



Agenda

Planning Decisions Committee

6.30pm, Wednesday 10 March 2021

MS TEAMS

The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

Participating in the Meeting

Planning Decisions Committee meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.

1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Herschel Landes
Cr Bridgid O’Brien
Cr Gabrielle de Vietri

Council officers

Daniel Herrmann (Co-Ordinator Statutory Planning)
Konrad Bruhn (Senior Planner)
Rhys Thomas (Senior Governance Advisor)
Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confirmation of Minutes

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

6. Committee business reports

Item	Page	Rec. Page
6.1 PLN19/0655 - 413 Swan Street, Richmond - Part demolition to allow for the construction of a multi-level building for the purpose of dwellings with a ground level shop and a reduction in the car parking requirement of the Yarra Planning Scheme.	5	54
6.2 PLN20/0214 - 6 - 10 Peel Street, Collingwood	64	121
6.3 PLN20/0322 - 350 - 356 Johnston Street & 2 Rich Street Abbotsford - Construction of a multi-storey building containing office, food and drink premises and retail premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements	133	179

- 6.1 PLN19/0655 - 413 Swan Street, Richmond - Part demolition to allow for the construction of a multi-level building for the purpose of dwellings with a ground level shop and a reduction in the car parking requirement of the Yarra Planning Scheme.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN19/0655 for part demolition to allow for the construction of a seven-storey building for the purpose of dwellings with a ground level shop and a reduction in the car parking requirement of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment;
 - (b) Clause 21.05 – Built Form;
 - (c) Clause 22.02 – Heritage Guidelines for Sites Subject to the Heritage Overlay;
 - (d) Clause 22.05 – Interface Uses Policy;
 - (e) Clause 34.01 – Commercial 1 Zone;
 - (f) Clause 43.01 – Heritage Overlay;
 - (g) Clause 52.06 – Car Parking;

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic and policy support;
 - (b) Built form and Heritage;
 - (c) Clause 58 (internal amenity);
 - (d) Off-site amenity impacts;
 - (e) Car parking, traffic, access and bicycle provision;
 - (f) Waste management; and
 - (g) Objector concerns.

Submissions Received

4. Six (6) objections were received to the application, including one petition with 34 signatories, the grounds of which can be summarised as:
 - (a) Excessive demolition of a heritage building;
 - (b) Excessive height and overdevelopment of the site;
 - (c) Lack of integration with the heritage streetscape and character of the neighbourhood;
 - (d) Reduction in the car parking provision;
 - (e) Increased traffic congestion on surrounding streets with additional waste truck movements in the laneway and further impacts on pedestrian safety;
 - (f) Off-site amenity impacts (visual bulk, overlooking, loss of daylight, overshadowing);
 - (g) The development fails to comply with ResCode, particularly Clauses 54.04-1 (side and rear setbacks), 54.04-2 (Walls on boundaries) and 54.04-5 (Overshadowing);
 - (h) The development would set a precedent; and
 - (i) Ongoing disturbance to the area during the construction phase as a result of an influx of development approved in the last 4-5 years.

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 detailed in the “Recommendation” section of this report.

CONTACT OFFICER: John Theodosakis
TITLE: Principal Planner
TEL: 9205 - 5307

6.1 **PLN19/0655 - 413 Swan Street, Richmond - Part demolition to allow for the construction of a multi-level building for the purpose of dwellings with a ground level shop and a reduction in the car parking requirement of the Yarra Planning Scheme.**

Reference D21/19184
Author John Theodosakis - Principal Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Melba Ward
Proposal: Part demolition to allow for the construction of a seven-storey building for the purpose of dwellings (with a ground level shop) and a reduction in the car parking requirement of the Yarra Planning Scheme.
Existing use: Restaurant
Applicant: Planning and Property Group
Zoning / Overlays: Commercial 1 Zone / Design and Development Overlay (Schedules 2, 5 and 17) / Development Contributions Plan Overlay (Schedule 1) / Heritage Overlay (Schedule 474)
Date of Application: 26/09/2019
Application Number: PLN19/0655

Planning History

1. The subject site has the following planning history:
 - (a) Planning Permit No. PLN12/0292 was issued on 26 November 2012 for *Use of the and for the sale and consumption of liquor (Restaurant / Café licence) associated with a 70 seat convenience restaurant and a reduction in the associated car parking requirement.*

Lodgement of sketch plans

2. On 17 September 2020 the applicant submitted sketch plans in response to comments received from Council's Urban Design Unit dated 22 July 2020 (i.e. the original advice).
3. The key changes (amongst others) include:
 - (a) A modified design response to the second floor and above, to exclude the full floor to ceiling glazing and have this replaced with a combination of rendered walls and windows;
 - (b) The terrace associated with Apartment A01 increased from 6sq.m. to 7sq.m;
 - (c) Provision of planter boxes added on the terraces of Apartments A02, A03 and A04; and
 - (d) The inclusion of the following key Environmental Sustainability Development notes added:
 - (i) Commitment to recycling/reusing 80% of demolition waste;
 - (ii) Rainwater plumbed to toilets on the ground and first floors; and
 - (iii) Management section added to the ESD Schedule in the SDA to reflect the commitments already shown in the BESS report.

4. On 27 January 2021 the applicant submitted further (and final) sketch plans in an attempt to address additional comments from Council’s Urban Design Unit (that were generally supportive of the revisions made) dated 21 October 2020 relating to the above-mentioned sketch plans.
5. The changes shown on the sketch plans before Council include the changes already listed, but further include:
 - (a) Projecting zinc blade elements introduced alongside the windows to Swan Street;
 - (b) Clarity with regard to the articulated response to the west and east-facing walls specific to the corrugated pattern applied to sections of the precast concrete panelled walls and delineation of levels;
 - (c) The removal of the perforated metal above the garage door;
 - (d) The sections updated to remove an unusable outdoor space above to the south of the terrace of Apartment A04 and the wall height reduced from 20.4m to 19.8m above the natural ground level (NGL) to the west and from 20.6m to 20m above the NGL to the east.
6. With the above changes in mind, the building will be modified from:

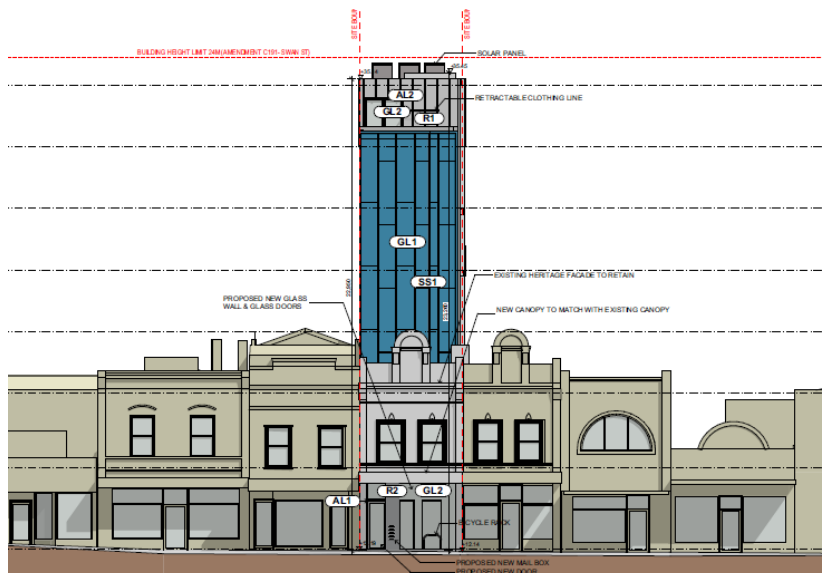


Figure 1: Proposal viewed from south (decision / advertised plans)

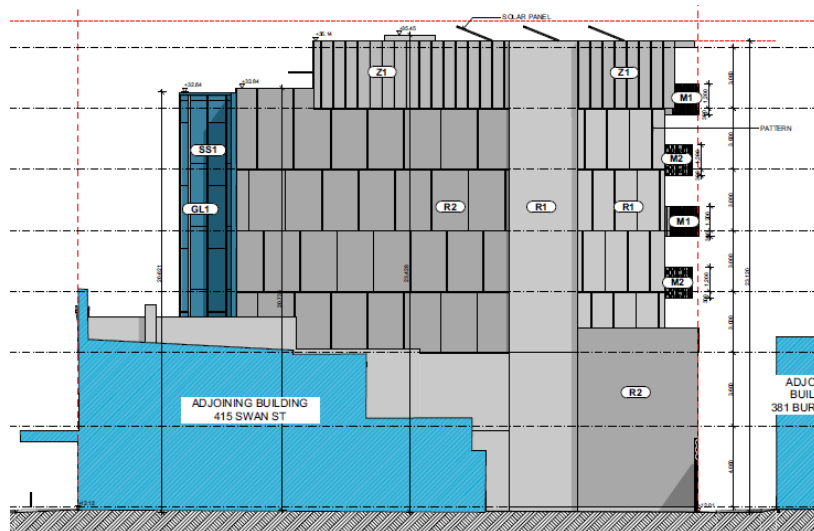


Figure 2: Proposal viewed from east (decision / advertised plans)

To:

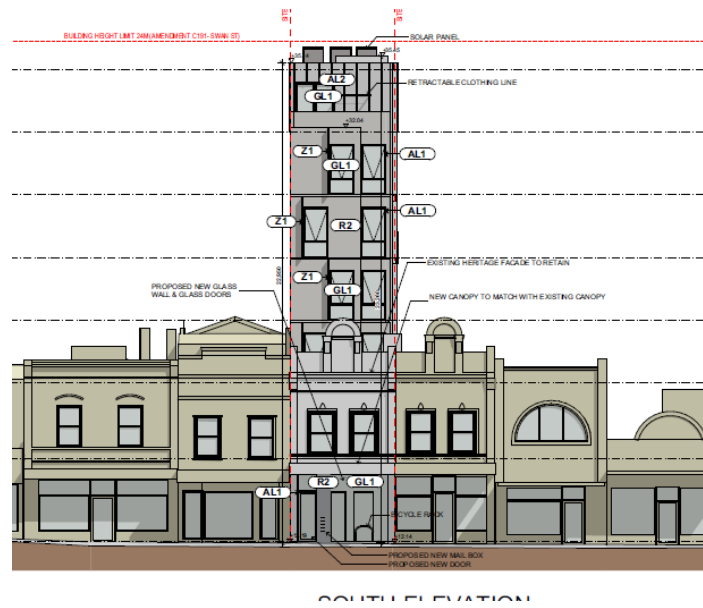


Figure 3: Proposal viewed from south (“Sketch Plan”)

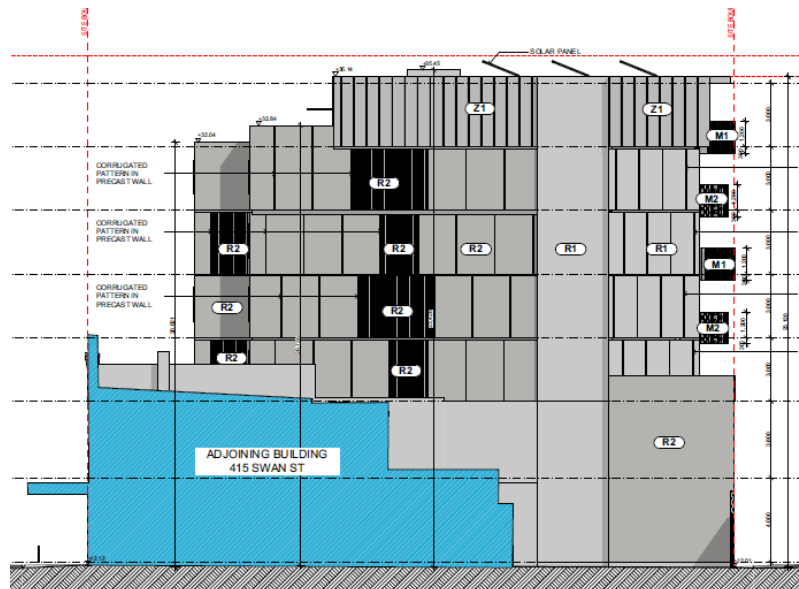


Figure 4: Proposal viewed from east (“Sketch Plan”)

7. Whilst the “Sketch” plans have not been formally submitted under Section 57(a) of the Act, these will be considered for the purpose of this assessment, as these provide significant improvements to the design of the building that address Council’s Urban Designer’s concerns relating to the “office-like” presentation of the scheme. The “Sketch” plans have also been further reviewed by Council’s Urban Designer who is generally supportive of the revisions. The “Sketch” plans have also been circulated to all objector parties with the invites to the meeting.

Planning Scheme Amendments

[Planning Scheme Amendment C191](#)

8. On 15 December 2020, Council adopted Planning Scheme Amendment ‘C191yara’ which relates to the permanent built form controls associated with the Swan Street Major Activity Centre (MAC), which, under the current Yarra Planning Scheme (‘the Scheme’) relates to the interim Design and Development Overlay (Schedule 17).

9. The Planning Scheme Amendment has not yet been gazetted is currently with the Minister of Planning, however given that it has been adopted by Council it is considered to be seriously entertained. The subject site is located within Precinct 4 of the Swan Street MAC. The Planning Scheme Amendment will incorporate built form controls for Precinct 4 into a new Schedule 28 to the Design and Development Overlay (DDO28). Throughout this report, the interim control and the proposed control will be referred to as 'interim DDO17' and 'Council-adopted DDO28', respectively.

[Planning Scheme Amendment C238](#)

10. On 01 February 2021, the Minister for Planning formally gazetted Planning Scheme Amendment C238, which introduces a Development Contributions Plan Overlay over the entire municipality. This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The requirements of this provision have immediate effect. A condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

The Proposal

11. The application proposes partial demolition of the existing building to allow for the construction of a mixed-use, multi-storey building and a reduction in the car parking requirement associated with a shop and dwellings. The key elements of the proposed development are as follows:

General:

- (a) A ground floor shop, (34sqm);
- (b) 4 dwellings:
 - (i) 1 x 1 bedroom; and
 - (ii) 3 x 3 bedroom over split levels.
- (c) 3 car parking spaces (all allocated to the dwellings); and
- (d) 5 bicycle spaces.
- (e) Building height of 23.4m (to the highest point of the lift core).

Demolition:

- (f) The demolition of all fabric on the site, with the exception of the first floor principal façade, a short portion of wall to the west and significant length of wall to the east that will be retained and incorporated into the scheme;
- (g) Demolition of all roof forms including front canopy / awning structure that extends over the footpath;

Ground floor

- (h) Built to all site boundaries and containing the following:
 - (i) Shop, addressing Swan Street, with an entrance to the shop and separate residential entrance (approximately 1.7m wide) to a lobby containing access to a lift and stairwell;
 - (ii) Bicycle storage, refuse area and services;
 - (iii) Garage with 3 car parking spaces provided within a car stacking system accessed from the laneway to the north;
 - (iv) A new matching replacement canopy / awning to the Swan Street façade combined with the ground level walls constructed of glass to the shop and a combination of concrete and glass to the residential entrance;

First-floor

- (i) Built to all four boundaries with the exception of a 1.2m x 5.5m terrace to the east of a one bedroom apartment labelled as A01;
- (j) The apartment contains an open plan living, dining and kitchen area with service amenities and one bedroom and a terrace of 6sq.m;
- (k) This level also contains four stores associated with each apartment ranging between 5 and 9 cubic metres;

Second-floor

- (l) Built to the western and eastern boundaries and setback 5m and 7.5m from the southern (Swan Street) boundary and setback approximately 2.5m from the northern (rear – laneway) boundary, with the exception of a terrace of 11sq.m. that will extend into the latter setback of the apartment labelled as A02;
- (m) This level contains the open plan living, dining and kitchen area and the two bedrooms of apartment A02;

Third-floor

- (n) Built to the western and eastern boundaries and setback 5m and 7.5m from the southern (Swan Street) boundary and setback approximately 1.7m from the northern (rear – laneway) boundary, with the exception of a terrace of 5sq.m. that will extend into the latter setback of the apartment labelled as A03;
- (o) This level contains the third bedrooms of Apartments A02 (i.e. commencing from the second floor) and A03 (commencing from the fourth floor);

Fourth-floor

- (p) Built to the western and eastern boundaries and setback 5m and 7.5m from the southern (Swan Street) boundary and setback approximately 2.5m from the northern (rear – laneway) boundary, with the exception of a terrace of 11sq.m. that will extend into the latter setback of the apartment labelled as A03;
- (q) This level contains the open plan living, dining and kitchen area and two bedrooms of apartment A03;

Fifth-floor

- (r) Built to the western and eastern boundaries and setback 5m and 7.5m from the southern (Swan Street) boundary and setback approximately 1.7m from the northern (rear – laneway) boundary, with the exception of a terrace of 5sq.m. that will extend into the latter setback of an apartment labelled as A04;
- (s) This level contains the three bedrooms and service amenities of Apartment A04 that extends to the next level;

Sixth-floor

- (t) Built to the western and eastern boundaries and setback 11.5m from the southern (Swan Street) boundary with the exception of a 10sq.m. terrace that would extend into the setback by up to 3.8m;
- (u) This level would be setback approximately 2.5m from the northern (rear – laneway) boundary with the exception of a terrace of 11sq.m. that will extend into this setback.
- (v) This level contains the open plan living, dining and kitchen area of apartment A04;

Materials and finishes

- (w) The new walls are proposed to be constructed of a mixture of concrete (finished in grey and white) and zincalume with a large expanse of glazing across the façade to Swan Street;
- (x) The façade will include a large expanse of glazing to the second through to the sixth levels and the windows will generally be clear glazed with black powder-coated aluminium frames (i.e. to the north);

12. An image of the development is provided at Figure 5.



Figure 5: Proposal viewed from south-east

Environmental Sustainable Design features:

13. A Sustainable Management Plan was submitted by Sustainable Design Consultants, with the following ESD commitments outlined:
- (a) The apartments demonstrate an average NatHERS rating of 6.6-stars;
 - (b) The development claims a BESS score of 55% representing 'best practice';
 - (c) 5-star electric heating and cooling systems, and electric instantaneous hot water system;
 - (d) Water efficient fixtures and appliances throughout;
 - (e) Low VOC paints/adhesives to be used throughout the development;
 - (f) North-facing glazing shaded by overhung balconies, with minimal glazing exposure on east façade;
 - (g) Bicycle parking provided for residents and visitors;
 - (h) Energy efficient lighting 20% improvement on NCC lighting power densities;
 - (i) The BESS Report indicates a 60% reduction in green house gas emissions for the apartments;
 - (j) A 3kW rooftop solar PV system is proposed, with potential to generate 27% of apartment energy needs; and
 - (k) Gas-free, all-electric development.

