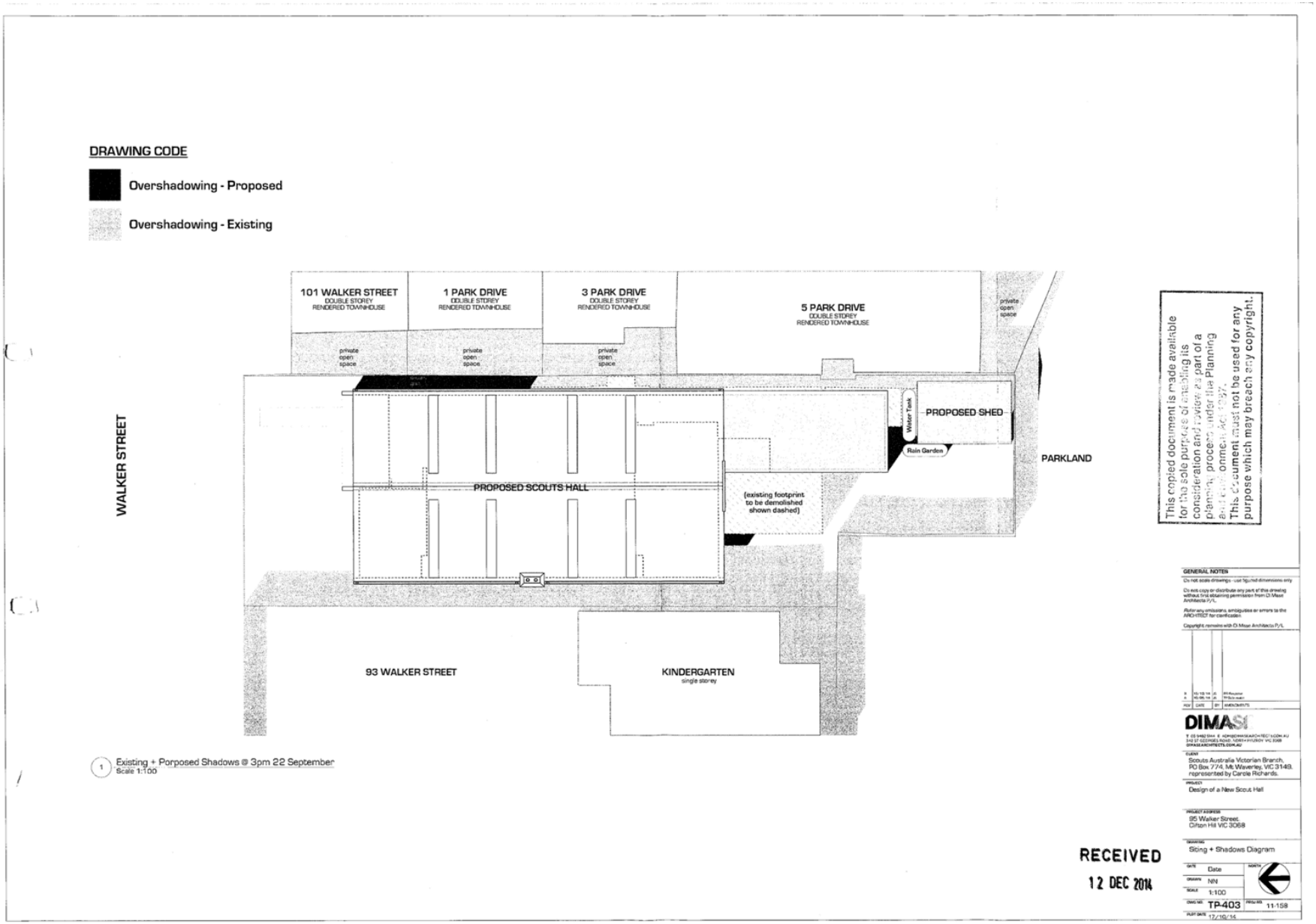


1.3 34 Fraser Street, Richmond 3121 - Planning Permit Application No. PLN14/1170 (Construction of a double storey dwelling).

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 34 Fraser Street, Richmond, for the construction of a double storey dwelling. The report recommends approval of the application.

Background

2. The application was received by Council on 15 December 2014. Following the submission of further information, the application was advertised and 6 objections were received.

3. A consultation meeting was held on 07 April 2015 and was attended by Council officers, the applicant and objectors.

4. Pursuant to Section 57a of the *Planning and Environment Act* 1987 (the Act), the applicant formally substituted plans which included the following changes:

    (a) The built form on the adjoining southern property (No. 36 Fraser Street, Richmond) shown accurately;
    (b) Variation to setbacks as follows:
        (i) Ground floor lightcourt on the southern boundary increased in length (from 2.95m to 5.33m) and depth (from 1m to 2.1m), and located further west);
        (ii) Ground floor rear setback reduced from 5.87m to 3.21m;
        (iii) First floor southern setback varied to provide a 2.5m setback (where not on boundary);
        (iv) First floor rear setback reduced from 4.47m to 1.92m.
    (c) Decrease in wall and maximum building heights (maximum from 7.47m to 7.31m);
    (d) Window and door modifications;
    (e) Deletion of the ground floor pergola at the rear of the dwelling; and
    (f) Internal rearrangements.

5. The amended plans were formally advertised; no additional objections or withdrawals were received.

6. The applicant submitted a second Section 57A amendment, received by Council on 10 August 2015. Further information was requested and satisfied on 28 August 2015 which included the following changes:

    (a) Variation to setbacks as follows:
        (i) First floor southern setback increased (from 2.5m to 3.3m [study and master bedroom robe] and from 0.91m to 1m [bathroom and bedroom 2 robe]);
        (ii) First floor southern on-boundary constructed reduced by 1.3m associated with the master bedroom.
    (b) Reduction in the southern study/corridor wall height from 6.24m to 6.16m.
    (c) Reduction in the southern master bedroom wall height from 5.87m to 5.82m.
    (d) First floor window modifications.

7. Discretionary exemption from notice requirements was granted at Council's internal Development Assessment Panel (DAP) on 04 September 2015 as the changes resulted in an overall reduction of built form.

8. The Section 57A plans received by Council on 28 August 2015 along with an additional overshadowing plan received by Council on 08 September 2015 are now the decision plans and form the basis of this report.

9. At the time the application was lodged, the site was within in a General Residential Zone. However Amendment C176 was gazetted by the State government on 30 April 2015, applying a new clause 32.08 (General Residential Zone, Schedule 2 [GRZ2]) of the Yarra Planning Scheme (the Scheme) to the site. The GRZ2 is therefore the zone which must be considered in the assessment.

10. Clause 6 of Schedule 2 contains transitional provisions which states (of relevance) that schedule 2 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling made before the approval date of Amendment C176 (being 30 April 2015). However, the Section 57A amended plans were received by Council on 30 April and 28 August 2015. Therefore the transitional provisions do not apply.

Key Planning Considerations

11. Key planning considerations include:
    (a) Clause 21.05 – Built Form;
    (b) Clause 21.07-1 – Environmental Sustainability, Ecologically Sustainable Development;
    (c) Clause 22.10 – Built Form and Design Policy;
    (d) Clause 22.13 – Residential Built Form Policy;and
    (e) Clause 54 – One dwelling on a Lot.

Key Issues

12. The key issues for Council in considering the proposal relate to:
    (a) Clause 54 (ResCode) including clause 22.10 (Built Form Design);
    (b) Urban Design;
    (c) Vehicular access; and
    (d) Objector Concerns

Objector Concerns

13. Six objections were received to the application, these can be summarised as:
    (a) Adverse impact on the existing streetscape and neighbourhood character;
    (b) Overdevelopment of the site (in relation to building height and footprint);
    (c) Amenity impacts including:
        (i) Loss of daylight and ventilation;
        (ii) Visual bulk;
        (iii) Overshadowing;
        (iv) Overlooking; and
        (v) Reflective glare from the mirrored garage door fronting Fraser Street.
        (d) Insufficient area of secluded private open space;
    (e) Inappropriate removal of significant tree on-site; and
    (f) Loss of an on-street car park.

Conclusion

14. 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: **Claire Helfer**
TITLE: **Statutory Planner**
TEL: **92055083**

1.3 34 Fraser Street, Richmond 3121 - Planning Permit Application No. PLN14/1170 (Construction of a double storey dwelling).

