



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 2 October 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Amanda Stone
Councillor Mi-Lin Chen Yi Mei
Councillor Jackie Fristacky

I. ATTENDANCE

Vicky Grillakis (Co-ordinator Statutory Planning)
Gary O'Reilly (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 Woi-wurrung as the
Traditional Owners of this country,
pays tribute to all Aboriginal and
Torres Strait Islander people in Yarra
and gives respect to the Elders past
and present."***



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	PLN18/0913 - 68 - 88 Green Street Cremorne - Use and development of the land for the construction of two, multi-storey, mixed use buildings (permit required for shop and food and drinks premises (cafes)) and a reduction in car parking requirements.	5	74
1.2	175 Keele Street Collingwood - Langridge - Planning Permit Application PLN18/0779 - Part demolition, construction of a ground and first floor addition and alterations to the existing dwelling	89	109

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- 1.1 PLN18/0913 - 68 - 88 Green Street Cremorne - Use and development of the land for the construction of two, multi-storey, mixed use buildings (permit required for shop and food and drinks premises (cafes)) and a reduction in car parking requirements.**
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Executive Summary

Purpose

1. The purpose of this report is to form Council's position on the substituted plans for the above application.
2. This report provides Council with an assessment of the planning permit application against the provisions of the Yarra Planning Scheme (the Scheme) and recommends that Council notify the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the proceeding that Council supports the substituted plans, subject to conditions.

Key Planning Considerations

3. Key planning considerations include:
 - (a) Use (Clause 34.02-7);
 - (b) Interfaces uses policy (Clause 22.05);
 - (c) Built form (Clauses 15, 21.05, 22.10 and 34.02-7); and
 - (d) Car Parking and Bicycle Provision (Clauses 52.06, and 52.34) of the Yarra Planning Scheme.

Key Issues

4. The key issues for Council in considering the proposal relate to:
 - (a) Policy and physical context;
 - (b) Uses;
 - (c) Built form and Design;
 - (d) Environmentally Sustainable Development (ESD);
 - (e) Off-site amenity impacts;
 - (f) Car parking, traffic, access and bicycle provision;
 - (g) Waste management;
 - (h) Other matters; and
 - (i) Objector concerns.

Submissions Received

5. A total of 62 objections were received to the application, these can be summarised as:
 - (a) Excessive height and lack of transition/setbacks to lower scale residential;
 - (b) Increase in traffic (and subsequent safety concerns) and lack of car parking spaces;
 - (c) Impact on heritage streetscape;
 - (d) Should provide a setback from the footpath;
 - (e) Waste should be collected from the basement;
 - (f) Amenity Impacts (overshadowing (including of commercial properties), loss of views, noise, loss of views to landmarks, visual bulk, wind, light spill, urban heat island effect, impact of office hours of operation, overlooking);
 - (g) Excessive use of glazing will result in solar reflection;
 - (h) High site coverage will lead to flooding;
 - (i) Construction issues (noise, disruptions, vibration, dust, debris, damage to heritage dwellings);
 - (j) Disruptions due to deliveries/waste trucks;
 - (k) Local infrastructure (sewerage and water) will require significant upgrades;
 - (l) Not in-line with the Swan Street Structure Plan;

- (m) Lack of active frontage in the southern end of the development;
- (n) Lack of weather protection;
- (o) Lack of landscaping;
- (p) Open space will be for patrons of the food and drinks premises;
- (q) Overshadowing to footpath;
- (r) Inadequate loading bay to service development;
- (s) Location of bike spaces are impractical;
- (t) Location of services adjacent to residences;
- (u) Site is not well serviced by public transport and is not located near an Activity Centre;
- (v) VicTrack objection related to insufficient setback from rail track and impact on the rail corridor.

6. A total of 51 Statements of grounds have been received with 16 parties having joined the appeal.

VCAT Proceedings

7. On 8 July 2019, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
8. A total of 50 Statements of grounds have been received with a total of 16 parties having joined the appeal.
9. A Compulsory Conference is listed for 15 October 2019 with a VCAT Full Hearing scheduled for five days beginning on 2 December 2019.
10. The Application for Review was amended on 28 August 2019 by the permit applicant in accordance with the VCAT Practice Note No. 9.
11. The following parties were notified of these amended plans (with at least one copy provided to each) as per the VCAT Order dated 27 August 2019:
- (a) All referral authorities;
 - (b) all parties to the proceeding (including the Responsible Authority);
 - (c) any person who has lodged a statement of grounds and is not a party to the proceeding; and
 - (d) all adjoining owners and occupiers.
12. Any statements of grounds associated with these amended plans were due by 20 September 2019 in accordance with the VCAT Practice Note No. 9.

Conclusion

13. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) the deletion of Level 7, resulting in a reduced maximum height of 35.5m, inclusive of plant (reduction in height of 3.9m);
 - (b) civil works drawings and landscape plans relating to the proposed kerb outstand; and
 - (c) security lighting and limitations on deliveries and loading.

CONTACT OFFICER: Vicky Grillakis
TITLE: Coordinator Statutory Planning
TEL: 92055124

1.1 PLN18/0913 - 68 - 88 Green Street Cremorne - Use and development of the land for the construction of two, multi-storey, mixed use buildings (permit required for shop and food and drinks premises (cafes)) and a reduction in car parking requirements.

Reference: D19/145202
 Authoriser: Senior Coordinator Statutory Planning

Proposal: Use and development of the land for the construction of two buildings (four and nine storeys in height plus two basement levels and roof terraces) for use as office, shops and food and drinks premises (cafes) (no permit required for office use) and a reduction in car parking requirements.

Existing use: Motor Repairs

Applicant: 88 Green Street Pty Ltd c/o Contour Consultants Australia

Zoning / Overlays: Commercial 2 Zone/Design and Development Overlay (Schedule 5)

Date of Application: 29 November 2019

Application Number: PLN18/0913

Ward: Melba

Planning History

1. None relevant considering all existing structures on-site are to be demolished.

Background

Application process

2. The application was lodged on 29 November 2018, and further information subsequently requested in December 2018. The information was received on 24 January 2019 and the application was then advertised with 633 letters being sent and 62 objections received.
3. Whilst this process was occurring, Council had sought and received advice from various consultants in the fields of Acoustics, Wind and Urban Design, as well as Council internal units including Heritage, Waste Management, Urban Design, Engineering, Open Space, Strategic Transport, Streetscapes and Natural Values, and Environmental Sustainable Development (ESD). Referral advice is an attachment to this report.
4. The applicant provided an amended Waste Management Plan (WMP) on 2 April 2019 following comments from Council's Waste Management Unit. This amended WMP was subsequently confirmed as acceptable.
5. The VCAT amended plans were re-referred to Council's Engineering Services Unit and Strategic Transport. Due to the proposed kerb outstand shown in the amended plans, Council's internal Urban Design and Streetscapes and Natural Values units were requested to provide comments.
6. Other advisors/units were not sent the amended plans as the changes would either not impact their comments or were in response to them.

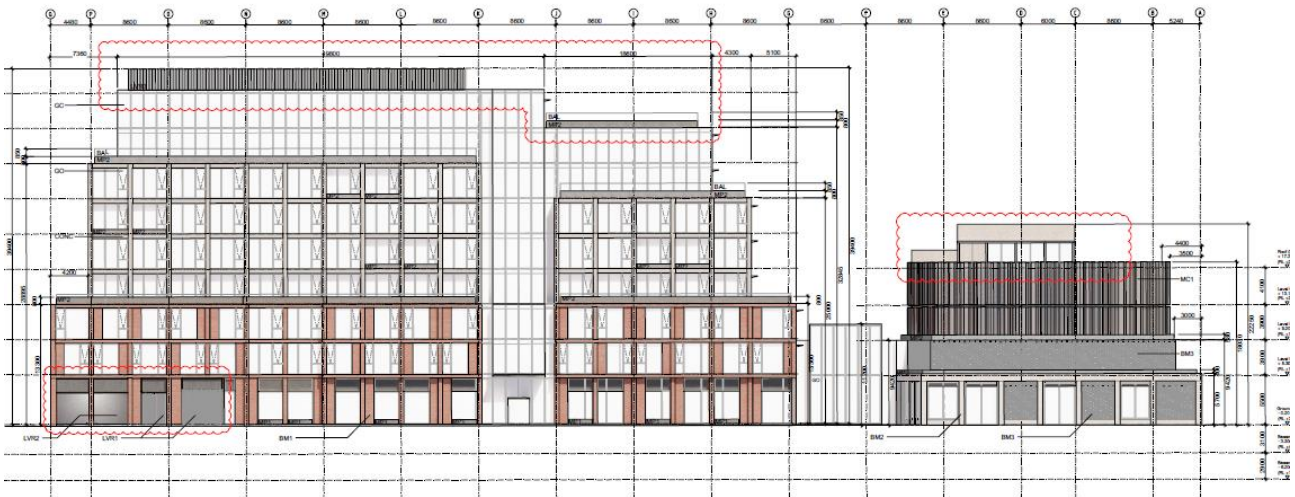
VCAT Proceedings

7. On 8 July 2019, Council was informed that the applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT).
8. A total of 51 Statements of grounds have been received with a total of 15 parties having joined the appeal.

9. A Compulsory Conference is listed for 15 October 2019 with a VCAT Full Hearing scheduled for five days beginning on 2 December 2019.
10. The Application for Review was amended on 28 August 2019 by the permit applicant in accordance with the VCAT Practice Note No. 9.
11. The following parties were notified of these amended plans (with at least one copy provided to each) as per the VCAT Order dated 27 August 2019:
 - (a) All referral authorities;
 - (b) all parties to the proceeding (including the Responsible Authority);
 - (c) any person who has lodged a statement of grounds and is not a party to the proceeding; and
 - (d) all adjoining owners and occupiers.
12. Any statements of grounds associated with these amended plans were due by 20 September 2019 in accordance with the VCAT Practice Note No. 9.
13. In comparison to the advertised plans, the substituted plans (Revision C, dated 5 and 8 August 2019) result in the following key changes as a result of referral comments and objections:
 - (a) Reduction in height of the southern building by one level from ten to nine storeys in height (from 43.2m to 39.4m) through the deletion of the sixth floor (Level 6) and subsequent decrease in the floor area of the office;
 - (b) Internal rearrangement of the ground floor commercial tenancies resulting in variations to their floor areas;
 - (c) Reduction in the built form of the southern building between the sixth and eighth floors through increased setbacks from the north and west;
 - (d) Reduction in the width of the proposed buildings, due to the building being moved off the easement along the western boundary;
 - (e) The ground floor of the southern building setback from Green Street by an additional 1m, resulting in a total footpath width of between 3m and 3.424m;
 - (f) Reduction in the extent of services/loading and car parking access along Green Street from a width of 30.1m to 19.2m;
 - (g) The addition of a kerb outstand to the west of the intersection of Green and Adelaide Streets including 20 bike spaces and three street trees; and
 - (h) Internal reconfiguration including alterations to the ground floor commercial tenancies
14. The purpose of this report is to form Council's position on the substituted plans.

The Proposal

15. The proposal is for the use and development of the land for the construction of two buildings (four and nine storeys in height plus two basement levels and roof terraces) for use as office, shops and food and drinks premises (cafes) (no permit required for office use) and a reduction in car parking requirements.
16. Generally speaking, the proposal relates to the construction of two buildings within the long and narrow site with an open space area separating them. The northern building, is four storeys in height with the southern building stepped in height, reaching a maximum of nine storeys.
17. Below is an elevation of the proposal from along the eastern boundary:



18. Below are render image of the full extent of proposal from Green Street:



Demolition

- 19. All structures on site and existing crossovers (no planning permit required).
- 20. The proposed kerb outstand will require the demolition of the existing smaller kerb extension.

Uses

Commercial tenancies

- 21. Three, shop tenancies (ranging between 125sqm and 248sqm in area, resulting in a total of 583sqm) and two, food and drinks premises (cafe), (ranging between 211sqm and 121sqm in area, resulting in a total of 432sqm). The commercial tenancies either face out onto Green Street or onto the proposed open space. The applicant has confirmed that the food and drinks premises are cafes and as such a condition can require this to be confirmed on plans.
- 22. The hours of operation are 7am to 7pm, seven days a week.
- 23. The Shops will have two staff each.

24. The tenancies will be required to be numbered. The numbering will be from north to south, resulting in the northern-most shop being tenancy 1, the shop to its south being Tenancy 2, the northern-most, double storey, food and drinks premises facing the open space is Tenancy 3, the larger food and drinks premises is Tenancy 4, and the southern Shop is Tenancy 5. This will form a condition of the permit.
25. The applicant also confirmed the following maximum number of patrons for the two food and drinks premises (cafe) (Tenancies 3 and 4) as follows with this forming a condition of the permit:
 - (a) Tenancy 3 - 30
 - (b) Tenancy 4 - 120

Office

26. The office space has a net leasable floor area of 9,028sqm - no planning permit required.

Construction

Basements

27. Two basement levels accessed via Green Street with 102 car parking spaces, substation, services and the rainwater tanks. The basement levels are electronically wired to be EV ready and there are six electric car charging parks.
28. The basements are constructed to full title boundaries, except from the west due to the location of an easement running along the western boundary.

Ground floor

29. The proposal is built to all title boundaries, except the west due to an existing easement resulting in setbacks ranging between 1.35m to 4.83m. The ground floor of the southern building setback from Green Street by an additional 1m, resulting in a total footpath width of between 3m and 3.424m.
30. The ground floor orientates active uses along the street frontage including the southern building entrance lobby. An open space separates the two buildings with the entrance lobby of the northern building being accessed from the open space area. The render below depicts the space between the two buildings:



31. A kerb outstand is proposed immediately adjacent to the open space with 20 bike spaces and three street trees.

- 32. Along the southern end of the ground floor is the vehicle entrance as well as the loading bay and services. These total 19.2m in length.
- 33. Back of house areas, circulation spaces, waste rooms, and end of trip facilities are along the western side of the building and sit behind the commercial tenancies.

Northern Building

- 34. The first floor of the northern building is setback 2.5m from the northern boundary, and up to 0.75m from the eastern boundary. This setback runs along its angled southern side also. Planter zones are within these setbacks. Behind the planter zones, are full height screens (essentially a permeable wall) with a screen and a maintenance zone totalling a 1m in width.
- 35. The first floor of the double storey food and drinks premises is located between the two buildings at this level.
- 36. The two upper levels of the northern building are more angular with setbacks of between 2.823m and 6m from the western boundary, 3.5m from the northern and between 2.72m and 4.2m from the eastern boundary. The second floor has a planter zone within these setbacks (with a screen and maintenance zone beyond), however the third floor does not.
- 37. Above these two levels is an open-roof terrace area with a lift core/toilets and plant area along the western side. The sections show a shading canopy on the roof terrace however the floor plans do not. This will be required to be confirmed by way of condition.
- 38. This building is constructed using a light grey brick masonry for the lower level with large window openings and brick 'hit and miss' screens, with a brick screen for the first floor, and the two upper levels constructed in a light grey perforated metal screen. The render below shows the northern building:

GREEN ST
VIEW TO SOUTH



- 39. The southern building has a maximum height of 18m with the lift core resulting in a total of 22.25m. The northern boundary wall has a maximum height of 5.7m.

Southern building

- 40. The southern building is more rectilinear in shape with a stepped form from north to south.

41. Between the first and second floors, it is constructed along the eastern boundary for a length of 82.35m with three indents along the frontage, 1.5m deep. At the third floor, setbacks from the north, eastern and south are introduced, between 4.48m and 5.1m, with terraces within these setbacks. This creates a three storey street wall along Green Street, constructed in red brick with pillars. The render below depicts this:

**GREEN ST
ENTRANCE & PLAZA**



42. At the third floor, a larger setback is provided above the lobby entrance area of up to 5.75m.
43. The fourth and fifth floors are similar to the third floor, albeit within the planter areas. They include internal balconies.
44. At the sixth floor, an additional 4.3m setback from the northern boundary is provided through the inclusion of a planter area, which narrows and wraps around part of the eastern side. This results in a 4.6m setback from Green Street for the northern portion of this building. This setback reduces to 3m, to the south of the void area.
45. The seventh floor is similar to the level below, albeit with no planters in the northern portion and is further reduced through an additional setback from the southern boundary, resulting in a total setback of 7.36m.
46. The eighth floor acts as a 'cap' being further reduced, with a total length of 38.97m and a large terrace on its northern side.
47. The levels above the podium are a mixture of off-form concrete and glazing with a grid-like pattern for the middle levels, and the upper-most being glazed. A central vertical glazed elements serrates the northern and southern portions of this building associated with the entrance and void areas. The separate forms are shown below in this image:

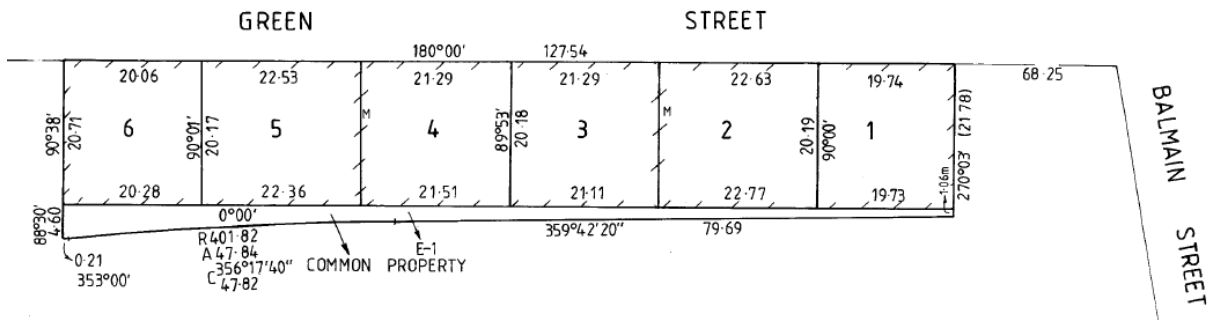


- 48. This building has a maximum height of 39.4m including the lift shaft and plant screening which are covered by metal louvers. The height of the building without these is 36.7m.

Existing Conditions

Subject Site

- 49. The subject site is located on the western side of Green Street, with a northern boundary length of 25.31m, a Green Street frontage of 127.54m and a southern boundary length of 21.78m. The site has a total area of 2,868sqm. Along the western side is an angular piece of land which forms part of common property with VicTrack. The development does not propose to construct along this easement. This is shown in the image below as 'E-1':

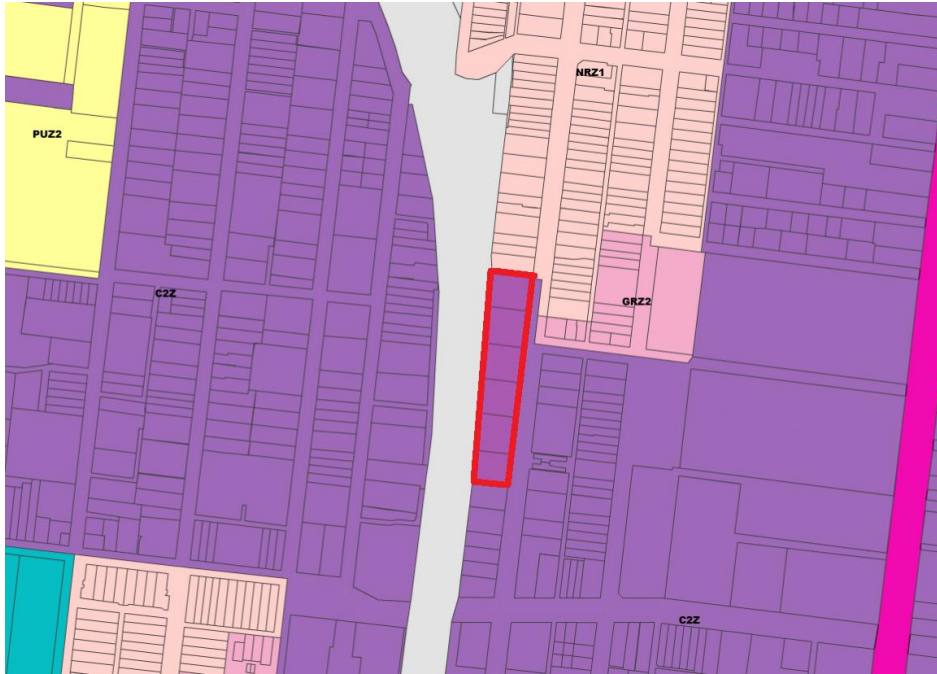


- 50. The existing conditions on site are of a row of single storey warehouses-style buildings used for motor repairs with opaque windows and roller doors facing out onto the street. There is an existing Australia Post box butting the northern end of the site.
- 51. Importantly, the northern boundary wall is 6.12m in height and is 20m in length.

Surrounding Land

- 52. Cremorne is a pocket generally bound by Punt Road to the west, the CityLink and Yarra River to the south, Church Street to the east and Swan Street to the north.
- 53. The site is located within a transitional area where the Commercial 2 Zoned land abuts residential land to its immediate north and to the north-east beyond the width of the street.
- 54. Further to the west, east and south is Commercial 2 Zone land with the exception of some residentially zoned pockets in the south-west. It is noted there are also pockets of dwellings within the Commercial 2 Zone area, some of which have established existing use rights.

- 55. To the south-west is land within the Comprehensive Development Zone and further to the north is the Swan Street Major Activity Centre (MAC) and the associated Commercial 1 Zone land. This various zoning has resulted in existing development in the wider area being mixed resulting in diverse built form.
- 56. The zoning of the area is shown below:



- 57. The variation in the subdivision pattern and built form types associated with the different zones is clearly shown in the aerial image below:



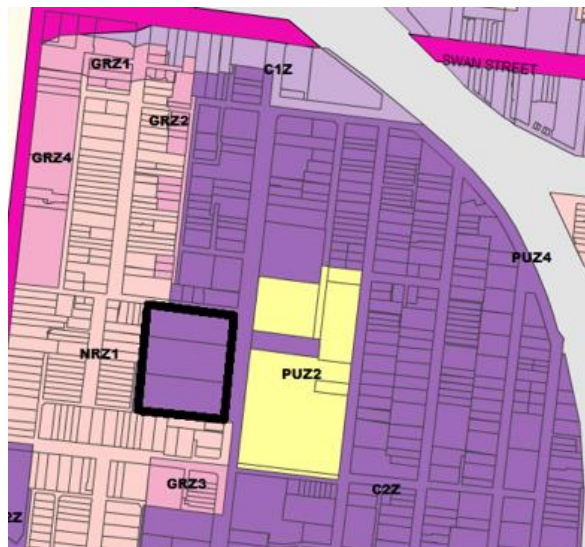
58. Generally speaking, the immediately surrounding area is historically focused around manufacturing, warehouse and light industry. Cremorne is well known as being intensely developed where “cheek by jowl” development is already common. The residential pockets of Cremorne are generally on narrow lots, built to at least one of their side boundaries and with small private open spaces. Existing building heights in this area are primarily low rise, between one and three storeys with some taller structures to the south including the ‘Era’ development and the Nylex Silos. To the west of the site is the train line which results in a rail overpass further to the south along Balmain Street.
59. Further to the north, are the Richmond Train Station and Swan Street MAC which includes various commercial uses as well as Melbourne’s international sports precinct further to the north-east and east.
60. The wider area of Cremorne is currently going through a period of transition from lower scale buildings to higher density development. There have been a number of larger scale developments within this part of Cremorne which have been approved and some of which are under construction or already completed. These generally range from between five and ten storeys with 15 and 17 levels approved to the south-west within the Nylex ‘Silos’ re-development. Below are a list of recent approvals, some of which are already under construction:
- (a) No. 594-612 Church Street (Planning Permit PLN17/0456) – under construction - 8-storey development (approximately 215m to the south-east of the subject site).
 - (b) 11-13 Pearson Street, Cremorne -approved - 7 storeys - (approximately 230m to the north-east of the subject site)
 - (c) No. 9-11 Cremorne Street (Planning Permit PLN16/0171) – nearing completion - 8-storey development (approximately 400m to the north-west of the subject site).
 - (d) No. 60-88 Cremorne Street (Planning Permit PLN17/0626) – under construction - 7-storey development (approximately 340m to the west of the subject site).
 - (e) No. 506 & 508 – 510 Church Street (Planning Permit PLN17/0278) – under construction 10-storey development (approximately 140m to the east of the subject site).
 - (f) No. 57 Balmain Street (Planning Permit PLN17/0177) – under construction - 7-storey development (approximately 46m to the south-west of the subject site).
 - (g) No. 459 - 471 Church Street and 20 – 26 Brighton Street Richmond (Planning Permit PLN18/0328) – under construction maximum 10-storey development (approximately 290m to the north-east of the subject site).
61. It is important to note that many of these approvals are for sites which have similar interfaces to that of the subject site, where it is commercially zoned land abutting residential.
62. In the instance of No. 459 - 471 Church Street and 20 – 26 Brighton Street Richmond (Planning Permit PLN18/0328), a series of three buildings, ranging between 10 and 3 storeys are currently under construction. The zoning map below depicts the adjacency of the residential zone (as well as a portion of the site being included within it). In that instance, the Tribunal in *Salta Properties Pty Ltd v Yarra CC* [2019] VCAT 718, approved a six storey (23m) sheer wall abutting a single storey dwelling with a permit for three townhouses, 9m in height. The zoning map and the northern elevation (along Shamrock Street, Richmond) are shown below. The blue outline is of the proposed townhouses in the residential zone.