Existing Conditions

[Subject Site](#)

14. The subject site is rectangular in shape and located on the north side of Swan Street, in Richmond, approximately 28m from the north-east corner of the Swan and Burnley Street intersection. The site has a frontage to Swan Street of 4.89m, a depth of 30.48m and a site area of approximately 149sq.m. The subject site abuts a rear laneway along the northern title boundary.

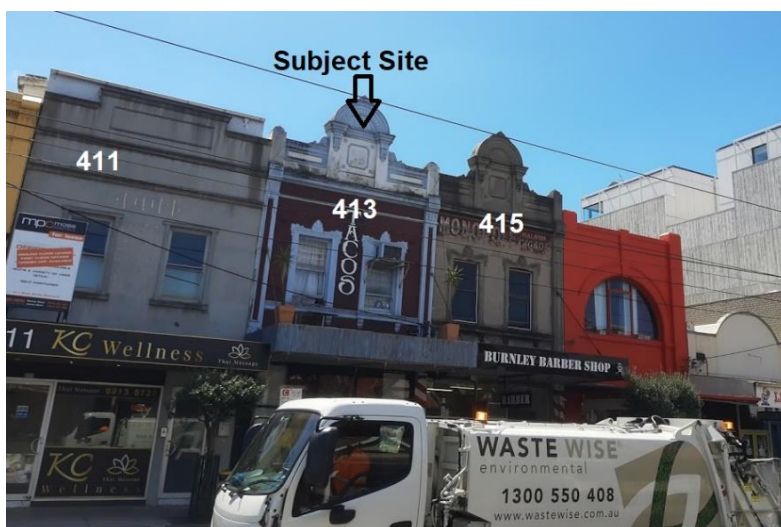


Figure 6: Subject site viewed from south of Swan Street (photo taken 22/02/2021)

15. The site is occupied by a double-storey, Victorian-era building, with a modified shop-front, painted walls and central pediment upon a prominent facade. The building directly abuts the southern, western and eastern boundaries, and is setback from the northern boundary. A covered courtyard is located within this setback; this space is covered by a first-floor terrace located above, accessed via an external stairwell adjacent to the building's rear wall. A wire fence encloses the upper level terrace, with this terrace directly abutting the site's northern boundary. A roller door is located on the northern boundary at ground floor level (see Figure 3).



Figure 7: Subject site as viewed from the laneway looking south-west (photo taken 22/02/2021)

16. The *City of Yarra Review of Heritage Overlay Areas 2007* identifies the subject site as have an “individually significant” grading together with its immediate pair to the east. A further description of the subject building is provided under the following heading, that includes the heritage citation.

17. The site appears to be vacant at the ground floor but has previously been used as a 'convenience restaurant', with capacity for 70 patrons. A dwelling is located at first-floor level. The rear courtyard / first-floor terrace appear to have been associated with the restaurant use but at present may be used by the dwelling.
18. The subject site is legally described as Lot 1 on Registered Plan of Subdivision 055999 and is affected by two boundary wall easements that extend across the eastern shared boundary. The land is relatively flat.

Surrounding Land

19. The surrounding land is defined by commercial offerings within the Swan Street Major Activity Centre (MAC), which is a business and retailing strip within the City of Yarra. The activity centre runs from Punt Road in the west to the rail overpass in the east and provides a range of business types, including offices, shops, restaurants and bars, interspersed with a number of dwellings.
20. Public transport is readily available to the site with immediate access to the tram services on Swan Street as well as Burnley Railway Station (approximately 130m to the south) and tram services along Bridge Road (800m to the north).

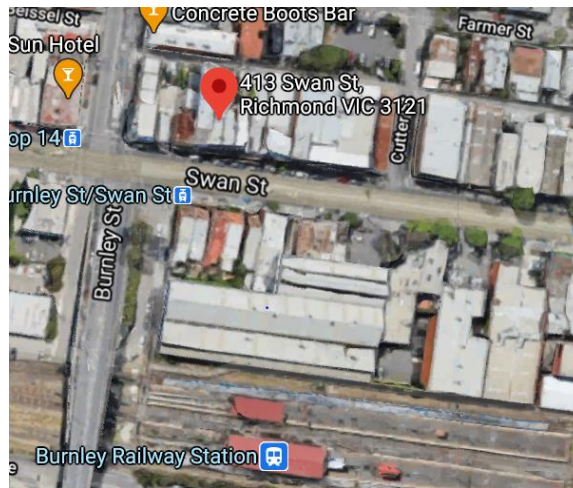


Figure 8: Aerial of the subject site and surrounding land (Google, Map data 2021).

21. The subject site is located in the Commercial 1 Zone (C1Z) with properties to the west and immediately east along Swan Street also zoned as such. The General Residential Zone (GRZ2) is to the north-east with land on the southern side of Swan Street zoned Commercial 1 and 2 (C2Z) in this part of the MAC.

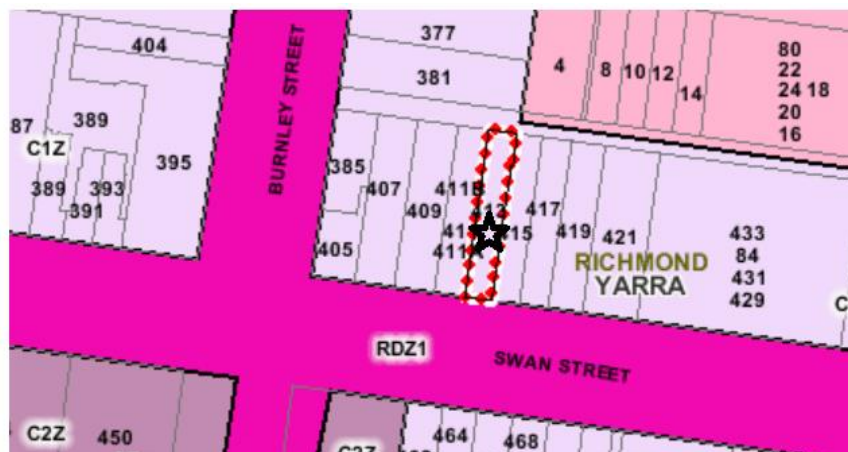


Figure 9: Zoning context of the subject site.

22. The site is located midway in a row of double-storey Victorian-era buildings, with all of these buildings largely modified to contain shop-fronts at ground level. These buildings include a barber shop to the east (with dwelling to the rear) and a massage outlet to the west (with a dwelling at the uppermost level). Other uses in the immediate area also consist of a café, dentist, retail shops and the Rising Sun Hotel approximately 50m to the west. The subject site / building combined with its pair to the east, is classified as 'individually significant' to the Burnley Street Heritage Precinct by the *City of Yarra Review of Heritage Areas 2007 Appendix 8 (revised from time to time)*, with this document identifying the building at No. 411 Swan Street (i.e. building to the west) as 'contributory' to the same precinct.
23. Council's heritage citation for the subject site and its pair at No. 415 Swan Street, includes the following description:
- (a) *The properties at nos 413-415 on the north side of Swan Street, Richmond, are a Victorian two storey brick terrace pair of shops with combined residences. They both have skillion roof forms clad in galvanised corrugated steel, concealed by a prominent arched pedimented parapet on the south facade. The first floor facades are rendered and no. 413 has been overpainted, while no. 415 has, unusually, remained unpainted (save for the 'Monopole Magnum Cigars' sign). Window architraves, brackets, supporting stringcourse and mouldings remain intact at first floor level to both terraces, as do the parapets incorporating panels, brackets, cornices and mouldings, urn pedestals and dividers. The property dividers are coffered piers topped by triglyph modillions supporting the main cornices. No. 413 has a long-standing 'Monopole Magnum Cigars' sign (believed to date from the 1920s, see 'History' above). Minor spalling is evident on no.415's facade and there may have been finials at the upper level that have since been removed. Both have pairs of double-hung sash windows, with original timber framing; the windows to no. 415 have been fitted with insect screens and there is an air-conditioning unit fitted to the east window of no. 413. The awnings are non-original although the steel rods supporting the awning to no. 415 suggest that it dates from the early twentieth century. The ground floor shop fronts have largely been altered, no. 413 in recent years and no. 415 possibly in the 1960s, although the maroon tiling on the end walls may be earlier.*
- (b) *Recent aerial photographs indicate that the buildings have been extended to the rear. No. 413 is built to the rear boundary with a brick garage to the lane, enclosed on the upper level with an iron balustrade creating a large balcony. There is a single storey gable roof shed clad in steel sheeting to the rear lane at no. 415. The rear elements are not of heritage significance.*
24. The building to the immediate west is similar in its double-storey presentation with the exclusion of an arched pediment to its parapet (refer to Figure 2). This site, combined with the subject site and its pair to the east, is hard-edged, with boundary to boundary construction. The building to the west has a three-storey extension and hence, wall that extends across the shared boundary.
25. To the immediate north is an approximate 3.6m wide laneway that provides vehicular access to the residential properties addressing Farmer Street and shops addressed to Swan Street. The laneway runs west to east from Burnley Street to Cutter Street.



Figure 10: No. 381 Burnley Street and laneway viewed from Burnley Street (photo taken 22/02/2021)

26. North of the laneway is the south side of a double storey commercial building with a frontage to Burnley Street i.e. No 381 Burnley Street. The ground level operates as a licensed tavern, approved under Planning Permit No. PL07/0281. This site forms part of a small retail strip located at the southern end of Burnley Street that includes various single and double storey shop and office premises, a single storey medical centre and the double storey Rising Sun hotel located at the north-western corner of the Burnley Street / Swan Street intersection.



Figure 11: No. 381 Burnley Street and rear of property facing onto Farmer Street (photo taken 22/02/2021)

27. The property located immediately north-east of the laneway, opposite the rear of the subject site, is occupied by a single storey dwelling addressing Farmer Street. To the east of this are further dwellings addressing Farmer Street that have their secluded areas of private open space (SPOS) and garages located to abut the shared laneway.



Figure 12: Dwelling to the north-east facing onto Farmer Street that has its rear to the laneway (photo taken 22/02/2021)

28. To the immediate south of the subject site is Swan Street, an east-west arterial road with a road reserve width of approximately 20 metres that carries four lanes of traffic, with tram lines sharing the middle two lanes and the two outside lanes accommodating parallel car parking outside of clearway times. On each side of the road is a footpath (approximately 3 metres wide). Swan Street provides an east-west connection linking the suburbs east of the City of Yarra with the CBD, intersecting with major arterials Burnley Street, Church Street and Punt Road.
29. Opposite are five, brick single storey attached dwellings and a large, single storey timber yard / building supplies. This land has a current permit (PLN15/0057) for a mixed use development up to 12 storeys. This land is currently zoned Commercial 1 and has a site specific Design and Development Overlay which was facilitated by Amendment C185 as part of a combined re-zoning and development application. Further to the west, (across the Burnley Street rail overpass) are a number of double storey offices, car showrooms, furniture stores and industrial buildings.

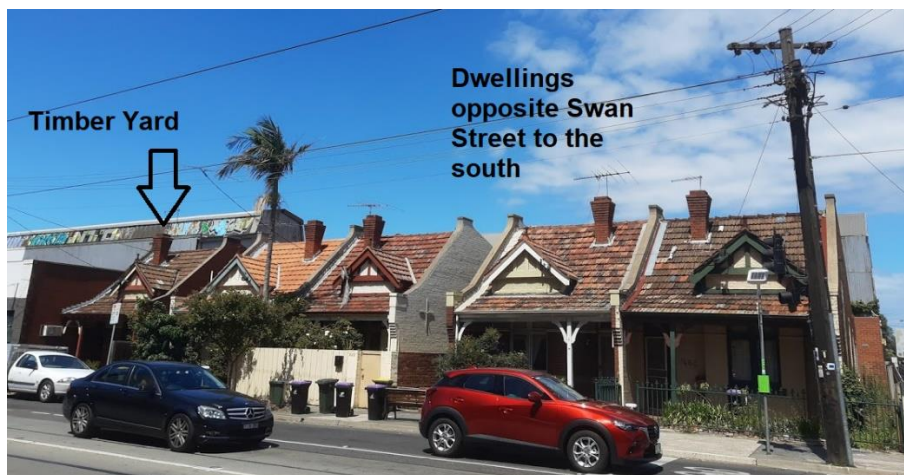


Figure 13: Properties on opposite side of subject site, south of Swan Street (photo taken 22/02/2021)

30. The area has as an emergent character of taller built form contemporary developments of up to 12 storeys, which provide contemporary architectural responses, typically with rectilinear forms and materials including concrete, metal cladding and facades with high proportions of glazing.

31. Examples of this taller emergent character include the following:

- (a) A seven-storey office development approved under Planning Permit PLN18/0403 located at No. 439 – 443 Swan Street (approximately 75m east of the subject site). The approved proposal includes a five-storey street wall with two upper levels atop. Construction has not yet commenced.
- (b) A part three, part six-storey, mixed-use development approved under Planning Permit PLN14/1205 located at Nos. 429 – 437 Swan Street and 16 – 26 Farmer Street (approximately 30m east of the subject site). The development has a five-storey street wall to Swan Street with one upper-level storey and has been completed within the last 12 months. The northern section of that site (Nos. 16 – 26 Farmer Street) is the three-storey component of the development, featuring townhouses that present to Farmer Street.
- (c) A part twelve and part thirteen-storey mixed-use development approved under Planning Permit PLN17/0448 located at Nos. 484-486 Swan Street, Burnley (70m south-east of the subject site). Construction for this development has not yet commenced.
- (d) A twelve-storey mixed-use development approved under Planning Permit PLN15/0057 at Nos. 462-482 Swan Street, Burnley (south an opposite side of the subject site to Swan Street). Construction for this development has not yet commenced.