Trim Record Number: D15/87782
Responsible Officer: Coordinator Statutory Planning

Proposal:	Construction of a double storey dwelling
Existing use:	Dwelling
Applicant:	Adrian Limosani, Arch Design Pty. Ltd.
Zoning / Overlays:	General Residential Zone, Schedule 2 (clause 32.08 of the Scheme)
Date of Application:	15 December 2014
Application Number:	PLN14/1170

Planning History

1. Council records show no planning history associated with the subject site.

Background

2. The application was received by Council on 15 December 2014. Following the submission of further information, the application was advertised and 6 objections were received.

3. A consultation meeting was held on 07 April 2015 and was attended by Council officers, the applicant and objectors.

4. Pursuant to Section 57a of the *Planning and Environment Act* 1987 (the Act), the applicant formally substituted plans which included the following changes:

   (a) The built form on the adjoining southern property (No. 36 Fraser Street, Richmond) shown accurately;
   (b) Variation to setbacks as follows:
      (i) Ground floor lightcourt on the southern boundary increased in length (from 2.95m to 5.33m) and depth (from 1m to 2.1m), and located further west);
      (ii) Ground floor rear setback reduced from 5.87m to 3.21m;
      (iii) First floor southern setback varied to provide a 2.5m setback (where not on boundary);
      (iv) First floor rear setback reduced from 4.47m to 1.92m.
   (c) Decrease in wall and maximum building heights (maximum from 7.47m to 7.31m);
   (d) Window and door modifications;
   (e) Deletion of the ground floor pergola at the rear of the dwelling; and
   (f) Internal rearrangements.

5. The amended plans were formally advertised; no additional objections or withdrawals were received.

6. The applicant submitted a second Section 57A amendment, received by Council on 10 August 2015. Further information was requested and satisfied on 28 August 2015 which included the following changes:

   (a) Variation to setbacks as follows:
      (i) First floor southern setback increased (from 2.5m to 3.3m [study and master bedroom robe] and from 0.91m to 1m [bathroom and bedroom 2 robe]);
      (ii) First floor southern on-boundary constructed reduced by 1.3m associated with the master bedroom.
   (b) Reduction in the southern study/corridor wall height from 6.24m to 6.16m.

(c) Reduction in the southern master bedroom wall height from 5.87m to 5.82m.
(d) First floor window modifications.

7. Discretionary exemption from notice requirements was granted at Council's internal Development Assessment Panel (DAP) on 04 September 2015 as the changes resulted in an overall reduction of built form.

8. The Section 57A plans received by Council on 28 August 2015 along with an additional overshadowing plan received by Council on 08 September 2015 are now the decision plans and form the basis of this report.

Existing Conditions

Subject Site

9. The subject site is located on the west side of Fraser Street, Richmond, approximately 130m south of Bridge Road and 190m north of Corsair Street.

10. The rectangular shaped site has a frontage to Fraser Street of 5.97m and a depth of 30.18m; yielding a total site area of 180sqm.

11. The site is currently developed with a single storey, single fronted weatherboard dwelling. Flat roofed later additions are located at the rear of the original construction which has a pitched roof.

12. The dwelling is setback approximately 4.7m from the front (eastern) boundary accommodating a front garden; a 1.7m deep verandah encroaches into this setback. The site is bounded by a low, transparent metal front fence with two separate pedestrian gates.

13. The dwelling is setback from the northern boundary by approximately 1m, providing pedestrian access to the rear of the site.

14. The dwelling and outbuildings are constructed to the southern boundary for the full length of the site except for the front garden and an approximate 2m setback from the rear (west) boundary.

15. The site's secluded private open space is located at the rear of the dwelling within the setback from the northern boundary. A tree is centrally located within this space.

16. There are no restrictive covenants listed against the certificate of title provided.

Surrounding Land

17. Fraser Street contains a diverse range of built form, predominantly consisting of single storey brick and weatherboard cottages (some with first floor extensions). The built form varies in architectural style, and includes some more prominent double storey developments.

18. To the immediate north of the subject site is a single storey weatherboard dwelling. The dwelling is setback 4.94m from the front (eastern) boundary with a 1.62m deep verandah encroaching into this setback. The dwelling is constructed to the southern boundary for its entire length. The site's secluded private open space is located at the rear of the dwelling (to the north of the outbuildings). This site has a 1.1m high, front timber picket fence.

19. On the east side of Fraser Street, opposite the subject site, are single and double fronted, single storey weatherboard dwellings. These dwellings (Nos. 21 to 31) are within one of Council's heritage gap studies (Amendment C183). The aforementioned sites (with the exception of No. 25) are identified as possessing contributory heritage value to the Neptune Street Precinct. No. 25 is identified as being 'not contributory'.

20. To the immediate south of the subject site is a double fronted, single storey weatherboard dwelling with a recessed double storey extension towards the rear (approved under Planning Permit No. PLN14/0184). This dwelling is setback 6.37m from the front (eastern) boundary with a 1.54m deep verandah encroaching into this setback. The front setback accommodates a grassed area to the south and one on-site concreted car space to the north (accessed from a single-width crossover). The front verandah is setback from the northern boundary by approximately 1.5m. The dwelling is then setback approximately 1m from the northern boundary for a length of 7.8m. The dwelling is then setback 4m for a length of 8m accommodating the site's primary area of secluded private open space. Towards the rear of the site, the dwelling at ground floor is constructed to the northern boundary for a length of 6m; at first floor the dwelling is setback 4.8m from the northern boundary. There are two ground floor and one first floor north-facing habitable room windows. A setback ranging between 1.3m and 2.3m from the rear (west) boundary accommodates an outdoor area used for bicycle storage and vegetable garden and a clothes line.

21. Planning Permit No. PLN13/1126 was issued by Council (at an Internal Development Approval Committee meeting on 24 July 2014) at No. 38 Fraser Street, Richmond for the 'development of the land for the construction of two double storey dwellings on the lot'.

22. To the immediate west of the subject site are two double storey dwellings addressing Hunter Street. The secluded private open space of these two sites abuts the shared boundary.

The Proposal

23. The proposal is for the construction of a double storey dwelling; the details of which are as follows:

    Demolition (no planning permit required)
    - Full demolition of the existing dwelling, tree, and fencing.

    Construction (ground floor)
    - The ground floor would be setback 5.5m from the front (eastern) boundary accommodating an open car space to the south and a front garden to the north; with a garage constructed to the west of this car space along the southern boundary.
    - The dwelling is constructed to the north and south boundaries for a length of 22.75m except for an 11sqm courtyard (5.33m in length x 2.1m in width) located 7.92m from the rear (west) boundary.
    - The site's secluded private open space is located within the 3.21m setback from the rear (west) boundary yielding 20sqm.
    - The wall height is a maximum of 3.2m above the finished floor level.
    - The living, dining and kitchen are located on the ground floor.
    - 3000L underground water tank located underneath the open car space within the front setback and is connected to the toilets for flushing.

    Construction (first floor)
    - The first floor is setback a minimum of 4.08m from the front (eastern) boundary, cantilevering over the ground floor for a depth of 1.5m.
    - The first floor is setback from the northern boundary 1.37m for a length of 1.5m, 0.25m for a length of 9.89m and then constructed to the boundary for a length of 12.86m.

- The first floor is constructed to the southern boundary apart from a 0.5m setback for the front 1.5m, and setback central to the building varying between 1m and 3.3m.
- The first floor is setback 1.92m from the rear (western) boundary, cantilevering over the ground floor for a depth of 1.29m.
- The overall building height is 7.37m above the natural ground level.
- Solar hot water system (no planning permit required).
- The first floor accommodates 3 bedrooms, two bathrooms and a study within the corridor.

Materials

Surface	Material/colour
Roofing	Steel zincalume, natural finish, Bluescope steel
Walls	Natural applied render finish: - 'Ross' Toscano Roman render; and - 'Pure White' Toscano Roman render
Privacy screening	Aluminium screen battens, 'Bush Cherry', MetalArt Industries
Aluminium windows, fascia/gutters	Night Sky, Blux P'Coat paint
Garage door	Reflective glass, Eco Garage Doors

Planning Scheme Provisions

Zoning

General Residential Zone (Schedule 2)

24. Pursuant to clause 32.08-3 of the Yarra Planning Scheme (the Scheme) a permit is required to construct or extend one dwelling on a lot of less than 500sqm.