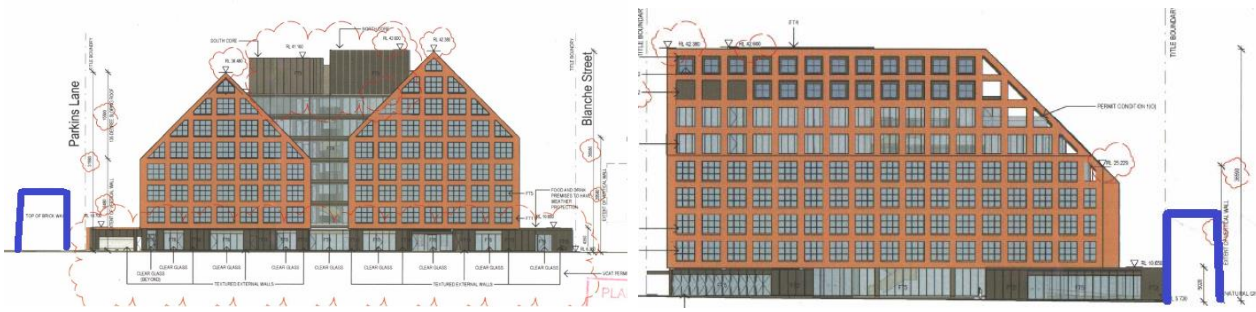
**459 - 471 Church Street and 20 – 26 Brighton Street Richmond
Planning Permit PLN18/0328**



- 63. No. 60-88 Cremorne Street (Planning Permit PLN17/0626) is a seven storey building currently under construction. The zoning map below depicts the adjacency of the residential zone). The zoning map below shows that this site had a far greater number of adjacent residentially zoned land compared to the subject site.
- 64. In that instance, the Tribunal in *Arthur Land Pty Ltd v Yarra CC* [2018] VCAT 946, approved a four and five storey (approximately between 16.5m and 17.5m) podium adjacent to double storey dwellings in a residential zone (albeit with setbacks). The zoning map and the eastern and northern elevations (respectively) are shown below with the residences in blue:



**No. 60-88 Cremorne Street, Cremorne
Planning Permit PLN17/0626**



65. In terms of public transport and cycling opportunities, the site is well serviced with:
- (a) Tram route No.70 along Swan Street which provides service between Wattle Park and Bourke Street (Docklands).
 - (b) Tram Route 78 along Church Street which provides a north-south connection;
 - (c) East Richmond and Richmond Train Stations are within walking distance; within 350m and 500m respectively in distance.
 - (d) Punt Road serviced by bus route 246 which provides service between Elsternwick Railway Station and La Trobe University (Bundoora Campus), via Clifton Hill.
 - (e) Yarra Trail cycling route to the south.
66. The site is also connected with a key pedestrian route that provides access along Green Street over Alexandra Parade to South Yarra Train Station.
67. Turning to the specific site interfaces, each of these will be discussed in turn.

North

68. To the north of the site is No. 66 Green Street which is located within the Neighbourhood Residential Zone. The site is occupied by a single storey, double fronted, weatherboard dwelling with a small front yard and a carport along the southern boundary facing the street, and a low front fence. Rear private open space faces out onto the train line to the west. This dwelling is graded as ‘contributory’ to the Green Street Heritage Precinct (Schedule 323).
69. Planning application PLN14/0272 for the ‘development of the land for the purpose of relocating the existing dwelling and partial demolition of the rear of the dwelling, and the construction of a three storey addition’ was refused by Council on 10 October 2014. This was upheld at VCAT, as per the order dated 27 May 2015, *George Hatzisavas Pty Ltd v Yarra CC* [2015] VCAT 728. The plans associated with this application show that there are no habitable room windows facing the subject site.
70. To its north are two semi-attached, single storey, single fronted, rendered dwellings with small front yards and private open spaces at the rear. These two dwellings are a pair and are graded as “individually significant” to the heritage precinct. To their north is No. 60 Green Street which is a double fronted, single storey (with a rear first floor addition), timber dwelling with high site coverage and its private open space located in the north-west corner of the site, with built form to the south of it.
71. Below is an image of these dwellings:



72. Further to the north, dwellings along both sides of Green Street are single and double storey, typically attached on at least one side or with narrow side setbacks, and small private open spaces and front yards. Dwellings are generally constructed in masonry or timber with low front fences. Dwellings typically have high site coverage. These dwellings are also located within the Green Street Heritage Precinct.

East

73. At the northern end of the site, directly to the east are Nos. 65-75 Green Street which are single and double storey dwellings, with narrow side setbacks. Nos. 65-73 Green Street are located within the Neighbourhood Residential Zone and are graded as 'contributory' to the Green Street Heritage Precinct (Schedule 323). No. 75 Green Street is located within the General Residential Zone and not within a heritage precinct.
74. Nos. 65 to 69 Green Street form a group of four attached, rendered, single storey brick dwellings (with No. 63 Green Street). The four dwellings are attached under one roof, and the two pairs of dwellings are mirror images of each other resulting in each having one shared wall and a minimal side setback from the other boundary. Private open spaces face east-ward. Below is an aerial depicting this:



75. They each have a small front setback, covered by a verandah with nib walls along the side, each has one window facing the street. They all have low, picket fences.
76. To their south, No. 73 Green Street is a double fronted, single storey weatherboard dwelling, with a front garden, narrow side setbacks and large rear yard with several outbuildings. The image below depicts this:



77. The dwelling has a large verandah facing the street and a timber picket fence.
78. To its south are No. 75 Green Street, and Nos. 1 and 3 Adelaide Street. These are three, attached double storey dwellings which resulted from a subdivision of the land previously known as No. 75 - 77 Green Street. The three dwellings form part of the one overall building with vehicle and pedestrian access from Green Street for the western-most, whilst Nos. 1 and 3 Adelaide Street have theirs from the south. No. 75 Green Street has a small yard along its northern boundary, with access onto Green Street. The dwelling also has large north-facing windows and a first floor north-facing balcony. To its east, Nos. 1 and 3 Adelaide Street both have north-facing balconies. They have 100 percent site coverage.
79. To their east, beyond the laneway are a group of five, double and triple storey townhouses which either face south towards Adelaide Street or have a frontage onto Chestnut Street further to the east.
80. To the south of Adelaide Street, along the eastern side of Green Street is Commercial 2 Zoned land which consists of single to triple storey buildings (typically warehouses) generally built to their full title boundaries except whether there is car parking provision. There are numerous roller doors facing out onto Green Street despite laneway access being provided to the rear of the properties along the eastern side of Green Street. This laneway separates them from Chestnut Street properties to the east.
81. Further to the east, the mixture of commercial and residential zones and subsequent variation in building typologies continues within Chestnut and Walnut Street. Beyond these is Church Street which is a Category 1, Road Zone (under VicRoads authority) with a tram route running north to south and parking either side, effectively resulting in it generally being a single lane road in either direction.

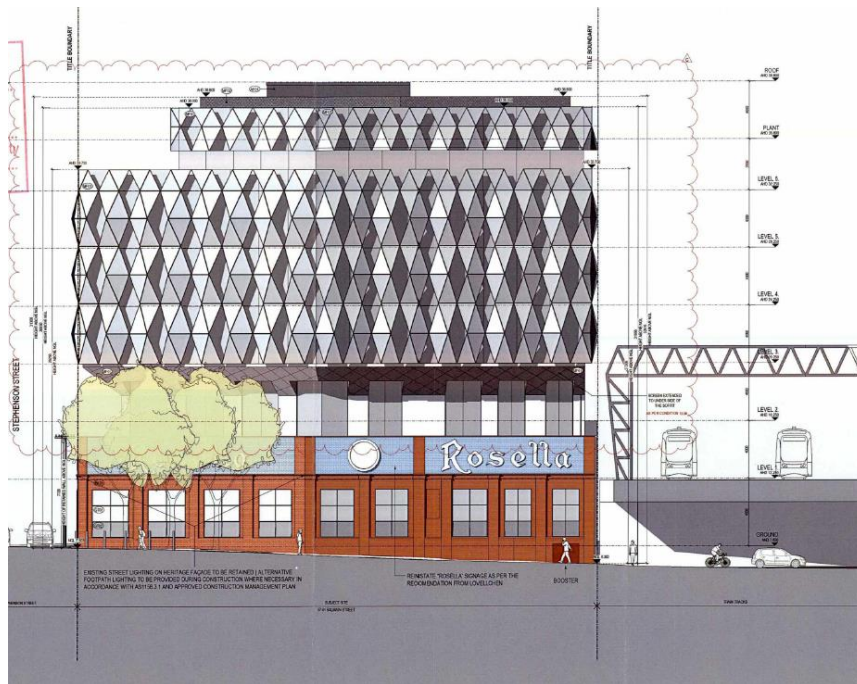
West

82. To the west of the site is the six lane wide train line providing a connection between Richmond and South Yarra Train Stations. To its west is Commercial 2 Zone land located along Stephenson Street with the streets to the west of the train line generally consisting of single and double storey warehouses built to their full title boundaries, except with there is front setbacks for car parking.

- 83. There are a number of recent office developments currently under construction or completed within this pocket of Cremorne ranging between five and eight storeys. These typically incorporate high side boundary walls, between three and four storey podiums and are constructed using concrete, metal and glazing.
- 84. Beyond the Commercial 2 Zoned pocket is the residentially zoned land surrounding Wellington Street, with Hoddle Street further to the west.

South

- 85. To the south of the site are a row of attached single to triple storey warehouses and offices, typically built to their full title boundaries except with there is front setbacks for car parking. Some have upper level balconies facing the street. To their south, at the intersection with Balmain Street, is No. 69 Balmain Street, a double storey former grocer's shop and residence. It is in a site specific heritage overlay (Schedule 365).
- 86. Balmain Street provides an important 'east-west' road connection through Cremorne as it is the only street which connects Church Street and Hoddle Street between Swan Street and Alexandra Parade. A rail overpass crosses over Balmain Street.
- 87. No. 57 Balmain Street is on the opposite side of the rail overpass, on the northern side of Balmain Street. Planning permit PLN17/0177 was issued on 16 February 2018 for a seven storey, mixed use (mainly office) development. This site is within heritage overlay as part of the 'Rosella Factory Complex Precinct', Schedule 349. The southern elevation below shows how the building will appear from Balmain Street. The rail overpass is visible to its right:



- 88. Further south is the 'Rosella' office park which is both of economic and historical significance to the area. It also houses numerous creative businesses. To its west is the residentially zoned pocket which includes Cubitt, Bent and Dover Streets.
- 89. Beyond these are large (mixture of single, double and triple storeys) warehouse/office buildings, as well as the buildings associated with the Nylex Silos site and the 10-storey 'Era' residential building. The on-ramp for CityLink and the Yarra River are further to the south. The Era mixed use/apartment building presents as a three storey podium to Cremorne and Balmain Streets, with the 10 storey tower setback approximately 5.5m from Cremorne Street.

Planning Scheme Provisions

Zoning

Clause 34.02 – Commercial 2 Zone

90. The site is located within the Commercial 2 Zone (C2Z). The purpose of the C2Z is as follows;
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
91. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme) a planning permit is not required for the proposed 'office' use.
92. Pursuant to this clause, a planning permit is not required for a 'food and drink premises (café)' if the leasable floor area does not exceed 100sqm. The proposed total floor area of 432sqm and therefore trigger a permit under the zone. The hours of operation are 7am to 7pm, seven days per week. The applicant also confirmed the following maximum number of patrons for the two food and drinks premises (cafe) (Tenancies 3 and 4) as follows:
- (a) Tenancy 3 - 30
 - (b) Tenancy 4 - 120
93. Pursuant to this clause, a planning permit is not required for a 'shop' if:
- (a) it adjoins or is on the same land as, a supermarket when the use commences;
 - (b) the combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres; and
 - (c) the site must adjoin, or have access to, a road in a Road Zone.
94. As the proposal does not meet these tests, a planning permit is required for the shops. The hours of operation are 7am to 7pm, seven days a week, with two staff each.
95. Pursuant to Clause 34.02-4, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at Clause 34.02-7.

Overlays

Design and Development Overlay Schedule 5 (DDO5) City Link Exhaust Stack

96. Pursuant to clause 43.02-2 of the Scheme a permit is not required to construct a building or to construct and carry out works.
97. Schedule 5 (City Link Exhaust Stack Environs) specifically exempts buildings and works from requiring a planning permit. Pursuant to clause 43.02 of the Scheme, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1) (c) of the *Planning and Environment Act 1987* to the person or body specified as a person or body to be notified in clause 66.06 or a schedule to that clause.
98. A planning permit is required for buildings and works under the C2Z, therefore notice of the application must therefore be given to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation (VicRoads). Their comments are provided in the Referrals section of this report.

Particular Provisions

Clause 52.06 – Car Parking

99. Clause 52.06-1 requires that a new use must not commence until the required car spaces have been provided on the land. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.

100. Under clause 52.06-5, the following parking rates are required:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	9,028 m ²	3 spaces per 100 m ² of net floor area	270	94
Food and Drink	332 m ²	3.5 spaces per 100 m ² of leasable floor area	11	3
Retail	583 m ²	3.5 spaces per 100 m ² of leasable floor area	20	5
Total			301 Spaces	102 Spaces

101. Overall, the development requires 301 spaces, and is providing 102, therefore a net reduction of 199 spaces is being sought. The applicant confirmed the car parking allocation for each of the commercial uses is as per the original application with the office having reduced car parking.

Clause 52.34 – Bicycle Facilities

102. Pursuant to clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces

103. Under the provisions of Clause 52.34-3 of the Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	9,028 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm 1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	30 employee spaces 9 visitor spaces.	
Retail premises (other than specified in this table)	332 sqm	1 employee space to each 300 sqm of leasable floor area 1 visitor space to each 500 sqm of leasable floor area	1 employee spaces 1 visitor spaces.	
Shop	583 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm 1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 employee spaces 0 visitor spaces.	

	<i>Bicycle Parking Spaces Total</i>	<i>31 employee spaces</i>	<i>110 employee spaces (inclusive of six shared E-Bikes)</i>
		<i>10 visitor spaces</i>	<i>24 visitor spaces</i>
<i>Showers / Change rooms</i>	<i>1 to the first 5 employee spaces and 1 to each additional 10 employee spaces</i>	<i>3 showers / change rooms</i>	<i>16 showers / change rooms</i>

104. The development proposes a total of 79 additional employee spaces and 14 additional visitor spaces above the statutory requirements of the planning scheme.
105. Pursuant to clause 52.34-3, the rate for the provision of showers/change rooms is 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces. Therefore, 3 showers and 3 change rooms are required, with 16 showers/change rooms being provided.
106. Clause 52.34-4 provides design standard for bicycle spaces and signage.

General Provisions

107. 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 Municipal Planning Strategy and the Planning Policy Framework., 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 in further in this report

Planning Policy Framework (PPF)

108. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

109. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

110. The relevant objectives of this clause include:

(a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

111. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
 - (i) *Are able to accommodate significant growth for a broad range of land uses.*
 - (ii) *Are supported with appropriate infrastructure.*
 - (iii) *Are hubs for public transport services.*
 - (iv) *Offer good connectivity for a regional catchment.*
 - (v) *Provide high levels of amenity*

Clause 13.05-1S (Noise abatement)

112. The relevant objective of this clause is:

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

113. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

114. The objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

115. The relevant objective of this clause is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

116. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

117. The relevant objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

118. Relevant strategies of this clause are:

- (a) *Require a comprehensive site analysis as the starting point of the design process.*
- (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*

- (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (g) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- (h) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (i) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- (j) *Encourage development to retain existing vegetation.*

119. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S (Healthy neighbourhoods)

120. The objective is:

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

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

121. The strategy is:

- (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S (Neighbourhood character)

122. The relevant objective of this clause is:

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

123. Relevant strategies are:

- (a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
- (b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - (i) *Pattern of local urban structure and subdivision.*
 - (ii) *Underlying natural landscape character and significant vegetation.*
 - (iii) *Heritage values and built form that reflect community identity.*

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

124. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 17.01 – (Employment)

Clause 17.01-1S – (Diversified economy)

125. The objective of this clause is:

- (a) *To strengthen and diversify the economy.*

126. The relevant strategies of this clause are:

- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

Clause 17.02 – (Commercial)

Clause 17.02-1S – (Business)

127. The relevant objective of this clause is:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

128. The relevant strategies of this clause is:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

Clause 18.01 (Integrated Transport)

Clause 18.01-1S – (Land use and transport planning)

129. The objective of this clause is:

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

130. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*

- (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
- (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
- (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*

(c) *Integrate public transport services and infrastructure into new development.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S – (Sustainable personal transport)

131. The relevant objectives of this clause is:

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

132. Relevant strategies of this policy are:

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
- (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
- (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
- (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
- (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R – (Sustainable personal transport- Metropolitan Melbourne)

133. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S (Public Transport)

134. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R (Principal Public Transport Network)

135. A relevant strategy of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – (Car Parking)

136. The objective of this clause is:

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

137. A relevant strategy is:

- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Municipal Strategic Statement

138. The relevant policies in the Municipal Strategic Statement can be described as follows:

Municipal Strategic Statement (MSS)

139. Relevant clauses are as follows:

Clause 21.04-2 (Activity Centres)

140. The relevant objectives of this clause are:

- (a) *To maintain the long term viability of activity centres.*

141. Relevant strategies to achieve this objective include:

- (a) *Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (b) *Strategy 5.3 - Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.04-3 (Industry, office and commercial)

142. The objective of this clause is:

- (a) *To increase the number and diversity of local employment opportunities.*

Clause 21.05-2 – (Urban design)

143. The relevant objectives of this Clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*

1. *Significant upper level setbacks*
 2. *Architectural design excellence*
 3. *Best practice environmental sustainability objectives in design and construction*
 4. *High quality restoration and adaptive re-use of heritage buildings*
 5. *Positive contribution to the enhancement of the public domain*
 6. *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 19 To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
 - (ii) *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
 - (iii) *Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
 - (iv) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
- (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
- (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-3 – (Built form character)

144. The general objective of this clause is:

- (a) *To maintain and strengthen the identified character of each type of identified built form within Yarra.*

145. The subject site is located within a non-residential area, where the built form objective is to *"improve the interface of development with the street"*.

146. The strategies to achieve the objective are to:

- (a) *Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
- (b) *Strategy 27.2 - Require new development to integrate with the public street system.*

Clause 21.05-4 (Public environment)

147. The relevant objective and strategies of this clause are:

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
 - (i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
 - (ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*

- (iv) *Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.*
- (v) *Strategy 28.8 - Encourage public art in new development.*

Clause 21.06 – (Transport)

148. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

- (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
 - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
- (b) *Objective 31 – To facilitate public transport usage.*
- (c) *Objective 32 – To reduce the reliance on the private motor car.*
- (d) *Objective 33 To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.06-1 – (Walking and cycling)

149. This clause builds upon the objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
- (b) *Objective 32 - To reduce the reliance on the private motor car.*
- (c) *Objective 33 - To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07-1 – Ecologically sustainable development

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

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

Clause 21.08-2 - Burnley-Cremorne- South Richmond

151. This clause outlines the Cremorne neighbourhood as follows;

- (a) *The neighbourhood provides a range of residential opportunities:*
 - (i) *the Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered*

- (b) *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.*

152. Figure 8 shows the subject site is a 'non-residential area' where the built form character objective is to improve the interface of development with the street.

153. The implementation of land use strategies in clause 21.04 includes:

- (a) Supporting the mixed use nature of development in the Cremorne area.
- (b) Supporting offices and showrooms fronting Church Street south of Swan Street
- (c) Supporting a monetary contribution in preference to land contribution in Cremorne, and a land contribution in preference to a monetary contribution in the remaining areas of this neighbourhood, for open space when residential subdivision occurs.

154. The implementation of built form strategies in clause 21.05 includes:

- (a) Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.

Relevant Local Policies

Clause 22.03 – Landmarks and Tall Structures

155. The objective of this policy is to:

- (a) *To maintain the prominence of Yarra's valued landmarks and landmark signs.*

156. It is policy to:

- (a) *Maintain the prominence of Yarra's valued landmark signs.*
- (b) *Protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference.*
- (c) *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

157. Within Clause 22.03-4, the Nylex Sign is identified as a landmark and is located 500m to the south-west of the subject site. New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference.

Clause 22.05 – Interfaces Uses Policy

158. This policy applies to applications within the Commercial Zones (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

159. It is policy that:

- (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

160. Decision guidelines at clause 22.05-6 include:

- (a) *Before deciding on an application for non-residential development, Council will consider as appropriate:*

- (i) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
- (ii) *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

Clause 22.10 – Built form and design policy

161. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:

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

162. The Clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:

- (a) *urban form and character;*
- (b) *setbacks and building height;*
- (c) *street and public space quality;*
- (d) *environmental sustainability;*
- (e) *site coverage;*
- (f) *on-site amenity;*
- (g) *off-site amenity;*
- (h) *landscaping and fencing;*
- (i) *parking, traffic and access; and*
- (j) *service infrastructure.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

163. Clause 22.16-3 requires the use of measures to “*improve the quality and reduce the flow of water discharge to waterways*”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Design

164. This policy was introduced into the Scheme on 19 November 2015 and applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other relevant documents

165. Clause 15.01-2S states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*

Cremorne and Church Street Precinct Urban Design Framework

166. The Cremorne and Church Street Precinct Urban Design Framework [UDF] was adopted by Council at its meeting in September 2007. The intent of the UDF was to support redevelopment that contributes to Cremorne as a mixed-use area, while supporting strategic aims to develop employment opportunities in the area.

167. The subject site is highlighted on Map 2 as a site where substantial change is expected and can contribute to improvements to the public domain. Map 5 shows the intersection of the subject site and Adelaide Street is a key area for frontage activation. The subject site is not located in any sub precincts.

168. Council prepared Amendment C97 to the Scheme which proposed to rezone the study area from Business 3 Zone to Business 2 Zone, in order to provide for some residential development in the precinct. The Amendment was abandoned by Council at its February 2010 meeting, however the UDF remains as an adopted document. It is limited statutory weight.

Swan Street Structure Plan (SSSP)

169. The SSSP was adopted by Council at its meeting on 17 December 2013. The site is located within the 'Cremorne South' Precinct of the Plan's study area. The Structure Plan prepared for the Swan Street Major Activity Centre [MAC] was in response to the State Government sustainable growth policy, *Melbourne 2030*; a plan for the growth and development of the Melbourne metropolitan area. One of the principal aims of the policy was to provide a network of activity centres throughout Melbourne, with these centres providing a focus for development and urban expansion in areas well serviced by public transport, existing infrastructure and community services. The Swan Street Structure Plan aims to manage this growth within the Swan Street MAC and the surrounding area.

170. Of relevance to this application are proposed revisions to the built form guidelines that will provide guidance on future built form and how that would be in keeping with the longer term vision for Swan Street and surrounds, along with guidance on urban intensification within the precinct. The plan provides guidance on maximum building heights within each precinct, with two to three storeys the suggested height for this area within the 'Cremorne South' neighbourhood.

171. The SSSP acknowledges that the area is functioning well and provides significant employment opportunities and that with the right support, these activities are likely to continue. It

172. The SSSP also includes objectives to consolidate the Precinct's role as a location for offices and employment, provide high quality pedestrian orientated public realm along Church Street, as well as promote public realm improvements through redevelopment opportunities.

173. Whilst adopted, the SSSP has yet to progress to the formal amendment stage and technically has limited statutory weight. Compliance with the structure plan will be discussed later within this assessment.

Yarra Business and Industrial Land Strategy 2012

174. The Yarra Business and Industrial Land Strategy was adopted by Council in June 2012, which applies to land within the Commercial and Industrial Zones within the City of Yarra.

The Strategy sets out a 10-15- year direction for Yarra's business and industrial areas and provides guidance for Council and relevant stakeholders for land use planning in these areas.