Figure 14: The six-storey mixed use development at No. 429 – 437 Swan Street (left – with artist's impression superimposed) and the six-storey office development located at No. 439 – 443 Swan Street (Council Endorsed Plans)

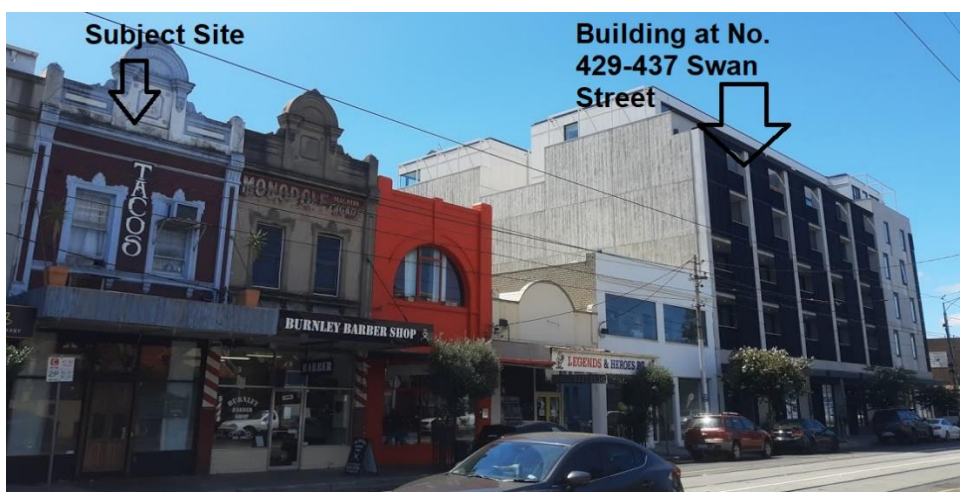


Figure 15: The six-storey mixed use development at No. 429 – 437 Swan Street (left) as constructed (photo taken 22/02/2021)

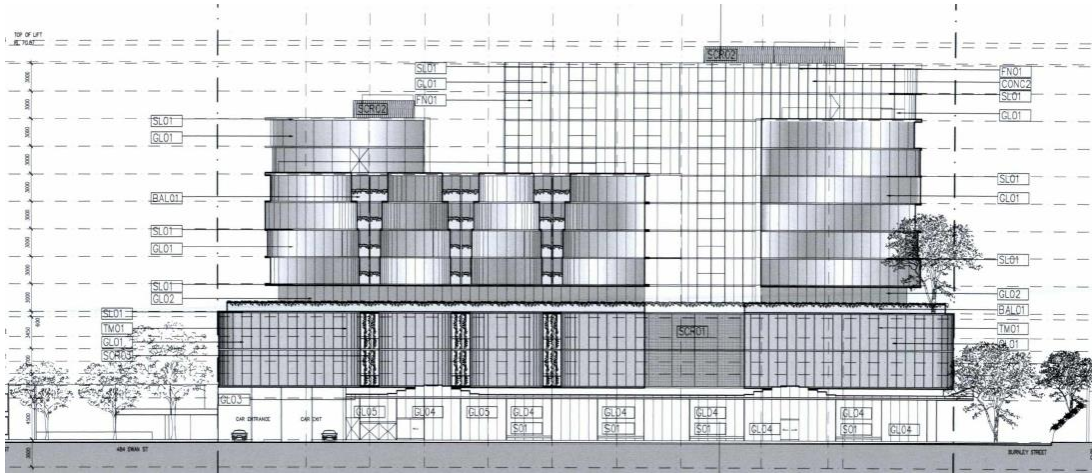


Figure 16: Swan Street Elevation of the 12-storey mixed use development approved at No. 462 – 482 Swan Street (Application material)

Planning Scheme Provisions

Zoning

Commercial 1 Zone

32. The subject site is zoned Commercial 1 (C1Z). The following provisions apply:

Use

33. Pursuant to Clause 34.01-1 of the Scheme, a planning permit is not required to use the land for 'shop', with this use included in the 'retail premises' group at clause 73.04-11 of the Scheme.
34. The 'dwelling' use requires a planning permit if 'any frontage at ground floor level exceeds 2m'. The residential frontage for this development addresses Swan Street, with the entrance less than 2m in width (i.e. approximately 1.7m wide as confirmed by the permit applicant). Accordingly, no permit is required for the use.

Development

35. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building.
36. Pursuant to the decision guidelines at Clause 34.01-8 of the Scheme, an apartment development must meet the requirements of Clause 58 of the Scheme.

Overlays

Heritage Overlay (Schedule 474) – Burnley Street Precinct, Richmond)

37. The subject site is affected by the Heritage Overlay (HO474 – Burnley Street Precinct, Richmond).
38. Pursuant to Clause 43.01-1, a planning permit is required for demolition, and to construct a building and carry out works. External paint controls also apply to the subject building.

Design and Development Overlay (Schedule 2) – Main Roads and Boulevards

39. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

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

40. Under Clause 43.02 of the Scheme, a planning permit is not required for the use of the land or for buildings and works. Pursuant to Section 4.0 of the Schedule and the Schedule to Clause 66.06, where a permit is required for the development of the land (in this case under the C1Z), notice of the application must be given to the Environment Protection Authority (EPA), Transurban City Link, and the Roads Corporation (VicRoads). The application was referred in accordance with this provision.

Design and Development Overlay (Schedule 17) – Swan Street Activity Centre

41. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
42. The following built form controls apply to the subject site, which is located in Precinct 4 (Burnley Station) of the Swan Street MAC:

Item	Control
Building height (mandatory)	24m maximum
Street wall height - Swan Street (preferred)	11m or the parapet height of the adjoining individually significant or contributory building if higher than 11m.
Upper level setback - Swan Street (preferred)	5m minimum for individually significant heritage buildings Any part of a building above the street wall should be designed to ensure that it occupies no more than one third of the vertical angle defined by the whole building in the view from a sight line of 1.7metres (on the opposite side of the street).

43. The interim DDO17 also has a number of design directives relating to the public realm experience, vehicle access, materiality and the response to nearby heritage buildings. These will be articulated where relevant through the assessment section of this report.
44. As previously outlined, the current DDO17 is an interim control which expires on 15 October 2021. As stated earlier in the report, Council adopted Planning Scheme Amendment C191 on 15 December 2020 with changes recommended by Planning Panels Victoria (the Panel). The amendment has not yet been gazetted by the Minister for Planning, however is considered to be a 'seriously entertained' amendment given that it has been adopted by Council.
45. As relevant to the subject site, the Planning Scheme Amendment will introduce a new Schedule 28 to the Design and Development Overlay (DDO28). With regards to the subject site, the principal changes proposed by the Council-adopted DDO28 (as related to the application) are the following:
- (a) a preferred upper level setback of 6m from Swan Street (currently 5m).

Development Contributions Plan Overlay (Schedule 1) (DCPO1)

46. The Development Contributions Plan applies, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.
47. Pursuant to Clause 45.06-1 a permit granted must:

- (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay
48. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 9 (Central Richmond) and both development and community infrastructure levies are applicable.
49. A condition and note is to be included outlining the requirements for the payment of the development infrastructure levy and community infrastructure levy, in accordance with the relevant requirements.
50. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 Car parking

51. Pursuant to Clause 52.06-2 of the Scheme, before a new use commences, the required car parking spaces must be provided on the land. Table 1 of this clause sets out the car parking requirement that applies to the land. In this instance, the subject site is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (*State Government of Victoria, August 2018*) and based on this, the statutory rates outlined in Column B of Table 1 apply. Under the provisions of Clause 52.06-5 of the Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated	Reduction required
One-two bedroom dwelling	1	1 space per dwelling	1	0	1
Three-bedroom dwelling	3	2 spaces per dwelling	6	3	3
Retail	34sqm	3.5 spaces per 100sqm of leasable floor area	1	0	1
Total			8 Spaces	3 Spaces	5 spaces

52. Based on the above, and pursuant to Clause 52.06-3, a planning permit is required to reduce 5 car spaces.

Clause 52.34 Bicycle Facilities

53. Pursuant to Clause 52.34-3, the following bicycle provision is required.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	4 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	0 resident spaces	4 resident spaces

		In developments of four or more storeys, 1 visitor space to each 10 dwellings	0 visitor spaces.	0 visitor spaces
Shop	34sqm	1 employee space to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 employee spaces	1 space
		1 visitor space to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			0 resident spaces	5 resident / employee spaces
			0 visitor spaces	0 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	0 showers / change rooms

54. The development provides a total of 4 additional resident spaces above the requirements of the Scheme, and whilst not required by the Scheme, does not provide visitor spaces on the land. Instead the latter is provided on Swan Street in the form of 2 visitor spaces.

Clause 53.06 Live Music and Entertainment Noise

55. This clause applies to an application required under any zone of this Scheme to use land for, or to construct a building or construct or carry out works associated with:

(a) *a noise sensitive residential use that is within 50 metres of a live music entertainment venue.*

56. The Concrete Boots bar at No. 381 Burnley Street, on the opposite side of the laneway to the north is a live music venue. Pursuant to Clause 53.06-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

(a) *Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).*

57. The clause goes on to state:

- (a) *For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP-N2 does not apply).*
- (b) *A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.*

Clause 53.18 Stormwater Management in Urban Development

58. The purpose of this clause is: *“To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.”*

Clause 58 Apartment Developments

59. The provisions apply to an apartment development in the C1Z. A development must meet all of the objectives and should meet all of the standards of the Clause.

General Provisions

60. The decision guidelines outline at Clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

Clause 13.07 – Amenity and safety

Clause 13.07-1S – Land use compatibility

61. The objective is *“to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.”*

Clause 15.01 – Built Environment and Heritage

Clause 15.01-1S – Urban design

62. The objective is *“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

63. The objective is *“to create a distinctive and liveable city with quality design and amenity.”*

Clause 15.01-2S – Building design

64. The objective is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm.”*

65. Relevant strategies include:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

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

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

Clause 15.01-4S – Healthy neighbourhoods

67. The objective is *“to achieve neighbourhoods that foster healthy and active living and community wellbeing.”*

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

68. The strategy is to *“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

69. The objective is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place.”*

Clause 15.02 – Sustainable Development

Clause 15.02-1S – Energy Efficiency

70. The objective is *“to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.”*

71. Relevant strategies include:

- (a) *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
- (b) *Promote consolidation of urban development and integration of land use and transport.*
- (c) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*
- (d) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03 – Heritage

Clause 15.03-1S – Heritage conservation

72. The objective is *“to ensure the conservation of places of heritage significance.”*

73. Relevant strategies include:

- (a) *Provide for the protection of natural heritage sites and man-made resources.*
- (b) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (c) *Encourage appropriate development that respects places with identified heritage values.*
- (d) *Retain those elements that contribute to the importance of the heritage place.*
- (e) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (f) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (g) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16 – Housing

Clause 16.01 – Residential Development

Clause 16.01-1S – Integrated housing

74. The objective is *“to promote a housing market that meets community needs.”*

75. A relevant strategy is to *“increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.”*

Clause 16.01-1R – Integrated housing-Metropolitan Melbourne

76. Strategies include:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas; and*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

77. The objective is *“to locate new housing in designated locations that offer good access to jobs, services and transport.”*

78. Strategies include:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas-Metropolitan Melbourne

79. Strategies include:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne;*
- (b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport; and*
- (c) *Direct new housing to areas with appropriate infrastructure.*

Clause 16.01-3S – Housing Diversity

80. The objective is *“to provide for a range of housing types to meet diverse needs.”*

Clause 16.01-3R – Housing diversity-Metropolitan Melbourne

81. *The strategy is “create mixed-use neighbourhoods at varying densities that offer more choice in housing.”*

Clause 17.01 – Employment

Clause 17.02-1S – Business

82. The relevant objective of this clause is *“to encourage development that meets the communities’ needs for retail, entertainment, office and other commercial services.”*

Clause 18.01 Integrated Transport

Clause 18.02 – Movement Networks

Clause 18.02-1S – Sustainable personal transport

83. The objectives is “*to promote the use of sustainable personal transport.*”

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

84. 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

85. The objective is “*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

86. A relevant strategy is to “*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

87. The objective is “*To ensure an adequate supply of car parking that is appropriately designed and located.*”

[Local Planning Policy Framework \(LPPF\)](#)

Municipal Strategic Statement

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

88. Objectives and strategies include:

- (a) *Objective 1 – To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 – Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
 - (ii) *Strategy 1.2 – Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks*
 - (iii) *Strategy 1.3 – Support residual population increases in established neighbourhoods*
- (b) *Objective 3 – To reduce potential amenity conflicts between residential and other uses.*
 - (i) *Strategy 3.2 – Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 – Activity Centres

Clause 21.04-3 – Industry, office and commercial

Clause 21.05 – Built form

Clause 21.05-1 – Heritage

89. Objectives and strategies include:

- (a) *Objective 14 – To protect and enhance Yarra's heritage places.*
 - (i) *Strategy 14.2 – Support the restoration of heritage places*
 - (ii) *Strategy 14.3 – Protect the heritage skyline of heritage precincts*
 - (iii) *Strategy 14.6 – Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (iv) *Strategy 14.8 – Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*

Clause 21.05-2 – Urban design

90. The relevant objectives 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:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (c) *Objective 18 – To retain, enhance and extend Yarra's fine grain street pattern; and*
- (d) *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.*

Clause 21.05-3 – Built form character

91. The general objective of this clause is “*Objective 23 – To maintain and strengthen the identified character of each type of identified built form within Yarra.*”

Clause 21.05-4 – Public environment

92. 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.*

Clause 21.06 – Transport

93. 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.*
 - (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.*

Clause 21.07-1 – Ecologically sustainable development

94. 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 21.08-10 Neighbourhoods (Central Richmond)

95. At Figure 24 clause 21.08-5 of the Scheme, the Built Form Character Map shows that the subject site is located within a main road precinct, an objective of which is to *maintain the hard edge of the strip.*
96. The same map also shows the subject site as being within the heritage overlay built form character area where the objective is to ensure that development does not adversely affect the significance of the heritage place.

[Relevant Local Policies](#)

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

97. This policy applies to all land within a Heritage Overlay and aims to provide guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

Clause 22.05 – Interfaces Uses Policy

98. This policy applies to applications within the Commercial Zone (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.

99. It is policy that *“New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.”*

Clause 22.07 - Development abutting laneways

100. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows:
- (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. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.12 – Public Open Space Contribution

101. The subject site is in an area where cash in lieu of land is the preferred method of public open space contribution (area 3121F).

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

102. 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

103. This policy 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 Documents

Plan Melbourne

104. Released in May 2017, Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):
- (a) Outcome 1: *'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.'*
 - (i) Direction 1.2 of Plan Melbourne is to *'Improve access to jobs across Melbourne and closer to where people live'*
105. The strategy specifies that all activity centres have the capacity to continue to grow and diversify the range of activities they offer. Opportunities to partner with the private sector to enable future diversification, investment and employment growth should be explored and, where appropriate, facilitated through planning provisions.
- (a) Outcome 2: *'Melbourne provides housing choice in locations close to jobs and services.'*

- (b) Direction 2.2 of Plan Melbourne is to '*Deliver more housing closer to jobs and public transport*'.

106. The strategy specifies that '*Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast.*'
107. The strategy promotes '20-minute neighbourhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your front door.

Advertising

108. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 211 letters sent to surrounding owners and occupiers and by a sign displayed on site.
109. Six (6) objections were received to the application, including one petition with 34 signatories, the grounds of which can be summarised as:
- (a) Excessive demolition of a heritage building;
 - (b) Excessive height and overdevelopment of the site;
 - (c) Lack of integration with the heritage streetscape and character of the neighbourhood;
 - (d) Reduction in the car parking provision;
 - (e) Increased traffic congestion on surrounding streets with additional waste truck movements in the laneway and further impacts on pedestrian safety;
 - (f) Off-site amenity impacts (visual bulk, overlooking, loss of daylight, overshadowing);
 - (g) The development fails to comply with ResCode, particularly Clauses 54.04-1 (side and rear setbacks), 54.04-2 (Walls on boundaries) and 54.04-5 (Overshadowing);
 - (h) The development would set a precedent; and
 - (i) Ongoing disturbance to the area during the construction phase as a result of an influx of development approved in the last 4-5 years.
110. A planning consultation meeting was not held due to public health risks associated with the Coronavirus pandemic.

Referrals

111. All referral comments are based on the decision plans (i.e. advertised plans) except for the heritage advice and second round urban design comments (email), which are based upon the sketch plans submitted by the applicant.

External Referrals

112. No external referrals were required by the application. However, pursuant to the requirements of Schedule 5 to the Design and Development Overlay, notice was provided to the following authorities:
- (a) Transurban – no response received.
 - (b) VicRoads – response received.

Internal Referrals

113. The application was referred to the following units within Council:

- (a) Engineering Services Unit;
- (b) ESD Advisor;
- (c) Waste Unit;
- (d) Urban Design Unit;
- (e) Heritage Advisor; and
- (f) Wind Consultant.

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

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Built form – Heritage and Urban Design;
- (c) Clause 58 (internal amenity);
- (d) Off-site amenity impacts;
- (e) Car parking, vehicle access, traffic, loading and waste;
- (f) Other Matters; and
- (g) Objector concerns.

Policy and Strategic Support

116. The subject site is located within the Commercial 1 Zone (C2Z), with a key purpose of which is *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The proposed retail / shop use is a Section 1 use (no permit required) which indicates strong strategic support. Similarly, the residential use (subject to meeting the requirement of not having a 2m frontage at the ground level of the primary street facade) does not require a planning permit.
117. The C1Z specifically identifies the purpose of the land to provide for residential uses at densities complementary to the role and scale of the commercial centre. The dwellings would provide increased housing opportunities consistent with policy outlined in this report. The site has excellent access to shops, restaurants, community facilities and supermarkets, ensuring that the proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04 of Council's MSS. Further, the provision of a retail tenancy at ground level, addressing Swan Street, continues to provide an active frontage within the commercial area, consistent with the purpose of the C1Z.
118. State and local policies encourage the concentration of development in and around activity centres with more intense development on sites well-connected to public transport, thereby ensuring efficient use of existing infrastructure and fostering diverse employment opportunities. The site is well connected to public transport, with trams along Swan Street, and with proximity to Burnley Railway Station, encouraging the use of alternative modes of transport to and from the site and reducing reliance on motor vehicles as encouraged by clauses 18.02 (Transport), 21.03 (Vision), 21.06-3 (the road system and parking) and 21.07 (Environmental Sustainability).
119. Urban consolidation is not the only relevant planning issue to be considered, with heritage and neighbourhood character being equally as important. The proposal must ensure new development responds to its built form and policy context. Clauses 15.01, 21.05-2 and 22.02 of the Scheme which call for development that appropriately responds to the surrounding context and urban character which in this case is commercial but with a residential interface to the north-east of the site. Furthermore, the DDO17 and Council-adopted DDO28 provide clear directions for new development in the Swan Street MAC which will be discussed throughout this report.