25. Pursuant to clause 32.08-7 of the Scheme (of relevance) these maximum height of a dwelling must not exceed the building height specified in a schedule to this zone. Schedule 2 to this zone specifies a maximum building height of 9m; the proposed maximum building height equates to 7.37m, therefore compliance with the zone is achieved.

Overlays

26. The subject site is not covered by any overlays.

Particular Provisions

Car Parking

27. Pursuant to clause 52.06 of the Scheme, this clause applies to the construction of a new dwelling in a residential zone if triggered under the zone.

28. Clause 52.06-5 specifies a requirement of two on-site car spaces for a three or more bedroom dwelling. As the proposed dwelling has 3 bedrooms, the proposal generates a requirement of two on-site car spaces. The proposal includes 2 on-site car spaces, therefore satisfying the statutory on-site car parking rate.

29. Other matters relevant to the consideration of car parking at clause 52.06 of the Scheme relate to the design and layout of car parking at clause 52.06-8.

Clause 54 – One Dwelling on a Lot (ResCode)

30. As the works require planning permission pursuant to 32.08-3 of the Scheme, the application must meet the requirements of clause 54 of the Scheme. A detailed assessment will be offered in the assessment section of this report.

General Provisions

Clause 65 – Decision Guidelines

31. The Decision Guidelines outlined in 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 the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

State Planning Policy Framework (SPPF)

32. Relevant clauses are as follows:

Clause 15 – Built Form and Heritage

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

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

Clause 15.01-1 – Urban Design

34. 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'.*

35. The relevant strategies are as follows:

(a) *Promote good urban design to make the environment more liveable and attractive.*
(b) *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
(c) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.02-1 – Energy and resource efficiency

36. The 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'.*

37. The relevant strategy is as follows:

(a) *Improve efficiency in energy use through greater use of renewable energy.*

Local Planning Policy Framework (LPPF)

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

    (a) *Clause 21: Municipal Strategic Statement [MSS]; and*
    (b) *Clause 22: Local Planning Policies*

    Municipal Strategic Statement [MSS]

39. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'. Clause 21.02 of the MSS acknowledges that whilst Yarra has a growing population, demographically the size of households is decreasing with fewer children and the elderly than the rest of Melbourne.

    Clause 21.05-2 – Built Form, Urban Design

40. The relevant objective and strategies of this clause are as follows:

    (a) *Objective 16 - To reinforce the existing urban framework of Yarra.*
    (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
        (i) Strategy 17.1 - Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.
    (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.*
    (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

    Clause 21.07-1 – Ecological sustainable development

41. The relevant objective of this clause are as follows:

    (a) *Objective 34 – To promote ecologically sustainable development.*

    Clause 21.08 – Neighbourhoods

42. The following statement has been extracted from the description of Central Richmond at clause 21.08-11 of the Scheme:

    'The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood. The Bridge Road major activity centre is an important regional centre'.

    Relevant Local Policies

    Clause 22.10 – Built Form and Design Policy

43. This policy applies to all new development not included in a heritage overlay. The policy includes ten design elements that address a variety of issues, the following of which are relevant to this application:

    (a) Urban form and character;
    (b) Setbacks and building heights;
    (c) Street and public space quality;
    (d) Environmental sustainability;
    (e) Site coverage
    (f) On-site amenity
    (g) Off-site amenity

(h) Parking, traffic and access

44. The objectives of this clause 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.*

Clause 22.13 – Residential Built Form Policy

45. This policy applies to residential zones in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in clause 21.08.

46. The objectives of this clause are as follows:

    (a) *To limit the impact of new development on surrounding land, particularly on low rise residential areas.*
    (b) *To response to and strengthen the distinct character of different parts of Yarra.*

47. It is policy that development within each of the character types responds positively to the matters set out in clauses 22.12-3.1 to 22.12-3.4 of the Scheme referable to the location of the development.

48. The Built Form Character Map at clause 21.08-11 of the Scheme identifies the subject site as being within the 'Inner Suburban Residential' area.

49. Clause 22.13-3.2 of the Scheme describes Inner Suburban Residential Areas as *'built form dominated residential areas with small gardens (if any) and minimal front and side setbacks'.*

50. The objectives of this clause are 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)

51. This policy applies to applications for (of relevance) new buildings. The 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). Currently, these water quality performance objectives require:*

(i) Suspended Solids - 80% retention of typical urban annual load
(ii) Total Nitrogen - 45% retention of typical urban annual load
(iii) Total Phosphorus - 45% retention of typical urban annual load
(iv) Litter - 70% reduction of typical urban annual load

(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*

52. At clause 22.16-3 of the Scheme, it is policy to:

(a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
(b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
(i) collection and reuse of rainwater and stormwater on site
(ii) vegetated swales and buffer strips
(iii) rain gardens
(iv) installation of water recycling systems
(v) multiple uses of water within a single manufacturing site
(vi) direction of flow from impervious ground surfaces to landscaped areas.
(c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
(i) appropriately designed waste enclosures and storage bins, and
(ii) the use of litter traps for developments with the potential to generate significant amounts of litter.
(d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Advertising

53. The application was advertised pursuant to Section 52 of the *Planning and Environment Act* 1987 (the Act), by way of 43 letters sent to adjoining and neighbouring owners and occupiers and a notice displayed on Fraser Street.

54. A total of 6 objections were received by Council. The grounds of objection are summarised as follows:

(a) Adverse impact on the existing streetscape and neighbourhood character;
(b) Overdevelopment of the site (in relation to building height and footprint);
(c) Amenity impacts including:
(i) Loss of daylight and ventilation;
(ii) Visual bulk;
(iii) Overshadowing;
(iv) Overlooking; and
(v) Reflective glare from the mirrored garage door fronting Fraser Street.
(d) Insufficient area of secluded private open space;
(e) Inappropriate removal of significant tree on-site; and
(f) Loss of an on-street car park.

Consultation Meeting

55. A consultation meeting was held on 07 April 2015, with the applicant and objectors in attendance. Amendments to the proposal were received on 30 April 2015.

56. The first Section 57A amendment was advertised pursuant to Section 52 of the Act by way of 50 letters sent to adjoining and neighbouring owners and occupiers and objectors. As stated previously, the second Section 57A amendment was not re-advertised as it was a reduction in built form.

Referrals

External

57. There are no external referrals required under the Scheme.

Internal

58. The application was referred to Council's Urban Design and Engineering units.

Urban Design

59. The referral response from Council's Urban Design Unit is provided as follows:

Site and built form context

60. *The development site is located on the west side of Fraser Street and has no rear laneway access.*

61. *The overall pattern of the streetscape of Fraser Street is dominated by single storey, single and double fronted Edwardian and Victorian houses. This pattern is particularly intact adjacent to the subject site. Further north some redevelopment has occurred dating from the 1960's including flats and townhouses. The subject site is occupied by a single storey weatherboard early C20th dwelling which matches the residence to the north. To the south is a single storey double fronted Victorian residence.*

62. *The Built Form Character Map: Central Richmond indicates that the subject site is within an Inner Suburban Residential area where applicants should:*

- *Maintain the existing pattern of front setback.*
- *Limit variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites in areas with generally consistent building heights.*

63. *The subject site is not in an heritage overlay area but several houses opposite the subject site are designated as contributory buildings in heritage gaps study.*

Proposed development

64. *The proposal for the subject site is to demolish the existing residence and develop a double storey townhouse. Tandem car parking is provided with one space located within the frontage setback.*

Building height, bulk and scale

65. *As previously stated the overall Hunter Street streetscape is predominantly single storey. As the proposed development is only one storey higher than the adjacent streetscape the building height, bulk and scale is acceptable.*

Street Interface and vehicle access

66. *The domination of the street façade de by the vehicle access and garage door will be disruptive to the streetscape and an 'active' use at ground level would be preferable. The addition of a new vehicle footpath crossing will also reduce the pedestrian amenity.*

67. *The provision of no on site car storage and relying on the existing on street car parking is preferred in regard to an urban design outcome.*

68. *In the event that the on-site car space is retained the incorporation of a glazed garage door is an acceptable way to include frontage car storage.*

69. *The design outcome would also be improved if the tandem car park in the frontage setback was not included.*

Façade and design detail, colour and materials
Generally the design detailing and choice of materials is supported.

70. Given the Section 57A Amendments did not include any changes to the front façade, the revised plans were not re-referred to Urban Design.