175. The Strategy identifies that *'local economic conditions have continued to evolve including growing pressure for residential and mixed use development in Yarra's business and industrial areas, ongoing industry changes and adjustments, new business development opportunities and new infrastructure investments'*. The City of Yarra is committed to maintaining the employment focus in its business and industrial areas and seeks to ensure access to employment opportunities within these areas is maintained.
176. The vision of the Strategy is as follows:
- (a) *Business and industrial areas in the City of Yarra play an integral role in sustaining the local and inner Melbourne economy and local communities. They will continue to change, with significant growth in the business sector and a decline in industry activity and employment.*
 - (b) *This Strategy will provide sufficient land to sustain growth in economic activity. In doing this, it will contribute to the economic strength of the region, and enhance its vibrancy and diversity.*
177. The subject site is located within Precinct CIB10 – Cremorne Node. The rationale for this node outlines that “this precinct is strategically located near Richmond Station, Punt Road and the Melbourne CBD. The precinct is large, consolidated and evolving into a mixed business precinct in line with the Business 3 Zone (now known as Commercial 2) including small scale creative industries. The precinct also has a diverse employment and business mix including small businesses in converted warehouses and small scale office complexes in line with broad economic trends. There may be opportunities for specific rezoning in this precinct depending upon the outcomes of the Structure Plan process”. The rationale recommends Business 3 Zone (now known as Commercial 2) should be retained across the entire precinct as a basis for facilitating ongoing mixed use change in the precinct until the outcomes of the Structure planning process has been finalised.

Advertising

178. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 633 letters sent to the surrounding property owners/occupiers and by three signs facing Green Street.
179. A total of 62 objections were received to the application, these can be summarised as:
- (a) Excessive height and lack of transition/setbacks to lower scale residential;
 - (b) Increase in traffic (and subsequent safety concerns) and lack of car parking spaces;
 - (c) Impact on heritage streetscape;
 - (d) Should provide a setback from the footpath;
 - (e) Waste should be collected from the basement;
 - (f) Amenity Impacts (overshadowing (including of commercial properties), loss of views, noise, loss of views to landmarks, visual bulk, wind, light spill, urban heat island effect, impact of office hours of operation, overlooking);
 - (g) Excessive use of glazing will result in solar reflection;
 - (h) High site coverage will lead to flooding;
 - (i) Construction issues (noise, disruptions, vibration, dust, debris, damage to heritage dwellings);
 - (j) Disruptions due to deliveries/waste trucks;
 - (k) Local infrastructure (sewerage and water) will require significant upgrades;
 - (l) Not in-line with the Swan Street Structure Plan;
 - (m) Lack of active frontage in the southern end of the development;
 - (n) Lack of weather protection;
 - (o) Lack of landscaping;

- (p) Open space will be for patrons of the food and drinks premises;
 - (q) Overshadowing to footpath;
 - (r) Inadequate loading bay to service development;
 - (s) Location of bike spaces are impractical;
 - (t) Location of services adjacent to residences;
 - (u) Site is not well serviced by public transport and is not located near an Activity Centre;
 - (v) VicTrack objection related to insufficient setback from rail track and impact on the rail corridor.
180. A total of 51 Statements of grounds have been received, however of these, a total of 16 parties having joined the appeal.
181. The Application for Review was amended on 28 August 2019 by the permit applicant in accordance with the VCAT Practice Note No. 9.
182. The following parties were notified of these amended plans (with at least one copy provided to each) as per the VCAT Order dated 27 August 2019:
- (a) All referral authorities;
 - (b) all parties to the proceeding (including the Responsible Authority);
 - (c) any person who has lodged a statement of grounds is not a party to the proceeding; and
 - (d) all adjoining owners and occupiers.
183. Any statements of grounds associated with these amended plans were due by 20 September 2019 in accordance with the VCAT Practice Note No. 9.

Referrals

184. The referral comments are based on the original advertised plans unless otherwise stated.

External Referrals

- (a) Head, Transport for Victoria;
 - (i) It should be noted that the original application was required to be referred to Transport for Victoria as the floor area of the office was greater than 10,000sqm in leasable floor area, pursuant to Clause 66.02-11 (Integrated Public Transport Planning). At that time, they provided correspondence requesting further information. This has been included as an attachment to this report.
 - (ii) Since that time however, with the amendment of the plans, the leasable floor area is now 9,028sqm, which is below the requirement within Clause 66.02-11. This results in Transport for Victoria no longer being a determining referral authority. They are however a party to the VCAT proceedings and can therefore represent their own interests.
- (b) EPA;
- (c) VicRoads/CityLink;

Internal departments

- (d) Urban Design (additional comments for kerb outstand shown on VCAT Amended Plans);
- (e) Engineering Services Unit (VCAT Amended plans);
- (f) Strategic Transport (both);
- (g) Streetscapes and Natural Values (additional comments for kerb outstand shown on VCAT Amended Plans);
- (h) Waste Services;
- (i) ESD Advisor (VCAT Amended plans);
- (j) Open Space;
- (k) Heritage (VCAT Amended plans);

External consultants

- (l) Urban Design (MGS Architects);
 - (m) Acoustics (SLR Consulting); and
 - (n) Wind (MEL Consultants).
185. The amended plans were re-referred to Council's Engineering Services Unit and Strategic Transport.
186. Due to the proposed kerb outstand shown in the amended plans, Council's internal Urban Design and Streetscapes and Natural Values units were requested to provide comments. These have been provided within the referrals attachment.
187. Other advisors/units were not sent the amended plans as the changes would either not impact their comments or were in response to them.
188. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Policy and physical context;
- (b) Uses;
- (c) Built form and Design;
- (d) Environmentally Sustainable Development (ESD);
- (e) Off-site amenity impacts;
- (f) Car parking, traffic, access and bicycle provision;
- (g) Waste management;
- (h) Other matters; and
- (i) Objector concerns.

Policy and Strategic Support

190. The proposed development enjoys strong strategic support at State and local level. The site is within an area where intensive development and a mixture of uses are encouraged. As outlined within the *Surrounding Land* section of this report, the Cremorne neighbourhood is undergoing significant change, with a number of higher-density developments approved and under construction within the immediate area. This context will be discussed in detail later within this report.
191. The site is located in the Commercial 2 Zone which specifically encourages office, retail uses and associated commercial services. In assessing this application Council officers must make a comprehensive evaluation of the proposal with consideration to the purposes and objectives sought to be achieved by the Act and the Yarra Planning Scheme, the applicable decision guidelines, and as to whether or not there is a net community benefit and sustainable development outcome. Having carried out an assessment of the competing state and local policies and objectives, on balance, Council Planning Officers submit that this proposal represents an acceptable outcome. The proposal complies with Council's strategic direction for the area and should be supported, subject to conditions.
192. The C2Z which applies to the site is capable of accommodating greater density and higher built form, subject to individual site constraints. Additionally, state and local policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport.
193. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.

The site fulfils these criteria, with access to tram routes along Church and Swan Streets and East Richmond and Richmond train stations being within 350m and 500m respectively in distance, thereby encouraging the use of alternative modes of transport to and from the site. The adjacency of the site to the residential pockets of Cremorne and Richmond also provides accommodation for future office workers.

194. Similarly, local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contributes to the adaptation, redevelopment and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals.
195. This zone preferences uses such as offices to occur within this location and accordingly, the site is located within an area where higher intensity industrial and commercial uses have been directed to be located by both local and state policy. This is also acknowledged in the Tribunal decision *WAF Construction Pty Ltd v Yarra CC [2003] VCAT 1122 (29 August 2003)*, where the following comments were made in relation to built form expectations within a Business 3 Zones (now Commercial 2 Zone) in Cremorne:
 - [33] The site's location in an identified commercial/industrial area, together with its proximity to an extensive public transport network and an Activity Centre, are factors supporting a higher density commercial development.
 - [34] [Commercial 2 Zones] seek to facilitate development of the service sector, allow for more efficient utilisation of business premises and encourage the development of employment areas that are serviced by public transport and bicycle and pedestrian networks.
196. Council's local Neighbourhood's policy at Clause 21.08-2 recognises Cremorne as an *important metropolitan business cluster which must be fostered*. In recent years, Cremorne has become home to many creative companies with technology companies starting to emerge.
197. Finally, the proposal includes a substantial contribution to the public realm through the provision of an open space (200sqm in area), increased footpath widths of at least 3m adjoining the southern building) and a kerb outstand providing bike parking, additional street trees and public seating (subject to conditions). A condition can require these works to be completed to the satisfaction of the Responsible Authority and with all works to be at the permit holder's expense. This will be discussed later in the report.
198. Having regard to the above, the proposed re-development of the site for a mixed use building of this scale is considered to have strategic planning support.

Uses

199. The proposed shops and food and drinks premises (cafes) require a planning permit in the zone. In respect to their appropriateness there is support for them at the ground floor where it can be demonstrated that the scale of operation would not result in unreasonable impacts to the surrounding area or erosion of the primary purpose of the Commercial 2 Zone. This consideration is relevant in terms of the objective of the Commercial 2 Zone: *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services*.
200. By retaining land for commercial uses, Cremorne will remain a viable and thriving economic cluster, thus providing a net community benefit through employment and contributing to the local and regional economy for present and future generations.

It is also Council local planning policy (Clause 21.04-3) to increase the number and diversity of local employment opportunities and by maintaining this land for the purpose it was intended for, this policy will be met and a net community benefit will be achieved. Council's local policy at Clause 21.04-3 states that the commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.

201. The site is located within an employment cluster which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and public transport. The area supports a growing employment base, and the proposed uses will support this. These uses will provide:
 - (a) a venue where the local workers and residents can obtain food and drinks; and
 - (b) a location to purchase goods and services.
202. The shops and food and drinks premises (cafes) will contribute to the mixed use nature of the location which includes other commercial entities. On weekends, there is an expectation that buildings are active and provide for visitors and local residents alike. These two uses will play a legitimate role in meeting the needs of the area in this respect and providing seven days a week activation of the area whereas offices are generally closed and can lead to inactivity.
203. The Commercial 2 Zone also requires consideration of the following matters (as relevant) at clause 34.02-7, each with a response provided below:
 - (a) The effect of existing uses on the proposed use – existing uses are a mixture of residential (to the north and north-east in the residential zone) and commercial/industrial in nature and are not expected to have an adverse impact on the proposed uses. These existing uses will most likely provide patrons for the proposed businesses;
 - (b) The drainage of the land – the land is not located in an area with any specific drainage requirement under the Scheme and would have adequate ability to connect to relevant drainage networks;
 - (c) The availability and connection to services – the site is in an existing built up urban area with easy connection to all necessary services;
 - (d) The effect of traffic to be generated – this is discussed in detail later in this report;
204. In respect of amenity impacts, Clause 22.05 seeks to ensure that new non-residential uses do not unreasonably impact dwellings including through noise, light spill, emissions and rubbish.
205. The closest residentially zoned land is to the north of the site, and to the east of the northern end.
206. As already outlined, the proposed hours of operation are 7am to 7pm, seven days per week. There is limited guidance in the Scheme as to what appropriate opening hours are in the Commercial 2 Zone. It is important to note that these hours generally comply even with the more stringent local policy, Clause 22.01, relating to uses within residential zones, which outlines that 8am to 8pm is preferred. Whilst these hours are one hour outside of this in the morning, the closing time is one less. It is considered that these hours are not particularly early or late, and are therefore acceptable. Due to the zoning of the land, other potentially more intensive uses could operate without requiring a planning permit and would therefore not have their hours restricted. Accordingly, the uses are not expected to have unreasonable impacts on these dwellings and can be managed with appropriate conditions.

207. In terms of the numbers of patrons with a maximum of 150 in total. These numbers are considered to be reasonable for the location of the proposed development.
208. Noise impacts are outlined within the *Off-site Amenity* section of this report.
209. In terms of noise impacts to the office use, Council's Acoustic Engineer recommended that rail noise impacts are assessed and that advice for meeting appropriate indoor design levels is provided. They acknowledge that there is no mandatory requirement to consider noise from rail to commercial developments, however considering the adjacency to the rail corridor and the western façade primarily constructed of glass, consideration of impacts is recommended. The applicant's acoustic engineers Marshall Day state that this matter should be dealt with at the design detail phase with the building being designed to meet AS2107-2016 (Acoustics – Recommended design sound levels and reverberation times for building interiors). The applicant has agreed to indoor sound levels being specified in an amended acoustic report. This can be confirmed in a post-occupancy acoustic report also.
210. Rubbish would be adequately concealed within the buildings and any emissions would have an adequate dispersal distance from the dwellings. Conditions have been included to ensure the amenity of the area is not unreasonably compromised due to the 'permit required' uses. These include restrictions on hours of operation, noise, patron numbers, waste disposal, deliveries and emission including light spill.

Built form and Design

211. The urban design assessment for this proposal is guided by State and Local policies at clause 15.01-2S (Building Design), clause 21.05-2 (Urban design), clause 22.05 (Interface uses policy) and clause 22.10 (Built form and design policy). In the interests of providing a concise assessment and avoiding repetition between State and local design principles, the following assessment will group similar themes where applicable.

Urban form, character and context

212. As discussed in the policy section above, the proposal is an appropriate response to the site's strategic context and makes efficient use of relatively under-utilised land. Strategically, the subject site is appropriately located for a higher-density development, being located within proximity to an Activity Centre, within a commercial zone with excellent access to public transport, services and facilities and with limited sensitive, residential interfaces being the dwellings to the immediate north and north-east only.
213. As already outlined extensively within the *Surrounding Land* portion of this report, the subject site is in a genuinely mixed area. There is a commercial area to the east and south as well as lower scale residential to the north and north-east. The majority of buildings within the commercial zoned land are constructed boundary to boundary, with high site coverage and rectilinear forms. The residences have small front yards, are built to at least one of their side boundaries and minimal front and rear setbacks.
214. This mixture in built form types and heights is typical of the Cremorne area as discussed within the Clause 21.08-2 description. These commercial areas have and will continue to experience an intensification of use and development.
215. Considering the recent approvals of larger scale developments, the street's proximity to the Swan Street MAC, convenient access to two train stations, tram and bus routes and the lack of a heritage overlay to restrict development, it would be a reasonable expectation that this site and others in the southern end of the street, would experience further intensification in use and development. One and two storey buildings in Cremorne are being replaced with buildings between five and 10 storeys.

While the area has been subject to substantial redevelopment, it continues to present a hard edge character to the street with rectilinear forms and robust materials. There is no doubt that its current use as single storey warehouses is an underutilisations of land in an inner city location.

216. In terms of more specific interfaces, the proposed works are an improvement on the existing streetscape through the demolition of older warehouses which do not activate the street frontage for the construction of two modern buildings with various uses and landscaping. The proposal is also including a significant public realm improvement of a 200sqm open green space, widened footpaths and a new, enlarged kerb outstand.
217. It is important to acknowledge that the subject site noted within the SSSP as having a preferred 2 to 3 storeys (9m) overall height which many objectors have raised as an issue. As previously outlined, whilst it is an adopted document, it can only be given very limited weight as it has not progressed to a planning scheme amendment. This has been repeatedly stated by the Tribunal in numerous decisions, one of which being *Barkly Gardens Pty Ltd v Yarra CC* [2017] VCAT 995:
- [19] It is not a seriously entertained planning proposal. It has not been subject to public scrutiny. The Tribunal has consistently given limited weight to the structure plan.
218. It has been nearly six years since the SSSP was adopted and has not progressed to a planning scheme amendment. Many developments have been approved and constructed which exceed the heights proposed within it. Additionally, these preferred height is contracted within another adopted Council document, the Cremorne and Church Street Precinct Urban Design Framework [UDF] where Map 2 shows the subject site as a site where substantial change is expected.
219. Whilst the sites to the north and north-east are within the heritage overlay, this street is not a pristine heritage streetscape. There are numerous 'not contributory' dwellings to the north as well as new construction is visible along the north side of Adelaide Street and in the southern section of Green Street. The heritage dwellings already exist in a mixed context.

General discussion

220. The proposal has appropriately transitioned down to the lower scale residences to the north and north west, in the following manner:
- (a) the provision of a lower, separate form in the northern end where it immediately adjoins the residential zone, with a single storey street wall (similar to existing conditions) and upper level setbacks;
 - (b) a 200sqm open green space at the intersection of Green and Adelaide Streets to offer both greenery and visual relief for the more sensitive interfaces;
 - (c) a gradual stepping up in form from north to south of the southern building, with setbacks from the north and the east in addition to a vertical delineation separating this building into two forms; and
 - (d) a varied design language between to two proposed buildings, however with consistency through the use of brick.
221. These above aspects, not only provide for transition to assist with fitting into the streetscape but also assist in breaking up the massing across the breadth of the site. This is visible in the render below:



222. Compositionally, the proposal is considered to be of a high standard with the variety of colours and materials becoming more muted and simple as one steps up the building. This assists with anchoring the building and appearing more recessive at the upper levels. This is seen in the image below:



223. The proposal is of a high architectural quality and in that regard responds to the design objectives of clauses 15.01-2S and 22.10-3.4 which encourage high standards in architecture and urban design, with the proposal considered to largely achieve these objectives.

224. Council officers note that the colours of the proposed materials and finishes have not been confirmed in writing on the materials legend, and this can be required by way of condition, should a permit be granted. This is also in-line with Council's Heritage Advisor's comments. Council officers' will also be requiring a façade strategy be provided, by way of condition, to include additional detailing for the ground floor interface as well as the podium, mid-levels and upper 'cap'. This provides Council's planning officers' certainty regarding the high architectural quality of the overall proposal.

Northern building

225. The proposal has sited its lower scale building closest to the single and double storey dwellings to the north and north-east.

- 226. Replacing the existing 6.12m high on- boundary wall, the proposal incorporates a single storey, light grey masonry street wall, built along the front boundary with 'hit and miss' style screens facing Green Street, interspersed with large, black framed, glazed windows. Above this, the first floor has a setback of 2.5m from the northern boundary and a 1m front setback which continues around the southern wall of the building. It is entirely constructed with the 'hit and miss' bricks.
- 227. The two, upper-most levels are constructed similarly using light grey perforated metal screens which are setback 3.5m from the northern boundary and are angled to create a varied front setback of between 2.72m and 4.2m. This continues around to the southern side where there is a reduced setback of 1.6m. The terrace above also includes a large lift core/lobby structure however this is setback 13.841m from the northern boundary and 12.5m from the front, resulting in it being visible only in longer range views.
- 228. Council planning officers consider this building to be of high architectural quality which incorporates materials such as brick and perforated metal in a visually interesting and modern way. These are already materials found in the surrounds.

The 'stacking' effect created by the three components of the building assist in breaking down the massing of the proposal with the upper levels being more angular, cohesively creating an aesthetically pleasing design. It also creates variation in the massing of the building and shows that the building has been considered 'in the round'. Each of these floors has been articulated using either perforation, gaps between bricks or large glazed windows, ensuring the proposal provides both a hard edge and fine grain response to its surrounds without appearing overly busy. This provides a mix of overall robust built form, appropriate for the zoning of the land, with the texture of the brick work and perforated metal providing fine grain detailing and a scale of development commensurate with its residential interface. This is visible in the two renders below:



From the north, looking southward along Green Street



From the south, looking northward along Green Street

- 229. In terms of its massing, the single storey street wall is similar to existing conditions, albeit slightly lower. The levels above are setback between 2.5m and 3.5m for up to a maximum height of 18m, to the north to provide a transition down to the lower scale residences. These dwellings are all within zones that restrict height and are within heritage overlays due to the retained heritage fabric. These areas will experience limited built form change in the future. The subject site is not located within these zones, and is within a zone where more intensive development is expected.

The development has appropriately responded to its context by scaling back the built form away from the more sensitive areas to the north and north-west which not only minimised amenity impacts but also reduces the visual bulk of the proposal when viewed from within the streetscape. Council officers submit that the provided single storey street wall and setback upper levels are not discordant in the streetscape and provide an appropriate transition. Additionally, the proposed northern wall does not intrude into the private open space of the adjoining dwelling and is in-line with its rear wall.

230. Whilst the proposal will be taller than the dwellings to the north and north-west, this is to be expected as it is located within a zone where there is no height restriction and no heritage fabric to protect. It has tempered its built form through the restrained height (overall and on-boundary) as well as the setbacks provided above the ground floor. Whilst it is noted that Council's external urban design recommended a reduction in height through the deletion of Level 2, or an increase in the setbacks from the north, Council's Heritage Advisor supported the massing.
231. Council's heritage advisor's concerns related to the proposed materials of this northern building. Concerns were raised with regards to the solidity of the brick screen on the first floor and the use of perforated metal screens on the upper two levels. The metal screens were found to be a *"solid visually impervious element in the streetscape which typically becomes prominent, even overbearing, and dominant thus detracting from elements around it, in this case the heritage dwellings"*. Council's heritage advisor recommended the following:
- (a) *Reconsider at least the treatment of the north and east elevations of Building B. Prefer a light, simple, pale treatment which recedes from the visual solidity of the heritage elements.*
 - (b) *Prefer the openness of the façade treatment of Building A on the upper levels of Building B.*
 - (c) *Delete the brick screens from the east and north elevations or otherwise greatly relieve them by visually permeable elements, such as thermal glazing, in between as per the Ground floor.*
 - (d) *Delete the perforated metal screens and continue the revised treatment of Level 1 upwards.*
232. Council planning officers will not be incorporating these changes as permit conditions as they will significantly change the design language of this northern building. Additionally some of these changes will result in a similar design to the southern building which is the antithesis to the intent of the proposal. The development has appropriately provided a different form to distinguish this building and provide variety along the breadth of the site. Additionally, it is important for this building to differentiate itself from the residentially zoned land to the north. This is carried out through the inclusion of these more industrial-type materials.
233. Many of these recommendations originate from a concern regarding the visual permeability and solidity of the brick screen and perforated metal. As a way to resolve this issue, a condition can be included which requires the screens (brick and perforated metal) to be visually permeable, and for this to be annotated on the materials legend.

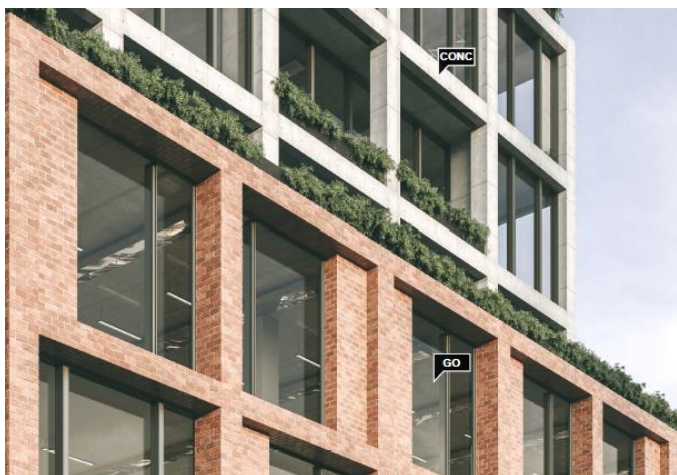
Southern building

234. The southern building continues the transition in height through a stepping up in height in a southerly direction. The proposal incorporates a three storey brick podium, with between three and four levels above, forming a mid-section and two setback glazed levels, forming a 'cap' above. The length of the frontage associated with this building (82.65m) is further broken up by a vertical glazed element which splits the building into two. This is associated with the setback area above the primary entrance lobby and includes weather protection above.

235. In terms of architectural merit, the podium is a visually interesting design with the use of varied columns both in terms of their width and depth ensuring it is of a contemporary design, considered 'in the round'. The columns create both a horizontal and vertical banding across the street wall with numerous windows providing articulation as well as a variation in the front façade depth due to the window recesses. This will create a shadowing effect throughout the day. This provides an overall robust built form with the texture of the brick work providing fine grain detailing. These elements have all been incorporated to ensure the proposal fits in with the existing and future character of the surrounding area as well minimising impacts to the streetscape. This development adds to the mix of urban form visible in the surrounding area and is acceptable.
236. The central indentation creates two podium forms which reduces the impact of the breadth of the building. Whilst the proposal has considered the future context and is a significant departure from the existing conditions on Green Street, it responds to the inherent industrial character of the precinct by its hard edge form and use of robust materials. Below is an image of the detailing of the podium:



237. In terms of the podium height, street walls with a minimum of three storeys are typical on new office developments within the Cremorne area. Council's external urban designer did not raise any issues with the street wall height.
238. Looking at the levels above, the 'mid-levels', these are constructed in an off-concrete grid pattern which can be seen in the image below:



239. Along the breadth of this building, these mid-levels are between three and four storeys in height and separated by the vertical glazed section. The lower portion is in the northern end to allow for the stepping up in height of the building. This lower portion is also setback from the northern end of the building by an additional 5m to assist with the stepping effect. These levels are setback between 2.75m and 3m from the street with an increased indent where the vertical glazed wall is. The grid pattern breaks up the massing of the form into smaller sections, however the lighter colour and regular sizing of the columns differentiate this part from the finer detailing of the levels below. Metal planters and window openings scattered across the façade assist in creating additional variation. The setback of these levels from Green Street allow the street wall to remain visually prominent in the streetscape.
240. As part of the amended plans, the applicant deleted the sixth floor, which was one of these middle levels. Previously they were between four and five storeys in height. Council's planning officer and external urban designer both raised concerns with the overall height of the southern building. The latter recommending a deletion of levels 4 to 7. Within the previous scheme, this would have resulted in only one of these mid-levels remaining. Council's external urban designer recommended a height of no more than 28m in height.
241. Whilst Council planning officers agree that a height reduction is required, and still remains necessary, they do not agree with the extent nor that any further reduction is required for these mid-levels. Council planning officers are satisfied with the proportions of this section of the building as they appear above the three storey base. The setbacks and stepping up in height are an appropriate response to the more sensitive residential interface to the north and north-east, whilst acknowledging that the site is in a commercial zone and as such, will have more robust form.