120. The scale of the proposed development at seven storeys appropriately responds to the site context and surrounding built form with no unreasonable overshadowing, visual bulk or overlooking impacts (addressed by way of condition) on nearby residential land (to be discussed in detail later in the report). A number of critical architectural improvements will be required, using the sketch plans submitted to Council.
121. As will be discussed in detail within this report, it is considered that the proposal achieves a good balance of State and local policy objectives in relation to quality developments and the reasonable protection of amenity to sensitive interfaces.

Built Form – Heritage and Urban Design

122. This section of the report considers the built form of the proposed development and is guided principally by the interim DDO17 controls at Clause 43.02-17. This assessment is also guided by the decision guidelines of the Commercial 1 Zone at clause 34.01-7 and State and local planning policy at clauses 15.01-2 – Urban design principles, 21.05 – Urban design, 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay, 22.05 - Interface Uses Policy and 22.07 – Development abutting laneways policy.
123. These provisions and policies seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the site context, building height, massing, architectural response, the pedestrian experience and the development's interface with sensitive uses. These will be considered in the following paragraphs.

Site Context

124. The built form in the immediate area is mixed, with an emergence of contemporary, higher-scale development evident in the commercially zoned strip along Swan Street particularly to the south, opposite side of Swan Street, and east. These developments are interspersed throughout a streetscape that is defined by hard-edged commercial buildings, typically provided with modest (if any) street setbacks. The subject building combined with that to the east, is graded "individually significant" to the Burnley Street heritage precinct and as such, the retention of the contributory elements of the existing building is a significant component in the proposal's regard to its identity. This aspect must be tempered against the provisions and clauses of the DDO17.
125. Site coverage in the immediate area is also generally high and a number of developments have been approved, are under construction, or have been built on sites within proximity to the subject site, on or adjacent to Swan Street. These buildings range in height from 6-13 storeys. Given these approvals it is evident that the area is undergoing significant change and redevelopment.
126. As noted within the 'Planning Scheme Amendments' section of this report, Council adopted built form controls associated with the Swan Street MAC, which, under the current Scheme relate to the interim controls at DDO17. The interim DDO17 outlines mandatory height requirements that would apply to the subject site, with a maximum building height of 24m attributed to this land. The draft DDO28 also specifies that upper levels above the Swan Street street-wall must be set back a minimum of 6m for heritage buildings.
127. As previously outlined, the Council-adopted DDO28 has not been approved by the Minister and subsequently cannot be given weight in determining the current application. However, the proposal has responded through the adoption of a minimum 5m setback above the parapet of the heritage building and maximum building height of 23.4m (to the highest point of the lift core), as informed by the interim controls.

128. The interim DDO17 does not apply rear setbacks to the building as this will directly interface commercially zoned land to the north and opposite side. The context of the laneway and existing condition further justifies the design response that will be discussed in further detail later in this assessment. It is highlighted, that the residential context is to the north-east and not immediately opposite and a more detailed assessment of amenity impacts to the residential interfaces will be provided in a later section of this report.
129. There is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C1Z within the Swan Street MAC, and with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development and with that in mind the following assessment is provided.

Demolition and heritage (retention of the first floor heritage façade) and works to the ground floor facade

130. The subject building and that at No. 415 Swan Street, is classified as ‘individually significant’ to the Burnley Street Heritage Precinct with the building at No. 411 Swan Street identified as ‘not contributory’ to this precinct (despite Council’s Heritage Advisor erroneously identifying this as being “Individually Significant” in their advice on page 1). Clause 22.02-5.1 of the Scheme generally discourages the full demolition of a building unless the building is not contributory. As identified the site is “Individually significant” in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*.
131. The proposal is to incorporate the original facade of the first floor as is demonstrated in “The Proposal” section of this report. In determining whether the extent of demolition is appropriate, the permit applicant submitted a heritage report, labelled *Heritage Impact Statement*, prepared and authored by Bryce Raworth Pty. Ltd. and dated February 2019. The report provides a history and description of the subject site and includes an MMBW map that identifies the site always having formed part of a series of narrow fronted sites and for commercial use since at least 1901.
132. It is identified that the more “significant” part of the site, is the southern first floor façade, whilst the façade at the ground floor is of less significance not being original. That said, the section of building behind the façade and parapet, is of less significance to the historical identity of the site, and the heritage report supports the extent of demolition in anticipation of the development.
133. The proposal includes the removal of the front awning, the southern ground level shopfront and the roof behind the parapet, and portion of the building to the north whilst retaining sections of the western and eastern on-boundary walls and hence the facades’ three-dimensional form. It is unclear whether an existing chimney on the shared boundary between the subject building and its pair to the east will be retained due to the conflicting portrayal of this on the plans (i.e. demolition is not indicated on TP1.11, Rev. C (Demolition Plan. Roof) and on TP2.03, Rev. C (Second Floor Plan) the chimney is shown) and the reference to this in the heritage report by Mr Raworth in the third paragraph at page 15. This was also queried by Council’s Heritage Advisor, and a condition will seek the retention of this and all plans to be updated to be consistent in their detailing of this matter, particularly as the chimney is original and shared with the subject site’s pair to the east, that emphasises their relationship.

Façade changes at Ground floor and chimney

134. The demolition will make way for the installation of a new glazed entrance to the shop and window, and a separate residential entrance with a section for mail-boxes, including construction of a new replacement awning over the footpath.

The extent of demolition has been supported by Council's Heritage Advisor however has requested that more detailed annotated drawings relating to the conservation of the original façade at the first floor, combined with in-depth details of the changes to the ground floor be provided.

135. A condition will require the submission of a detailed conservation management plan / survey and report to be prepared which includes a detailed set of annotated drawings, showing specific works and areas, and submitted for approval. This is to ensure that the contributory elements of the building are properly retained and restored to their original detailing.
136. A further condition will also require the shopfront window to adopt a sill height consistent with the plinths of surrounding shop-front windows as a point of reference with the awning adopted to be of a fitting and consistent design with surrounding footpath awnings.
137. It is highlighted that the proposed façade with the improvements provided in the "sketch" plans and further conditions requiring further analysis and detail, complies with the following policy directives for building facades and street frontages of the DDO17 for Contributory or Individually Significant Buildings:
- (a) *Adaptation of contributory or individually significant buildings must:*
- (i) *avoid highly reflective glazing in historic openings;*
 - (ii) *encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings; and*
 - (iii) *maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.*

New development – tower behind façade – building height and massing

138. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character for the area.
139. The subject site combined with the adjoining property to the east form a pair of "Individually Significant" buildings and it is important to consider these together and against the specific requirements at Clause 22.02-5.7.2 (Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail) which encourage new upper level additions and works to:
- (a) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms; and*
- (b) *Incorporate treatments which make them less apparent.*
140. The DDO17 also provides the following relevant directives for upper level development on land within a heritage overlay:
- (a) *be visually recessive and not visually dominate the heritage building and the heritage streetscape;*
 - (b) *utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades*
 - (c) *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape*
 - (d) *be articulated to reflect the fine grained character of the streetscape.*
141. The maximum building height adopted is 23.4m above the NGL, and satisfies all built form controls of the DDO17 and the Council-adopted DDO28 as shown in the table below:

Item	Interim DDO17	Council-adopted DDO28	Proposal	Complies?
Mandatory maximum building height	24m	24m	23.4m	Yes
Preferred max. street wall height (Swan Street)	Parapet height	Parapet height	As per existing parapet height	Yes
Preferred rear interface (boundary wall height)	N/A	N/A	9m	Yes

142. As demonstrated above, the development complies with all height controls set out in the DDO17, achieving both preferred and mandatory height controls. The overall height (23.4m) and the street wall heights (as per the existing parapet height) are also lower than the more robust DDO17 controls associated with land in the Swan Street MAC to the west of the Burnley Street intersection (i.e. 27m). Council’s Urban Designer was silent on the height and the setbacks because to this extent, the proposal complied with policy directives.

143. The massing of the proposed development follows the setbacks set out by the DDO17 built form controls. The upper levels step back from the podium with a minimum setback of 5m and 7.5m at the south-east corner, commencing from the second floor. The upper most level being the sixth floor, is setback 11.5m with the exception of a terrace that will extend 3.6m into this setback. As shown in the table below, the proposal complies with the built form controls of the DDO17.

Item	Interim DDO17	Council-adopted DDO28	Proposal	Complies?
Preferred min. upper level setback (Swan St)	5m	6m	5m	Yes (DDO17) No (DDO28)
Mandatory street wall setback (Swan St)	0m	0m	0m	Yes

144. However, the application does not comply with the built form control proposed by the Council-adopted DDO28, for the minimum upper level setback of 6m from Swan Street (instead of 5m as per the DDO17). Any assessment must be made against the existing controls which is clearly compliant. However, given this is a “seriously entertained” amendment, there must also be an assessment against the proposed control. The upper level setback is not a mandatory control under both the interim and Council-adopted DDOs and the context of the site must be taken into account. The proposed 5m upper level setback from Swan Street is supported for the following reasons:

- (a) The application proposes a building height in keeping with the DDO17 and the Council-adopted DDO28 and the difference is only marginal, whilst adopting a greater setback at the south-east corner of 7.5m, where adjacent to its heritage pair;
- (b) The upper levels comply with the vertical angle controls of the DDO17 (see following paragraph);
- (c) The façade and material improvements shown in the sketch plans will make the podium more dominant in the visual hierarchy and will therefore assist the upper levels in appearing as a more recessive element of the building that will blend with the walls of other surrounding grey buildings.

145. Further to all of the above, the DDO17 has a preferred control for upper levels that:

Any part of a building above the street wall should be designed to ensure that it occupies no more than one third of the vertical angle defined by the whole building in the view from a sight line of 1.7 metres (on the opposite side of the street).

146. This vertical angle assessment has been undertaken below at Figure 17 as produced by Metaxas Architects Pty. Ltd. The proportion of the upper levels that will be visible to the figure on the opposite side of Swan Street is marginally less than the 33.33% (one third) prescribed by the DDO17 controls as prescribed from the opposite side of Swan Street. The proposal thus complies with this control, giving evidence to the recessive massing of the upper levels. The Council-adopted DDO28 does not include this built form control.

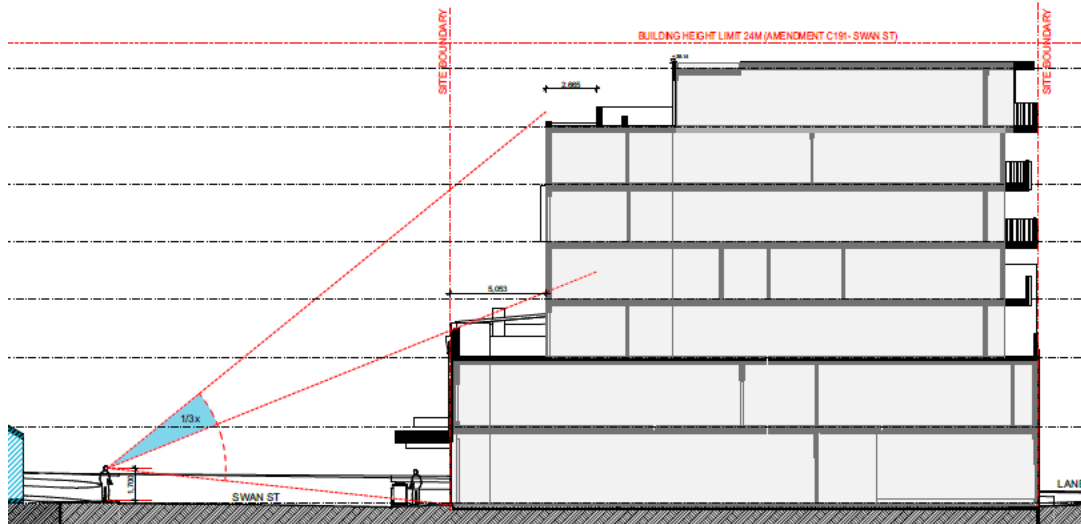


Figure 17: Extent of upper level visibility expressed by red dashed line, when viewed on opposite side of Swan Street (“Sketch” Plans as presented by Metaxas Architects)

147. Council’s Heritage Advisor is unsupportive of the scheme largely due to the visibility of the tower from the public domain suggesting that the tower element need to be further set back beyond the requirements of the DDO17. Officers however believe it is important to consider the purpose and intent of the controls already depicted in the DDO17 as well as the emerging character of surrounding taller built forms, described earlier, and the continuous, attached built forms of immediate surrounding buildings that will partially obscure the western and eastern walls from the public realm.
148. The interim DDO17 controls pave the way for a taller building on this site and evidently the setbacks to upper level additions are not intended to produce an outcome that is invisible but rather, assist in producing a more subservient outcome to the original heritage fabric. The setbacks are considered to afford the existing heritage fabric with an appropriate separation and clearance in demarcating between old and new fabric, whilst ensuring that the prominent element to the street is the heritage façade. The conservation report that will be requested by way of condition will further assist in this aspect. To this extent the design is considered acceptable. It is also worth noting that the development at Nos. 429 – 437 Swan Street has a five-storey podium to Swan Street, and this is only located approximately 30m to the east (see Figures 18 through to 21 for a visual comparison in height).



Figure 18: Existing Streetscape presentation



Figure 19: Proposed Streetscape presentation

149. The glazed façade of the tower is not supported and the “sketch” plans have replaced this with a combination of rendered walls and windows that are more derivative of an apartment building in lieu of a commercial building as has also been recommended by Council’s Urban Designer (see Figures 3 and 4 and Figure 20). These are considered to produce an improved design response to Swan Street that is also responsive, not only to the DDO17 by way of the height and mass, but to the surrounding streetscape.



Figure 20: “Sketch” plan streetscape presentation

150. Most notably (see Figure 20), the reduced proportion of glazing at the Swan Street podium wall (and corresponding increase in proportion of masonry materials) are welcomed variations and will produce a better heritage outcome that is more respectful of the solid to void ratios of surrounding heritage buildings.

The “sketch” plans have reduced the extent of reflective surfaces that whilst lightweight in materiality, can in fact, detract from the significance of a heritage precinct. Therefore, the sketch plans represent improvements from a heritage perspective and appropriately respond to the local heritage policy at clause 22.02 of the Scheme whilst tempering the policy directives of the DDO17. It is also evident that these also create a firm point of reference to the building at No’s. 429-437 Swan Street that cannot be ignored given its proximity to the subject site, that also forms part of the context.

Public realm and pedestrian spaces

151. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. This outcome has been achieved at ground level, with a high degree of glazing along the Swan Street frontage, allowing views between the ground floor shop area and the street.
The principal pedestrian entry point has also been provided along Swan Street and will provide a high level of street activation along Swan Street in accordance with policy objectives of the DDO17.
152. The replacement of the awning will also provide for weather protection at the principal pedestrian entrance with space for visitors and employees of the building readily available on the footpath to circulate prior to entry. A portion of the Swan Street frontage has also been reserved for a booster cupboard and as the frontage is narrow, it is considered appropriate to include a condition that requires the fire booster to be fitted into a transparent cupboard. This will enhance the appearance of the façade with the continuation of a void ratio comparable to surrounding shopfronts. Council’s Engineer has also required conditions relating to the reconstruction of the footpath along the property’s frontage that will be addressed with conditions.
153. Vehicle access has been provided off the rear laneway as supported by the DDO17, which prohibits access off Swan Street but encourages access off the laneway. The DDO17 further calls for vehicle access to occur *to ensure a high-quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity*. As will be discussed in a later section of this report, Council’s Engineering Services Unit confirmed that vehicle access from the laneway is supported.



Figure 21: Excerpt from DDO17 showing vehicle access from rear laneway is preferred i.e. green line.

Architectural quality

154. As noted earlier, an increasing degree of contemporary, higher built form is emerging in this precinct of the Swan Street MAC. These developments provide robust, rectilinear designs, straight lines, high proportions of glazing across facades, and roof forms that are generally flat in a contemporary fashion.

155. The application (decision plans) propose new walls that are constructed of a mixture of concrete (finished in grey and white) and zincalume with a large expanse of glazing across the façade to Swan Street. With the exception of the façade associated with the second through to the sixth levels, the windows will generally be clear glazed with black powder-coated aluminium frames (i.e. to the north). The architectural outcome shown by the decision plans (i.e. the advertised plans) is not fully supported given the following issues that were relayed by Council's Urban Designer:
- (a) Proportion of glazing across the southern of the street wall is excessive, resulting in an overly lightweight appearance and an office-like presentation;
 - (b) Upper levels lack visual articulation to the west and east.
156. In response to these comments the applicant submitted sketch plans (i.e. final set) on 27 January 2021 which show the following architectural changes:
- (a) A modified design response to the second floor and above, to exclude the full floor to ceiling glazing and have this replaced with a combination of rendered walls and windows;
 - (b) Projecting zinc blade elements introduced alongside the windows to Swan Street;
 - (c) Clarity with regard to the articulated response to the west and east-facing walls specific to the corrugated pattern applied to sections of the precast concrete panelled walls and delineation of levels; and
 - (d) The removal of the perforated metal above the garage door.
157. The "Sketch" plans have been largely informed by Council's Urban Designer and are considered to be satisfactory. As such, conditions will require the decision plans to adopt the changes as presented in the "Sketch" plans.