Engineering

71. The referral response from Council's Engineering Unit is as follows:

Access Arrangements and Internal Layout

72. *The proposal comprises the construction of a double storey dwelling along with a vehicle crossing and associated parking on-site for a car space and a garage in a tandem arrangement. The garage and the car space are accessed via Fraser Street.*

73. *A check of the Proposed Residence plans by Archsign (Drawing No. 14259 Rev. B) indicates the dimensions of the:*
    - *car space - 3.00m X 5.0m and*
    - *garage space - 3.5m X 6.0m*

74. *These dimensions comply. A 3.0m wide (at the boundary) vehicle crossing is provided complying with standards.*

    - *The construction of the new vehicle crossing must satisfy the following:*
    - The *vehicle crossing shall be constructed in accordance with City of Yarra Standard Drawings and Specifications with the associated splays contained within the extended boundary line;*
    - 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), who administers this type of application and issues the vehicle crossing permit.*

75. Given the Section 57A amendments did not alter the originally proposed vehicular access or arrangement, the plans were not re-referred to Council's Engineering Unit.

OFFICER ASSESSMENT

76. The key planning considerations for Council relate to the following:

    (a) Clause 54 (ResCode) including clause 22.10 (Built Form Design);
    (b) Urban Design;
    (c) Vehicular access; and
    (d) Objector Concerns

    Clause 54 (ResCode) including clause 22.10 (Built Form Design)

    Standard A1 – Neighbourhood Character

77. This section of Fraser Street includes a range of built form character types. The existing streetscape predominantly contains single storey brick and weatherboard cottages, some with first floor extensions. There are also more recent double storey developments (which include 1960's two storey walk-up flats, 1980's two storey dwellings, 1990's townhouses as well as recently constructed double storey townhouses).

78. The form and scale of the proposed dwelling is not in conflict with existing built form within proximity to the site, and the proposed building is lower in scale than the emerging modern built form within the broader area. A contemporary addition to Fraser Street is considered to be consistent with the emerging neighbourhood character, which includes a variety of modern developments, particularly in relation to the approved development at 38 Fraser Street, Richmond. Further to this, new double storey townhouses have recently been constructed at No. 51 Fraser Street (under Planning Permit No. PL05/0392 issued on 08 September 2005).

79. Planning Permit No. PLN13/1126 was issued by Council (at an Internal Development Approval Committee meeting) on 24 July 2014 at No. 38 Fraser Street, Richmond (two properties to the south of the subject site) for the construction of two, double storey dwellings. This approved development is of a contemporary design and is not dissimilar to the proposed development at No. 34 Fraser Street, Richmond, in terms of presentation to the street and scale.

80. The only component of the proposal that is considered in conflict with the existing streetscape and broader neighbourhood character is the reflective glass material of the garage door. The use of glass is not uncommon with contemporary construction however is generally used in smaller amounts such as balcony balustrades or as windows to habitable rooms. Generally garage doors are more solid (as evident in more recent developments). Timber (or similar) will pick up on the existing and emerging materials of the street which has more solid and non-reflective qualities. Further to this, clause 22.10-3.8 of the Scheme specifically discourages the use of reflective materials (albeit with reference to off-site amenity).

81. Clause 22.10-3.3 of the Scheme encourages new development constructed within a front setback to the street to include soft landscaping and discourages car parking within the setback area. However, given the existing and emerging character of Fraser Street includes car parking within front setbacks, the proposal does not create a conflict and is therefore considered acceptable.

82. Within the design objectives at clause 22.10-3.3 of the Scheme, roof forms are encouraged to respect any prevailing roof forms in the area. The proposed flat roof is consistent with that of existing contemporary and recently approved roof forms and will not create a conflict within the street.

83. Therefore, the proposal complies with this standard whilst also being supported by clause 22.10-3.2 (Built Form and Design, Urban Form and Character) of the Scheme as it is an appropriate response having regard to the existing rhythm, spacing of buildings and overall street pattern.

Standard A2 – Integration with the Street

84. The proposed new dwelling will continue to front Fraser Street. The dwelling has a minimum setback of 5.5m at the ground floor and 4.08m at the first floor from the front (east) boundary. These setbacks prevent the dwelling from dominating the existing streetscape and will enable the dwelling to integrate well within Fraser Street.

85. The front façade includes large window openings at first floor creating passive surveillance and achieves an acceptable level of articulation and integration with Fraser Street. This standard discourages high fencing; the proposal does not include a front fence. Therefore, compliance with this standard is achieved.

Standard A3 – Street Setback

86. This standard recommends the following (of relevance):

Development context	***Minimum setback from front street (metres)***
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	*The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 meters, whichever is lesser.*

87. The dwellings on the adjoining northern and southern properties are setback from the front (east) boundary by 3.32m and 4.83m respectively; resulting in an average of 4.075m. The proposed front setback is 4.08m, therefore complying with this standard.

88. Clause 22.10-3.3 of the Scheme encourages new development that is higher than adjacent building to adopt a secondary setback for the higher building component which aligns to the street pattern and retains view lines to other key features. The proposed ground floor setback is in excess of the setbacks of the adjoining properties to the north and south. The first floor however partly cantilevers over the ground floor. This however is considered acceptable as the encroachment of the first floor is consistent with the contemporary developments within the area. Given the generous setback of the dwelling from the front (east) boundary, the first floor will not dominate the street and will not result in an adverse level of visual impact from Fraser Street or adjoining properties. Therefore, the cantilever of the first floor is considered acceptable.

Standard A4 – Building Height

89. This standard recommends for the maximum building height not to exceed 9m; the proposed maximum building height is 7.47m, therefore complying with this standard and also supported by clause 22.10-3.3 of the Scheme as it is appropriate in the context of the area; respecting the prevailing pattern of the heights of the area and not conflicting with the character of Fraser Street. Further to this, the proposed height is also supported by clause 22.13 of the Scheme which encourages variations in height limited to a maximum of one storey compared to the adjacent properties (as the adjoining southern property is double storey and the adjoining northern is single storey).

90. It is reiterated the proposal does not exceed the mandatory height under the General Residential Zone, Schedule 2 (in which the site is located).

Standard A5 – Site Coverage

91. This standard recommends for maximum site coverage of 60 per cent. A planning officer assessment calculated the proposed site coverage at approximately 74.5 per cent, therefore not complying with this standard (the decision plans reference a 64 per cent site coverage; however this does not include the first floor overhang.

92. It is acceptable to support the proposal in this instance given the site's location in an inner urban environment. As evidenced by recent residential development in the street and surrounds, there is a range of smaller private open space areas. The proposal is not in conflict with the existing surrounding area and therefore is considered acceptable. Furthermore, clause 22.10-3.6 of the Scheme recommends for a maximum site coverage of 80 per cent, which the proposal would meet.

Standard A6 – Permeability

93. This standard recommends a minimum site permeability of 20 per cent. The proposal states there will be 28 per cent site permeability which is attributed to the open space within the front setback and the courtyards along the southern boundary and at the rear of the site.

94. However, the ground floor plan, does not clearly note that the courtyards along the southern boundary and at the rear are to be permeable. This will be required by way of condition to ensure the minimum is met.

95. Further to this, a 3000 litre water tank is proposed which will limit the impact on the drainage system and will assist in the facilitation of on-site stormwater infiltration. This will be discussed further in standard A7 below.

Standard A7 – Energy Efficiency Protection

96. Clause 22.16-3 of the Scheme (Stormwater Management) encourages best practice to be achieved which is a 100 per cent STORM rating. The applicant submitted a STORM report which achieves a STORM rating of 110 per cent. This rating is attributed to the 3000L underground water tank to be connected to the toilets for flushing located within the front setback of the dwelling.

97. The east-west orientation of the dwelling acts as a constraint when maximising solar access. However, the courtyard along the southern and western boundaries and the window openings allow for adequate sunlight penetration and access to the habitable areas.

98. Solar protection to the ground floor west-oriented living room is provided by the first floor cantilever.

99. Further to this, the proposal includes a solar hot water system (mounted on the roof towards the rear of the dwelling), which also contributes to an adequate level of energy efficiency.

Standard A8 – Significant Trees

100. A planning permit is not required to remove the existing tree on-site as it does not contribute to the street given its location at the rear of the site. Fraser Street is an inner-suburban street where small setbacks and built form dominated residential areas do not provide the ability for significant trees. However, a note will be included reminding the application of Council's local Laws requirement for a permit.