Upper levels

242. In terms of the two upper levels, they provide a muted backdrop to the light grey concrete and red brick as well as providing a connection to the vertical glazed section. These floors are setback an additional 4.3m from the northern wall of the southern building (total of 9.4m) and 4.6m from Green Street. At the upper most level, setbacks increase to 28m from the northern wall to allow for a terrace area.
243. In the original application plans, these upper levels constituted two levels, with a 'third' used to cover roof plant. This 'third' gave the impression of a level in the southern portion of the building but in fact was only 2.6m in height. Through the amended plans, this upper-most level has now been setback an additional 2.5m from the east and the glazing replaced with a louver screening. Council planning officers submit that this is an improved response as this reduces the previous top-heavy appearance.

244. These upper-most levels will likely be seen from longer range views and not form part of the immediate context of the Green Street streetscape due to the limited width of the street, the overall height and setbacks. Nevertheless, to further accentuate the transition in scale down to the lower forms to the north, Council planning officers recommend that Level 7 is deleted across the length of the southern building. This will result in a one level 'cap' above the two portions of the southern building, with the roof terrace retained in the northern portion. This will reduce the height of the building from 39.4m to 35.5m (reduction in height of 3.9m). Council planning officers believe that this is an appropriate response to the strategic context of the site and its zoning, whilst acknowledging and respecting the location of sensitive forms to its north and north-east.

Western elevation

245. The proposal includes sheer west-facing walls as it faces a train line and as such has limited visibility, except to users of the train and from further to the west. The distance of the train line is over 30m which ensures the proposal will not visually dominate the streetscapes further to the west. This is particularly so as they are also commercially zoned, with limited sensitive interfaces and heritage considerations and will likely develop similarly in the future. This elevation is also the most appropriate to locate the lift core along as it is the least sensitive. It speaks to the high quality of the development that whilst it has limited visibility from its surrounds, that the materials and composition of the building have been continued along this side. This shows the building has been designed 'in the round'.

Public realm, light and shade and pedestrian spaces

246. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety.

247. Council is supportive of the construction of two modern buildings with large glazed ground floor lobbies, active tenancies and improved outdoor spaces. Through the activation of the ground floor, the building will provide interaction at street level where there currently is minimal. This satisfies public realm, pedestrian spaces and street and public space quality policies at Clauses 15.01-2S and 22.10-3.4.

248. The proposal incorporates a 200sqm open green space at its intersection with Adelaide Street. Through the amended plans and in response to objections and referral comments, the application now includes widened footpath widths of between 3m and 3.424m adjacent to the southern building. A kerb outstand is now proposed adjacent to the open space area. These are all substantial public realm benefits and are discussed further below.

249. Generally speaking, Council's internal urban design unit requested:

- (a) an updated drainage analysis;
- (b) on-street parking bays shown on plan; and
- (c) traffic treatments and footpaths on the eastern side of Green Street shown on plan.

250. Council planning officers submit that these are onerous requests and unnecessary in the assessment of the application.

251. Council's external urban designer made many recommendations regarding improvements to the public realm that should be incorporated in this application. The kerb outstand, and widened footpaths partly satisfy two of these, however others remain and they are individually addressed below:

- (a) *Fully contain loading within the site and ensure loading is not visible from the street.*

The loading bay is fully contained within the site, however it will be visible from the street. The applicant has reduced the extent of services/vehicle access frontage from a width of 30.1m to 19.2m. Council planning officers consider this to be a reasonable improvement and overall acceptable. Considering the majority of the warehouses to the south have car park access from their frontages, this is an improvement compared to the current conditions.

- (b) *Reconfigure the southern car park entrance as a southern laneway with ramped access off this at the west end to a single basement car park and a loading dock sleeved along the street interface by retail activity. Configure this laneway as a shared zone with future expansion deliverable in conjunction with development by the southern neighbour that should be anticipated at a future date given its single level nature.*

Considering the low percentage of the façade which include such services, this is not necessary.

- (c) *Provide a minimum 3m wide western footpath to Green Street with outstands for short term bike and scooter parking at enterprise entry points.*

Through the amended plans and in response to objections and referral comments, the application includes widened footpath widths of between 3m and 3.424m adjacent to the southern building. This is a public realm improvement as existing footpath widths are only between 1.85m and 2.328m.

The proposal is not widening the footpath adjacent to the northern building in an attempt to funnel pedestrians accessing the building away from the residential area to the north. This tactic is coupled with the entrance lobby for the northern building being accessed from the open space.

Whilst it is noted that the two shops have their entrances from along the Green Street footpath, these are quite small in area and not anticipated to create a high volume of foot traffic. Additionally, the footpath width adjacent to this building is approximately 0.4m wider than that further to the south.

An outstand has been provided and as will be discussed below.

- (d) *Reconsider the nature of the retail tenancy in the northeastern corner of the south tower to configure it as a contiguous part of a ground floor entry zone to the building enabling the lift core and entry to be by both Green Street and from the northern plaza.*

The applicant has purposefully separated each tenancy within the development. Workers will be able to access the northern plaza via the narrower entry (which is approximately 1.8m to 2m in width).

- (e) *Provide share car and courier drop off zones within the enhanced street zone and reduce the amount of conflicts between bicycles using this corridor and kerbside parking with a focus on share car services and short term parking in the public realm.*

Council's internal urban design unit do not want future public realm areas dominated by short term parking for bikes. Parking restriction signs or line-marked on-street parking bays are not removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

- (f) *Remove the second basement level as car parking provision is excessive in its impacts and shifts the role and future function of Green Street from one where pedestrian and cycling are enhanced in capacity and mode share.*

This is an onerous request, the proposal is already providing car parking at a rate of 1.04 spaces per 100sqm, which is typical for high quality and density office developments in the area. The proposal is exceeding Best Practice in its provision of employee and visitor bike spaces. This was confirmed by Council's Transport Planner.

Open Space

252. The open space is a significant public benefit in an area with limited greenery and open areas. It also performs a secondary function to allow for breathing room between the two buildings to ensure they do not overwhelm the streetscape. The open area provides a space for people to socialise, in an area which is typically characterised by hard-edged treatments with high site coverage. The landscaping also assists in reducing the urban heat island effect.
253. Whilst the open space is notated with 'public' the applicant is not intending to give the land to Council. To avoid confusion, a condition can require this to be shown as open space, with a further requirement for a Section 173 Agreement to ensure 24 hour public access to this space. In terms of amenity impacts associated with people using this space, it is not any different to any open area where people have the potential to congregate. It would be in the future occupant's best interest to keep this area maintained due to the siting of the various economic enterprises surrounding it and also for the benefit of their staff who will most likely highly utilise it. Additionally, general conditions can be included on any permit regarding amenity impacts to the surrounds from the development. This would include the open space.
254. The proposed uses surrounding the green space provide activity and outlook. The double storey food and drinks premises has its sole outlook towards this area which provides for passive surveillance. Conditions will require detailed landscape plans and security lighting to be provided, ensuring the open space has a high amenity and feels safe to users and any passers-by.
255. Council's external urban design raised concerns with the extent of shadowing to the open space as an issue and stated that that the south edge of the open space and 75% of the north facing tenancies of the open space should enjoy access to sunlight between 10am and 2pm at the winter solstice. The 'winter solstice test' is an onerous request, typically reserved in planning schemes for public open space. This is particularly burdensome considering the context of the site, and the size of the open space. Considering the north-facing terraces on the southern building are of a commensurate height to the northern building, Council officers anticipate them as having excellent access to northern sun.
256. At 9am, at the September equinox, only a sliver of the northern extent of the open space is in shadow which is to be expected with construction on its northern side. At 10am, approximately one third of the north-western corner is in shadow, with this increasing to just over half at 12noon.
257. At 1pm, the southern, one-third is free of shadow with this decreasing at 2pm and 3pm where only the south-eastern corners have sunlight. Council officers are satisfied with this. At each time of the day there is an area free of shadow, where people can congregate. It is important to remember that this area is a significant public realm benefit, and with additional conditions to require landscaping and lighting, it will be an inviting area for all to enjoy.

Kerb outstand and street trees

258. As a result of both internal and external urban design advice on the advertised plans, the amended plans include a kerb outstand adjacent to the proposed open space in a similar location to the smaller, existing kerb extension.

Council's internal Urban Design Unit supported the proposed kerb extension, however they indicated that more detail is required to assess properly, for example: kerb type, crossing alignments, dimensions, drainage etc. Civil drawings will be required by way of condition.

259. In its current form it includes 20 visitor bike spaces (on ten racks) and three new street trees. Council's Transport Planning Officer confirmed they were satisfied of the location of the new bike spaces, however Council's internal Urban Design Unit were not. Whilst they supported the provision of the kerb outstand as a public benefit, the provision of 20 bike spaces was seen as excessive and unnecessarily took up the majority of space. Council's internal Urban Design Unit recommended the provision of 10 bike spaces (on five racks) in one bank, with a minimum of two public seats and street tree species (and understorey) to be subject to a revised landscape plan and to Council's satisfaction. The remainder of the visitor spaces will be relocated within the site, as per previous conditions (within the basement). Council's Transport Planning Officer confirmed they would be satisfied with this on the basis that any basement visitor spaces are directly visible from the lift, so if spaces are occupied, there is no need to depart the lift and re-enter it
260. Council's Streetscapes and Natural Values Unit confirmed they supported the proposal however a revised landscape plan is required to properly assess this. As the existing street tree will be required to be removed to facilitate the kerb outstand, the applicant will need to pay an Asset Protection Bond of a minimum value of \$5,000. The revised landscape plan incorporating measures to increase soil volumes and provide for passive irrigation as well as provide details of the movement of vehicles to identify any conflict between street trees and large vehicle movement.
261. All of these matters can be resolved by way of conditions, should a permit be granted.

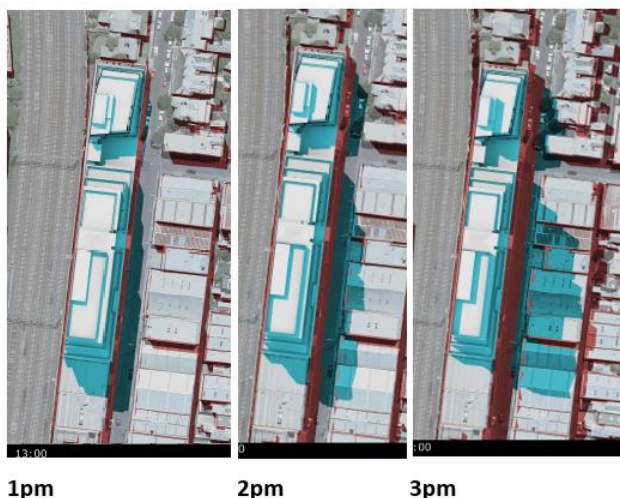
Ground floor interfaces

262. The proposal has been designed to have active and attractive frontages and has provided street interaction in its interface design. The northern building also includes 'hit and miss' style brick screens along its frontage, alternating with large glazed windows.
263. The Green Street façade is primarily constructed of glazing, however considering the site has no rear or side access to a laneway, it is unavoidable to have areas where services/vehicle access are located. The proposal has located these in the southern end of the site, furthest away from the more sensitive interfaces. These areas include the vehicle entrance, gas and water meter as well as the loading bay. Council's internal urban design unit requested the doors to open inwards, however this is not possible, as per the service provider's requirements.
264. As part of the amended plans, in response to concerns raised by Council planning officers, Council's external urban designer and objections, the applicant reduced in the extent of these dead interfaces from a width of 30.1m to 19.2m. With a frontage length of 127.54m, this equates to 15 percent of the overall length which is acceptable. The reduction in length is a positive outcome and considering the balance of the frontage is activation, this is acceptable. It is a vast improvement on existing conditions which include minimal openings and where they are they are either roller doors or frosted bricks.
265. Council's internal urban design unit requested the following details to be shown on plans:
- (a) *Dimensions of footpath and unobstructed footpath width alongside any street furniture or other fixtures; and*
 - (b) *The exact location of the existing post box, sewer vent and power pole.*
266. These will be required by way of condition.

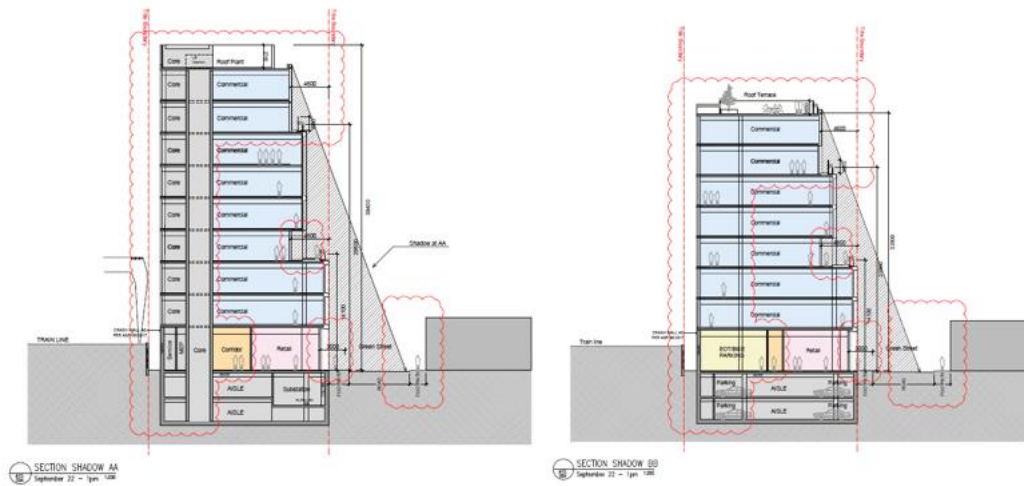
267. The amended plans have removed the planters along street frontage and therefore those comments are no longer relevant. Comments were made in relation to parking sensors, the kerb and channel, crossovers and pavement treatments are all addressed within Council's standard engineering permit notes and conditions and will be to Council's satisfaction using Council's Standard Materials. Recommendations regarding bike hoops are no longer relevant as they related to the previous iteration of plans. Public seating will be provided however this will form part of the kerb outstand.
268. In terms of the recessed areas, where there is a widened footpath, Council's internal urban design unit suggested that the recessed areas have granite paving, as shown within the public space, to provide a coordinated treatment. This can be required by way of permit condition.

Shadows to the public realm

269. In terms of shadows to the public realm, the proposal will overshadow the train line to the west in the morning and does not impact the western footpath of Green Street until after 12noon, and the eastern footpath of Green Street until after 1pm.
270. Shading along the western footpath of Green Street is not a concern as any building along the western side would shade the footpath from 12noon onwards.
271. Due to the variation in height between the two buildings and the gradual stepping up of height in the southern-most end, the eastern footpath is impacted after 1pm for the southern-most portion, and from 2pm onwards for the middle and northern areas. Council's external urban design recommended that no part of the eastern footpath is shaded from 2pm onwards.
272. The shadowing is shown below in the following images:

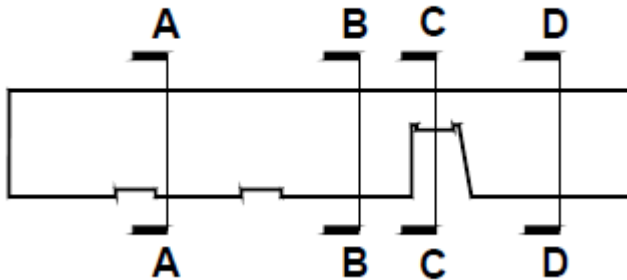


273. To provide additional analysis the applicant also provided these sectional diagrams depicting shading to the eastern footpath associated with the northern (BB – image on right) and southern (AA – image on left) ends of the southern building:



274. The image below shows where these two sections were taken from:

KEY PLAN



275. The sections show that in the northern portion of the southern building, at 1pm, the shadows are well off the footpath and on the road. It would not be until nearly 2pm that the eastern footpath is impacted for Section BB. Considering such a short extent of the footpath is impacted after 1pm (Section AA), and the majority is not impacted until after 2pm, this is considered on balance to be acceptable. This is particularly in light of the previously discussed recommendation of the deletion of one level, which will likely reduce shadow impacts at 1pm.

276. In terms of the shadows from the northern building, these would not impact the footpath until nearly 2pm and even at 2pm, only a portion of the footpath is impacted. If this were shown in a sectional diagram, it would be most likely that only the legs of any pedestrians would be in shadow at 2pm. This is considered to be acceptable in the strategic context of the site and considering that the Yarra Planning Scheme does not specifically identify the Green Street footpath as a public space requiring consideration.

277. This issue was previously discussed at VCAT in relation to an office development and overshadowing of the opposite footpath, *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [2017] VCAT 753. Within that decision, Member Sibonis makes the following remark:

[34]According to the shadow diagrams, and the evidence, the overshadowing is confined to the morning hours. By 11.00am the shadow is cast on the pavement itself, meaning that pedestrians will be in sunlight. After this time, the shadow will not affect the footpath. This is a reasonable outcome having regard to the site's context and we are persuaded that the extent of overshadowing has been minimised. The shadow impact does not justify a reduction in the height of the building.....

278. Whilst in this decision the shadowing was for the opposite time of the day, the proposition that overshadowing is acceptable when it has been limited to a part of the day, is the same.

Site Coverage

279. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6. Some objectors also raised this as an issue. The existing site coverage of the warehouses is 100 percent, however the proposal incorporates a 200sqm open space between the two buildings. This equates to 85.66 percent site coverage which is a significant improvement on existing conditions and also compared to the commercial premises further to the south.
280. Additionally, the proposal includes a rainwater harvesting system with a capacity of 90,000L serving all WCs and urinals, bin-wash area and sub-soil drip irrigation to landscaped areas, via timers and soil moisture sensors. This will ensure that the subject site will be able to absorb run-off and reduce any impact of increased stormwater run-off on the drainage system. This will result on an improved outcome in relation to the drainage system compared to current conditions where the site is completely hard edge with no on-site rainwater water harvesting.

Landscape architecture

281. Landscaping is not a typical feature of commercial buildings in Cremorne. Despite this, the proposal includes planters along the upper level setback edges of the northern building, the roof terrace of the northern building, a 200sqm open green space and planter areas on the outdoor terraces of the southern building. This is a significant improvement compared to existing conditions which is 100 percent site coverage with no landscaping and all hard edge construction.
282. The original application was accompanied by landscape plans prepared by Jack Merlo Design & Landscape. Council's Open Space Unit provide recommendations for alterations to these plans and these will be required by way of condition. Specification of works to be undertaken prior to planting; and details of the plant/planting maintenance schedules and requirements was also requested and can be facilitated via a permit condition in the event a permit is granted. They also suggested planters to be on the inside of balustrades for maintenance purposes. This will be required by way of condition. Council's internal urban design unit also recommended the provision of additional detailing of landscaping.
283. It should also be noted that since the comments were provided, the amended plans now show a kerb outstand.
284. Council's Open Space Unit had some queries relating to the accessibility of outdoor terraces as no windows had previously been shown. This has now been rectified within the amended plans.

Environmentally Sustainable Development (ESD)

285. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces staff and visitors from relying on private vehicles.
286. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

287. Council's ESD Advisor identified areas of deficiencies, improvement opportunities and outstanding information that needed to be provided. This was outlined within their referral comments as follows:

- (a) *The Application includes a Green Star pathway which shows that the development has the preliminary design potential to achieve a 5 star Green Star standard but is noticeably short on commitments and supporting details. Provide supporting information requested in (3) and/or details of Green Star project registration is required;*
- (b) *Clarify provision of outdoor air to office spaces on all levels compared to NCC minimum;*
- (c) *Provide daylight modelling for typical floor;*
- (d) *Modelling or other evidence required to demonstrate basis for thermal comfort claim;*
- (e) *Provide preliminary energy modelling report;*
- (f) *Façade performance required to be addressed in energy modelling report;*
- (g) *More information on proposed hot water service servicing is required;*
- (h) *An estimate for peak demand is required;*
- (i) *More information on proposed HVAC approach is required;*
- (j) *More information on proposed car park ventilation is required;*
- (k) *Confirm extent of water metering proposed;*
- (l) *Include car share facilities in proposed green travel plan;*
- (m) *Provide a Green Travel Plan with performance targets and monitoring and reporting components included;*
- (n) *Confirm commitment to organic food waste collection;*
- (o) *More information is required on the building and landscape elements that reduce the urban heat island effect;*
- (p) *Recommend the introduction of external shading systems to reduce heat gain*
- (q) *Consider low embodied energy options for in-situ concrete*
- (r) *Consider a green roof or wall to improve the ecological value of this site.*
- (s) *Recommend that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction*

288. The applicant has confirmed that they will be aiming for the following:

- (a) A 5 Star Green Star Design & As Built rating;
- (b) A 5 Star NABERS Energy rating;
- (c) Compliance with the Urban Stormwater Best Practice Environmental Management Guidelines.

289. The applicant confirmed they are willing to accept this as a condition on permit. The above commitments exceed Council's Best Practice. NABERS rates a building on the basis of its measured operational impacts on the environment according to energy, water, waste, indoor environment. Ratings are awarded in a scale of 0 to 5 Stars, including half Star increments. In terms of Green Star ratings, certification by an accredited professional is required for claiming a particular star rating. It reviews environmental sustainability in management, indoor environment quality, energy, transport, water, materials, land use & ecology, emissions and innovation.

290. Council will be requiring its standard condition which requires an implementation report to confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

291. Many of the requested specifics will be addressed through meeting the above Green Star and NABERS ratings. However, Council will be requiring many of the above as permit conditions (such as facade performance, energy modelling, water metering and commitment to organic waste).

292. A green wall will not be required as the proposal is already proposing a large upper level terrace with landscaping and a green space at ground floor. These are expected to reduce the urban heat island effect. Council will not be requiring external shading systems as this will drastically alter the buildings appearance.
293. In terms of the provision of bicycle parking (which Council's external urban designer also raised), Council's Transport Planning Officer confirmed the proposal meet Best Practice. Council planning officers believe it is onerous to require car sharing on-site. Additionally it is not required within the Yarra Planning Scheme. The proposal does include shared e-bikes.

Off-site amenity impacts

294. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable).
295. Design objectives at clause 22.10-3.8 aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land where they interface between land uses. This can include limiting off-site amenity impacts on residential land as well as ensuring that new non-residential use and development within Commercial and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. Therefore this application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial/industrial uses.
296. Having regard to amenity impacts on nearby existing residences, policy within clause 22.05 acknowledges that in order to maintain the viability of industrial and business areas, residences which abut business areas should not have unrealistic expectations of the level of amenity which can be achieved. The appropriateness of amenity impacts including setbacks, walls on boundaries, shadowing and overlooking need to be considered within their strategic context, with the site being partly located within a Commercial 2 Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the surrounding area.
297. Within a recent VCAT decision at No. 60-88 Cremorne Street, Cremorne (*Arthur Land Pty Ltd v Yarra CC* [2018] VCAT 946) the following relevant comments were made regarding amenity expectations of residents abutting a Commercial 2 Zone and the application of policy (including Clause 55):
- [34] Second are reasonable amenity expectations. Clause 55 is used in expert evidence and submissions to assess the amenity impacts of the proposal. Some residents urge an outcome that is no worse than Rescode and say that clause 55 should be "*enforced*". But clause 55 does not apply and the scheme does not set it as the 'test' for acceptability in this case. Moreover, even if it did apply, the numerical standards can be departed from if the relevant objective is met.
- [35] Residents who appeared at the hearing are aware that amenity expectations at the interface between the NRZ and C2Z are not the same as if their properties abutted land in a NRZ or General Residential Zone. This interface situation does not have prescribed or numerical outcomes or benchmarks to be met. A judgment is required. Our assessment takes account of impacts that can be quantified but not all changes can be measured numerically. Further, amenity impacts must be considered holistically; inter-relationships are relevant. For example, boundary planting may provide visual screening and assist to limit overlooking but may add to overshadowing. As the outcomes cannot all be fully quantified, there can be legitimate differences in opinion as to the acceptability of the outcomes and whether impacts are reasonable or not.

- [36] These assessments are informed by the land use ambitions for the area and the fact that the subject land is currently an open car park. Land in the C2Z is expected to contribute to employment outcomes comprising a substantial development, of a commercial nature, on a very large site.
- [37] As indicated earlier, interface situations such as this are difficult. Different outcomes are sought for the residential/heritage areas and the commercial precinct. Similarities are seen where cottages are located behind strip shopping centres and where increased scale occurs at the edge of an activity centre. Transitional responses are required but these situations inevitably see some change in residential amenity because of the scale and bulk of new forms that are typically directed to activity centres and commercial precincts. Visual bulk cannot be expected to be minimised in the same way as a residential-to-residential interface. We agree with the applicant and Council officer's report that the land's size and strategic context underpin a relevant principle evident in the scheme; that the use and development of land in the C2Z should not be unduly fettered by the presence of adjacent dwellings while ensuring that a reasonable amenity outcome is retained for those residential properties. The proposed development is not required to be low-rise because of the interface condition where the residential land will not experience significant change.