Landscaping

158. The "Sketch" plans provide some modest landscaping in the form of planter boxes to the terraces / balconies of Apartments A02, A03 and A04, at the second, fourth and sixth floors. This treatment has been provided in response to Council's Urban Designer's advice, and the extent of landscaping is considered appropriate in this commercial context where landscaping does not contribute to the character of the area.
159. The terrace planter boxes will soften the appearance of the northern façade, mitigating visual bulk impacts to the interface, more so to the north-east, in the diagonal. These changes are considered to be improvements and will be included by way of condition. The application does not include a landscape plan. This is needed to ensure that the landscaping outcome can be fully realised and maintained effectively with an appropriate selection of plant species. As such, a condition will require that a landscape plan be included to show the sketch plan landscaping outcome.

Site coverage

160. The site will be fully covered in built form, and this is acceptable given the proposed site coverage is identical to that existing on site, and to commercial buildings in proximity to the land, with intensive development a characteristic of the Swan Street MAC. The proposed site coverage is also consistent with the objectives of the interim DDO17 and Council-adopted DDO28 which calls for street walls with 0m street setbacks.

Laneway Abuttal

161. Clause 22.07 (Development Abutting Laneways) of the Scheme aims to maintain the unique character of laneways, ensure that development abutting laneways respects the scale of surrounding built form and that vehicle access via laneways will not detrimentally impact other users of the laneway.
162. The subject site abuts a laneway to the north which provides a ‘back of house’ context. As outlined throughout this report, the proposed vehicle access from the laneway is supported by both DDO17, Council-adopted DDO28 and is also supported by Council’s Engineering Services Unit.
163. Council’s Engineering Services Unit have assessed the location of the car stacker and the entry and exit vehicle movements from the laneway and has confirmed that these satisfactorily comply. This will be expanded upon in a latter section of this report, however it clarifies that vehicle access will not pose an unreasonable safety or access issue to other users of the laneway.
164. In terms of passive surveillance opportunities, the “Sketch” plans have now provided a perforated roller shutter door to the laneway, that will assist in the sense of passive surveillance of the laneway, particularly when combined with the north-facing terraces at the upper levels without resulting in any unreasonable overlooking impacts (as discussed in the off-site amenity section of this report).
165. The plans include a “warning lantern” associated with the garage at the north-east corner of the vehicle entrance and a condition will require details of this lighting to ensure that it does not result in any unreasonable light spill to the surrounding area.

Light and shade

166. The general overshadowing controls of the DDO17 state that a permit cannot be granted for development that overshadows the southern footpath of Swan Street between the hours of 10am and 2pm on the September equinox. For precinct 4 of the Swan Street MAC, the DDO17 prescribes that development must maintain solar access to Ryan’s Reserve as follows:
 - (a) Beyond 16m of the eastern boundary of the reserve from 10am onwards on 22 September; and
 - (b) At the western boundary of the reserve until 2pm on 22 September.
167. The submitted shadow diagrams show that the development will not overshadow the southern footpath of Swan Street or Ryan’s Reserve (located approximately 180m to the south-east) between the equinox hours of 9am and 3pm, and therefore confirms compliance with the overshadowing controls of the DDO17. For these reasons, the development will not unduly affect solar access amenity to the public realm.

[Clause 58 - On Site Amenity](#)

Standard D1 – Urban context

168. The purpose of this standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area. These aspects have been discussed in detail earlier within the built form review, with the height, massing and appearance of the proposed building (based on permit conditions) considered to be an acceptable response within the existing and emerging character of the neighbourhood. On this basis, the Standard is met. The following assessment will be based on the “sketch” plans given these provide the urban design benefits discussed in earlier sections.

Standard D2 – Residential Policies

169. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the C1Z and local policies of the Scheme. The site can clearly support a reasonable degree of higher density residential development, based on its proximity to public and community infrastructure and services. The Standard is met.

Standard D3 – Dwelling diversity

170. The provision of a diverse housing stock assists in achieving broader strategic goals by promoting housing choice, adaptability and encouraging a diverse range of people within a neighbourhood, including families. The proposal provides 1 x 1 bedroom and 3 x 3 bedroom apartments. This mixture of dwelling sizes allows for a reasonable variety of dwellings (albeit for the reasons detailed later the 1 x bedroom will be converted to a commercial use).

Standard D4 - Infrastructure

171. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The Standard is met.

Standard D5 – Integration with the street

172. The site would maintain its existing integration with the street with regards to the principal shopfronts; this outcome is supported and will ensure that an active commercial presence is retained along Swan Street. Limited alteration to the building's integration with Swan Street is achieved by retaining the heritage fabric of the façade and through the provision of a contextually appropriate shopfront and separate residential entrance. On this basis the Standard is met.

Standard D6 – Energy efficiency

173. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourages ecologically sustainable development with regard to water and energy efficiency, building construction and ongoing management. Positive attributes of the proposed development are outlined in the Sustainable Management Plan submitted with the application and include the following;

- (a) The apartments demonstrate an average NatHERS rating of 6.6-stars;
- (b) The development claims a BESS score of 55% representing 'best practice';
- (c) 5-star electric heating and cooling systems, and electric instantaneous hot water system;
- (d) Water efficient fixtures and appliances throughout;
- (e) Low VOC paints/adhesives to be used throughout the development;
- (f) North-facing glazing shaded by overhung balconies, with minimal glazing exposure on the east façade;
- (g) Bicycle parking provided for residents and visitors;
- (h) Energy efficient lighting 20% improvement on NCC lighting power densities;
- (i) The BESS Report indicates a 60% reduction in green house gas emissions for the apartments;
- (j) A 3kW rooftop solar PV system is proposed, with potential to generate 27% of apartment energy needs; and
- (k) Gas-free, all-electric development.

174. The features are supported and will contribute to positive ESD outcomes. There were recommendations made by Council's ESD Advisor to further improve the energy efficiency of the development. These include the following:

- (a) Confirmation regarding the average NatHERS rating for the apartments to be in line with the City Of Yarra's preference for 10% improvement on the minimum requirements;
- (b) Provision of vegetation – addressed through the “sketch” plans that include planter boxes on the terraces of several apartments;
- (c) The terrace lightwell was considered to be too small being 6sq.m. to allow for daylight and Council's ESD advisor recommended this to be extended to 8sq.m. The “sketch” plans have modified this to 7sq.m. but for the reasons detailed later in this assessment, this continues to remain unacceptable; and
- (d) The absence of composting in the waste management plan.

175. All of these recommendations can be facilitated via permit conditions that will reference the “sketch” plans, and furthermore with a Landscape Plan also required to ensure that any vegetation incorporated into the development is appropriately located and maintained and functional.

176. In addition to these recommendations, there were some elements missing from the submitted material as highlighted by Council's ESD Advisor. These include the following:

- (a) *Two separate STORM reports have been submitted, one with a score of 116% and a catchment area of 131 m² and 2kL tank, and another with a score of 103% with a catchment area of 101 m² and 3kL tank (which is indicated on TP2.02). Clarify and update ESD Report, STORM Assessment Report and Plans to reflect amendments.*
- (b) *The BESS report claims rainwater connection to all dwellings (while the ESD Report indicates rainwater reuse for ground floor and level 1 only). Re-issue upon clarification and ensure the score is in-line with the ESD Report and STORM score.*
- (c) *The ESD Report is poorly worded around bicycle parking, reading '4 bike parking spaces per dwelling for residents', however only 5x wall racks are evident on ground floor (TP2.01). Re-word ESD Report or update plans accordingly to provide more clarity.*
- (d) *Clarify meaning of waste commitment to 'reuse 30% of existing building materials from demolition'. A target to reuse or recycle 80% of demolition and construction waste is generally expected within the City of Yarra.*
- (e) *Clarify STORM report and update ESD and STORM Assessment Report/s and Plans to reflect amendments.*
- (f) *Clarify operability of south-facing windows on levels 2-5 to provide adequate ventilation and breeze paths.*
- (g) *Clarify meaning of waste commitment to 'reuse 30% of existing building materials from demolition'. A target to reuse or recycle 80% of demolition and construction waste is generally expected within the City of Yarra.*

177. The “Sketch” plans have provided the following in response to the above:

- (a) Commitment to recycling/reusing 80% of demolition waste;
- (b) Rainwater plumbed to toilets on the ground and first floors; and
- (c) Management section added to the ESD Schedule in the SDA to reflect the commitments already shown in the BESS report.

178. All of this outstanding information will be required to be incorporated into an updated Sustainable Development Assessment. Based on the existing commitments outlined within this document, and the further elements required via permit conditions, it is considered that the development will achieve a good level of energy efficiency and is supported.

Standard D7 – Communal open space

179. This Standard only applies to developments which propose forty (40) or more dwellings.

Standard D8 – Solar access to communal open space

180. No communal open space is proposed as part of this development.

Standard D9 – Safety

181. The proposed residential entrance would be visible from Swan Street and is not obscured or isolated from the street, with an awning above the entrance providing further definition whilst allowing for a degree of shelter. The Standard is met.

Standard D10 – Landscaping

182. Landscaping does not play a significant role in the character of the surrounding area. However, as discussed previously, a degree of visible landscaping is encouraged to add visual interest to the appearance of the development and assist with its ecologic performance. A Landscape Plan has been required via a permit condition that relates to the landscaping incorporated on the “sketch” plans.
183. Given the size of the site being below 750sqm, there is no requirement for deep soil areas or canopy trees to be provided. The Standard will be met.

Standard D11 – Access

184. Vehicle access is maintained to the rear via the laneway and this outcome is supported. Access for service, emergency and delivery vehicles would be no different from the existing conditions that otherwise purports to Swan Street and the laneway as providing those services. The Standard is met.

Standard D12 – Parking location

185. The location of parking at the rear of the site is considered to achieve an acceptable design response. The ground floor garage is easily accessible from the laneway, with direct access to the lift and stairway from this space. Clear access will also be available to this space from the residential lobby and the bicycle storage room.
186. A car stacking system is to be accommodated within the garage. An acoustic report has not been provided but a condition will require the submission of one. The acoustic report should ensure that noise levels from the roller shutter and stacker is designed to achieve compliance with sleep disturbance targets. A condition will require this. Any condition 1 plans must also address any attenuation measures prescribed and / or design changes necessary.
187. The acoustic report will be endorsed as part of any planning permit issued. On this basis, the Standard is met.

Standard D13 – Integrated water and stormwater management

188. The “Sketch” plans include a 2,000L rainwater tank which would be connected to the toilet at level 1 (as there are no toilets identified on the ground floor). Two STORM reports have been provided that in both instances, do not reflected the appropriate number of bedrooms and a condition will require a new STORM report that does so. The report will be required to achieve the minimum STORM rating of 100% and will be made to be consistent with the policy direction under clause 22.16 – Stormwater Management (Water Sensitive Urban Design) of the Scheme. On this basis, the Standard will be met.

Standard D14 – Building setbacks

189. As outlined within the built form review of this assessment, the height and setbacks of the building, when amended to include the recommended conditions, is considered to achieve an acceptable design response to the character of the surrounding area.

Standard D15 – Internal views

190. The Standard notes that windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development. Internal, downward views will be available from two of the balconies into the balconies below.
191. The balconies / terraces of the master bedrooms to the north of Apartments A03 and A04 are all limited in size, with these balconies being only 5sq.m. These balconies are north-facing, are to bedrooms, face a public laneway and are secondary areas to the primary areas of private open space associated with these apartments. Providing a screen to these balconies would further restrict the extent of solar available to the dwellings, with the use of planter boxes or an internally angled screen reducing the scale of these balconies to an unacceptable size.
192. Methods to restrict downward views in accordance with clause 58.04-2 (Internal Views objective) to the balconies below is already restricted by their minimal setback from the northern boundary and wouldn't constitute the 50% overlooking that would otherwise require screening.

Standard D16 – Noise impacts

193. The proposed development is located approximately 90m to the north of the Burnley Street railway station, with this being the closest noise influence area specified in Table D3 to this Standard. The development is just outside the 80m threshold area and the specific noise controls outlined in this Standard are not required to be met, however given the site's proximity to tram and traffic noise along Swan Street to the south and the "Concrete Boots" bar at No. 381 Burnley Street to the north and opposite side of the laneway, it is considered that the new dwellings must be designed and constructed to include acoustic attenuation measures to reduce noise levels from these off-site noise sources.
194. Further, clause 22.05 of the Scheme states that new residential development located in commercial zones should be designed to:
- (a) *Incorporate appropriate measures to protect the residents from unreasonable noise, fumes, vibration, light spillage and other likely disturbances, and;*
 - (b) *Locate noise-sensitive rooms (in particular bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping and setbacks.*
195. With regard to the "Concrete Boots" bar at No. 381 Burnley Street to the north, live music forms part of the operation of this venue, therefore Clause 53.06 (Live Music and Entertainment Noise) applies. This venue is permitted to operate until 1.00am.
196. As such, a condition will require the submission of an acoustic report that incorporates acoustic attenuation to the development with particular consideration to limiting noise impacts of tram and traffic noise along Swan Street to the south, and addressing the requirements at *Clause 53.06 (Live Music and Entertainment Noise)* of the Scheme. Any design changes will be required to be incorporated by way of condition.

Mechanical plant noise

197. A condition will require full compliance with the SEPP N-1 requirements as these apply to mechanical equipment.

Shop noise

198. The ground floor shop use does not require a planning permit however the acoustic report must include methods by which noise impacts from this use will be managed. As the acoustic report would be endorsed as part of a planning permit, its requirements would have to be met with upgrades to mitigation measures clearly detailed in any amended plans.

Standard D17 – Accessibility objective

199. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide:

- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
- (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
- (c) *A main bedroom with access to an adaptable bathroom;*
- (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*

200. A detailed assessment of the apartments indicates that certain elements included in Design Option A have not been met in all instances. A number of the accessible bathrooms (particularly in relation to Apartments A02 and A01) have inward opening doors, with toilets that are not located within the corner of the room. These aspects must be altered to ensure full compliance with Design Option A with a permit condition can facilitate this.

Standard D18 – Building entry and circulation

201. The proposed residential entrance would be readily visible within views along Swan Street and would therefore provide an adequate sense of address and identity for the building. A replacement awning will sit above the residential entrance, providing a visible transitional space for shelter. The Standard is met.

Standard D19 – Private open space

202. The areas and orientations of the terraces / balconies all address the northern aspect with the exception of Apartment 01, which is provided to the east, at the first floor. This is poorly sited, to the south whilst being land-locked to the east.

203. This Standard requires the following dimensions for balconies:

- (a) 1 bedroom dwelling – minimum area of 8sqm and minimum dimension of 1.8m;
- (b) 2 bedroom dwelling – minimum area of 8sqm and minimum dimension of 2m; and
- (c) 3 bedroom dwelling – minimum area of 12sqm and minimum dimension of 2.4m.

204. Based on the 'Sketch' plans Apartment 01 would rely on an area of 7sq.m. with a minimum dimension of 1.3m whilst the remainder of apartments would be provided with terraces / balconies of a minimum 11sq.m. accessed from their living areas to the northern side. Apartments 02 and 03 would further benefit from secondary balcony / terraces of 5sq.m. and Apartment 04 from 5sq.m and 10sq.m. secondary balcony terraces. The Standard also notes that if a cooling or heating unit is located on a balcony, then the balcony should provide an additional floor area of 1.5sqm. The plans appear to include condenser units in the primary areas of private open space accessed from the living areas of apartments.

With this in mind Apartment 01's shortfall is significant (being 2.5sq.m.) and is not supported. The remaining balconies exceed the size by a minimum of 1.5m (with air-conditioning units provided) and minimum dimensions required by the Standard.

205. Sliding doors are provided to all areas of open space, ensuring that they are not compromised by an outward opening door. The proposal will generally result in well-designed balconies with a typical rectangular shape that are directly accessible from primary living spaces.

Standard D20 – Storage

206. Each of the proposed dwellings will have access to the minimum storage requirements outlined within this Standard, with the majority of this storage located within the apartments. External storage cages have also been provided at the first floor. The functionality and location of these storage spaces are considered reasonable and the Standard will be met.

Standard D21 – Common property

207. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The lobby and vehicle access areas are generally cohesive with the overall building design and are considered to be in line with the objectives of this Standard.

Standard D22 – Site services

208. The site services would be located at ground level within the building, adjacent to the bin storage and bicycle rooms. This location is acceptable and will ensure that these services can be installed and easily maintained.
209. The mailboxes will be located directly adjacent to the residential entrance on Swan Street, and easily accessible by Australia Post. This outcome is acceptable.

Standard D23 – Waste and recycling

210. Waste storage procedures will be discussed within the separate waste section of this assessment.

Standard D24 – Functional layout

Bedrooms

211. The Standard notes that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions. The Standard is met for all dwellings.

Living areas

212. Table D8 within this Standard states that living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified below;

- (a) 1 bedroom dwelling - minimum width of 3.3m, with a minimum area of 10sqm
- (b) 2 or more bedroom dwelling – minimum width 3.6m, with a minimum area 12sqm.

213. Apartment 01 fails to meet this standard which when combined with the shortfall to the terrace area is considered to result in a poor internal amenity outcome. The remainder meet the standard.