Standard A10 – Side and Rear Setbacks

101. This standard applies to new walls not on or within 200mm of a boundary and recommends for these walls to be set back from a side or rear boundary 1 metre, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.

102. The following table outlines the walls that are assessed under this standard:

Wall	Wall height	Technical setback required	Proposed setback	Compliance/variation
Ground floor southern dining room wall	3.4m	1m	2.1m	Complies
Ground floor western living room wall	3.13m	1m	3.21m	Complies
Ground/first floor northern entry/bedroom 3 wall	7.12m – 7.37m	2.21m – 2.46m	250mm - 1.37m	840mm – 1.92m variation required
First floor southern bedroom 3 wall	7.06m	2.15m	500mm	1.65m variation required
First floor southern bathroom wall	6.01m	1.723m	1m	723mm variation required
First floor southern hallway/study wall	6.16m	1.77m	3.3m	Complies
First floor master bedroom western wall	6.64m	1.9m	1.92m	Complies

103. As outlined in the above table, the first floor northern and southern bedroom 3 walls and the first floor southern bathroom wall do not meet the recommended technical setbacks under this standard.

104. The ground/first floor northern entry/bedroom 3 wall requires an 840mm – 1.92m variation. This variation is considered acceptable as the wall is adjacent to existing built form constructed to the shared boundary and the proposed setback respects the overhanging spout. Therefore the variation will not result in any adverse amenity impacts such as visual bulk or impact.

105. The first floor southern bedroom 3 wall requires a 1.65m variation. This wall is adjacent to the front verandah and the open on-site car space of the adjoining southern property and is for a length of 1.5m. Therefore, the variation will not result in any adverse amenity impacts such as visual bulk or impact to habitable rooms or secluded private open space.

106. The first floor southern bathroom wall requires 0.72m variation. As this wall is not adjacent to secluded private open space, there will not be adverse amenity impacts such as bulk resultant from this variation. The wall is however opposite an existing habitable room window (refer to standard A13 – North-facing windows objective).

107. As the proposed setbacks are not in conflict with the emerging built form character of the surrounding land (where boundary-to boundary construction is occurring) and will not prejudice the rights of the adjoining properties in regard to off-site amenity, the proposal is also supported by clause 22.10-3.8 of the Scheme.

Standard A11 – Walls on Boundaries

108. This standard recommends for the length of northern boundary walls not to exceed the length of the existing walls on the abutting lot. The dwelling to the north is constructed to the shared boundary for a length of approximately 27m; the length of northern on-boundary wall equates to 12.86m (given the front setback of 250mm), therefore complying with this standard.

109. This standard further recommends for an average wall height not to exceed 3.2m with no part higher than 3.6m. The proposed wall height is between 6.81m and 7.37m, therefore not complying with this standard. However given this wall is adjacent to existing built form, there will be no adverse amenity impacts, particularly given the location of this wall is to the south of the adjacent dwelling and existing shed.

110. The proposed southern boundary walls should not exceed a collective length of 15.045m. The proposed collective length equates to 17.42m, therefore not complying with this standard. The new on-boundary wall heights range between 3.2m and 7.37m, therefore not fully meeting the recommended average and maximum wall height of 3.2 and 3.6m respectively.

111. However, the proposed ground/first floor living/master bedroom boundary wall is adjacent to an existing boundary wall on the adjoining southern property; therefore the proposed wall will not result in adverse amenity impacts.

112. The new garage/first floor bedroom 3 wall is adjacent to existing built form located on the adjoining southern property. The existing built form on the adjacent property is setback 1.2m from the shared boundary. This setback provides side pedestrian access along the site and is not part of the site's primary area of secluded private open space. There are two north-facing windows adjacent to this proposed wall, however these will be discussed in more detail later in the report.

113. There is a 2.7m length of on-boundary wall (associated with the kitchen) that is adjacent to the secluded private open space of the adjoining southern property. This wall however, has a maximum height of 3.2m, therefore complying with the recommended height under this standard.

114. On-boundary construction is a prominent characteristic of the area; and is generally attributed to small and narrow lot sizes; the proposal will not conflict with this existing built form characteristic. In addition, the emerging built form is one of boundary-to boundary development where it does not impact secluded private open space or habitable room windows. As the proposed on-boundary construction is not in conflict with the built form character of the surrounding land and will not prejudice the rights of the adjoining properties in regard to off-site amenity, the proposal is also supported by clause 22.10-3.8 of the Scheme.

Standard A12 – Daylight to Existing Windows

115. This standard applies to existing habitable room windows within 3m of a boundary. This standard recommends for an existing habitable room window to continue to open to an open area at least a 3sqm area and to be at least 1m clear to the sky.

116. There are two existing habitable room windows within 3m of a boundary located on the adjoining southern property. These windows will continue to open to an area greater than 3sqm (on their land) and will be at least 1m clear to the sky (except for a small eave overhang). However, as they are north-facing, they will be discussed in the standard below.

Standard A13 – North-facing Windows

117. This standard applies to north-facing habitable room windows within 3m of a boundary. There are two north-facing habitable room windows located on the adjoining southern property.

118. This standard recommends for the proposed dwelling to be setback 3.45m from the shared boundary (derived from a 7.37m wall height). As the wall is proposed to be setback between zero and 1m from the shared boundary compliance with this standard is not achieved.

119. The two existing north-facing windows are associated with a living room and a study. The impact (i.e. loss of daylight) to these windows must be considered relative to existing conditions.

120. The existing dwelling on the subject site is constructed to the shared boundary, and would not comply with the recommended setbacks under this standard. Section B-B shows under existing conditions, shadow hits the middle of the existing windows for a length of 2.81m at 10am, 2.8m at 12 noon and for 2.85m at 3pm. The section shows that resultant from the proposal, the windows will be in full shadow.

121. However, the front living room is not the dwelling's primary living area which is located towards the middle/rear of the site within the recently approved extension. The primary living area is constructed to both side boundaries and will not be affected by the proposal. Further to this, the front living room also has an east-facing window which will continue to allow for an acceptable level of light into the room.

122. The existing north-facing window associated with the study is not the sole light source as the room also includes doors that open directly out onto the site's area of secluded private open space.

123. As set out within ResCode, the objective must be met; not the standard. If compliance with this standard was required, it would unreasonably restrict development of the subject site that is appropriate within the inner-city context. Therefore, on balance, the sought variation under this standard is considered appropriate.

Standard A14 – Overshadowing Open Space

124. This standard recommends where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. This standard further goes onto to recommend that when under existing conditions, this standard is not met, no additional shadow should be cast.

125. The following table summarises the increase in overshadowing to the affected properties at 9am, 12 noon and 3pm.

	9am	12pm	3pm
36 Fraser Street	3.18sqm	0.4sqm	7sqm
31 Hunter Street	11.8sqm	1.2sqm	No increase
27 Hunter Street	10.56sqm	No increase	No increase

36 Fraser Street

126. The primary area of seclude private open space of the adjoining southern property is centrally located abutting the shared boundary. Under existing conditions, compliance with this standard is not achieved.

127. It is recognised that the adjoining southern property has located their secluded private open space along the northern boundary to maximize the northern sun. However, this is not a common location of secluded private open spaces within the area and if compliance with this standard was to be achieved, would unreasonably restrict development on the subject site.

128. Relative to existing conditions, the increase is not adverse. Whilst there is an increase of 7sqm at 3pm; having regard to the small increase of 2.5sqm in the morning, a negligible increase in the middle of the day, this increase is considered acceptable.

31 Hunter Street

129. Whilst there is an approximate increase of 12sqm of overshadowing in the morning, the shadow falls away in the late morning to having no impact by the afternoon. This area of secluded private open space is not adversely affected by the proposal.

27 Hunter Street

130. Whilst the proposal results in an increase of approximately 11sqm of shadow in the morning, by the late morning for the rest of the day, the secluded private open space remains unaffected by the proposal.

131. Furthermore, clause 22.10-3.8 of the Scheme also supports the proposal as the aforementioned clause aims to ensure that new development does not substantially overshadow residential private open space.

132. The applicant specifically revised the proposal twice to reduce the shadow particularly to the adjoining southern property. The original plans showed (most noteworthy) the primary area of secluded private open space of the adjoining southern property (No. 32 Fraser Street) in complete shadow at 9am, 12 noon and 3pm.