[Emphasis Added]

298. Following on from this, a recent Tribunal decision *Salta Properties Pty Ltd v Yarra CC* [2019] VCAT 718 further expanded on the discussion regarding relevant policy considerations in relation to commercial developments where they abut residences:

- [42] ...C2Z only has a general decision guideline to consider policy and consider 'the interface with adjoining zones, especially the relationship with residential areas'. C2Z has no specific direction to address amenity impacts such as overlooking and overshadowing of adjoining residential properties.¹ This consideration is brought up in policy at clause 22.05. Again, this clause does not set out benchmarks to be met or contain policy that requires the objectives or standards for medium density housing in clause 55 to be met. Clause 65 of the planning scheme also requires consideration of general amenity and to provide for orderly planning.

299. Looking specifically at the subject site, it is adjacent to dwellings to its north and north-east with the latter separated by the width of a street. It is important to note that the development has attempted to mitigate amenity impacts through the siting of the lower scale building in the northern end of the subject site where it is proximate and abutting residential dwellings. The proposal has incorporated an open space area to provide additional separation between the taller form of the southern building and these more sensitive areas. The southern building also steps down in a northern direction, ensuring that the tallest portions are furthest away from the lower scale residences.

Overlooking

300. Typically even the more stringent Clause 55 (Rescode) requirements only consider potential views within 9m. Within commercially zoned land for non-residential development, it is encouraged within policy that they are designed to minimise the potential for unreasonable overlooking.
301. The only residential property within 9m of the subject site is No. 66 Green Street. As is visible on the ground floor plan, the northern building does not extend beyond the rear wall of No. 66 Green Street and is therefore not abutting the private open space. This dwelling does not have any windows facing the subject site.
302. At ground floor, the northern building mitigates any overlooking through the provision of a solid wall. Between the first to third floors, screens (brick and perforated metal) cover the external skin of the building.

¹ See Clause 34.02-7 – Decision Guidelines

On the fourth floor, the northern balustrade of the roof terrace is setback 6.05m from the northern boundary and includes an approximately 1.5m high planter and recessed balustrade to mitigate overlooking. Overlooking is mitigated at these floors by the height of the ground floor on-boundary wall and the setback created by the planter zones, and the screen and maintenance zones. This results in any views within a 9m radius being obscured by the planter zone. It's important to note that the screens also reduce visibility from the office areas towards the north-west private open space.

Overshadowing

303. Standard B21 of Clause 55 seeks to ensure buildings do not significantly overshadow existing secluded private open space between 9am and 3pm on 22 September. Within this six hour time period, the Standard requires a minimum of five hours of sunlight. It is important to note that Clause 55 is not strictly applicable in this instance due to the proposed uses and zoning of the land however, it is used as a reference.
304. Due to the orientation of the land and the location of the lower building in the northern portion of the site, the development does not overshadow the private open space of any dwellings until 3pm. At 3pm, the proposal shades the secluded private open space of No. 75 Green Street, and therefore complies with the even more stringent Clause 55 requirement.
305. Whilst the front yard of No. 69 and No. 73 Green Street are also shaded, as these are not considered areas of secluded private open space, this is acceptable.
306. Council officers note that many of the commercial premises within the Commercial 2 Zone have raised overshadowing as an issue. As none of these constitute secluded private open spaces, this is not considered. Importantly the decision guidelines within Clause 34.02-7 do not consider overshadowing impacts to commercial properties.

Visual bulk

307. Traditionally buildings with commercial and industrial uses tend not to include side and rear setbacks and this is evident in both the remnant and modern commercial and industrial buildings in the area. Minimal side and rear setbacks would be an expected feature of a commercial and industrial area.
308. Additionally, those which reside in residential zoned land which abuts or faces onto a commercial/industrial area must have an expectation that there will be greater built form in these areas compared to if it faced residential land. This is the case for the closest dwellings to the north and north-east. The issue of expecting change on adjoining lots was addressed within the Tribunal decision, *37 KR Developments Pty Ltd v Moonee Valley CC [2010] VCAT 1063*, where it was stated that:

[9] Local communities often do not acknowledge or recognise that significant change has been a constant feature of our urban areas, and that further substantial change will continue into the future

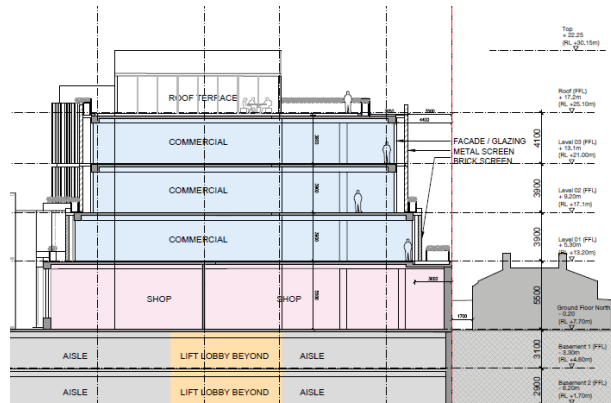
309. Looking at the dwelling to the north, there is an existing 6.12m high on boundary wall associated with the warehouses on the subject site, this is visible in the image below:



310. Under existing conditions, this wall is in-line with the rear setback of the dwelling to the north, as shown in the image below:



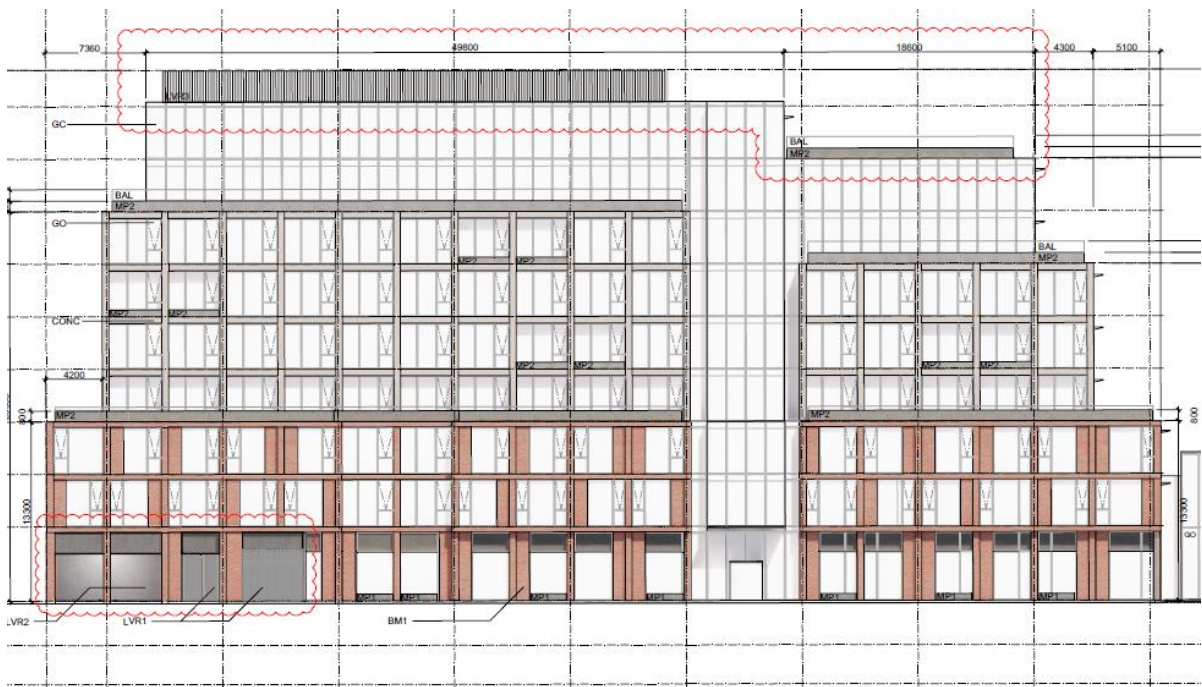
311. The proposed northern building will result in a single storey wall located in the same position as the existing with a reduced height of 5.7m and a 0.4m high planter set back 0.5m. The length of the ground floor on-boundary wall had been reduced through the amended plans. Above this, the proposal will be setback between 2.5m and 3.5m from the northern boundary. Below is a section of the northern building with No. 66 Green Street visible on the right:



312. As already noted, the dwelling to the north does not have any south-facing windows with a direct view to the proposal. The limited setback and height of the ground floor on-boundary wall would restrict views up towards the upper levels, even if there were windows. The experience at the ground floor would be similar to existing conditions. By ensuring the proposed northern building is not constructed beyond the rear wall of the most immediately affected property, visual bulk impacts are reduced as the west-ward outlook from the rear of No. 66 Green Street will remain as per current conditions. Any views to the proposal, will be over built form, this reducing the visual impact.

313. In terms of dwellings further to the north and north-east, views to the northern building would only be possible from a greater distance (at least 10m), and over built form or from across the street, further reducing any potential visual bulk impacts from habitable room windows or secluded private open spaces. The construction of a four storey building in a Commercial 2 Zone is well within the built form expectations considering its strategic context.

314. In terms of the southern building, it has also attempted to mitigate visual bulk impacts through the provision of a stepped form that increases further away from the residential zones. This is seen in the image below:



315. The northern-most extent of the southern building is located 16m to the south-west from the nearest residential dwelling, and at that point it is 13.33m in height. Above this, there is a 5m setback, where the proposal is 25m in height. The building then steps up again to 32.845m with an additional 4.3m setback.

It reaches its maximum height of 39.4m, with a total distance of 41.5m from the nearest residentially zoned dwelling. These are substantial setbacks.

Additionally, none of the dwellings to the north or north-east are orientated to face the subject site. All face either the west, east or north and thus reduces any potential visual bulk impacts to sensitive spaces.

316. Any views to the southern building would also be from a substantial distance (at least 16m) and either over other built form or diagonally across Green Street. Council's planning officers submit that the proposal has adequately reduced visual bulk amenity impacts.
317. Additionally, those which reside in residential zoned land which interfaces with a commercial/industrial area must have an expectation that there will be greater built form in these areas compared to if it faced residential land.

Daylight to Windows

318. In terms of daylight to existing habitable room windows, the most immediately affected property is No. 66 Green Street. All other sites are either separated from the subject site by the width of a street, or by another site.
319. As already outlined, the dwelling to the north does not have any windows facing the subject site and any rear west-facing windows will be unimpeded by the proposal.
320. In the case of the Green Street dwellings along the eastern side of the street (Nos. 65-73 Green Street), not only are they separated from the subject site by the width of the street (10m), but it is only their front windows which face the subject site. In each instance they are covered by an overhanging verandah which limits daylight access. These dwellings are all orientated to have an outlook to their east, where their private open spaces are located. In regards to No. 75 Green Street, the primary outlook is towards the north, with large north-facing windows and a balcony at first floor. The proposal will not impede northern daylight access or this outlook.
321. Additionally, the above comments made within the *Visual Bulk* section of this report in relation to distances from the nearest residential dwellings and window orientation, are relevant to the *Daylight to Windows* assessment.

Solar energy facility impacts

322. None of the dwellings near the subject site include solar energy facilities. .
323. It should be noted, that the impact on existing solar energy facilities is only a consideration within the Yarra Planning Scheme for residentially zoned land.

Noise and light spill

324. 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.
325. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices which do not require a planning permit in this zone. Office uses are encouraged in this zone and residents need to temper their amenity expectations. Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity largely limited to the southern portion of the site along Green Street and not considered to be detrimental to the amenity of the adjacent properties to the north or north-east. The primary entrance for the southern building is located 38m to the south-west of any residentially zoned land and the primary entrance for the northern building is from the open space.

326. Whilst the commercial tenancies within the northern building have entrances opposite dwellings, the proposed hours of operation being 7am to 7pm will eliminate any light spill onto nearby residential properties as it is generally daylight around these hours. In terms of the office building, this will also generally be operating in the daytime. Residents must temper their expectations when they abut a zone where office uses are encouraged. It is important to note that the most immediately adjacent building to these dwellings is largely covered by permeable screens and planters, which will limit light spill compared to a completely glazed building.
327. Within Tribunal decision relating to a Church Street office which directly abutted a residential zone and dwellings, *Salta Properties Pty Ltd v Yarra CC* [2019] VCAT 718, the following relevant comments were made in relation to light spill:

Light Spill

- [82] The residents of Sanders Place and 28 Brighton Street questioned light glare that may occur from office lights left on at night. There is nothing in the plans to indicate that lighting of the office will directly shine into adjoining properties, but we accept that an office will have lighting that will add to general night time lighting. This is a mixed use precinct of Richmond where office and commercial development is encouraged. It is inevitable that there will be additional night lighting in the area. It is not a matter that we consider should lead to refusal of the proposal. In making this finding we note that:
- The ESD requirements of the building are likely to lead to self-timers of office lighting so that there is not excessive or unnecessary night lighting left on at night.
 - Bedrooms of properties in Sanders Place, 28 Brighton Street and Sanders Place are at ground or first floor, generally below the direct light sources of the commercial buildings.
 - Office use in C2Z does not need a planning permit. General use of land in C2Z is managed through provisions of the zone that require any use of land must not detrimentally affect the amenity of the neighbourhood, including through the emission of artificial light. It is noted that such provision, combined with policy at clause 22.05 applies to 'light spill' such as a direct light glare into an adjoining property, not simply that a building may have lights on after dark.
 - External lighting must also comply with State Environmental Protection standards for the control of the obtrusive effects of outdoor lighting.

328. The use also ensures that deliveries to the site will be kept to a minimum (and within the loading bay area in the southern extent of the site). The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor terraces).

329. The applicant submitted an acoustic report which was peer reviewed by Council's acoustic consultant, SLR Consulting, who confirmed that the report includes the following recommendations to control noise from the subject development:

- (a) *Loading dock usage to adhere to the operational practices detailed in the acoustic report, which includes:*
- (i) *Deliveries from vehicles no larger than 'medium rigid trucks', and*
 - (ii) *Truck deliveries to take place during the SEPP N-1 defined 'day' period only.*
- (b) *Noise from mechanical services is to be reviewed by an acoustical consultant during the detailed design phase of the project.*
- (c) *Music from the food and beverage tenancies to be carefully managed to ensure compliance with SEPP N-2.*
- (d) *Waste collections to occur in accordance with the schedules in EPA Publication 1254.*

330. All of these form part of the acoustic report, which will be included as part of the endorsed sets of report, if a planning permit issues. With regards to the loading dock, this has been confirmed that deliveries are from vehicles no larger than 'medium rigid trucks' and that they occur during the hours of 7am and 6pm. This will be required by way of a separate permit condition.
Council's Acoustic Engineer has stated that non-compliance for delivery and loading dock noise is a low risk due to the daytime only deliveries and the distance of this area from the nearest residents.
331. In terms of the above comment regarding noise from mechanical services to be addressed during the detailed design phase as the information required for addressing them becomes available, Council officers note that it would be difficult to test these services until such time that the use is operational. Therefore a condition will require that an additional acoustic report be provided, within three months of the occupation of the building demonstrating compliance with State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
332. Looking at the music from the proposed food and drinks premises (cafes), this will be required by way of condition to be at background levels only with no external speakers to be erected. A condition can also require that the use comply at all times with State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
333. Council's Acoustic Engineers raised concerns with regards to noise if the food and drinks tenancies were to transform into bar style establishments with a focus on evening/night trading and music or if the premises were to operate outside of standard business hours. If this were to occur, an amendment to any planning permit issued would have to be sought and considered separately at that time.

Wind

334. The applicant's wind consultant (ViPac Engineers & Scientists) carried out a desktop assessment of the proposal and recommended that a wind tunnel study be conducted to confirm the findings. This will be required by way of condition on any permit to issue.
335. MEL Consultants confirmed they have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. MEL Consultants also confirmed they agree with the assessment criteria that the applicant's engineers have used for the desktop assessment. The recommended criteria for the immediate surroundings streetscapes would be walking comfort and the standing criteria for the entrances to the building. The assessment clearly discusses the rationale for recommending the walking criterion for the terraces and MEL Consultants have no issue with this recommendation.
336. The desktop assessment stated that the ground level wind conditions would be expected to achieve the recommended walking criteria in the surrounding streetscapes as the entrances and ground level public open space are located on the east side of the development. MEL Consultants agree that these would be shielded from the prevailing and strong wind directions.
337. However, MEL Consultants are of the opinion that the proposed open space off Green Street may be impacted by downwash deflected off the broad west face and around the north end of the building and additional mitigation may be necessary to achieve the standing criterion.
338. MEL Consultants have queried some of the assessment relating to the outdoor terraces and their balustrades, however these comments were in relation to the advertised plans, and not the VCAT amended plans. These plans have resulted in changes to the outdoor terraces and therefore these specific comments are not relevant.

The previously mentioned wind tunnel study will be required to assess all outdoor terraces. This will resolve any potential issues surrounding wind impacts on the terraces, subject to condition (most likely increased balustrade heights).

339. MEL Consultants stated that due to the broad west face of the development there would be expected to be acceleration of wind flow around the north and south ends of the building. This accelerated wind flow would be expected to impact the local wind conditions at the intersection of Green and Adelaide Streets and around the buildings at No. 107 Green Street.
340. The wind engineers of both Council and the applicant agree that the proposed wind conditions will be higher than the existing conditions, however these can be managed through a wind tunnel test to quantify the environmental wind conditions including the assessment of wind conditions at the following locations:
- (i) Surrounding streetscapes
 - (ii) Terraces
 - (iii) Private outdoor area of No. 66 Green Street
341. Once the above wind conditions are quantified, the appropriate mitigation strategies can be confirmed. This will be required by way of condition.

Views to landmarks

342. Clause 22.03 (Landmarks Policy) seeks to protect views of Yarra's valued landmarks, with the Nylex Sign being one of them. Whilst some objectors raised views to the Bryant & May building on Church Street, this is not listed within this policy.
343. The policy it is unclear which views should be protected. This was explored by Member Naylor within the 2013 Tribunal decision, *Rescom QOD Lennox Street Pty Ltd v Yarra CC* [2013] VCAT 1799:
- [53] I agree with the findings of the Tribunal in Crema Group that the policy is not intended to preserve and protect every possible view from public spaces. The Tribunal found in Cremorne Corporation that key or important views need to be carefully dealt with, not every incidental view; and in Richmond Icon that not all views are of equal worth.
- [54] In [Mr Lovell's] opinion, what needs to be protected are "the historical principal heroic views....."
344. As outlined within the previous Tribunal decision, not all views should be protected, but rather it should be principle views. The following comments were also made within the Tribunal decision, *Salta Properties Pty Ltd v Yarra CC*:
- [36] The existing long range views of various landmark buildings and signs from residential streets or private balconies is fortuitous only, and the proposal does not lead to a loss of a key vista or view line that the planning scheme seeks to protect. We observed on our site inspection that even the small amount of development that has already taken place in Church Street has reduced a number of views presently enjoyed from, for example, James Street. We consider that the loss of view is a loss of part of the character and amenity currently enjoyed by residents, but is not a loss that weighs against the proposed building heights in the adjoining commercially zoned land. We also note that these views would be lost if a five to six storey building were built.
345. The Nylex sign is located 500m in distance from the subject site. This is quite a significant distance which ensures that the key views to these landmarks are not impacted. Streets such as Green and Chestnut Streets would not be considered key views for either of these landmarks.

346. A number of objectors raised this as an issue, however views from private property to landmarks are not protected within the Yarra Planning Scheme as per the previous comments made within *Salta Properties Pty Ltd v Yarra CC*.

Equitable development

347. With regards to the commercial properties to the east within the Commercial 2 zoned land, they have the width of Green Street as a buffer to protect against any impacts to their development potential. For the site to the south, the construction of on-boundary walls ensures it does not prejudice any potential development. Where the proposal includes windows, they are setback in the order of between 4.48m and 7.36m. This is sufficient to ensure the development potential is not impacted. Additionally, the sites to the south retain their west and east-facing aspects.
348. In terms of the residentially zoned land, these sites have sufficient setbacks from the development to ensure any development potential is not limited. Additionally, the proposal includes a northern boundary wall along the southern side of the site which would be an appropriate position to construct any extension as this would allow for north-facing windows for No. 66 Green Street. It should be noted that those sites are currently within a more restrictive zone which has a height restriction of two and three storeys.

Car parking, traffic, access and bicycle provision

349. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 195 spaces as outlined within the table included in the *Particular Provisions* section earlier in the report.
350. Within a recent Tribunal decision regarding the car parking reduction associated with an office development, *KM Tram Enterprise Pty Ltd v Boroondara CC* [2018] VCAT 1237, the Tribunal agreed that office developments “are prime candidates” for modal shifts to reduce reliance on private motor vehicles, with the following relevant comments:
- [29] In this context of a change from the ‘business as usual’ approach, I agree with Ms Dunstan that office workers are prime candidates for a mode change given their commuting patterns of travel to and from work during peak times. This is the time when public transport services run at highest frequencies and when Melbourne’s roads are most congested. The combination of ‘carrot’ and ‘stick’ makes it viable for many office workers commuting to a site such as this to change from private vehicle to public transport.
- [30] I am not persuaded that the council’s option of reducing the amount of office space so that it better aligns with on-site parking supply is consistent with planning policy. *Plan Melbourne* which promotes ‘20 minute neighbourhoods’ where most of a person’s everyday needs can be met locally within a 20 minute journey from home by walking, cycling or local public transport. The everyday needs referred to include local employment opportunities along with shopping, education and community facilities.
- [31] Local employment opportunities in this context are not limited to retail or community services. There is a benefit in encouraging office uses in the ‘20 minute neighbourhood mix’, as it provides opportunities for business owners and their staff to work locally. I find this line of argument is far more persuasive than the council’s position of limiting the amount of office floor space so that more cars can be brought into this part of Hawthorn.
351. There is further support for changes to private motor vehicle reliance demonstrated in a 2017 Red Dot VCAT decision (*Ronge v Moreland CC* [2017] VCAT 550), which expanded on policy behind this approach. Member Bennett clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located in an inner-city suburb within proximity to train stations and tram routes. Relevant statements within the summary of this decision are applicable to this application, as follows;

- (a) *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
- (b) *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
- (c) *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
- (d) *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
- (e) *Policy tells us the future must be different.*
- (f) *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
- (g) *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*

352. The *Ronge v Moreland* decision confirms that in inner city areas where there is access to alternative forms of transport, we need to drastically change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.

353. Following on from this, a more contextual Tribunal decision is *Arthur Land Pty Ltd v Yarra CC* [2018] VCAT 946 regarding the office development at No. 60-88 Cremorne Street, Cremorne. In this instance, the Tribunal supported a significantly reduced office car parking rate (736 spaces reduction) and made the following commentary:

[156]The office is the major component as the additional land uses are modestly-sized and are likely, in part, to be used in association with the office or involve trips by others already living or working in the area. Plainly the subject land has excellent public transport access and the proposal includes a large volume of bicycle parking, with end-of-trip facilities, on-site and for visitors.

[157] Overflow parking is not likely given the conditions are nearing saturation, and could be managed by the Council via further parking restrictions should that be felt necessary. The realities and constraints associated with parking conditions would be a disincentive for employees to drive to work. Employees who are not allocated a car space will mostly utilise alternative transport modes rather than attempt to seek out time-restricted parking in the surrounding street network. The food and drink premises and small gym similarly are most likely to attract local workers and residents with the option to walk or ride.

[158] A reduction in parking is consistent with the approach taken in State and local policy, including clauses 18, 21.06 and 22.17....

354. A reduced on-site car parking provision would encourage a modal shift from private vehicle use to more sustainable travel.

Parking Availability

355. The applicant's traffic engineers Cardno Traffic Engineers conducted site inspections on Wednesday 15 August 2018 between 9:00am and 6:00pm. The area encompassed Green Street, Chapel Street, Chestnut Street, Walnut Street, Balmain Street, Adelaide Street, William Street and Hill Street.
356. Council's Engineering Services Unit confirmed the times and extent of the survey are considered appropriate.
357. An inventory of 278 publicly available short-stay parking spaces was identified. The results of the survey indicate that the peak on-street parking occupancy had occurred at 11:00am, with only 24 spaces remaining vacant. Parking sensors have been introduced in Green Street, Walnut Street and Balmain Street to ensure parking turns over regularly. Some clients and visitors to the development should be able to park on-street (short-stay).
358. Council's Engineering Services Unit confirmed the lack of available on-street long-stay parking would be a disincentive for employees to travel to the site by private motor vehicle. Employees who have not been allocated any on-site parking would be inclined to make their own travel arrangements to commute to and from the site, such as take public transport or ride a bicycle.
359. As already outlined within *Ronge V Moreland* a discussion around the existing pattern of car parking is of "marginal value" as policy is aiming to shift to more sustainable forms of transport. Continuing to provide car parking spaces at a rate commensurate with historic demands will not assist in achieving the aim of State and Local Policy to reduce reliance on private motor vehicle use.
360. It is important to note that the existing conditions of the subject site, which are of four commercial tenancies providing automotive services, primarily involving mechanical repairs and vehicle servicing. These currently use on-street parking for temporary storage of vehicles as they are either waiting to be serviced or collected.