Standard D25 – Room depth

214. The Standard aims to allow adequate daylight into single-aspect habitable rooms, by ensuring that these rooms do not exceed a room depth of 2.5m times the ceiling height. Apartment 01 will have a floor-to-ceiling height of 3.3m and Apartments 02, 03 and 04 will have floor to ceiling heights of 2.7m with the upper most level of Apartment 04 with a floor-to-ceiling height of 3m. As such, Apartment 01's room depths should not exceed 8.2m, whilst the remainder should not exceed 6.75m. Apartments 02, 03 and 04 meet the standard and depths already outlined.
215. The standard also gives allowances, as follows:
216. The depth of a single-aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met;
- (a) The room combines the living area, dining area and kitchen.
 - (b) The kitchen is located furthest from the window.
 - (c) The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.
217. These requirements are met within Apartment 01, however this dwelling fails to meet the standard relating to the minimum dimensions of the living room and associated terrace. These failings are a result of the site's constraints, and are considered to be of detriment to the amenity of this apartment.

Standard D26 – Windows

218. All habitable rooms within the proposed development contain a window within an external wall to the building, with no reliance on 'borrowed light' for any habitable rooms. The Standard is met.

Standard D27 – Natural ventilation

219. The "Sketch" plans provide improvements to the ventilation opportunities afforded to the apartments by identifying the windows that are operable. It appears that all windows are in operable, with the master bedrooms and living areas containing glass sliding doors. This meets the Standard, which requires a minimum of 40% of dwellings to be provided with effective cross ventilation.
220. With the exception of Apartment A01, the development is considered to achieve a good level of internal amenity.
221. With regard to the wider ESD features proposed for the development; rainwater will be captured for toilet flushing through a 2,000L rainwater tank, energy efficient lighting and water efficient fixtures / taps will be installed and sustainable products will be used throughout the design. These features (amongst others) achieve a BESS score of 55%, with a score of 50% signifying 'best practice'.
222. To further increase the development's energy efficiency (and to ensure that the development will actually achieve the stated BESS score), Council's ESD Advisor recommended improvements and updates that can be included as conditions for an updated Sustainable Development Assessment. A condition will ensure that all details associated with the endorsed Sustainable Development Assessment be included on the development plans.

223. Apartment A01, is south-facing and when combined with the deficiencies relating to the minimum dimensions required for its living area and shortfall of the terrace area, including lack of daylight opportunities afforded to its only bedroom, a better design outcome would be to modify this space and convert it into commercial use. This can be facilitated with a condition. The C1Z contains several uses that are non-permit required that can be adopted such as office, or shop lending itself as an extension to the shop area already provided at the ground floor. Nonetheless, an improved use of this space is warranted in this instance, particularly as the shortfalls result in poor internal amenity.
224. Another aspect to this is the potential further shadow impacts of any future development to the east, that would further impact Apartment A01's terrace.

Off-Site Amenity Impacts

225. Clause 15.01-2S of the Scheme and the general design objectives of the DDO17 aim to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 22.05 (interface Uses Policy) as well as the decision guidelines of the Commercial 1 Zone at Clause 34.01-7 and the DDO17 at Clause 43.02-17 of the Scheme.
226. As previously identified, land surrounding the site to the west and east is commercial with dwellings, as well as, to the north and immediately opposite side of the subject site. To the north-east, on the diagonal is zoned residential with the closest dwelling in that zone to the subject site being No. 4 Farmer Street.

Daylight to windows

227. There are no habitable room windows associated with surrounding buildings that face the subject site. This is largely attributed to the north-south orientation.

Overshadowing

228. Although not strictly applicable in this instance, Standard B21 of Clause 55 notes:
- (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September; and*
 - (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
229. The adjoining property to the west is currently being used as a dwelling (as approved under planning permit No. PL02/0076) at the upper floor and the use of the ground floor to the east appears to be for car parking secluded private open space of a dwelling. That said, the proposed development does not result in any new overshadowing to what would otherwise be deemed secluded private open space of any nearby dwellings that is deemed to be unreasonable within the realms of the C1Z where there is an expectation of dwellings to co-exist within mixed use buildings. The shadows to the west will be present in the morning and to the east, would be cast in the afternoon. The adjoining dwelling's balcony at the second floor and secluded private open space of the dwelling to the east would continue to benefit from their northern orientation whilst the terrace to the west faces Swan Street, and is already compromised by existing built form and its southern orientation.

230. The adjoining dwelling also has an east-facing skylight within proximity that has benefited from the subject site retaining a low profile. It is considered reasonable within the context that has overarching urban consolidation objectives that will not be fully achieved if all dwellings are expected to achieve full direct access to sunlight in the absence of built form on the subject site. The adjoining development's skylight relies on borrowed access to sunlight. This should not compromise the subject site's ability to be developed.

Overlooking

231. Standard B22 of Clause 55 (ResCode) of the Scheme includes requirements for managing overlooking, and requires that:

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

232. The closest habitable room windows and SPOS within proximity to the subject site are associated with the adjoining property to the west and east (zoned C1) and at No. 4 Farmer Street (zoned residential). There has been no effort made to address overlooking in terms of identifying surrounding areas of secluded private open space and habitable room windows, and a condition will require compliance with the provisions of Standard B22.

Visual Bulk

233. The "Sketch" plans provide some improvements to the side elevations in their articulation. To the west, the upper floor walls will be constructed adjacent to a three-storey, on-boundary wall and opposite the hipped roof of an adjoining building. Above the walls are articulated with a combination of corrugated patterning applied to sections of the precast concrete panelled walls and delineation of levels, including zincalume applied to the upper most wall. A similar approach has been entertained for the eastern elevation with the exception that these walls will be more exposed at the lower levels due to the adjoining conditions and context. However, it is important to note that the DDO17 is a driving force for a taller built form on this site as well as those adjoining.

Wind Impacts

234. The Wind Impact Assessment authored by VIPAC Engineers and Scientists Ltd and dated 4 December 2019 was peer reviewed by MEL Consultants Pty. Ltd. and many of the findings were supported. The report analysed the wind impacts around the proposed development and confirmed that the wind conditions are expected to achieve the walking criterion on the balconies.
235. While a full and accurate assessment has been carried out in relation to the siting and scale of the subject building, and is supported in principle, a condition will require an amended Wind Impact Assessment to further confirm that wind mitigation measures have been appropriately considered in the design of the development with regard to the "Sketch" plans with further regard to the laneway and a wind tunnel test as related to the balconies. This is unlikely to result in significant changes to the proposal, and normally limited to increased screening or landscaping.

Equitable Development

236. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the *Planning and Environment Act (1987)*, matters of equitable development must be considered. Both the interim DDO17 and Council-adopted DDO28 require upper levels to be provided with a building separation of at least 3m where windows are proposed in a commercial development. In this instance there are no windows facing into the site associated with adjoining buildings and there are none proposed associated with the scheme before Council.
237. In this instance, the site is separated from land to the south by Swan Street and to the north by the laneway. In light of this context, the proposed development will not unreasonably affect equitable development opportunities to the southern or northern properties.
238. The sites to the west and east are located within the C1Z with heritage controls and the same DDO controls applicable to the subject site. Based on their site dimensions and orientation, it is anticipated that these sites could achieve a similar outcome to that proposed by the scheme before Council. The adopted scheme is in accordance with the requirements of the interim DDO17 and Council-adopted DDO28 for a commercial building. It would be an unreasonable expectation to adopt setbacks from the side boundaries given the site constraints. Given this interface and zoning that entertains the intensification of development and a co-existence of sensitive and commercial land uses, the scheme is considered to be able to adopt a zero setback from both side boundaries.

Noise and Light Spill

239. 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.
240. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given that the building would be used for a shop facing Swan Street with dwellings above. Due to the nature of the use there will be minimal noise generated by pedestrian activity, given that it is enclosed and the use would be conducted indoors. A standard condition will also require details of external lighting capable of illuminating access to the garage and entrances to the building dwelling and provided within the property boundary shielded and of limited intensity as to avoid light spill into adjoining properties.
241. As previously indicated, a condition will require an acoustic report that includes acoustic attenuation to the development with particular consideration of limiting noise impacts of tram and traffic noise along Swan Street to the south and addressing the requirements at *Clause 53.06 (Live Music and Entertainment Noise)* of the Scheme. Any design changes will be required to be incorporated by way of condition.
242. A condition will also require noise and emissions from plant equipment to comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1) and Control of Music from Public Premises (SEPP N2).

[Car parking, vehicle access, traffic, loading and waste](#)

Provision of car parking

243. The proposed development would provide a total of 3 on-site car parking spaces in the form of a car stacker accessed from the rear.
244. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:

- (a) On-street car parking in the surrounding area consists largely of 1 hour, 2 hour and permit-restricted spaces. Swan Street also has clearway restrictions during peak traffic times. The lack of long-stay car parking in the surrounding area will significantly reduce employee car parking demand associated with the proposed development. In the event of visitors arriving to the site by vehicle, the high turnover rate of the 1 and 2 hour car spaces will enable visitors to park near the site. Further, the permit-restricted spaces in the area will continue to protect car parking availability for existing, permit-holding residents.
- (b) The site has excellent access to public transport, including tram services on Swan Street (direct access) as well as Burnley Railway Station (90m) south, both of which are within walking distance.
- (c) The provision of bicycle infrastructure in the surrounding area, including the Main Yarra Trail which is a highly utilised commuter route for cyclists. The area also has shared lane markings for bicycles including on Swan and Burnley Streets. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme. These measures will encourage bicycle use. The provision of externally accessible bicycle parking along Swan Street will similarly encourage visitors to ride to the development. A condition will require the plans to be updated to show minimum spacing requirements from the southern edge of the façade to the centre of the bicycle rack of a minimum 2m.
- (d) Local planning policy at clauses 18.02, 21.03, 21.06-3 and 21.07 of the Scheme encourage reduced rates of car parking provision for development sites within close proximity to public transport routes and activity centres.
- (e) Traffic is a key issue affecting the road network, particularly in Cremorne and Richmond. By providing a lower rate of on-site car spaces, it will ensure that the development does not generate any unreasonable increase in traffic levels for the surrounding road network.
- (f) Council's Engineering Services Unit reviewed the proposed car parking provision and raised no issue to the proposed reduction, stating that it is appropriate for the site which *is ideally located with regard to sustainable transport alternatives*. Further, Council's Engineering Services Unit highlighted that for flat-type dwellings, the average car ownership for one- and three-bedroom dwellings is 0.75 and 1.14 cars per dwelling respectively. 2016 Census conducted by the Australian Bureau of Statistics suggests that there is a market demand for dwellings without any on-site parking, especially if located close to public transport nodes. The site has its frontage on an activity centre and has very good links to public transport and a reduced parking provision onsite, is supported.

245. The conversion of Apartment A01 into a commercial use would not further increase the parking rate reduced by the current scheme. This is because the area of the first floor combined with that at the ground floor is less than 100sq.m. and any further parking rate associated with a non-permit use entertained by the zone, would not bypass the 5 car park reduction considered under the current scheme before Council (i.e. a likely extended shop use or potential scope for office).

Vehicle Access

246. The application seeks to provide access to the garage at the rear via a single width access door accessed off the rear laneway. The onsite parking provision of three car spaces will be provided within a car stacker system within the nominated garage.

247. Other than requesting additional information to be shown on the plans or minor layout changes, Council's Engineering Services Unit did not raise any issues with vehicle access and safety. Further, the relatively low number of on-site car spaces will provide an acceptable outcome with regards to vehicle access and safety outcomes. The warning lantern at the rear of the building, associated with the car stacker, was further discussed with Council's Engineering Services Unit, and it was advised that this element could not be supported in its current form due to its projection over the laneway. A condition will require this to either be deleted (with an alternative warning system to be submitted for consideration) or revised to be repositioned within the site's title boundaries.
248. Council's Engineering Services Unit were largely supportive of the proposed access arrangements, with minor changes and additional details required as follows:
- (a) The width of the garage door dimensioned on the drawings.
 - (b) The headroom height at the garage door dimensioned on the drawings.
 - (c) The floor to ceiling height above the car stacker device dimensioned on the drawings.
 - (d) 1 in 20 scale cross sectional drawing showing the reduced level of the north and south edge of the laneway, the centreline of the laneway, the edges and invert of the bluestone channel on both sides of the laneway, and the finished floor level of the slab. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development.
249. All of the above items can be achieved by condition which will ensure appropriate and safe vehicle access.
250. A number of additional recommendations were made by Council's Engineering Services Unit; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holder's cost, as follows:
- (a) *The kerb and channel along the property's Swan Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.*
 - (b) *The footpath along the property's Swan Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.*
 - (c) *Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.*
 - (d) *A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.*
 - (e) *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.*
 - (f) *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.*
 - (g) *Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.*
 - (h) *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.*

251. The majority of these additional recommendations can be appropriately captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type. VicRoads has also responded and their condition relating to tram disruption will also be included as a permit condition.

Traffic

252. The application has located vehicle access from the rear laneway. This is considered to be the preferred location with respect to pedestrian and traffic safety, as encouraged by the interim DDO17.

Loading, unloading and waste

253. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. A loading bay has not been provided as part of the development.

254. This is considered to be an acceptable outcome given that the development is associated with a small commercial component and whilst this will be increased as a consequence of the condition replacing Apartment A01 with a non-permit required commercial use, the footprint will remain small (i.e. less than 100sq.m.). This will ensure that the development does not impose any unreasonable loading requirements on Swan Street that are not comparable to the existing conditions where the existing building is commercial and would already generate a loading component.

255. The submitted Waste Management Plan (WMP) has been assessed by Council's Civil Works Unit, who raised a number of issues that need to be addressed, as follows:

- (a) *The size of the bin storage area must be provided in M², it must be large enough to form an effective waste system and incorporate Council's future 4 bin Kerbside waste service.*
- (b) *More information is required regarding Hard waste and E waste storage area. Ideally this would be incorporated into the bin storage area.*
- (c) *Private and Council bins must be clearly separated otherwise all bins must be collected privately.*

256. These recommendations can be included as conditions for a revised WMP. As the changes will require modifications to the ground floor layout, a condition is also recommended for the development plans to be revised to accommodate any relevant changes required by the endorsed WMP.

Bicycle Facilities

257. Council's Strategic Transport Unit supports the on-site bicycle parking provision and the bicycle parking spaces on Swan Street on the basis that the clearance between the centre of the hoop and the building line is at least 2m (to ensure a 1.5m clearance for DDA compliance). The plans appear to comply with this, but a condition will require this to be confirmed on the plans as a notation.

Objector Concerns

258. Objectors concerns are addressed as follows:

- (a) *Excessive demolition of a heritage building;*

259. This element is discussed in paragraphs 130 to 137 of this report.

(a) *Excessive height and overdevelopment of the site;*

260. This element is discussed in paragraphs 138 to 150 of this report.

(a) *Lack of integration with the heritage streetscape and character of the neighbourhood;*

261. This element is discussed in paragraphs 138 to 167 of this report.

(a) *Reduction in the car parking provision;*

262. This element is discussed in paragraphs 243 to 245 of this report.

(a) *Increased traffic congestion on surrounding streets with additional waste truck movements in the laneway and further impacts on pedestrian safety;*

263. This element is discussed in paragraphs 253 to 256 of this report. It is noted waste truck movement will not be too dissimilar from existing conditions that also rely on waste truck movements.

(a) *Off-site amenity impacts (visual bulk, overlooking, loss of daylight, overshadowing);*

264. This element is discussed in paragraphs 225 to 233 of this report.

(a) *The development fails to comply with ResCode, particularly Clauses 54.04-1 (side and rear setbacks), 54.04-2 (Walls on boundaries) and 54.04-5 (Overshadowing);*

265. The provisions of Clause 54 are not applicable to the subject site. Another Objector also referenced the Swan Street Structure Plan but this carries no weight given the interim DDO17 controls.