Standard A15 – Overlooking

133. This standard applies to direct views within 9m at a 45 degree arc from either habitable room windows or balconies/terraces into either areas of secluded private open space or habitable room windows.

134. The first floor east-facing bedroom 3 windows only have views into spaces that are either visible from the public realm (i.e. the front yards of the adjoining north and south properties) or that are beyond 9m (dwellings located on the east side of Fraser Street). Therefore, there are no screening requirements for these windows.

135. The first floor south-facing windows are not associated with a habitable room (hallway) therefore no screening treatment required. It is recognised that within the hallway is a study however this does not constitute a habitable room, and is considered a secondary use of the space. Nonetheless, these windows are shown as frosted and have a restricted opening to 125mm. The ‘overlooking detail 1’ plan shows that views into the adjoining southern property from the hallway are impeded by the ground floor parapet height.

136. It appears that the first floor west-facing bedroom 2 window results in direct views into the adjoining southern property (the plans do not specify the window as fixed/or otherwise screened); therefore a condition will require compliance with this standard.

137. The first floor east and south-facing windows associated with the ensuite and bathroom respectively do not require screening as a bathroom is not a habitable room.

138. The top 200mm of the first floor west-facing master-bedroom windows are shown as frosted and to have a restricted opening to 125mm. There are no screening measures specified for the remainder of the window (below 1.7m above the finished floor level). While there is a batten screen detail shown, no such screen has been shown on the plans. Therefore a condition will require compliance with this standard.

Standard A16 – Daylight to New Windows

139. This standard applies to new habitable room windows and recommends for them to open to an area measuring at least 3sqm and to be at least 1m clear to the sky.

140. The ground floor south, east and west-facing windows associated with the dining room, living area and kitchen respectively open to the 11sqm courtyard and are at least 1m clear to the sky. Therefore, compliance with this standard is achieved.

141. The ground floor west-facing living room window opens to the site's primary area of secluded private open space which yields 20sqm however is not at least 1m clear to the sky as the first floor cantilevers over for a depth of 1.29m. Whilst compliance with this standard is not achieved, this is considered acceptable as the first floor cantilever provides solar protection from the harsh western afternoon sun to the ground floor living area. Therefore on balance, the sought variation is considered acceptable.

142. The first floor east-facing bedroom 3 window opens to an outdoor area greater than 3sqm and is at least 1m clear to the sky. Therefore, compliance with this standard is achieved.

143. The first floor west-facing master bedroom windows open to an area yielding greater than 3sqm and are at least 1m clear to the sky. Therefore, compliance with this standard is achieved.

Standard A17 – Private Open Space

144. This standard recommends for the site to include at least 40sqm of private open space; the proposal includes 49sqm (attributed to the open space within the front setback and the courtyards located along the south boundary and at the rear of the dwelling) therefore complying with this standard.

145. This standard further recommends for at least 25sqm of the private open space to be secluded, to have a minimum distance of 3m from a side or rear boundary and to be conveniently accessed from a living area.

146. The primary area of secluded private open space located at the rear of the dwelling yields 20sqm, has a 5.97m distance to the side boundaries and has direct access from the living area.

147. The 5sqm variation is considered acceptable given the inner city context of the site. Furthermore, the proposal also includes a secondary area of secluded private open space yielding 11sqm along the southern boundary.

148. The proposal is also supported by clause 22.10-3.7 of the Scheme as it provides areas of private open space that are highly functional and solar oriented that will meet the needs for residents.

Standard A18 – Solar Access to Open Space

149. This standard recommends the following:
    (a) *The private open space should be located on the north side of the dwelling, if practicable*

(b) *The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.*

150. The primary area of secluded private open space is located at the rear of the site (to the west of the dwelling). The east-west orientation of the dwelling along with the narrow width of 5.97m and adjacent existing built form to almost the entire northern boundary, act as site constraints. Therefore, it is not considered practical or reasonable to meet this recommendation.

151. It is recognised that the secluded private open space of the adjoining southern property is located to the north of the dwelling. However, the site is double-fronted and therefore does not include the same site constraints as the subject site.

152. The primary area of secluded private open space spans the full width of the site, therefore meeting the objective and is also supported by clause 22.10-3.7 of the Scheme.

Standard A19 – Design Detail

153. The proposed dwelling is of a contemporary form and utilises contemporary materials consistent with new construction within the surrounding area. The proposed flat roof form respects the surrounding and emerging character, complying with this standard and supported by clause 22.10-3.3 of the Scheme. The proposed elevations are sufficiently articulated to avoid bland and uninteresting blank walls.

154. The mirrored garage door fronting Fraser Street however is considered to be out of character with the existing area. Whilst Council's Urban Design Unit recommend the garage door to be glass, as assessed under standard A1 (neighbourhood character) of this report, the use of glass is uncommon for a garage door. Timber (or similar) will pick up on the existing and emerging materials of the street.

155. The proposed design is considered to adequately satisfy the design objectives of the standard (subject to a condition requiring the garage door to be timber or similar).

Standard A20 – Front Fences

156. The proposal does not include a front fence.

<u>Urban Design</u>

157. The following recommendations have been made by Council's Urban Design Unit:

(a) *On site car storage and an additional crossing is not preferred in regard to the streetscape response.*

158. There are a number of existing vehicle crossings within the street that provide on-site car parking (both open and garages) within front setbacks (including the immediately adjoining property to the south).

159. The provision of on-site car parking within the front setback is not in conflict with the existing or emerging character. The approval of Planning Permit No. PLN13/1126 (determined at Internal Development Approval Committee) included two new vehicle crossings (one for each dwelling) off Fraser Street. One dwelling included a garage and the other a carport within the front setback.

160. Given the existing streetscape, the approval of PLN13/1126 and the site having no rear access, the proposed on-site car storage is considered acceptable and supported by clause 22.10 (built form design policy).

(b) *An active ground level frontage use would be preferred.*

161. The landscaped area within the front setback is considered to be appropriate and consistent with the existing streetscape and will integrate well amongst the existing and emerging built form. The proposed garage is setback 5.5m from the front boundary and the solid garage door will not dominate the streetscape and is supported by clause 22.10 (Built form design policy) of the Scheme.

(c) *The tandem car park should be deleted.*

162. Refer to the neighbourhood character assessment at paragraphs 77 to 83 of this report.

Vehicular access

163. As per the referrals section of this report at paragraphs 72 to 74, Council's Engineering Unit concluded that the proposed vehicular access satisfy the relevant requirements.

164. Council's Engineering Unit suggests a number of standard requirements which will be required by way of notes as relevant.

Objector Concerns

165. Six objections were received to the application; these are addressed as follows:

(a) *Adverse impact on the existing streetscape and neighbourhood character*

166. Refer to the assessment of A1 (Neighbourhood character) and Urban Design and paragraphs 77 to 83 and 157-162 respectively.

(b) *Overdevelopment of the site (in relation to building height and footprint);*

167. Refer to the assessment of standard A4 (building height objective) from paragraphs 89 to 90, standard A10 (side and rear setbacks objective) from paragraphs 101 to 107, and standard A11 (walls on boundaries objective) from paragraphs 108 to 114 of this report.

(c) *Amenity impacts including:*
Loss of daylight and ventilation;

168. Refer to the assessment of standard A12 (daylight to existing windows objective) and A13 (north-facing windows objective) at paragraphs 115 to 116 and 118 to 125 respectively.

(d) *Visual bulk*

169. Refer to the assessment of standard A4 (building height objective) from paragraphs 89 to 90, standard A10 (side and rear setbacks objective) from paragraphs 101 to 107, and standard A11 (walls on boundaries objective) from paragraphs 108 to 114 of this report.

(e) *Overshadowing*

170. Refer to the assessment of standard A14 (overshadowing) from paragraphs 124 to 132 of this report.

(f) *Overlooking*

171. Refer to the assessment of standard A15 (overlooking) from paragraphs 133 to 138 of this report.

(g) *Reflective glare from the mirrored garage door fronting Fraser Street.*

172. Clause 22.10 of the Scheme specifically discourages the use of reflective materials unless it can be demonstrated that any potential reflection will not have detrimental impact on surrounding properties. Due to this, and the lack of support gained from the various standards and policies centred around neighbourhood character, a condition will require the garage door to be timber or similar.