Parking Demand

Office

361. Parking associated with office developments is generally long-stay parking for employees and short-stay parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3 spaces per 100sqm of floor space due to the area has very good access to public transport services. With a provision of 94 spaces for the office component, the proposal is providing 1.04 spaces per 100sqm. Throughout the municipality, a number of developments have been approved with reduced office rates, as shown in the following table:

<i>Development Site</i>	<i>Approved Office Parking Rate</i>
<i>Cremorne</i>	
<i>60-88 Cremorne Street</i>	<i>0.85 spaces per 100 m²</i>
<i>PLN17/0626 issued 21 June 2018</i>	<i>(233 on-site spaces; 27,306 m²)</i>
<i>9-11 Cremorne Street</i>	<i>0.85 spaces per 100 m²</i>
<i>PLN16/0171 (Amended) issued 13 June 2017</i>	<i>(20 on-site spaces; 2,329 m²)</i>
<i>Collingwood</i>	
<i>2-16 Northumberland Street</i>	<i>0.89 spaces per 100 m²</i>
<i>PLN16/1150 issued 14 June 2017</i>	<i>(135 on-site spaces; 15,300 m²)</i>

362. Council's Engineering Services unit confirmed that the proposed on-site office parking rate of 1.04 spaces is considered appropriate, having regard to the site's good accessibility to public transport services and proximity to Melbourne.

Food and Drink and Retail Uses.

363. The proposal incorporates three car parking spaces for the two food and drinks premises (cafe), and five for the three shops which would most likely be used by staff.
364. These two uses would rely heavily on walk-up trade for their primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses, visitors as well as local residents. It is likely that patrons would be already parked in the area for multi-purpose or linked trips. Further, it is not typical of small inner-city shops and food and drinks premises to provide car parking spaces for patrons.
365. The parking generated by this site should not adversely impact on existing parking conditions in the area. Engineering Services has no objection to the reduction in the car parking requirement for this site and the reduction being sought by the proposal is supported by the following reasons:
- (a) The site has excellent access to the public transport network (train, tram and bus), bicycle facilities and a wide range of retail, dining and commercial services within the Swan Street MAC, which in turn will reduce the dependence on private vehicle ownership by future employees;
 - (b) The proposal includes secure bicycle parking spaces well in excess of rates specified within the Scheme. The development also has excellent end of trip facilities which will further encourage the use of bicycles. Future employees would be able to take advantage of the bike lanes along the Yarra River;
 - (a) Employee or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking. This is a welcome sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1S and 21.06-1 of the Scheme;
 - (b) The office use is particularly conducive to encouraging those with a car to not drive, given trips are made in peak public transport availability periods, trips are planned in advance and the lack of on-site and off-site parking availability is known in advance. These factors support employees to use other modes of transport;
 - (c) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
 - (d) The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use;
366. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services. Engineering Services has no objection to the proposed reduction in the car parking requirement.

367. Engineering Services acknowledged that the scarcity of available unrestricted on-street parking in the area would be a disincentive for employees to drive to the site by private motor vehicle (if not allocated any on-site parking). Providing a reduced provision would encourage a modal shift from private vehicle use to more sustainable travel.

Traffic

368. In terms of traffic, the applicant’s traffic engineers adopted the following summary for the traffic generation for the site:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Office (94 spaces)	0.5 trips per on-site space in each peak hour	Not Provided	47	47
Food and Drink/Retail (8 spaces)	1.0 trip per on-site space in each peak hour	Not Provided	8	8
	Total	-	55	55

369. Traffic from the development would be entering the site via Green Street. It is important to note that to the north of Adelaide Street, Green Street is one-way in a northerly direction.

370. The applicant’s traffic engineer estimated that 55% of all inbound and outbound movements during the AM and PM peak periods will be generated via the south; and the remaining 45% of all inbound and outbound movements during the AM and PM peak periods will be generated via the north. Of those generated by the south, all will be generated from / to Church Street and beyond and will utilise the signalised intersection of Balmain Street / Church Street / Cotter Street. Overall the traffic impacts of the proposed development will be relatively minor and will not notably impact the operation of the road network

371. Council’s Senior Traffic Engineer confirmed that the magnitude of this traffic should not adversely impact on the traffic movements into and out of the site can be readily accommodated in the surrounding road network.

372. With regards to the cumulative impact of other developments, the area has repeatedly been acknowledged as being quite constrained. In the recent Red Dot Tribunal decision regarding Stage 1 of the Nylex development (*Caydon Cremorne No. 1 Development Pty Ltd v Yarra CC (Red Dot) [2016] VCAT 423*), the Member made the following comments regarding parking and traffic in Cremorne and the cumulative impacts of traffic:

[85]we are satisfied that the site has reasonable access to public transport, enjoys access to bicycle infrastructure, is located in an area which exhibits “walkability” features, has access to an activity centre and is close to the Melbourne CAD.

[86] There is a wide range of initiatives needed to address the traffic congestion issues in Cremorne. Most of these initiatives are beyond the control of the applicant in this case, and are the responsibility of the Council and VicRoads. Limitations on the provision of car parking is however one component of a wider strategy necessary to address traffic congestion generally and, in Cremorne specifically, that does fall within the ambit of the applicant’s responsibility. Notwithstanding our reservations about the Council’s lack of detailed policy analysis and development on this issue, the existing levels of congestion in Cremorne calls for an approach that at least begins the process of reducing the reliance on car dependency and encouraging increased use of alternative transport methods. The review site is one site where this approach can be usefully employed.

[Emphasis Added]

373. As discussed above, the issue of congestion is one for Council and VicRoads rather than the applicant. This development has limited the number of car spaces it has provided which is all it can do. The issue of traffic congestion is bigger than this application and is a Metropolitan Melbourne wide issue.

Access and layout

374. As part of the amended plans, the applicant reduced in the extent of services/loading and car parking access along Green Street from a width of 30.1m to 19.2m. This is a significant improvement.

375. The development includes two basement levels accessed via Green Street with 102 car parking spaces, services and substation. A loading bay is accessed via a separate entrance along Green Street with bike spaces at the rear of the ground floor of both buildings.

376. Council's Traffic Engineer assessed the access arrangements, the car parking modules, gradients and the loading and waste collection. The majority of matters were satisfactory, however the following design items need to be shown on the plans:

- (a) the headroom at the development entrance and along critical points along the ramped accessways are to be dimensioned;
- (b) the inside and outside radii of the curved ramp specified on the drawings. Each inside radial should be no less than 4m radius as required by AS/NZS 2890.1:2004. The swept path diagram for a B99 design vehicle and an oncoming B85 design vehicle passing one another at the curved ramp must be submitted to Council for assessment and approval;
- (c) widths of the at-grade car parking spaces dimensioned;
- (d) accessible parking spaces dimensioned on the drawings and to comply with the Australian/New Zealand Standard AS/NZS 2890.6:2009;
- (e) column depths and setbacks dimensioned on the drawings and satisfy Diagram 1 Clearance to car parking spaces of Clause 52.06-9;
- (f) motorcycle spaces dimensioned on the drawings and to comply with AS/NZS 2890.1:2004;
- (g) the ramp grade for the first 5m inside the property;
- (h) the depth of loading facility dimensioned; and
- (i) swept path diagrams using a 6.4m long truck or equivalent vehicle provided demonstrating ingress and egress movements into and out of the loading bay.

377. These issues can be required by way of condition should a permit be granted.

Bicycle parking and facilities

378. As outlined earlier in the report the development is required to provide a total of 31 staff and 10 visitor bicycle spaces under clause 52.34 of the Scheme. The development provides 110 employee bicycle spaces within the ground floor with the End of Trip Facilities (EOTF) provided adjacent. A further 20 visitor spaces are provided on the kerb outstand and four within the open space area.

379. Council's Transport Planning Officer did not raise any issues with the provision of bike parking in relation to the original plans.

380. These plans now show the majority of visitor bike parking relocated from the basement levels to a kerb outstand at the building entrance. Council's Transport Planning Officer confirmed this is an improvement on the previously acceptable conditions and is an excellent outcome. It was noted that if the kerb outstand cannot be located here due to engineering constraints, the previous location for visitor bike parking within the basement (directly visible from the lift doors) is still supported. The provision of 24 visitor bike spaces exceeds Council's best practice rate of 19 spaces and is an excellent outcome.

381. As has been previously discussed, the bike parking on the kerb outstand will be reduced to one bank of five racks (10 spaces), with the remaining spaces located within the basement, with any basement visitor spaces directly visible from the lift, so if spaces are occupied, there is no need to depart the lift and re-enter it. This will be facilitated by way of permit conditions.
382. The amended plans now result in the employee bike stores being reduced in size and reconfigured. The number has also been reduced from a previous provision of 141 to 110. Council's Transport Planning Officer confirmed:
- (a) the reduction in number of spaces reflects the reduced floor area of the building and is acceptable;
 - (b) the location and configuration of the bike stores complies with the spacing and clearance requirements of AS2890; and
 - (c) a total of 30% of spaces are hoops, exceeding the AS2890.3 requirement for 20% of spaces to be horizontal and at grade.
383. Council's Transport Planning Officer advised that additional notations showing the typical spacing of bike spaces, clearances from walls and other objects for end spaces, and the corridors between the bike spaces should be included on plans. This will be required by way of condition.
384. A Green Travel Plan can also be required by way of condition. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme.

Electric vehicles / Shared Vehicles

385. The original application plans had three bays marked as having EV charging stations, equalling 3% of the 105 car parking bays. Council's Transport Planning Officer originally recommended the provision at least 2 additional EV charging points on the plans. To allow for easy future expanded provision for electric vehicle charging, it was recommended that all car parking areas be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.
386. The amended plans have resolved this issue and now include a notation on each basement floor plan that all basement levels are electronically wired to be E.V ready. Council's Transport Planning Officer confirmed these minor concerns have been adequately addressed.

Other

387. It should be noted that Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions relating to civil works to, road protection, impacts on assets, vehicle crossings, sewer vents and drainage (including pits). Many of these have either been included as notes on the permit or can be required by way of condition.

Waste Management

388. The amended WMP by LID Consulting submitted on 2 April 2019 outlined the following summary:
- (a) *A private collection service is recommended to collect the shared garbage and recycling waste streams from within the property 3 times a week or as often as required to maintain bin;*
 - (b) *A 6.4m SRV mini loader vehicle only is to reverse into the loading dock via Green Street. Once collection occurs, the waste vehicle will exit in a forward direction.*
 - (c) *The private waste contractor is responsible to retrieve, empty and return bins to/from the bin store at the time of collection.*

(d) *All collection operations will occur on-site via the ground floor loading bay.*

389. The Waste Management Plan (WMP) dated 2 April 2019 was found to be satisfactory by Council's Waste Management Unit.
390. A condition will be required by way of condition on any permit to issue that the WMP is amended to include the provision of organic food waste collection, in-line with the recommendation from Council's ESD advisor.

Other matters

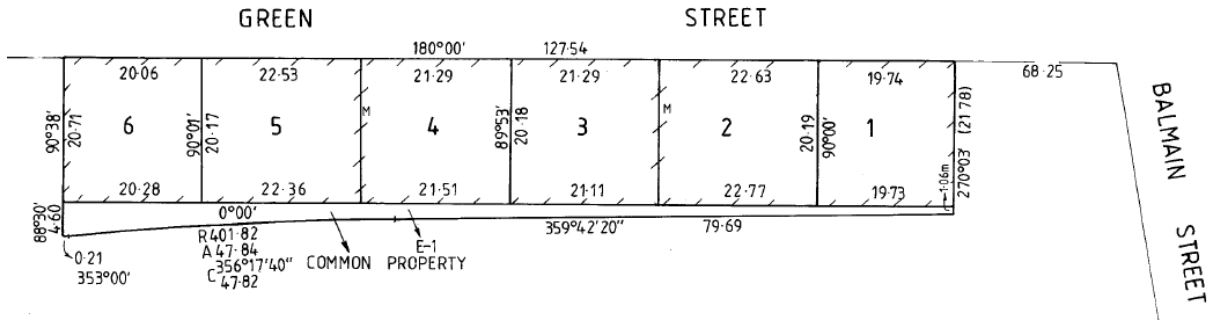
VicTrack Objection

391. As part of the original application process, VicTrack were notified of the application as they are an adjoining land owner, however they are not a referral authority within the Yarra Planning Scheme.
392. They submitted an objection to the application and made the following comments:
- (a) *Pursuant to the Transport Integration Act 2010, VicTrack manages rail land, infrastructure and assets on behalf of the State. As such, our interest in this application relates to the proposed interface arrangement with railway land and to ensure that during construction and on an ongoing basis that rail infrastructure and services are protected to minimise damage and delays.*
 - (b) *...*
 - (c) *Any land that is 3 metres or less from the nearest rail track is classed as the "danger zone" unless a safe place exists or can be created. In this instance, due to the proximity to the rail tracks approximately 3m from the property boundary, there is no safe space (i.e. outside the danger zone) adjacent to the rail corridor for access to undertake construction, maintenance or emergency services.*
 - (d) *This has significance in terms of permissions under rail safety law to enter the rail corridor due to the minimal clearance available from track and overhead electrical lines.*
 - (e) *Normally, "absolute occupation" of tracks is required when construction or maintenance is required in the danger zone. This means sections of track must be closed to trains to undertake the necessary works due to the extreme risks.*
 - (f) *VicTrack considers that this close interface heightens the significance of the rail issues. Due to the close interface, the development has the potential to adversely impact on the operation of the rail corridor and result in transport delays. VicTrack considers the rail issues have not been addressed properly by the application and more information is required as detailed below.*
393. The first area of concern is the lack of information within the application with regards to the impact on the proposed development on the rail corridor. VicTrack requested an expert report on the relevant rail issues and potential impacts on the rail corridor should be prepared and submitted to the Council and the relevant transport agencies for assessment as part of the application. The report should address the following:
- (a) Electrical safety requirements (building clearance distances are specified from overhead rail electrical wires)
 - (b) Details of crash wall protection in accordance with Australian Standard AS5100
 - (c) Ongoing issues like building maintenance, graffiti removal and access for emergency vehicles in the instance of fire
 - (d) Throw protection screens to upper level terraces

- (e) Sun glare/reflectivity to ensure that the colours materials and finishes of the rail side of the proposed building will not adversely impact on train driver vision
- (f) Construction – how the CMP will manage construction with no delays to transport services.

394. Council planning officers consider this information to be readily available to the applicant and practical to provide. This will be required by way of condition on any permit to be issued.

395. The second matter of objection was that the original application was proposing to be constructed over an easement on the western side of the subject site. This is shown in the image (as per the copy of title provided with the application) below as 'E-1':



396. Through the amended plans, this issue has now been rectified as the proposal is no longer proposed to be constructed over this.

397. It is important to note that VicTrack are a party to the VCAT proceedings and can therefore represent their own interests as part of the hearing.

Potentially Contaminated Land

398. The General Practice Note – Potentially Contaminated Land (June 2005) is designed to provide guidance on identifying land that is potentially contaminated, the appropriate level of assessment of contamination for a planning permit and applying appropriate conditions.

399. As part of their referral comments, the Environmental Protection Agency (EPA) stated the following:

- (a) *In the absence of any environmental assessment, and considering the land has historically been used for industrial purposes it is appropriate that further investigation is undertaken. Council is encouraged to consider whether further information should be sought to assist in determining what level of assessment is required.*
- (b) *Under Clause 14(2)(a) of the State Environment Protection Policy (Prevention and Management of Contamination of Land), responsible authorities must require the applicant to provide sufficient information on the potential for existing contamination to have adverse effects on future land use, to enable a decision regarding the suitability of the site for the proposed use or development.*
- (c) *The information provided by the applicant should be assessed against the decision matrix in the General Practice Note for Potentially Contaminated Land (DSE 2005). Depending on the outcome of this assessment, Council must exercise their duties under Clause 14(2)(c) by imposing such conditions necessary to ensure any contamination identified is managed such as the site is suitable for the permitted use(s).*

- (d) *It is notes that a portion of the site is currently used for the purposes of automotive repairs, which is considered a land use with a high potential for contamination under the Practice Note.*
- (e) *EPA is willing to support Council in determining the appropriate level of assessment for this application, once further information is provided on the historical land uses at the site, or adjacent to it.*

400. Therefore, in consideration to the referral comments made, the recommendation section of this report will require conditions on any permit issued for a site assessment to determine if either a Certificate or Statement of Environmental Audit is required for the proposed development.

Objector concerns

401. The following matters raised within the objections have been addressed within the body of the report:

- (a) Excessive height and lack of transition/setbacks to lower scale residential (Paragraphs 211 to 245);
- (b) Increase in traffic and lack of car parking spaces (Paragraphs 349 to 387);
- (c) Impact on heritage streetscape (Paragraphs 252 to 233);
- (d) Should provide a setback from the footpath (Paragraphs 248 and 251);
- (e) Amenity Impacts (overshadowing (including of commercial properties), loss of views, noise, loss of views to landmarks, visual bulk, wind, light spill, urban heat island effect, impact of office hours of operation, overlooking) (Paragraphs 294 to 384 – urban heat island discussed in paragraph 252);
- (f) High site coverage will lead to flooding (Paragraphs 279 to 280);
- (g) Disruptions due to deliveries/waste trucks (Paragraph 330);
- (h) Not in-line with the Swan Street Structure Plan (Paragraphs 217 to 218);
- (i) Lack of active frontage in the southern end of the development (Paragraphs 262 to 268);
- (j) Overshadowing of the footpath (Paragraphs 269 to 278)
- (k) Lack of landscaping (Paragraphs 252 to 257 and 281 to 284);
- (l) Local infrastructure (sewerage and water) will require significant upgrades (Paragraph 203);
- (m) Location of bike spaces are impractical (Paragraphs 378 to 384);
- (n) Site is not well serviced by public transport and is not located near an Activity Centre (Paragraphs 55 and 65);
- (o) VicTrack objection related to insufficient setback from rail track and impact on the rail corridor (Paragraphs 391 to 397).

402. Outstanding concerns will be discussed below, and relate to:

- (a) *Safety concerns;*

This is an inner city location adjacent to main roads. There should be some expectation that vehicles will drive down these residential streets. Pedestrians, cyclists and private motorists should always exercise caution on the roads. No safety concerns have been raised by Council's Engineering Services Unit. All car and bicycle users as well as pedestrians must comply with road safety rules. Any non-compliance is a matter for the Victoria Police.

- (b) *Waste should be collected from the basement;*

Waste areas are internal and all collection will be by private contracted and conducted internally to the site. Standard conditions regarding waste collection have been included to ensure the amenity of the area is not detrimentally impacted;

(c) *Excessive use of glazing will result in solar reflection;*

The proposal will be constructed using a variety of materials, with fixed glazing as one of them. Adjacent to the residences the proposal includes mainly brick and perforated metal.

(d) *Construction issues (noise, disruptions, vibration, dust, debris, damage to heritage dwellings);*

This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) will be required by way of condition and will manage impacts during the construction stage. This will be further considered during the building stage also.

In terms of impacts on adjoining businesses during the construction period, this is not a relevant planning consideration.

(e) *Lack of weather protection;*

The proposal includes a canopy of the entry lobby for weather protection. Not all streets require canopies along frontages and this is not evident in the existing context.

(f) *Open space will be for patrons of the food and drinks premises;*

Council officers disagree and it is likely to be used by a variety of groups including local residents and staff.

(g) *Inadequate loading bay to service development;*

Council's Engineering Services Unit did not raise this as an issue.

(h) *Location of services adjacent to residences;*

Services are located towards the southern end of the site, away from residences.

Conclusion

403. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy as well as the direction given by the Tribunal.
404. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, Council resolve to advise the Victorian Civil and Administrative Tribunal that it supports the substituted amended plans, and that had Council been in a position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN18/0913 for the use and development of the land for the construction of two, multi-storey, mixed use buildings (permit required for shop and food and drinks premises (cafes)) and a reduction in car parking requirements at 68-88 Green Street, Cremorne, 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 architectural plans labelled 'VCAT Amended Plans', Revision C, prepared by Bates Smart Architects dated 5 and 8 August 2019 but modified to show:
 - (a) the deletion of Level 7, resulting in a reduced maximum height of 35.5m, inclusive of plant (reduction in height of 3.9m);
 - (b) the food and drinks premises labelled as 'cafes';
 - (c) the ground floor tenancies labelled, from north to south, Tenancy 1 to 5;
 - (d) the provision of the shading canopy on the roof terrace of the northern building;
 - (e) deletion of the word 'public' from the open space area;
 - (f) a reduction in the number of bike spaces proposed on the kerb outstand to 10 bike spaces (on five racks) in one bank, with a minimum of two public seats;
 - (g) 10 bike spaces (as a result of Conditions 1(d)) relocated to the basement levels, in one group, with any basement visitor spaces directly visible from the lift;
 - (c) dimensions of footpath and unobstructed footpath width alongside any street furniture or other fixtures;
 - (d) the exact location of the existing post box, sewer vent and power pole;
 - (e) the terrace balustrades of the southern building to be on the outside of any planters;
 - (f) the headroom at the development entrance and along critical points along the ramped accessways are to be dimensioned;
 - (g) the inside and outside radii of the curved ramp specified on the drawings. Each inside radial should be no less than 4m radius as required by AS/NZS 2890.1:2004. The swept path diagram for a B99 design vehicle and an oncoming B85 design vehicle passing one another at the curved ramp must be submitted to Council for assessment and approval;
 - (h) widths of the at-grade car parking spaces dimensioned;
 - (i) accessible parking spaces dimensioned on the drawings and to comply with the Australian/New Zealand Standard AS/NZS 2890.6:2009;
 - (j) column depths and setbacks dimensioned on the drawings and satisfy Diagram 1 Clearance to car parking spaces of Clause 52.06-9;
 - (k) motorcycle spaces dimensioned on the drawings and to comply with AS/NZS 2890.1:2004;
 - (l) the ramp grade for the first 5m inside the property;
 - (m) the depth of loading facility dimensioned;
 - (n) swept path diagrams using a 6.4m long truck or equivalent vehicle provided demonstrating ingress and egress movements into and out of the loading bay;
 - (o) the typical spacing of bike spaces, clearances from walls and other objects for end spaces, and the corridors between the bike spaces;

- (h) details of the proposed permeability of the brick screens and perforated metal used within the northern building;
 - (i) clarification of the proposed masonry colours on the materials legend;
 - (j) details of security lighting provided to the open space;
 - (k) recessed areas of footpath at ground floor to have granite paving, as shown within the public space, to provide a coordinated treatment;
 - (l) any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 4) (where relevant to show on plans);
 - (m) any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);
 - (n) any requirement of the endorsed Waste Management Plan (condition 11) (where relevant to show on plans);
 - (o) any requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans);
 - (p) any requirement of the endorsed Landscape Plan report (condition 18) (where relevant to show on plans);
 - (q) any requirement of the endorsed Green Street Kerb Outstand Works (condition 20) (where relevant to show on plans; and
 - (r) any requirement of the endorsed Wind Report (condition 25) (where relevant to show on plans).
2. The use and 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. As part of the ongoing consultant team, Bates Smart Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes specifying the following:
 - (i) details of the proposed permeability of the brick screens and perforated metal used within the northern building;
 - (ii) clarification of the proposed masonry colours on the materials legend;

Uses

Food and drinks Premises (Café)

5. Except with the prior written consent of the Responsible Authority, no more than 30 patrons within the northern tenancy (Tenancy 3) and 120 patrons within the southern tenancy (Tenancy 4) are permitted within at any one time.

6. Except with the prior written consent of the Responsible Authority, the use within the Food and drinks Premises (Café) may only occur between the hours of 7.00am and 7.00pm Monday to Sunday.

Shops

7. Except with the prior written consent of the Responsible Authority, the use within the Shops may only occur between the hours of 7.00am and 7.00pm Monday to Sunday.
No more than 2 staff are permitted on the land at any one time in each shop.

Sustainable Management Plan

8. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan by Ark Resources. IssueB, dated 29 Nov 2018 but modified to include or show:
 - (a) a commitment to a 5 star NABERS rating and 5 Star Green Star rating;
 - (b) compliance with the Urban Stormwater Best Practice Environmental Management Guidelines;
 - (c) the provision of a composting system or provision of an organic waste collection service;
 - (d) clarify provision of outdoor air to office spaces on all levels compared to NCC minimum;
 - (e) provide daylight modelling for typical floor;
 - (f) Modelling or other evidence required to demonstrate basis for thermal comfort claim;
 - (g) provide preliminary energy modelling report;
 - (h) façade performance required to be addressed in energy modelling report;
 - (i) more information on proposed hot water service servicing;
 - (j) an estimate for peak demand;
 - (k) information on proposed HVAC approach;
 - (l) information on proposed car park ventilation; and
 - (m) extent of water metering proposed.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

10. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

11. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by LID Consulting submitted on 2 April 2019 but modified to include or show the provision of a composting system or provision of an organic waste collection service.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority with all collections to be between 7am and 6pm, Monday to Saturday and, and no earlier than 9am on Sundays.