(a) *The development would set a precedent; and*

266. Precedence is not a planning consideration.

(a) *Ongoing disturbance to the area during the construction phase as a result of an influx of development approved in the last 4-5 years.*

267. A Construction Management Plan will be required by way of condition that will address any disturbance inflicted during the construction phase, including all construction methodology.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for partial demolition, construction of a multi-level, mixed-use building and a reduction in the statutory car parking requirement at 413 Swan Street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Metaxas Architects Pty. Ltd. and dated 30/03/2020 but modified to include:

(a) The changes as depicted on the "Sketch" plans prepared by Metaxas Architects Pty. Ltd and dated 11/01/2021 that show:

- (i) A modified design response to the Swan Street façade to the second floor and above, to exclude the full floor to ceiling glazing and have this replaced with a combination of rendered walls and windows;
- (ii) Provision of planter boxes added on the terraces of Apartments A02, A03 and A04; and
- (iii) The inclusion of key Environmental Sustainability Development notes.
- (iv) Projecting zinc blade elements introduced alongside the windows to Swan Street;
- (v) Application of a corrugated pattern to sections of the precast concrete panelled walls to the west and east elevations;
- (vi) The removal of the perforated metal above the garage door;

But further modified to show:

- (b) The retention of the existing chimney shown on all plans;
 - (c) A plinth to the shop-front window consistent with the adjacent shop-front windows along Swan Street;
 - (d) The fire booster fitted in a cupboard of a transparent design as it presents to Swan Street;
 - (e) The warning lantern associated with the garage either:
 - (i) shown in a location within the site's title boundaries and in a location as to not cause any light spill to adjoining properties; or
 - (ii) deleted and replaced with an alternative warning system.
 - (f) All apartments to achieve full compliance with Standard D17 (Accessibility objective) at Clause 58.05-1 of the Yarra Planning Scheme;
 - (g) Apartment A01 converted to a commercial use (i.e. office or shop or any other Section 1 use at Clause 34.01-1 of the Yarra Planning Scheme) with an equivalent car parking reduction;
 - (h) Screening (only if necessary) to upper level north-facing balconies / terraces in accordance with Standard B22 of Clause 55.04-6 (Overlooking objective) of the Yarra Planning Scheme;
 - (i) The width of the garage door dimensioned on the drawings;
 - (j) The headroom height at the garage door dimensioned on the drawings;
 - (k) The floor to ceiling height above the car stacker device dimensioned on the drawings;
 - (l) 1 in 20 scale cross sectional drawing showing the reduced level of the north and south edge of the laneway, the centreline of the laneway, the edges and invert of the bluestone channel on both sides of the laneway, and the finished floor level of the slab. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development;
 - (m) The bicycle parking spaces on Swan Street shown with a clearance between the centre of the hoop and the building line of at least 2m or alternatively, deleted;
 - (n) Any changes required by the Conservation Management Plan at Condition 4;
 - (o) Any changes required by the Landscape Plan at Condition 6.
 - (p) Any changes required by the amended Sustainable Development Assessment at Condition 8;
 - (q) Any changes required by the amended Acoustic Report at Condition 10;
 - (r) Any changes required by the amended Wind Assessment at Condition 12;
 - (s) Any changes required by the amended Waste Management Plan at Condition 14;
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. 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 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
 - (d) Renders to demonstrate the correct colours and materials proposed;
 - (e) a sample board and coloured drawings outlining colours, materials and finishes.

Conservation Management Plan

4. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
- (a) The proposed reconstruction, restoration or works to the existing building, with notations clearly outlining any changes from existing conditions or use of new materials;
 - (b) Details of all materials/colours etc. to be used;
 - (c) Method of any paint removal;
 - (d) A written description of the demolition and construction methods to be used.
5. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

6. 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) Provide details of vegetation within individual balconies;
 - (b) Include details of irrigation and show the type, location, quantity, height at maturity and botanical names of all proposed plants and ensure the ongoing survival and maintenance; and
 - (c) provide a specification of works to be undertaken prior to planting,
- to the satisfaction of the Responsible Authority.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Sustainable Development Assessment

8. Before the development commences, an amended Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Development Assessment will be endorsed and will form part of this permit. The amended Sustainable Development Assessment must be generally in accordance with the Sustainable Development Assessment prepared by EcoResults and dated 28 June and 27 August 2019, but modified to include or show:
 - (a) Reference to the plans at Condition 1 and commitments annotated on the “Sketch” plans considered by Council;
 - (b) Confirmation regarding the average NatHERS rating for the apartments to be in line with the City Of Yarra’s preference for 10% improvement on the minimum requirements;
 - (c) Provision of vegetation – addressed through the “sketch” plans that include planter boxes on the terraces of several apartments;
 - (d) Composting measures (if any);
 - (e) Operability of windows to ensure appropriate ventilation to all apartments; and
 - (f) A BESS and STORM report that relate to the plans as required at Condition 1.
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.

Acoustic Report

10. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must include / show or address:
 - (a) Noise levels from the garage door and car stacker;
 - (b) Noise impacts of tram and traffic noise along Swan Street to the south;
 - (c) The management of noise levels association with the shop use and any other commercial use within the building;
 - (d) The requirements at *Clause 53.06 (Live Music and Entertainment Noise)* of the Yarra Planning Scheme with regard to the “Concrete Boots” bar at No. 381 Burnley Street to the north; and
 - (e) any attenuation necessary to achieve compliance with all relevant requirements relating to the dwelling in addressing sleep noise targets as these relate to all of the above i.e. (a), (b), (c) and (d).
11. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

12. Before the development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment prepared by Vipac Engineers & Scientists and dated 4 December 2019 but modified to include:

- (a) a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

14. 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 Leigh Design and dated 26 June 2019, but modified to include or show;
- (a) Reference to the plans required by Condition 1;
 - (b) The size of the bin storage area provided in M², and large enough to form an effective waste system and incorporate Councils future 4 bin Kerbside waste service;
 - (c) Provision for hard waste and E waste storage ideally incorporated into the bin storage area; and
 - (d) Reference to private and Council bins with these clearly separated otherwise all bins must be collected privately.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads Condition (No. 17)

16. The permit holder must avoid disruption to tram operation along Swan Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Lighting

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian entrances 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.

General

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath frontage to Swan Street directly adjacent to the site must be profiled and re-sheeted;

- (a) at the permit holder's cost; and
 - (b) 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, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost,
 - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
21. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
22. 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.
23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
24. 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.
25. 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.
26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
28. Before the building is occupied, any new wall/garage doors located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
30. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

31. The development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
32. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
33. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Development Infrastructure Levy

34. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

35. 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.

36. During the construction

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

37. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

38. 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;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

39. 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.

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

Notes:

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

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 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 5555 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.

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.

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

Community Infrastructure Levy

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

VicRoad's Note:

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Swan Street). Please contact Head, Transport for Victoria prior to commencing any works.

Attachments

- 1 Advertised / Decision Plans - 413 Swan Street
- 2 Heritage Expert Report / Advice
- 3 Traffic Assessment Report
- 4 Waste Management Report
- 5 Wind Report
- 6 "Sketch" plans dated 11/01/2021
- 7 External and Internal Referral Advice Collated
- 8 Wind Impact Assessment advice from MEL Consultants

6.2 PLN20/0214 - 6 - 10 Peel Street, Collingwood

Executive Summary

Purpose

1. This report provides an assessment of the proposal at 6 – 10 Peel Street, Collingwood, for the partial demolition of all buildings for the use and development of the site for a seven storey office building, with a rooftop terrace above and one level of basement, (permit required for office use, operating 8am to 8pm, Monday to Friday) and a full reduction in the car parking requirement.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 15.01 – Urban Environment;
 - (b) clause 21.05 – Built Form;
 - (c) clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (d) clause 22.05 – Interface Uses Policy;
 - (e) clause 32.04 – Mixed Use Zone; and
 - (f) clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and strategic support;
 - (b) Use of the land as office;
 - (c) Built form, Heritage and Urban Design;
 - (d) On-site amenity including Environmentally Sustainable Design;
 - (e) Off-site amenity;
 - (f) Car parking, bicycle facilities and strategic transport; and
 - (g) Objector concerns.

Submissions Received

4. Forty-eight (48) objections were received to the application, these can be summarised as:
 - (a) Built form and massing:
 - (i) Height and mass of the development is inconsistent with the existing neighbourhood character;
 - (ii) Development not in keeping with historic low-scale precinct; and
 - (iii) Proposed development inconsistent with the proposed Design and Development Overlay, Schedule 30.
 - (b) Use and Off-Site Amenity Impacts:
 - (i) Amenity impacts to neighbouring residential properties (overlooking, visual bulk, overshadowing, loss of privacy and daylight, noise and loss of views);
 - (ii) Overshadowing and visual bulk to the Peel Street park; and
 - (iii) ESD performance of the proposed building.
 - (c) Traffic and Car Parking
 - (i) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development;
 - (ii) Increased traffic due to lack of car parking provided;
 - (iii) Insufficient provision for loading/deliveries; and
 - (iv) Lack of horizontal bicycle parking.
 - (d) Other:

- (i) No longer a need for office space due to COVID19;
- (ii) Decrease in property values;
- (iii) Impacts to mental and physical health; and
- (iv) Construction noise.

5. Two letters of support were received to the application.

Conclusion

6. 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) Levels 03 – 07 be setback 1 metre from the northern boundary, with the setback area at Level 03 to be non-trafficable.
 - (b) Levels 03 – 07 be setback 2.55 metres from the western boundary, with the setback area at Level 03 to be non-trafficable.
 - (c) The northern elevation of the meeting room/theatrette modified to incorporate obscure, patterned glazing to provide visual interest in lieu of GA:01.
 - (d) The Level 03 terrace on the northern side of the built form to be non-trafficable where the parapet of the retained heritage building does not extend above the finished floor level by 1.7 metres in height.
 - (e) The Level 04 west-facing windows north of the lift core to be obscure glazed to a height of 1.7 metres.

CONTACT OFFICER: Michelle King
TITLE: Principal Planner
TEL: 9205 5333

6.2 [PLN20/0214 - 6 - 10 Peel Street, Collingwood](#)

Reference D21/14443
Author Michelle King - Principal Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Langridge
Proposal: Partial demolition of all buildings for the use and development of the site for a seven storey office building, with a rooftop terrace above and one level of basement, (permit required for office use, operating 8am to 8pm, Monday to Friday) and a full reduction in the car parking requirement
Existing use: No. 6 Peel Street: Dwelling
 No. 8 – 10 Peel Street: Vacant commercial premises
Applicant: Urbis Pty Ltd
Zoning / Overlays: Mixed Use Zone
 Heritage Overlay – Schedule 318
 Environmental Audit Overlay
 Development Contributions Overlay – Schedule 1
Date of Application: 9 April 2020
Application Number: PLN20/0214

Planning History

No. 6 Peel Street, Collingwood

1. Planning Permit PL01/1287 was issued on 14 February 2002, allowing partial demolition of the existing dwelling for alterations including replacement of windows, roller doors, fencing and repairs and repainting of the façade.

No. 8 – 10 Peel Street, Collingwood

2. Planning Permit 1681 was granted on 22 November 1983, permitting the use and development of the site as a social club on the upper two floors of the premises, the first floor being utilised as a pool room, TV lounge, coffee lounge, and the second floor as committee rooms and meeting room.
3. Planning Permit 97/448 was granted on 16 September 1997, permitting the construction of alterations and additions to an existing building. The works permitted the construction of a three-storey infill building in the area of open car park on the western side of the 1930's building. The ground floor is used as undercover car parking, the first floor is a "cyber lounge" and the second floor is a meeting room. This building has been constructed.
4. Planning Permit PL06/0580 was granted on 26 October 2006, permitting the partial demolition and buildings and works to construct a roof top deck and ancillary office area, and associated waiver of car parking requirements, above the rear ground floor roof of No. 8 Peel Street. This permit was not acted upon and has since expired.

Background

[Lodgement of S57A plans \(26 October 2020\)](#)

5. In response to concerns raised by Council's planning officers, internal referrals and objections, amended plans were submitted under Section 57A of the *Planning and Environment Act 1987* (the Act) on 26 October 2020. The key changes are as follows:

- (a) Deletion of Level 7 and inclusion of a roof-top terrace;
 - (b) Decreased setbacks from all boundaries at Level 6;
 - (c) Increased setback from Peel Street;
 - (d) Modifications to the western boundary wall; and
 - (e) Changes to materiality, including provision of obscure glazing to selected windows.
6. A request for further information in respect of these plans was made on 5 November 2020, with amended plans responding to the requested information submitted on 12 November 2020.
 7. These plans were readvertised pursuant to Section 57B of the Act in November and December 2020.

The Proposal

8. The proposal is for partial demolition of all buildings for the use and development of the site for a seven storey office building, with a rooftop terrace above and one level of basement, (permit required for office use, operating 8am to 8pm, Monday to Friday) and a full reduction in the car parking requirement. Key features of the proposal are as follows:

Use (permit required)

9. A total 94qsqm of office space is accommodated within the ground and first floors of the existing building at No. 6 Peel Street. This office floor space is accessed directly from Peel Street with the two levels connected by internal stairs. No access from this building to the larger office building at No. 8-10 Peel Street is provided.
10. A total of 2,200 sqm of open-plan office space in the larger office building is proposed. A permit is required for the office use. The office is proposed to operate between the hours of 8am and 8pm, Monday to Friday. Access to the building is proposed from Peel Street, with the lift core and stair well to all levels provided to the north of the retained heritage form at No. 6 Peel Street. The existing stairwells within No. 10 Peel Street will be retained, providing direct access also from Peel Street and Oxford Place, providing access between the ground level and level two.
11. An above podium terrace is proposed along the northern, eastern and southern setback area at level three (131sqm) with a roof terrace also proposed (168sqm). Bicycle parking for employees and end-of-trip facilities are provided in the basement level, with access from Oxford Place to a stairwell with ramp for ease of access.
12. Within the north-western corner of the proposed building, at the ground and first levels, a meeting/theatrette is proposed. This facility is to be ancillary to the office use, utilised by tenants of the building for in house meetings, presentations and the like. Underneath the tiered seating, a waste room is proposed with direct access provided to Oxford Place to the west.

Demolition and Restoration

13. Demolition will include the rear wing of No. 6 Peel Street; the west and rear elevations of No. 8 Peel Street; and the roofs of No. 8 and 10 Peel Street. Demolition of the existing crossover to Peel Street.
14. The demolition of external and internal walls is shown on the floor plans in blue (shown below), however, to accord with the legend on the plans a condition will require this to be shown in red.



Figure: Demolition floor plans

15. Conservation and repair works are also proposed to the retained facades/walls of the three buildings, as annotated on the plans and further identified in the heritage Impact Statement prepared by Bryce Raworth (dated June 2020) and the 'list of conservation and refurbishment works proposed to existing facades' document prepared by the applicant.
16. These documents are attached to the report and provide an in depth analysis of the conservation and restoration works proposed. The key conservation and repair works are outlined, as follows:

No. 6 Peel Street

- (a) Missing and/or damaged brickwork is to be rebuilt/replaced using bricks matching the existing materiality and wall bond.
- (b) Concrete / Render refurbishments to be undertaken.
- (c) South Elevation:
 - (i) Existing parapet render to be cleaned. Any damaged render to be repaired to match existing.
 - (ii) New paint finish to match existing (cream).
 - (iii) First floor terrace roof and guttering to be made good to match existing, as determined by heritage consultant.
 - (iv) Investigate cast iron elements for evidence of corrosion. Wire brush corroded material back to bare metal, spot prime with zinc rich primer and repaint with two coats to match existing colour.
 - (v) Investigate parapet to determine if original elements have been removed (e.g. finials to balustrade). Reinstate missing elements to appropriate period detail.

- (vi) Reclad verandah roof with corrugated galvanised steel.
- (vii) Repair/reinstate tuckpointing to the main façade behind the verandah and balcony.
- (viii) Repaint verandah, door/window joinery and front fence to appropriate period colour scheme.

No. 8 Peel Street

- (d) South Elevation:
 - (i) Existing metal windows to be refurbished and glass replaced with high performance glazing.
 - (ii) Existing painted concrete façade to be painted with CE.03 finish.
 - (iii) Existing faux aluminium steel framed look windows, to be removed with new black aluminium framed double glazed windows inserted (Refer to proposed Elevations).

No. 10 Peel Street

- (e) Remove redundant conduits, pipework A/C units etc, and make good.
- (f) Existing steel frame windows to be refurbished (south, east and north elevations).
- (g) Missing and/or damaged brickwork is to be rebuilt/replaced using bricks matching the existing materiality and wall bond.
- (h) Concrete/render refurbishments to be undertaken.
- (i) Removal of existing paint and calcimine from all internal and external brickwork and render where required for repairs.
- (j) On the northern elevation, the existing door and timber window will be replaced with black steel framed glass to match the existing windows.
- (k) On the eastern elevation the existing fire booster is to be removed and made good.

Construction

Basement

- 17. Within the north-western corner of the site a 14.92 metre x 8.7 metre basement is proposed to house the end-of-trip facilities. Proposed are 27 employee bicycles, 36 lockers and changing facilities including five showers.

Ground Floor – Level 02

- 18. The existing northern on-boundary wall is extended to the west of the retained form by 9.7 metres.
- 19. Behind the retained heritage form of No. 6 Peel Street, the building is built along the western boundary for a length of 14.165 metres.

Level 03 – Level 06

- 20. Level 03 is setback 4 metres from Peel Street and 3 metres from Little Oxford Street. The building is built to the northern boundary for a length of 9.75 metres before splaying back to a setback of 3 metres. The building is built to the western boundary for a length of 14.165 metres, before adopting a 5.28 metre setback. Architectural projections encroach into these setbacks. A terrace is located within the setback area to the north, east and south. Planter boxes (including 2 x 1sqm raingardens) are located along the eastern edge of the parapet and adopt a width of 1 metre. A further 2 metre long and 1 metre wide 1sqm raingarden is located along the south-eastern boundary.
- 21. Levels 04 – 06 adopt the building setbacks as described above, in relation to level 03.

Level 07

22. A roof terrace is proposed on this level, with a plant room located within the north-western corner. Access is provided from a stairwell and the central lift. The roof terrace/associated buildings will be setback 6 metres from Peel Street, 4.5 metres from Little Oxford Street, between 2.2 metres and 5.6 metres from Oxford Place to the north and a minimum 2.345 metre and 7.5 metre maximum from the western boundary. Solar panels are located on the roof form within the setback areas.