(h) *Insufficient area of secluded private open space;*

173. Refer to the assessment of standard A17 (private open space) from paragraphs 144 to 148 of this report.

(i) *Inappropriate removal of significant tree on-site*

174. Refer to the assessment of standard A8 (significant trees) at paragraph 100 of this report.

(j) *Loss of an on-street car park.*

175. Council's Engineering Unit did not raise concern with the loss of an on-street car space. In addition, the proposal includes all required car parking on site (two spaces) with the loss of only one on-street car space.

Conclusion

176. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the General Residential Zone (Schedule 2) and clause 54 of the Yarra Planning Scheme, outlined in the above assessment, and should therefore be approved subject to conditions.

RECOMMENDATION

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit (PLN14/1170) be issued for construction of a double storey dwelling to land at 34 Fraser Street, Richmond, generally in accordance with the decision plans received 28 August 2015 and 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 garage door to be timber or similar.
   (b) Internal western and eastern elevations of the building.
   (c) Demonstration of the first floor bedroom 2 and master-bedroom west-facing windows complying with standard A15 (overlooking) at clause 54.04-6 of the Yarra Planning Scheme.
   (d) The courtyards as having permeable surfaces demonstrating compliance with standard A6 (permeability) at clause 54.03-4 of the Yarra Planning Scheme.

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 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.

5. 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.

6. 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.

7. 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 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.

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

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5063.

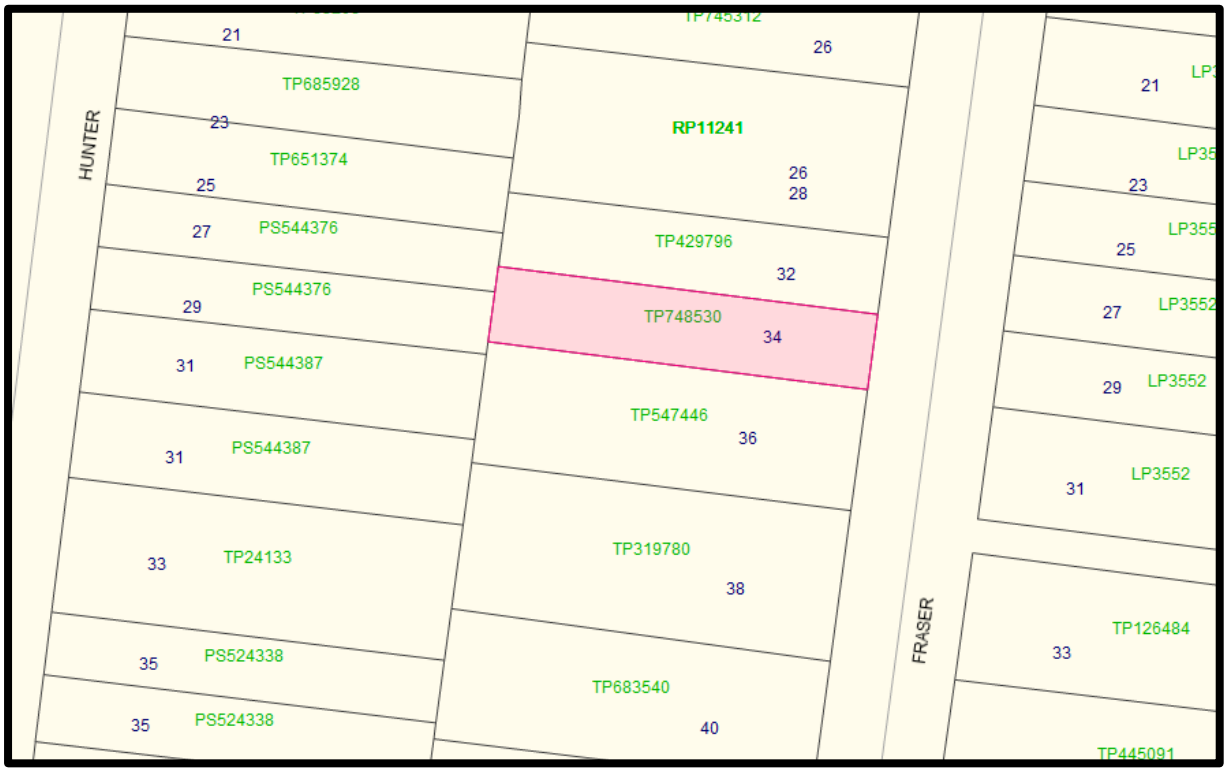
CONTACT OFFICER: **Claire Helfer**
TITLE: **Statutory Planner**
TEL: **92055083**

Attachments
1 PLN14/1170 - 34 Fraser Street, Richmond - Attachment 1 (Site Plan)
2 PLN14/1170 - 34 Fraser Street, Richmond - Attachment 2 (decision plans)

Attachment 1 - PLN14/1170 - 34 Fraser Street, Richmond - Attachment 1 (Site Plan)

ATTACHMENT 1

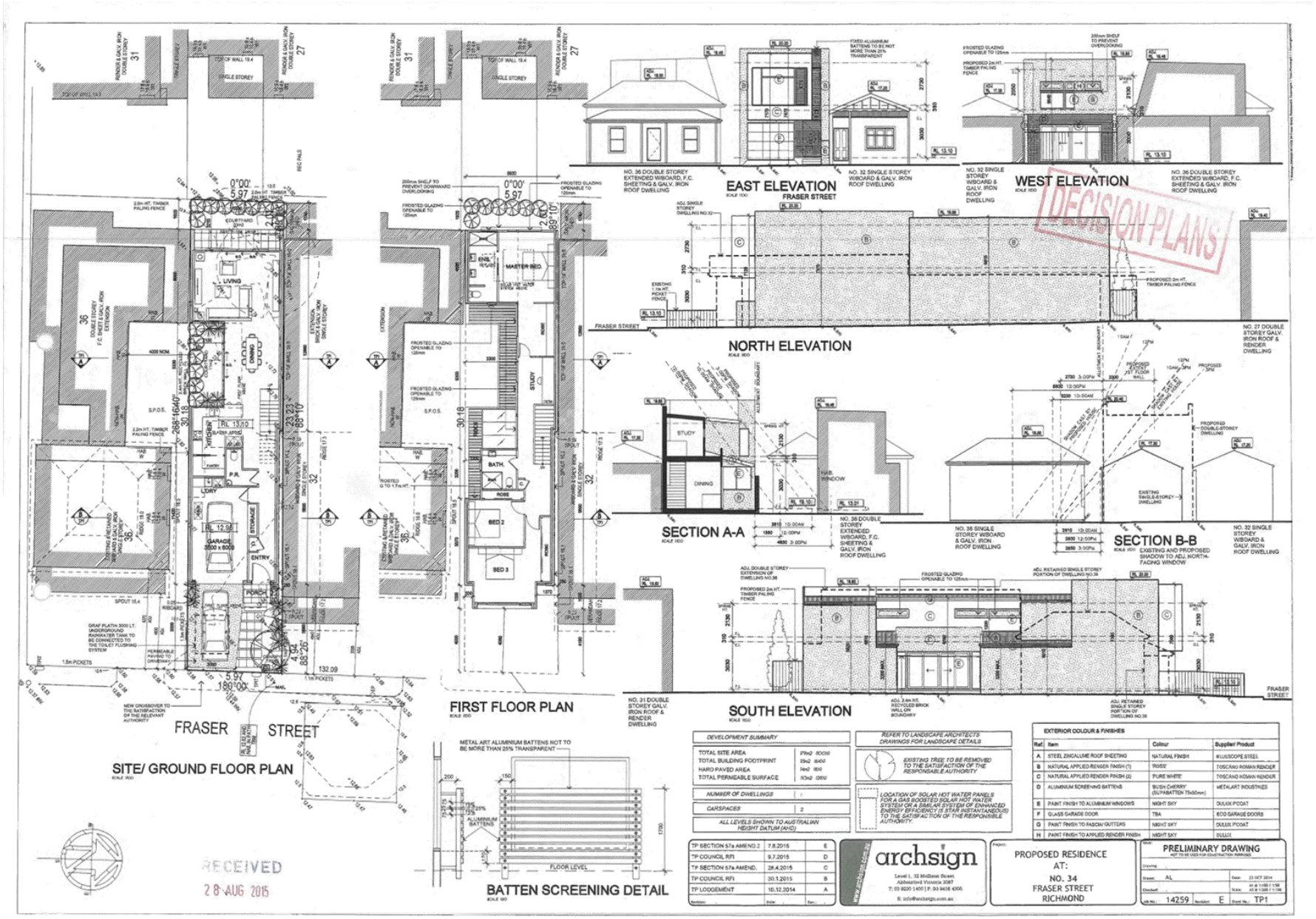
SUBJECT LAND: 34 Fraser Street, Richmond 3121