Acoustic report

14. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day on 29 November 2018 but modified to include:
 - (a) confirmation that the building is to be designed to meet AS2107-2016 (Acoustics – Recommended design sound levels and reverberation times for building interiors) and indoor sound levels specified;
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Within 3 months of the occupation of the buildings, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
 - (a) confirm that the recommendations of the endorsed acoustic report required as part of Condition 14 have been implemented;
 - (b) assess mechanical plant noise (including noise from the mechanical plant and services) to SEPP N-1; and
 - (c) If non-compliance with Condition 16b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
17. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

18. 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) orientate the proposed tree toward the east side of the open space;
 - (b) the building apron on the north and south side of the open space should be kept clear and the proposed planter beds and seating moved away from the walls, with a minimum 1.5m walk through space provided to function as a shoreline and guide users to the entrance foyer;
 - (c) ensure there is still a minimum 1.5m walkthrough space through the centre of the open space;
 - (d) further detail on the furniture/planter beds proposed;

- (e) clarify if the existing electrical posts will be relocated and if so, provide further information about the location on the landscape plan;
- (f) an increased width of the planter bed along the eastern side of level 2 balcony to maximise opportunities for greening
- (g) planters to be on the inside of balcony balustrades for easier maintenance access;
- (h) provide information on the proposed planters of the development including depth, widths, soil media, drainage layers, mulch and irrigation;
- (i) include the provision of landscaping on all terraces;
- (j) include a planting plan;

- (k) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (l) include details of lighting within the proposed open space;
- (m) show the materiality of the proposed spaces;
- (n) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;
- (o) provide a specification of works to be undertaken prior to planting;
- (p) further detail on any sustainable treatments and water harvesting methods ;and
- (q) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

19. 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.

Green Street Kerb Outstand Works

20. Before the development starts, or by such later date as approved in writing by the Responsible Authority, a Green Street Kerb Outstand Works plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once, approved, the Green Street Kerb Outstand Works plan will be endorsed and will then form part of the permit. The Green Street Kerb Outstand Works plan must include the kerb extension along the western footpath of Green Street, adjacent to its intersection with Adelaide Street as per the VCAT Amended Plans Revision C, dated 5 and 8 August 2019 but modified to include:
- (a) kerb type, crossing alignments, dimensions, drainage and full depth pavement works as a result of the kerb extension design;

- (b) a reduction in the number of bike spaces proposed on the kerb outstand to 10 bike spaces (on five racks) in one bank, with a minimum of two public seats;
 - (c) details of the proposed street trees including a revised landscape plan incorporating measures to increase soil volumes and provide for passive irrigation; and
 - (d) details of the movement of vehicles to identify any conflict between street trees and large vehicle movement.
21. Before the building is occupied, all works associated with the Green Street Kerb Outstand Works (referred to in condition 20) must be fully constructed and completed to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority.
22. Before the development starts, or by such later date as approved in writing by the Responsible Authority, detailed design drawings to the satisfaction of the Responsible Authority addressing all road infrastructure works and drainage works (including any necessary drainage catchment analysis) associated the Green Street Kerb Outstand Works (outlined in condition 20) must be submitted to and approved by the Responsible Authority. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
23. Before the development is completed, all associated works shown on the endorsed civil and drainage design plan (referred to in condition 22) must be fully constructed and completed all to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority.

Street tree

24. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution of \$5,000 (not inclusive of GST) to the Responsible Authority for the removal and replacement of the Green Street street tree located within the existing kerb extension outside of the property boundaries. This will be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

Wind

25. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPac Engineers & Scientists and prepared on 21 January 2019, but modified to include (or show):
- (a) a wind tunnel model study of the environmental wind conditions to quantify the wind conditions and whether additional mitigation treatments are required to satisfy the relevant criteria, including the assessment of wind conditions at the following locations:
 - (i) Surrounding streetscapes
 - (ii) Terraces
 - (iii) Private outdoor area of No. 66 Green Street
26. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Section 173 Agreement (Proposed Open Space)

27. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the green open space;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 27(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 27(a).
28. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Potentially Contaminated Land

29. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) A description of previous land uses and activities on the land.
 - (b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land.
 - (c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land.
 - (d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
 - (e) If the assessment required by condition 29 does not result in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
30. If the assessment required by condition 29 does not result in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
31. If the assessment required by condition 29 results in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the environmental auditor appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* must undertake an environmental audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

32. If, pursuant to condition 31, a Statement is issued:

- (a) the:
 - use; and
 - development,
 authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
- (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
- (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

VicTrack Report

33. Prior to the commencement of the development, an expert report on the relevant rail issues and potential impacts on the rail corridor must be submitted to and approved by the Responsible Authority and the relevant transport agencies. The report should address the following:
- (a) Electrical safety requirements (building clearance distances are specified from overhead rail electrical wires)
 - (b) Details of crash wall protection in accordance with Australian Standard AS5100
 - (c) Ongoing issues like building maintenance, graffiti removal and access for emergency vehicles in the instance of fire

- (d) Throw protection screens to upper level terraces
- (e) Sun glare/reflectivity to ensure that the colours materials and finishes of the rail side of the proposed building will not adversely impact on train driver vision
- (f) Construction – how the CMP will manage construction with no delays to transport services.

Green Travel Plan

34. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) A description of the location in the context of alternative modes of transport;
 - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) A designated ‘manager’ or ‘champion’ responsible for coordination and implementation;
 - (e) Details of bicycle parking and bicycle routes;
 - (f) Details of GTP funding and management responsibilities;
 - (g) Security arrangements to access the employee bicycle storage spaces;
 - (h) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (i) Reference to EV charging facilities; and
 - (j) Provisions for the Green Travel Plan to be updated not less than every 5 years.
35. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking

36. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) policing arrangements and formal agreements;
 - (d) details of the electric car charging points;
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 11; and
 - (g) details regarding the management of loading and unloading of goods and materials.
37. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

38. 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.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
40. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
41. Delivery and collection of goods to and from the land (including waste) may only occur between 7am and 6pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
42. Delivery and collection of goods to and from the land (including waste) are from vehicles no larger than 'medium rigid trucks'.

Road Infrastructure

43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished, re-instated as standard footpath and kerb and channel with parking sensors:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, selected sections of kerb and channel along the property's Green Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The extent of these kerb works shall be determined by Council's Reinstatement Officer:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Green Street road frontage must be stripped and re-sheeted:
 - (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant property drains are to be removed and reinstated with paving, kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
49. 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.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Lighting

51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the vehicle entrance, pedestrian entrances and open space must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
to the satisfaction of the Responsible Authority.

General

52. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
53. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or

(d) the presence of vermin.

to the satisfaction of the Responsible Authority.

54. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
55. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
56. The provision of music and entertainment on the land must be at a background noise level.
57. Speakers external to the building must not be erected or used.
58. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
59. 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.
60. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
61. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
62. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
63. 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.

Construction Management

64. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

65. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use (shops and food and drinks premises (café)) is not commenced within five years of the date of this permit or

- (d) the use (shops and food and drinks premises (café)) is discontinued for a period of two years.

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.

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

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

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

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's parking management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

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

The applicant must liaise with Council's open space unit for the protection of the street trees in the vicinity of the site.

The existing sewer vent on the east side of Green Street could potentially be problematic for occupants/employees of the upper level of the new offices. The developer should liaise with the relevant water authority regarding the sewer vent and ascertain any clearances required from windows. If the vent is still active, measures should be taken by the developer to ensure that fumes do not waft into the new building.

CONTACT OFFICER: Vicky Grillakis
TITLE: Coordinator Statutory Planning
TEL: 92055124

Attachments

- 1 PLN18/0913-6 - 68 - 88 Green Street Cremorne - VCAT amended plans
- 2 PLN18/0913-6 - 68 - 88 Green Street Cremorne - referrals - idac attachment

**1.2 175 Keele Street Collingwood - Langridge - Planning Permit Application
PLN18/0779 - Part demolition, construction of a ground and first floor addition
and alterations to the existing dwelling**

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 175 Keele Street Collingwood, which seeks approval for part demolition, construction of a ground and first floor addition and alterations to the existing dwelling. The report recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Planning Policy Framework and Local Planning Policy Framework
 - (b) Clause 22.02 – Development guidelines for sites subject to the heritage overlay
 - (c) Clause 22.07 – Development abutting laneways
 - (d) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)
 - (e) Clause 32.09 – Neighbourhood Residential Zone
 - (f) Clause 43.01 – Heritage Overlay
 - (g) Clause 44.05 – Special Building Overlay
 - (h) Clause 54 – One dwelling on a lot (Rescode)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 – One dwelling on a lot;
 - (b) Heritage;
 - (c) Special Building Overlay;
 - (d) Development abutting laneways;
 - (e) Objector concerns

Submissions Received

4. Ten objections were received to the application, these can be summarised as:
 - (a) Impact on neighbourhood character and excessive site coverage / low permeability;
 - (b) Amenity impacts (i.e. daylight to existing windows; overshadowing; overlooking and visual bulk);
 - (c) Noise from the use of the upper level terrace; and
 - (d) Disruption and damage from construction works.

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 as outlined in the assessment and recommendations of the report.

CONTACT OFFICER: Daniel Goode
TITLE: Statutory Planner
TEL: 03 9205 5171

**1.2 175 Keele Street Collingwood - Langridge - Planning Permit Application
PLN18/0779 - Part demolition, construction of a ground and first floor addition
and alterations to the existing dwelling**

Reference: D19/165086
Authoriser: Coordinator Statutory Planning

Proposal: Part demolition, construction of a ground and first floor addition and alterations to the existing dwelling
Existing use: Dwelling
Applicant: Joshua Sharkey
Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1); Heritage Overlay (Schedule 321 – Gold Street Precinct); Special Building Overlay
Date of Application: 16 October 2018
Application Number: PLN18/0779

Planning History

1. The site has no planning permit history on Council's records.

Background

Lodgment of Section 57A amended plans

2. The applicant has submitted amended plans on 6 August 2019 pursuant to Section 57A of the *Planning & Environment Act 1987*, to address concerns raised by Melbourne Water in their initial referral response dated 21 June 2019. The amended plans made the following changes:
 - (a) Internal reconfiguration of the rear storage area;
 - (b) Increase in internal finished floor levels, with no increase to the wall heights or overall height of the dwelling;
 - (c) Change of material to the rear ground floor wall to metal battens from metal mesh.
3. These plans have been formally substituted and now form the decision plans for the application.

The Proposal

4. The application is for part demolition, construction of a ground and first floor addition and alterations to the existing dwelling. Further details of the proposal are as follows:

Demolition

- (a) Front fence;
- (b) Eastern and western wing walls to the front of the dwelling;
- (c) Western wall, and rear of the dwelling beyond the front two rooms;
- (d) Rear chimney and roofing (up to the line of the front chimney);
- (e) Rear fencing;
- (f) Internal demolition (no permit required).

Development

- (a) Timber picket front fence (1.2m high);

- (b) Eastern and western verandah wing walls reconstructed to same height and length (with existing verandah retained);
- (c) Western boundary wall to the retained front section of the dwelling reconstructed to same height (4.25m above natural ground level);
- (d) Metal roof sheeting over front section of the dwelling replaced;
- (e) Ground and first floor addition constructed to the rear boundary of the site (approximately 118sqm of floor area), with a central courtyard to the eastern boundary (2.73m by 6.25m). The western walls of the first floor addition are setback or raked where opposite the balconies and habitable room windows of no. 173 Keele Street (to the west);
- (f) Roof deck to the north of the first floor addition, with metal screening and pergola over and hatch to storage in roof of front section of the dwelling;
- (g) Underground water tank and decking to the central courtyard;
- (h) Rear bin storage area and laundry with access from rear laneway.

Materials

- (a) Cement sheet cladding to upper level walls to addition;
- (b) Colorbond 'Basalt' (mid-grey colour) roof sheeting;
- (c) Dulux powder coated (olive green colour) metal window frames, door and privacy screens;
- (d) Recycled pressed brown bricks to the reconstructed ground floor walls;
- (e) Natural render to the verandah brick wing walls;
- (f) Black painted timber pickets/battens to northern bedroom wall and picket fence and parapet.

Existing Conditions

Subject Site

5. The subject site is located on the southern side of Keele Street in Collingwood, between Hoddle Street (to the east) and Gold Street (west). The site is rectangular in shape and has a frontage to Keele Street of 5.64m and a depth of 27.43m, constituting a total site area of 155sqm. Occupying the site is a single storey brick, Victorian-era dwelling with a gabled roof form and raised decorative parapet to the front. The dwelling is built to the eastern and western title boundaries at the frontage and extends along the western boundary to the rear. The dwelling has a front verandah with brick wing walls, and a timber picket front fence. The roof of the dwelling has two chimneys, with the secondary chimney setback from the street frontage by approximately 16m. The dwelling has a small area of private open space (POS) to the south-eastern corner of the site.



Surrounding Land

6. The surrounding area is characterised by dwellings of a range of different forms and architectural styles. Adjoining to the east is the Gold Street Children’s Centre – Keele Street Campus, which consists of two single storey brick buildings. The western most building is built along the entirety of the site’s western boundary (abutting the subject site), and has various solar energy facilities to its roof. The Children’s Centre has various outdoor areas with shade sails, located away from the subject site.
7. Adjoining to the west of the subject site is no. 173 Keele Street, which consists of two triple storey apartment buildings separated by a central driveway. The eastern-most building, being the closest to the subject site, has undercroft car parking / storage at ground floor. In the two levels above (1st and 2nd floors), there are six units that each have balconies and windows setback from the subject site by 1.1m and 2.1m respectively. The site has a high metal railing fence and gate as well as common open space along the southern boundary of the site.
8. To the north, on the opposite side of Keele Street, is a row of single storey Victoria-era terrace dwellings with front verandahs and painted rendered brick façades. These dwellings have front fences with varying heights and materials. There are some examples of upper level additions in the streetscape at nos. 164 and 168 Keele Street.
9. To the south, on the opposite side of Little Abbot Street (the rear lane), are the rear POS areas of three dwellings that front onto Easey Street.



Planning Scheme Provisions

Zoning

10. The subject site is zoned Neighbourhood Residential Zone (Schedule 1). The following provisions apply:
 - (a) Pursuant to Clause 32.09-5, a planning permit is required to construct or extend one dwelling on a lot less than 500sqm.

- (b) Pursuant to Clause 32.09-10 *Maximum building height requirement for a dwelling or residential building*, the dwelling must not exceed 9m in height and must contain no more than 2 storeys at any point. The proposed development will have a maximum overall height of 7.62m and will contain no more than two storeys. As such, the proposal complies with these requirements.
- (c) The minimum garden area requirement at Clause 32.09-4 does not apply as the subject site has a lot area of 155sqm, less than the 400sqm trigger for the garden area requirement.

11. As the lot is less than 500sqm in area, a permit is required under the zone.

Overlays

Heritage Overlay

12. The subject site is affected by the Heritage Overlay. The following provisions apply:

- (a) Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct a building or carry out works.
- (b) Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being ‘Contributory’ to the Gold Street Precinct.

13. As such, a permit is required under this overlay.

Special Building Overlay

14. The subject site is affected by the Special Building Overlay. The following provisions apply:

- (a) Pursuant to Clause 44.05-2 a permit is required to construct a building or to construct or carry out works.
- (b) Pursuant to Clause 44.05-6 an application must be referred to the relevant floodplain management authority under Section 55 of the *Planning and Environment Act 1987*.

15. The overlay applies to the majority of the site (including areas where works are proposed) and as such a permit is required under this overlay.

Particular Provisions

Clause 54 – One dwelling on a lot

16. This clause applies as the development is for the extension of a dwelling on a lot under 500sqm. The provision includes 19 performance standards with objectives that are broken down into headings of Neighbourhood Character, Site Layout and Building Massing, Amenity Impacts, On-site Amenity and Facilities, and Detailed Design. A development should meet all the standard and must meet all the objectives of the provision.

General Provisions

Clause 65 – Decision guidelines

17. 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. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

18. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

Clause 15.01-1S – Urban design

19. The objective of this clause is ‘to create urban environments that are safe, healthy, functional and enjoyable and provide good quality environments with a sense of place and cultural identity’.

20. A relevant strategy includes *'require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate'*.

Clause 15.01-2S – Building Design

21. The objective of this Clause is:

(a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

22. Relevant strategies include:

(a) *Require a comprehensive site analysis as the starting point of the design process.*

(b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*

(c) *Ensure development responds and contributes to the strategic and cultural context of its location.*

(d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*

Clause 15.01-5S – Neighbourhood Character

23. The objective of this Clause is:

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

(b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*

(i) *Pattern of local urban structure and subdivision.*

(ii) *Underlying natural landscape character and significant vegetation.*

(iii) *Heritage values and built form that reflect community identity.*

Clause 15.03-1S – Heritage conservation

24. The objective of this clause is *to ensure the conservation of places of heritage significance.*

25. Relevant strategies include:

(a) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

(b) *Encourage appropriate development that respects places with identified heritage values.*

(c) *Retain those elements that contribute to the importance of the heritage place.*

(d) *Encourage the conservation and restoration of contributory elements of a heritage place.*

(e) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

Local Planning Policy Framework (LPPF)

26. The clauses of the Municipal Strategic Statement (MSS) that are relevant to this application are as follows:

(a) Clause 21.05– Built Form;

(b) Clause 21.08 – Collingwood.

Clause 21.05-1 – Heritage

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

- (a) *To protect and enhance Yarra's heritage places.*
 - (i) *Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Support the restoration of heritage places.*
 - (iii) *Protect the heritage skyline of heritage precincts.*
 - (iv) *Protect the subdivision pattern within heritage places.*
 - (v) *Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (vi) *Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.*

Clause 21.05-2 – Urban design

28. The relevant objectives and associated strategies of this clause are as follows:

- (a) *To reinforce the existing urban framework of Yarra.*
 - (i) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *To retain, enhance and extend Yarra's fine grain street pattern.*
 - (i) *Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*

Clause 21.08-5 - Collingwood

29. This clause sets out the locally specific implementation of the objectives and strategies for Yarra's neighbourhoods. The subject site is located within the 'Collingwood' neighbourhood, and is identified as having the 'Heritage Overlay' Built Form Character Type. The specific objective for this built form character is to *ensure that development does not adversely affect the significance of the heritage place.*
30. This clause also sets out that the implementation of built form strategies in Clause 21.05 includes *supporting development that maintains and strengthens the preferred character of the relevant Built Form Character Type.*

Relevant Local Policies

31. The local policies relevant to this application are as follows:
- (a) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
 - (b) Clause 22.07 – Development abutting laneways;
 - (c) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design).

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

32. This policy applies to all land within a Heritage Overlay. The relevant objectives of this policy are:
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To retain significant view lines to, and vistas of, heritage places.*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*

- (f) *To ensure the adaption of heritage places is consistent with the principles of good conservation practice.*
- (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
- (h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.07 – Development abutting laneways

33. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The relevant 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 22.16 – Stormwater Management (Water Sensitive Urban Design)

34. This policy applies to applications for extensions to existing buildings which are 50 square metres in floor area or greater. The relevant objectives of this policy are:
- (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.*

Advertising

35. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 55 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 10 objections, the grounds of which are summarised as follows:
- (a) Impact on neighbourhood character and excessive site coverage / low permeability;
 - (b) Amenity impacts (i.e. daylight to existing windows; overshadowing; overlooking and visual bulk);
 - (c) Noise from the use of the upper level terrace; and

- (d) Disruption and damage from construction works.
36. A planning consultation meeting was held on 18 June 2019 and attended by five objectors, the Applicant, the architect and Council Officers to discuss the concerns raised in the objections. No resolutions were reached between the parties regarding the issues raised.
37. The Section 57A amended plans (described at paragraph 4) were not advertised as the changes were largely internal and would not cause material detriment. The plans however, have been uploaded to Council's website, with a summary of changes and link to the website included in the invitations sent to the objectors for this IDAC meeting.

Referrals

External Referrals

38. As detailed earlier in the report, the site is affected by the Special Building Overlay and therefore the application was required to be referred to Melbourne Water pursuant to Section 55 of the *Planning & Environment Act 1987*. An initial response was provided on 21 June 2019, which required a minimum setback from the southern boundary of 4m.
39. Following discussions between the applicant and Melbourne Water, the amended plans (described in paragraph 4) were lodged. These plans were referred to Melbourne Water who were supportive of the development, subject to the following conditions:
1. *Finished floor levels of the extended floor with the exception to the 'porch' area must be constructed no lower than 20.21 metres to Australian Height Datum (AHD).*
 2. *Finished floor levels of the 'porch' must be constructed no lower than 19.70 metres to AHD.*
 3. *The layout of the site and size, design and location of the 5.05 metre square flood storage area as shown on the Ground Floor plan (Project No. KSH Drawing A103 Revision T4 dated 6 August 2019) must not be altered without prior written consent from Melbourne Water. The layout must remain open for the life of the structure to allow for flood storage.*
 4. *Any fencing to the rear southern boundary must be a minimum of 75% 'open style' to allow for the conveyance of overland flow. No timber paling fence is permitted to this boundary.*
 5. *Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the extended floor area.*
 6. *Any new fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.*
 7. *Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.*
40. The referral response has been included as attachments to this report. These conditions do not require any further changes to the decision plans.

Internal Referrals

41. The application was referred to Council's heritage advisor who overall, was supportive of the application subject to the following conditions:

- (a) *That the finished height of the rear addition must be reduced to no greater than 6.5 metres;*
- (b) *That the proposed roof cladding for the original house including the front verandah must be modified from Colorbond products to galvanised corrugated steel sheeting;*
- (c) *That the full extent of brick replacement in the façade must be documented and a procedure for works provided prior to the commencement of works;*
- (d) *The the repointing the existing brickwork must be carried out in accordance with the technical guidelines prepared by Heritage Victoria;*
- (e) *That the existing wing walls must be fully documented both photographically and in measured drawings prior to the commencement of works. Reconstruction of the wing walls must match the appearance of the existing unless justification for a change in appearance is provided.*

42. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Clause 54 – One dwelling on a lot
- (b) Heritage
- (c) Special Building Overlay
- (d) Development abutting laneways
- (e) Objector concerns

Clause 54 – One dwelling on a lot

44. As detailed earlier in the report, Clause 54 comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:

- (a) A2 – Integration with the street objective – No change proposed;
- (b) A3 – Street setback objective – No change;
- (c) A8 – Significant trees objectives – No tree removal is proposed;
- (d) A13 – North-facing windows objective – No north-facing windows within 3m;
- (e) A18 – Solar access to open space objective – Does not apply to dwelling extensions;

45. The remaining objectives and standards are assessed in detail below:

A1 – Neighbourhood character objective

46. The proposed addition will be in keeping with the character of the area. The addition will be articulated and massed to correspond with the existing dwelling, and the dwelling will maintain a similar level of site coverage to other dwellings in the area. On-boundary construction to the rear boundary is not uncommon in the area (evidenced by the Children's centre to the east), and the proposed design responds to the sensitive interface to the west to ensure there will be no unreasonable offsite amenity impacts (as detailed further below). The objective is met.

A4 – Building height objective

47. The proposed dwelling will have a maximum overall height of 7.62m, which complies with the 9m maximum required by the standard. The objective is met.

A5 – Site coverage objective

48. The proposed dwelling will have an overall site coverage of approximately 80%, which does not comply with the 60% maximum required by the standard. A variation is considered to be acceptable in the site's inner city context, where small lot sizes and higher levels of site coverage are common. Additionally, the existing site coverage of the dwelling is already 73%, and therefore the increase proposed would not be significant. The addition will be built in a similar location to the existing rear extension of the dwelling and is an appropriate design response that concentrates the bulk of the addition to the south-eastern corner of the site, away from the balconies of no. 173 Keele Street. As discussed in further detail below, this will ensure the addition will not result in any unreasonable offsite amenity impacts. The objective is met.

A6 – Permeability objectives

49. The proposed dwelling will incorporate permeable surfaces totalling approximately 15% of the site, which does not comply with the 20% minimum required by the standard. A variation is considered acceptable given the development would increase the permeability of the site from current conditions (which currently has brick paving across the majority of the site's open space areas).
50. Additionally, the proposal incorporates a 2,600L underground rain water tank to the northern carport. This will achieve a STORM rating of 100%, reflecting a best practice outcome for stormwater management as encouraged by Clause 22.16. The objectives are met. Whilst included on the STORM report, the plans do not show the capacity of the underground tank and its connection to toilets. This will be addressed by condition.

A7 – Energy efficiency protection objectives

51. The proposed addition will incorporate additional glazing at ground and first floor, including north-facing windows and doors which allow for adequate daylight and passive solar gains. The doors can be fully opened to allow for ventilation of the habitable rooms at ground and first floor. As such, the proposal will increase the energy efficiency of the dwelling.
52. The proposal will not result in any shadows being cast onto any solar energy facilities of dwellings nearby. There are solar panels located to the roof of the Children's Centre to east, however as these panels are not to a dwelling, the standard does not apply. Nevertheless, these panels would not be unreasonably impacted. As shown in the image below, the solar panels are located in various locations on the roof. The shadow diagrams provided indicate the westernmost southern panels would be overshadowed in the late afternoon from around 3pm, however unaffected the remainder of the day. As such, the energy efficiency of the adjoining building is not expected to be unreasonably reduced.



Various solar panel locations
(Gold Street Children's Centre)

A10 – Side and rear setbacks objective

53. The proposed first floor of the addition will be setback from the southern, eastern and western boundaries as shown in the table below:

Boundary	Proposed setback	Setback required	Complies?
West	<ul style="list-style-type: none"> Western first floor wall (between 7.49m - 7.62m high): 1.35m; 	<ul style="list-style-type: none"> 2.58m - 2.71m 	<ul style="list-style-type: none"> No
	<ul style="list-style-type: none"> Western first floor roof terrace screen (7.49m high): 1.35m 	<ul style="list-style-type: none"> 2.58m 	<ul style="list-style-type: none"> No
South	<ul style="list-style-type: none"> Southern raked pop-up (7.49m high): 1.2m 	<ul style="list-style-type: none"> 2.58m 	<ul style="list-style-type: none"> No
East	<ul style="list-style-type: none"> Eastern wall/balustrade to first floor terrace (5.08m high): 2.21m - 2.73m 	<ul style="list-style-type: none"> 1.37m 	<ul style="list-style-type: none"> Yes

54. As shown in the table above, the proposed addition will be set back from the eastern title boundaries to comply with the standard. The non-compliant western and southern walls (and screens) and discussed in detail below.

West

55. The recessed first floor walls (and screening to the terrace) of the addition will be setback from the western boundary by 1.35m, which will not comply with the 2.71m minimum required by the standard. While the wall (and screen) will be opposite east-facing habitable room windows and balconies of no. 173 Keele Street, a variation is considered to be acceptable given the windows and balconies are at first and second floors, thereby reducing the visual impact of the wall.

56. The height of the proposed first floor wall and terrace screening is between 4.55m and 4.72m above the first floor and 2.05m to 2.22m above the second floor level. At these relative heights, the setbacks required by the standard would be between 1.29m and 1.34m at first floor and 1m at second floor. The proposed development would therefore be compliant.

57. Additionally, modest side setbacks are common in the surrounding neighbourhood, such as no. 173 Keele Street immediately to the west, which is approximately 8.5m high and is setback from the shared boundary by approximately 2.1m (whereas the standard would require a setback of 3.59m). As such, it is considered that the setbacks of the proposed addition would be in keeping with the character of the neighbourhood.

South

58. The southernmost pop-up of the raked western wall of the development would be set back from the southern boundary by 1.2m, which would not comply with the 2.58m minimum required by the standard. Given this wall will abut the Little Abbot Street laneway to the rear, a variation is considered to be acceptable from an amenity perspective. Given the 5.8m width of the laneway, the nearest POS areas adjoining to the south are approximately 7m from this wall (which comfortably exceeds the 2.58m setback requirement).

Furthermore, as discussed further below, double and triple storey construction is common along the Little Abbot Street laneway. As such, the proposed development would be respectful of the character of the area and would not result in any unreasonable visual bulk impacts to the adjoining POS areas to the south. The objective is met.

A11 – Walls on boundaries objective

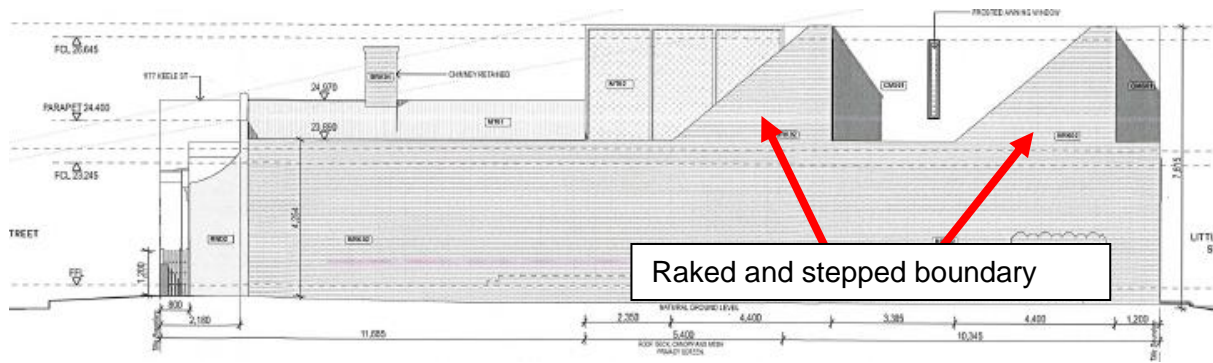
59. The proposal incorporates walls on both the southern, eastern and western boundaries, as shown in the table below:

Boundary	Proposed total length	Maximum length requirement	Proposed height	Maximum height requirement	Complies?
West	26.63m	14.36m	<ul style="list-style-type: none"> Western wall: 4.25m – 7.62m 	<ul style="list-style-type: none"> 3.6m overall / 3.2m average 	<ul style="list-style-type: none"> No
South	5.64m	10m	<ul style="list-style-type: none"> Southern wall: 4.4m – 7.49m 	<ul style="list-style-type: none"> 3.6m overall / 3.2m average 	<ul style="list-style-type: none"> No
East	20.39m	14.36m	<ul style="list-style-type: none"> Eastern wall: 7.3m – 7.45m 	<ul style="list-style-type: none"> 3.6m overall / 3.2m average 	<ul style="list-style-type: none"> No

West

60. A variation to the height and length of the western boundary wall is considered acceptable in the context of the site and abutting property. The apartments of no. 173 Keele Street have habitable room windows and balconies to the east that face the development, however these are located at first and second floor only, and therefore will be viewing the boundary walls from an elevated position. Furthermore the proposed western boundary wall has responded to areas of sensitivity by raking and stepping sections where opposite these windows and private open space areas (as shown in the elevation below). This results in heights directly opposite windows and balconies ranging between 1.45m to 2.5m above the floor level of the first floor (and below the level of the second floor), which would not result in any unreasonable visual bulk impact.

61. On-boundary construction abutting POS areas is common in the surrounding area, with examples including the boundary walls of the Children’s Centre to the east, and nos. 141 Keele Street, 145 Keele Street and 149 Keele Street further to the west. As such, it is considered that the addition will be in keeping with the neighbourhood character and would not result in any unreasonable visual bulk impacts to these windows or balconies. The daylight and shadow impact of the addition are discussed further below.



East

62. The proposal includes a double storey, 10.87m long wall on the eastern boundary, resulting in a total wall length along this boundary of 20.39m. The wall will be between 7.3m – 7.45m high, which does not comply with the 3.6m maximum (or 3.2m average) allowed by the standard. A variation is considered acceptable given the wall will entirely abut the on-boundary wall of the Children’s Centre and will not result in any offsite amenity impacts.

South

63. The proposed wall along the southern boundary of the site will result in a total wall length along this boundary of 5.64m, which complies with the 10m maximum allowed by the standard. The wall will vary between 4.4m and 7.49m in height, which will exceed the 3.6m maximum (and 3.2m average) of the standard. A variation is considered acceptable given the wall will abut Little Abbot Street and will be setback from the nearest POS areas to the south by approximately 5.8m, which using Standard A10 as a guide would comply with the setback requirement for a wall of this height (2.58m). As such, the wall will not result in any unreasonable offsite amenity impacts. Furthermore, as detailed further below, double and triple storey built form is common along the Little Abbot Street laneway, and the proposal is therefore consistent with the character of the surrounding area. The objective is met.

A12 – Daylight to existing windows objective

64. The proposed western walls of the dwelling will be opposite the eastern habitable room windows of the apartments at no. 173 Keele Street, which are located at the first and second floors. These windows are setback from the shared boundary by approximately 2.1m.
65. Pursuant to Clause 54.04-3, Standard A12 states:
- (a) *Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. **The calculation of the area may include land on the abutting lot.***
 - (b) *Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.*
 - (c) ***Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.***
66. The floor levels of the first and second floor apartments of no. 173 Keele Street are shown as being approximately 2.9m and 5.4m above the natural ground level respectively. This would result in the western walls of the addition (where adjacent to the windows) varying in height between 1.45m and 2.5m above the finished floor level of the first floor apartments, and below the floor level of the second floor apartments.

67. At these wall heights, the applicable standard requires the windows to be clear to an area of a minimum of 3sqm, and with a minimum dimension of over 1m clear to the sky. The first floor apartment windows will continue to remain clear to the sky for an area of over 3sqm, with a minimum dimension of 2.1m. This complies with the standard, and the objective is met.

A14 – Overshadowing open space objective

68. The shadow diagrams submitted at the September equinox depict additional shadowing to the south, east and west. The additional shadowing to the south will fall within the laneway and will not extend to the POS areas of the dwellings on the opposite side of the Little Abbot Street laneway. Given the proposed development abuts the on-boundary walls of the Children’s Centre to the east, it will not cast any additional shadows on POS to the east.
69. In regard to the western interface, the shadow study provided by the applicant (pictured below) shows that shadows will be cast by the addition onto the balconies of the southern-most apartments at first and second floor. Given the size of the balconies, and the existing extent of overshadowing the proposal does not comply with the standard, however a variation is considered acceptable for the reasons discussed below.
70. The level 2 balcony will be overshadowed at 9am but will be unaffected by the addition throughout the remainder of the day. The level 1 balcony will be overshadowed until 10am, with no further impact throughout the day. Given the small area of the balconies, the additional morning shadows would be expected to have a limited impact on the recreational opportunities provided to the apartment occupants. These apartments also have access to the public open space areas of Victoria Park (approximately 300m to the east) and Mcnamara Reserve (300m to the west). As such, the addition will not unreasonably affect the amenity of the adjoining apartments. The objective is met.



Extent of overshadowing to balconies of no. 173 Keele Street

71. The proposed addition will incorporate windows and doors at ground and first floor, as well as a first floor balcony that could provide potential for overlooking opportunities. The proposed ground floor dining, living and bedroom windows look out to the courtyard (and deck), where the brick wall provides a visual barrier above 1.8m in height. Given the finished floor level of these rooms and the deck are below 0.8m (at 0.54m) above natural ground level, the standard does not apply to these windows.

72. The proposed northern window and door to the first floor bedroom look towards the street, and the roof of the Children’s Centre, with any views to the habitable room windows and balconies of no. 173 Keele Street obscured by the privacy screening to the roof terrace. The western side of the terrace is screened to a height of approximately 3.36m above the finished floor level and composed of a metal mesh that is no more than 25% transparent, which is compliant with the standard. As will be discussed later in this report, it is proposed to reduce the height of this screen to approximately 2.37m to address heritage concerns. However this will continue to comply with the overlooking standard, with a minimum 1.7m high screen required.
73. The standard does not apply to views to outdoor areas of non-residential uses, however no views would be possible to the outdoor areas of the Children’s Centre from the terrace given the on-boundary walls and roofing of the centre, which would block downward views to these areas.
74. At first floor, the addition incorporates two south-facing windows to the raked pop-up sections of the western boundary wall which provide extra daylight to the ground floor dining and kitchen areas as well as the first floor den. Given the height and orientation of these windows, as well as the setback and angle of the den from the southernmost window, these windows will not result in any unreasonable views to POS areas within 9m.
75. The proposed southern windows to the staircase will be built to the southern boundary of the site and will face onto the rear laneway of Little Abbot Street. Whilst the windows are to the staircase (i.e. not a habitable room), the larger window at first floor would allow views from the den over the staircase balustrade towards adjoining POS areas on the southern side of the laneway. No detail has been provided regarding the height of the internal balustrade and it is unclear whether the window would comply with the standard. A condition will require this be addressed.

A16 – Daylight to new windows objective

76. The proposed addition incorporates habitable room windows that will all be clear to the sky for an area of over 3sqm, and with a minimum dimension of over 1m, which complies with the requirements of the standard. The objective is met.

A17 – Private open space objective

77. The proposed dwelling incorporates approximately 23sqm of POS, including 17sqm of secluded POS within the ground floor courtyard and a 10sqm terrace at first floor. This will not comply with the 40sqm total minimum requirement and 25sqm minimum single secluded POS area requirement of the standard. The main 17sqm secluded POS area will have a minimum dimension of 2.73m, which is also marginally below the 3m minimum required by the standard. A variation is considered to be acceptable given the modest size of the subject site and that the POS area will be well integrated with the principal living area comprising doors that can be fully opened up to maximise space. Additionally, the dwelling occupants would also have access to the first floor terrace, which will receive good solar access. The site is also located within close proximity of public open space areas at Victoria Park (approximately 300m to the east) and McNamara Reserve (approximately 300m to the west). The objective is therefore considered to be met.

A19 – Design detail objective

78. The proposed addition will be complementary to the existing dwelling, in form and material, as well as respectful of the character of the neighbourhood. The addition will be located towards the rear of the site and will not dominate the existing dwelling, as discussed in detail within the ‘Heritage’ assessment of this report. The objective is considered to be met.

A20 – Front fences objective

79. The proposed front fence will be 1.2m in height, which complies with the 1.5m maximum required by the standard. The objective is met. Further discussion on the proposed material and design of the fence is provided with the heritage assessment below.

Heritage

80. This assessment will be based on the decision guidelines of Clause 43.01-8 and the heritage policy of Clause 22.02.

Demolition

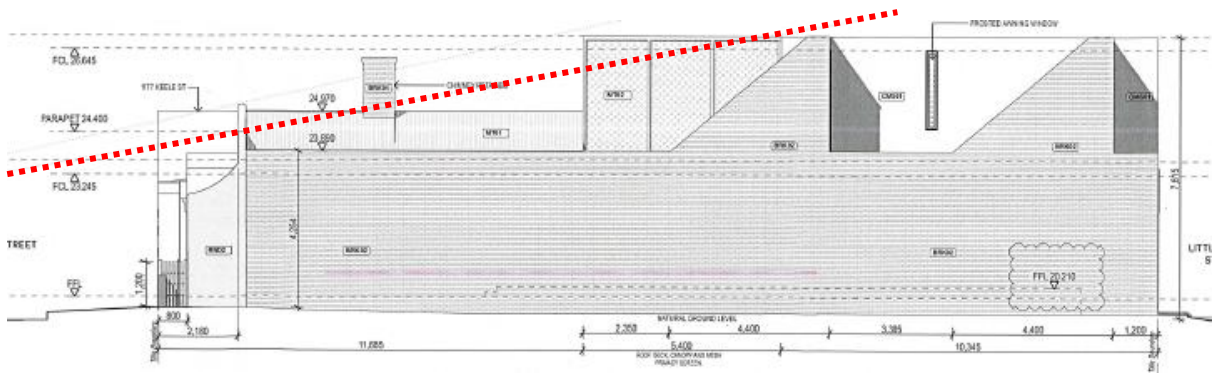
81. The application proposes demolition of the western wall and rear section of the dwelling, including a section of roof sheeting above the retained front section. Demolition is also proposed to the wing walls of the front verandah, as well as the existing front and rear fencing.
82. The proposed removal of fencing is supported by heritage policy at Clause 22.02-5.1, as these are not original elements and do not contribute to the significance of the precinct. The proposed demolition of the rear section of the dwelling is supported by heritage policy and Council's heritage advisor given:
- (a) this part of the building is not visible from the street frontage;
 - (b) the removal of this part would not adversely affect the contribution of the building to the heritage place;
 - (c) the remaining portion of the building will not result in facadism.
83. Whilst the proposed demolition will result in the rear of the original hipped roof form being removed, this is considered to be an acceptable outcome given the loss of this form will not be perceived from the street frontage. Additionally, the proposed replacement gabled roof form will be consistent with the architectural style of the building. Materials for the replacement roofing will be discussed further below.
84. The demolition of the existing wing walls to the front verandah and western brick boundary wall is supported by Council's heritage advisor, given these are proposed to be reconstructed to the same height and style. Conditions will require the existing wing walls be documented photographically and in measured drawings, with the proposed wing walls to be reconstructed to match the appearance of these walls.
85. Overall the extent of demolition is supported by heritage policy, however given the potential structural challenges associated with the retention of the chimney and front section of the dwelling with the proposed full demolition of the western boundary wall, a condition will require a structural report be provided detailing the methodology for support.

Additions

86. The proposed ground and first floor addition to the dwelling will be respectful of the character and rhythm of the streetscape as well as articulated and massed to correspond with the form of the existing dwelling. Additionally, the central courtyard and contemporary materials proposed will ensure that the addition will be clearly distinguishable from the original historic fabric of the dwelling.
87. The proposed pergola and screening to the first floor roof terrace will be 7.49m in height and will sit outside of the appropriate envelope created by projected sightlines as encouraged by Figure 2 of Clause 22.02-5.7.1 (as shown in the image below). Council's heritage advisor recommends the first floor be reduced in height to no more than 6.5m, so as to bring the first floor into alignment with the envelope created by the sightline.

Reducing the height of the pergola and screening will achieve compliance with the policy, however it is considered unnecessary to require the first floor bedroom and den to also be reduced in height given this built form would not be readily visible from the heritage streetscape. Reducing the height of the first floor would also be challenging given the flood level constraints of the site (discussed further in the 'Special Building Overlay' assessment below).

88. As discussed, a condition will require the pergola and screening to the terrace to be no higher than 6.5m above natural ground level, to achieve compliance with the heritage sightline and to ensure the addition will remain a visually recessive element as encouraged by heritage policy at Clause 22.02-5.7.2.



Projected heritage sightline

Alterations

89. Council’s heritage advisor raised concerns regarding the proposed alterations to the brick front façade. The full extent of brick replacement and re-pointing to the façade is unclear, and a condition will require a schedule of works to be provided. Additionally, a condition will require that the re-pointing of bricks be carried out in accordance with the technical guidelines ‘*Repointing Mortar Joints – Some Important Points*’ prepared by Heritage Victoria.
90. Further concerns were raised regarding the replacement of roof sheeting to the front section of the dwelling with proposed Colorbond ‘Basalt’ roof sheeting, given this roof sheeting will be visible from the street at oblique angles and would adversely impact the contribution of the dwelling to the heritage precinct. A condition will require this section of roofing be replaced with galvanised corrugated steel roof sheeting.
91. The advisor also suggests the roofing to the front verandah be replaced with galvanised corrugated steel sheeting, however no change is proposed to the verandah roofing under this application.

Fencing

92. The proposed front fence will incorporate timber pickets and will have a maximum height of 1.2m, which meets the 1.2m maximum height for solid fences and will allow for views to the contributory façade of the dwelling as encouraged by Clause 22.02-5.7.2.
93. Overall, the proposed works will not adversely impact the significance, character or appearance of the Gold Street Precinct, and are considered to be acceptable subject to conditions.

Special Building Overlay

94. Melbourne Water has indicated that the applicable flood level is 19.91 metres to Australian Height Datum (AHD). As such, Melbourne Water has a number of requirements that are outlined in the referral response included as an attachment to the report. For example, the floor levels of the dwelling must be maintained no lower than 20.21m to AHD, and the rear porch area must be no lower than 19.70m to AHD.
95. The conditions also specify that the rear gate to the bin store must remain a minimum of 75% open to allow for conveyance of overland flow, and that the front fencing should have a minimum 50% spacing or be a timber picket front fence. The proposed rear gate and front fence meet these requirements for overland flow.

96. The conditions as outlined in the referral section above (and included as an attachment to this report), will be added to any permit issued. These conditions will not require any changes to the decision plans.

Development abutting laneways

97. Clause 22.07 (Development abutting laneways) encourages development to respect the character of the laneway and provide a safe environment for pedestrian and vehicular users of the laneway. The proposed addition will be built to the southern title boundary abutting the Little Abbot Street laneway, and will be respectful of the scale and character of the surrounding built form in the laneway. There are numerous examples of double and triple storey built form along the laneway, including at nos. 375 Hoddle Street, 152 Easey Street, 160-166 Easey Street and 168 Easey Street.
98. Furthermore, the addition includes pedestrian access as well as windows that look out to the laneway and thus will contribute to the sense of safety of the laneway by providing activity and natural surveillance. Clause 22.07-3 encourages pedestrian entries to be well lit, but with lighting designed to avoid lightspill to adjacent POS and habitable rooms. Conditions will therefore require lighting be provided to this entrance, with the lighting to be baffled to prevent lightspill.
99. The policy also discourages doors to garages from protruding into the laneway. Whilst a gate to the bin store is shown on the elevation provided, the floor plan does not indicate the operability of this gate. A condition will therefore require that the door does not protrude or open into the laneway.

Objector concerns

Impact on neighbourhood character and excessive site coverage / low permeability

100. This issue has been discussed in paragraphs 46 – 50.

Amenity impacts (i.e. daylight to existing windows; overshadowing; overlooking and visual bulk)

101. This issue has been discussed in paragraphs 53 – 75.

Noise from the use of the upper level terrace

102. The application is for the development of the land only, and no permit is required for the use of the land as a dwelling. No decision guidelines pertaining to the proposed works given consideration to noise impacts from outdoor areas. As such, this concern is not a relevant consideration for this assessment.

Disruption and damage from construction works

103. These matters are not relevant planning considerations and would be assessed at the Building Permit stage of the development. Whilst the demolition of the existing boundary wall requires a permit under the Heritage Overlay, considerations for this wall are limited to matters of heritage. As discussed within the report from a heritage perspective, there is no concern with the reconstruction of this wall.

Other Matters

104. The elevations provided show the built form of the adjoining properties as well as shadowing from walls and roofing, which result in the elevations being unclear on the form and finishes of the development. A condition will require this be addressed for clarity.

105. Additionally, the first floor plan shows a door to the roof space over the retained front section of the dwelling from the proposed first floor terrace however it is unclear on the doors size and operation. A condition will require a section be provided to show the operation of the access.

Conclusion

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

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN18/0779 be issued for part demolition, construction of a ground and first floor addition and alterations to the existing dwelling at 175 Keele Street, Collingwood generally in accordance with the plans noted previously as the “decision plan” 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 height of the first floor terrace pergola reduced to be no higher than 6.5m above natural ground level;
 - (b) Replacement roof cladding to the front section (i.e. first two bedrooms) of the dwelling to be galvanised corrugated iron roof sheeting;
 - (c) A schedule of works for the replacement of brickwork to the front façade to the satisfaction of the Responsible Authority;
 - (d) Notation that the repointing of brickwork to the front façade is to be carried out in accordance with the technical guidelines *‘Repointing Mortar Joints – Some Important Points’* prepared by Heritage Victoria;
 - (e) Full documentation (including photographs and measured drawings) of the existing wing walls to the front verandah.
 - (f) The capacity of the underground rainwater tank and its connection to toilets noted on the plans, in accordance with the STORM report provided.
 - (g) The rear gate to the bin store to open within the title boundaries of the subject site.
 - (h) External lighting to the rear porch.
 - (i) Adjoining properties and shadows removed (or ghosted) on the existing and proposed elevations.
 - (j) A north-south cross section of the development showing the access to the roof store from the first floor terrace.
2. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
3. 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.

Melbourne Water conditions (Conditions 4 to 10)

4. Finished floor levels of the extended floor with the exception to the 'porch' area must be constructed no lower than 20.21 metres to Australian Height Datum (AHD).
5. Finished floor levels of the 'porch' must be constructed no lower than 19.70 metres to AHD.
6. The layout of the site and size, design and location of the 5.05 metre square flood storage area as shown on the Ground Floor plan (Project No. KSH Drawing A103 Revision T4 dated 6 August 2019) must not be altered without prior written consent from Melbourne Water. The layout must remain open for the life of the structure to allow for flood storage.
7. Any fencing to the rear southern boundary must be a minimum of 75% 'open style' to allow for the conveyance of overland flow. No timber paling fence is permitted to this boundary.
8. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the extended floor area.
9. Any new fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
10. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
11. 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.
12. 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.
13. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entry from the laneway, must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority
14. 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.

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 5428 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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

The applicable flood level is 19.91 metres to Australian Height Datum (AHD).

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Attachments

- 1 PLN18/0779 - 175 Keele Street Collingwood - Subject Land
- 2 PLN18/0779 - 175 Keele Street Collingwood - Melbourne Water Response (23 September 2019)
- 3 PLN18/0779 - 175 Keele Street Collingwood - Section 57A Plans
- 4 PLN18 0779 - 175 Keele Street Collingwood - Heritage Advice