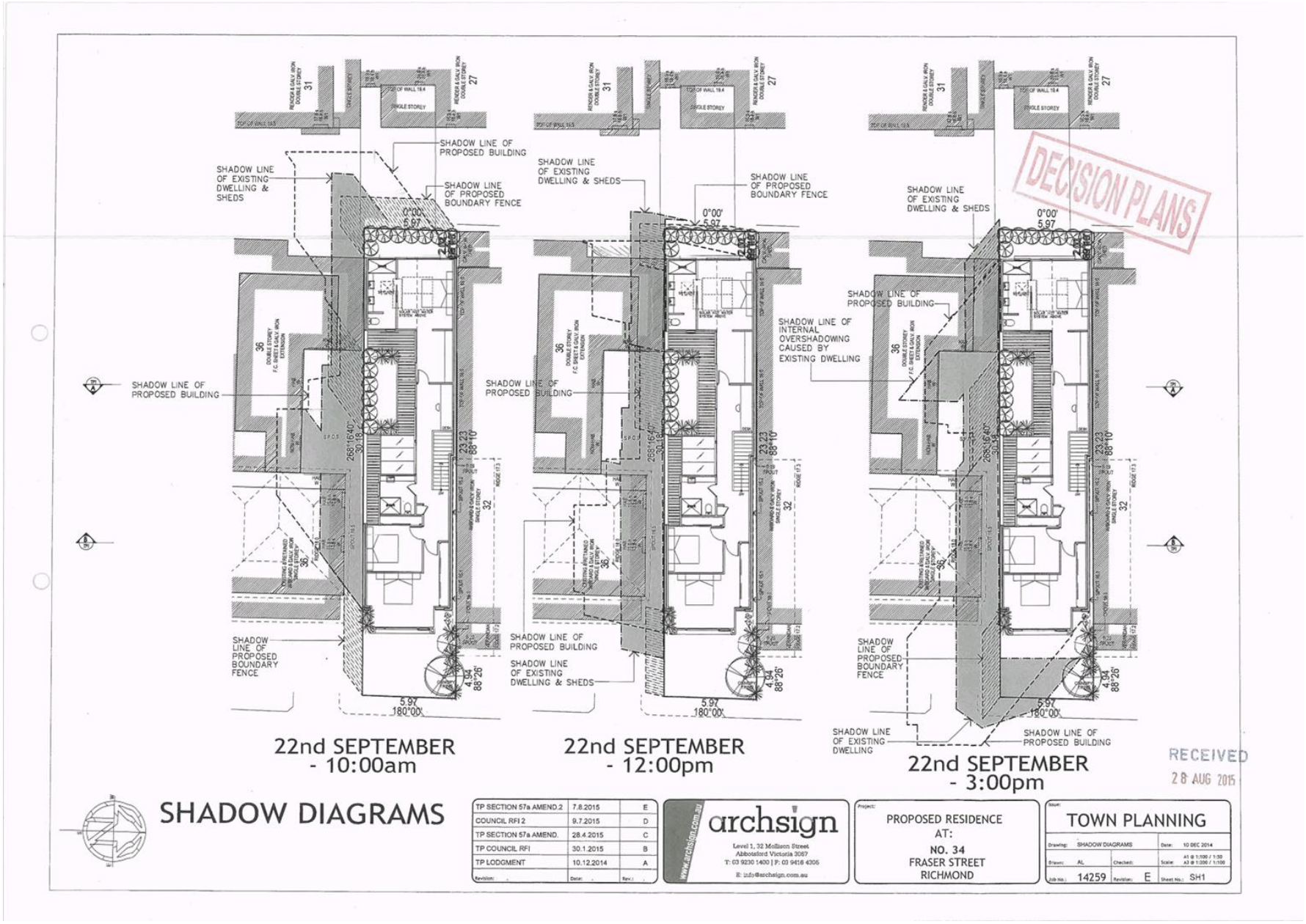
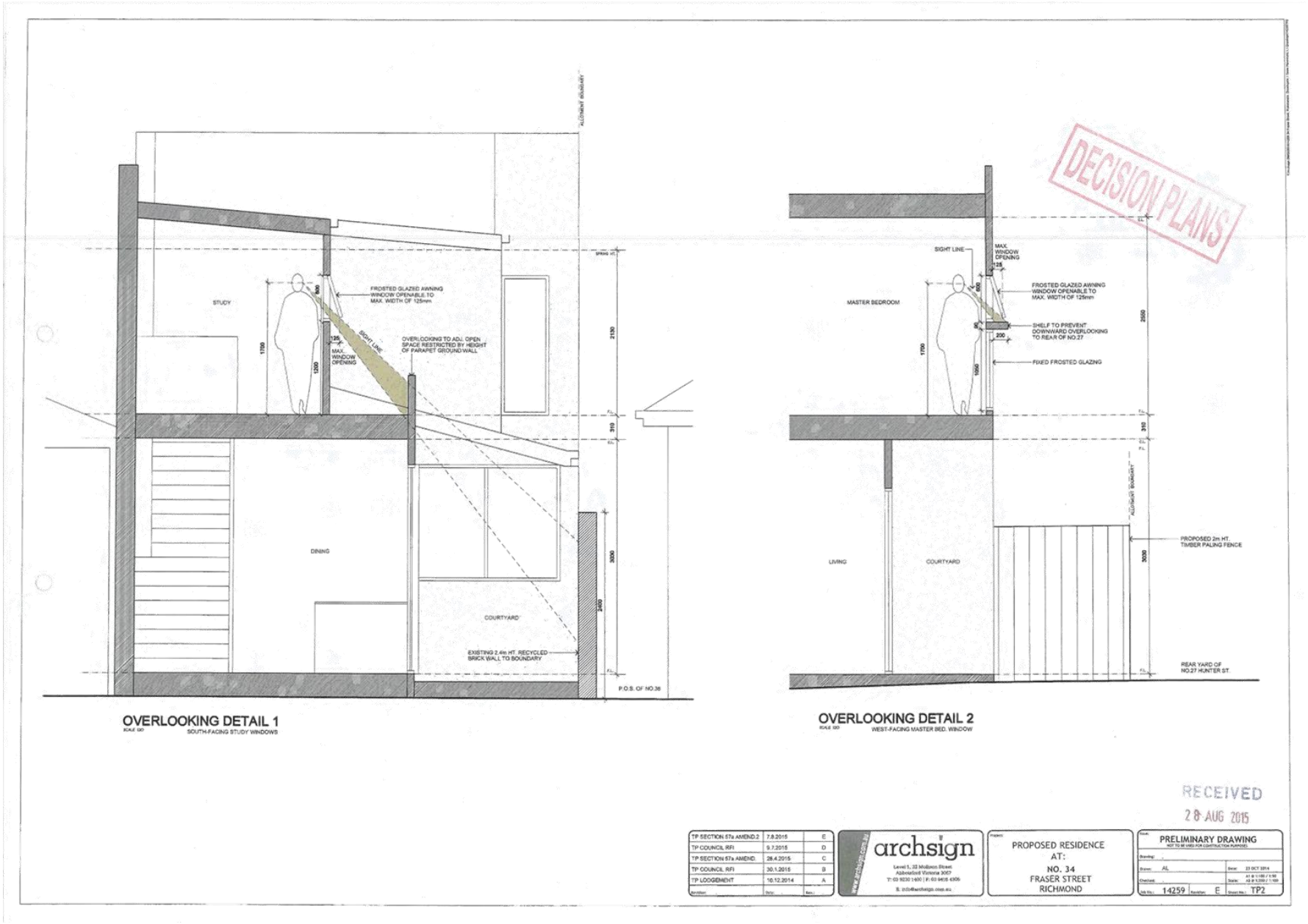
North

Subject Site

Attachment 2 - PLN14/1170 - 34 Fraser Street, Richmond - Attachment 2 (decision plans)



Attachment 2 - PLN14/1170 - 34 Fraser Street, Richmond - Attachment 2 (decision plans)



Attachment 2 - PLN14/1170 - 34 Fraser Street, Richmond - Attachment 2 (decision plans)