Elevations

23. The existing heritage facades will be retained fronting Peel Street, Little Oxford Street and Oxford Place. The new on-boundary walls to the west of the heritage façade along Oxford Place and north of No. 6 Peel Street are proposed to be seven-storeys with an overall height of 24.75 metres.
24. Above the predominant height as referenced above, the roof terrace is proposed, adopting an overall height of 28.55 metres to the top of the lift core.

Materials and finishes

25. The primary material palette for the proposed built form consists of a Terracotta Façade System in Green (TL:01), Clear Glass (GA:01), Black Window Frames (PA:01), Black Vertical Screen (SC:01), Cement Finish (CE:02), Exposed Concrete (CO:01), Obscured Glazing (GA:02) and Glass Bricks (GB:01). In respect of the original heritage facades, Heritage Aged Red Brickwork (BK.01), Natural Sand Cement Render (CE:01) and Grey Cement Finish (CE:03) are proposed.



Figure: Renders of proposed development
Source: Applicant Documentation (Site Context Report)

Existing Conditions

Subject Site

26. The subject site is located at the north-western intersection of Peel Street and Little Oxford Street. The site is approximately 40 metres east of Smith Street and approximately 200 metres west of Wellington Street. The site consists of three allotments that currently form two addresses, as follows:
- (a) Lot 1 TP 238534V 6 Peel Street, Collingwood; and
 - (b) Lot 1 TP 243292P & Lot 1 TP329944T 8 – 10 Peel Street, Collingwood.
27. The site is rectangular in shape with a frontage to Peel Street of 20.67 metres and a frontage to Little Oxford Street of 26.86 metres, resulting in a total area of approximately 560 square metres. Rear access is provided to the property via Oxford Place abutting the site to the rear and partially to the west.



Figure: Aerial photograph of No. 6 – 10 Peel Street, Collingwood
Source: Nearmap, image capture date: 22 January 2021

No. 6 Peel Street, Collingwood

28. The site at No. 6 Peel Street comprises a single-fronted, double-storey, Victorian-era terrace dwelling comprising a brick finish, front verandah and balcony with wrought iron lacework and balcony balustrade, an intricate front parapet with central pediment, a metal hipped roof beyond the front parapet and single storey additions to the rear. The dwelling is set back a minimum 1.1m from Peel Street, with the verandah built to the street. The dwelling is constructed to the western-boundary for a length of 20.9 metres.
29. The dwelling features 1.2m-high, wrought-iron picket fence along the Peel Street frontage. The SPOS and on-site car parking is located at the rear (north) of the dwelling, with double roller door access off Oxford Place.



Figure: No. 6 Peel Street, Collingwood
Source: Officer image, taken 18/02/20

No. 8 - 10 Peel Street, Collingwood

30. The site is occupied by two buildings, the easternmost of which (No. 10 Peel Street) has 100% site coverage and is a three-storey building. This building was constructed in the 1930's as a warehouse building and has pedestrian access points from Peel Street as well as Oxford Place to the rear. The westernmost building (No. 8 Peel Street) has 100% site coverage and comprises a three-storey building as it presents to Peel Street, generally consistent with the appearance and scale of the building at No. 10 Peel Street. The facade of No. 8 Peel Street is painted grey and was constructed as an infill development pursuant to planning permit 97/448. The ground floor presents as a roller door for vehicular access to Peel Street.



Figure: No. 8-10 Peel Street, Collingwood
Source: Officer images, taken 18/02/20

Title Documents

31. The titles submitted with the application do not show any covenants, restrictions or easements.

Surrounding Land

32. The site is approximately 40 metres east of Smith Street, a Major Activity Centre (MAC), containing a wide range of retail, entertainment, dining and service offerings. Yarra Planning Scheme Amendment C269 seeks to include the Collingwood Mixed Use precinct, including the subject site, within the Smith Street MAC. The site is located west of the Collingwood Gipps Street precinct, a major employment precinct. A tram route is accessible from Smith Street providing access to the CBD and Bundoora.
33. The built form types in the area are mixed. Evident in the area are buildings industrial in nature reflective of the area's historic uses; intermixed with remnant workers cottages, modern residential developments and warehouse residential conversions. This area has experienced substantial growth encouraged by the Mixed Use Zone of the land. One and two storey buildings are being replaced with 6 to 13 storey buildings.
34. The subject site is located within a Mixed Use Zone (MUZ) and the existing development in the wider area is mixed, as described above, consisting of residential, commercial and industrial uses resulting in diverse built form. The surrounding area and zoning is shown below.

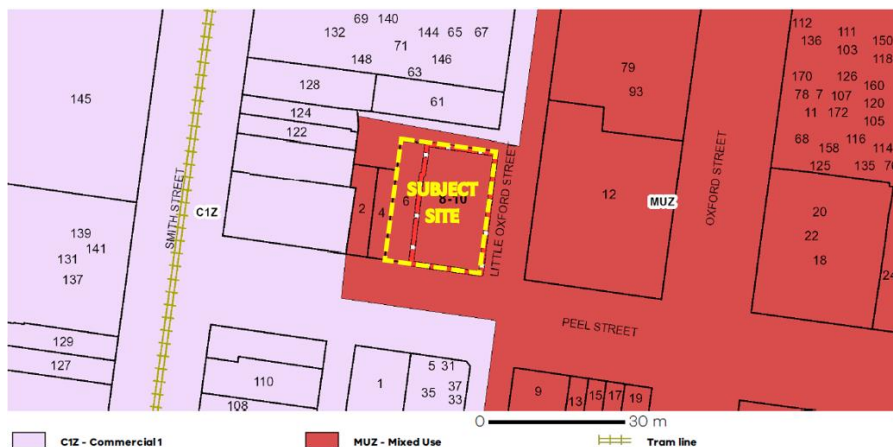


Figure: The subject site and surrounding land to the east shown as MUZ, with C1Z to the north, west and south
Source: DELWP



Figure: Aerial photograph of the subject site and surrounding built form
Source: Nearmap image capture date: 22 January 2021

35. The site's immediate interfaces are as follows:

North

36. To the north is Oxford Place, a laneway that is approximately 4.7 metres wide where interfacing with the site along the northern boundary. To the west of the site, Oxford Place extends to a width of approximately 11.7 metres providing a turning area. Oxford Place provides rear vehicular access to properties facing Peel Street (south), Smith Street (west) and Little Oxford Street (east). Oxford Place is flanked with rear fences, roller doors and three storey buildings. The properties to the north of Oxford Place are located within the Commercial 1 Zone.
37. To the north of Oxford Place, at No. 61 Little Oxford Street, is a three-storey apartment building fronting Little Oxford Street, developed in accordance with Planning Permit 000882 (issued 10 October 2000). This development is 'not contributory' to the Collingwood Slope Precinct (Heritage Overlay – Schedule 318). At the ground level along the southern interface of No. 61 Little Oxford Street, the development presents as vehicular entrances (three double garage doors) and blank walls. At the upper two levels, this development features south-facing balconies and windows which overlook Oxford Place, as shown below.



Figure: 3D Aerial images of No. 61 Little Oxford Street
Source: Google Maps image capture date: 2021



Figure: Photographs of the southern elevation of No. 61 Little Oxford Street
Source: Officer images, taken 18/02/20

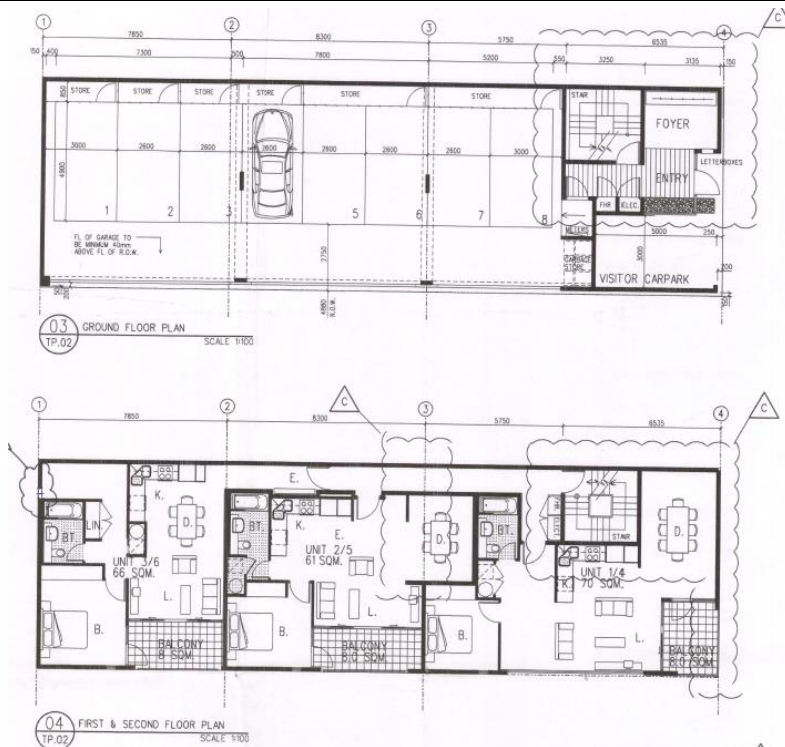


Figure: Ground, First & Second Floor Plan of No. 61 Little Oxford Street
 Source: Extract from endorsed plans of Planning Permit 000882

- 38. To the north of No. 61 Little Oxford Street, at No. 132 – 152 Smith Street, is a seven-storey mixed-use building containing approximately 232 dwellings with commercial uses on the ground and first floor (notably including ‘Coles’ supermarket, fronting Smith Street).
- 39. This development is setback approximately 13.5 metres from the subject site, with the interface at all levels shown below:



Figure: Ground floor to Level 6 of development at No. 132-152 Smith Street where interfacing with the subject site
 Source: Excerpt from endorsed plans of PL03/1407 (subject site highlighted in red)

East

40. To the east of the site is Peel Street Reserve, a Council owned public open space area that provides a grassed area with seating towards Oxford Street and Peel Street. Located within the south-western corner of the reserve is a double-storey building identified as being 'individually significant' to the Collingwood Slope Precinct (Heritage Overlay – Schedule 318), shown below.



Figure: Photograph of the double-storey building within Peel Street Reserve
Source: Officer images, taken 18/02/20

41. To the east of Peel Street Reserve, at No. 20-22 Peel Street, is a six-storey building constructed pursuant to Planning Permit PLN12/1127 containing approximately 50 apartments on the upper levels and commercial uses on the ground floor. The western elevation of the building (where facing the subject site) is shown below.



Figure: Western elevation of No. 20-22 Peel Street, Collingwood
Source: Excerpt from endorsed plans of PLN12/1127 & Officer image (taken 18/02/20)

South

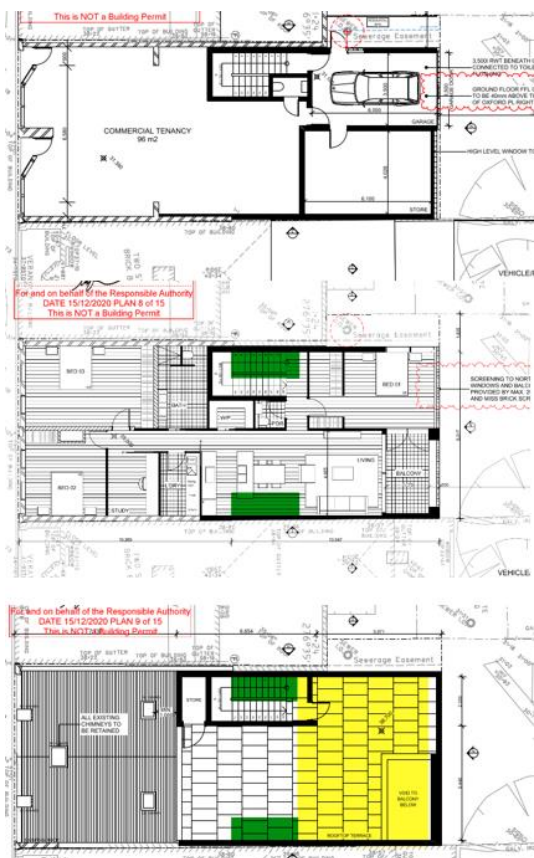
42. Peel Street is a local street containing two-way traffic between Smith Street and Wellington Street. This stretch of Peel Street comprises mixed-use development including double-storey shop/residential buildings, single and double-storey dwellings, one and three storey commercial buildings, and a three storey apartment building found on the southern side of the street, opposite the site. The pattern of development is shown below.



Figure: Photomontage of the southern side of Peel Street, where opposite the subject site
Source: Officer images, taken 18/02/20

West

43. The site to the west, No. 2 – 4 Peel Street comprises a pair of matching Victoria-era buildings. The site is a reverse 'L' shape configuration whereby the rear section of the lot staggers out further to the west. The lot has 8.72m frontage to Peel Street, a depth of 20.12 and a site area of 179sqm. The internal layout is configured as one commercial tenancy at ground floor and one dwelling at first floor. The dwelling is presently accessed via a stairwell from the western front entrance.
44. The building is built to the common boundary with the site for approximately 10 metres, before adopting an approximate 1.6 metre setback for a length of 3.5 metres. The rear setback area is used as three open car spaces (not specifically allocated to either the dwelling or shop uses), accessed via Oxford Place to the north.
45. Planning Permit PLN19/0503 was issued for the site on 20 March 2020, approving partial demolition of the buildings and construction of a ground and first floor extension (with roof terrace) and a reduction in the car parking requirement.
46. An amendment to this permit was approved on 18 December 2020, approving a reduction in the extent of demolition, the size of proposed rooftop terrace and the overall height of proposed development, including the retention of a first floor balcony and introduction of a lightwell along the eastern boundary.
47. Amended plans pursuant to Condition 1 of the amended permit are required and have not been submitted to date. The Condition 1 requirements include no substantial built form modifications. As such, the existing endorsed plans for the development showing the originally approved proposal are provided below with the location of the introduced lightcourt along the eastern boundary (green) and revised rooftop terrace location (yellow) indicated:



Source: Endorsed plans of PLN19/0503, changes approved by amendment indicated as per above

48. It is noted the above internal layout has been modified and the first floor north-eastern terrace deleted. A Building Permit has been issued for the site based on the original endorsed plans of Planning Permit PLN19/0503 (approving the larger terrace). To accord with the amended planning permit, once amended plans are endorsed the building permit would be required to be amended also. It is understood that construction works have commenced.
49. To the west of this property, No. 114 Smith Street is located at the north-eastern corner of the Peel Street/Smith Street intersection and comprises the established Grace Darling Hotel. The Grace Darling Hotel is used as a tavern including service of food and drinks, the service of alcohol and includes live music entertainment. The building is double-storey in scale, stepping down to a single-storey toward the east, comprises bluestone and rendered finishes with a series of vertical double hung windows along the Smith Street and Peel Street frontages, a simple parapet and a metal and shingle tile hipped roof beyond the front and side parapets. The building comprises an entry at the south-eastern splayed frontage (Smith Street frontage) and along the Peel Street frontage.

Broader area

50. The Collingwood area is currently going through a period of transition from lower scale buildings to higher density development. In addition to the approvals identified above, there have been several approvals within the Collingwood Mixed Use precinct.
51. Recently constructed developments within proximity to the site are as follows:
- (a) No. 20-22 Peel Street (6 storeys);
 - (b) No. 7 & 9-15 Little Oxford Street (9 storeys);
 - (c) No. 41 Peel Street (6 storeys);
 - (d) No. 107 Cambridge Street (6 storeys);
 - (e) No. 195 Wellington Street (10 storeys);
 - (f) No. 109 Wellington Street (9 storeys);
 - (g) No. 72 - 94 Cambridge Street (10 storeys);
 - (h) No. 73 - 77 Wellington Street (10 storeys);
 - (i) No. 15 – 21 Derby Street and No. 27 – 29 Oxford Street (8 storeys); and
 - (j) No. 61 – 71 Wellington Street and No. 37 – 39 Langridge Street (13 storeys).
52. Other recently approved larger scale developments in the vicinity that have commenced construction or recently received planning permits include:
- (a) PLN18/0497 – 42-44 Oxford Street, 61-63 Cambridge Street and 16-20 Langridge Street (11 storeys);
 - (b) PLN15/1083 – No. 72 - 94 Cambridge Street (10 storeys); and
 - (c) PLN17/1059 – No. 33 Peel Street (8 storeys).
53. The above constructed, under construction, and recently approved planning applications show that Collingwood is an area which is undergoing transition with larger scale developments.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone (MUZ)

54. The purposes of this zone are:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
 - (c) *To provide for housing at higher densities.*

- (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

55. The use of the site for an office requires a planning permit under clause 32.04-2 because the total leasable floor area exceeds 250sqm.
56. Pursuant to clause 32.04-8 a permit is required to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

Overlays

Clause 43.01 – Heritage Overlay (HO318 – Collingwood Slope Precinct)

57. Under clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

58. The buildings that comprise the subject site are located within Schedule 318 of the Heritage Overlay and have the following heritage designations as identified within the incorporated document:

- (a) No. 6 Peel Street – ‘individually significant’ to this precinct;
- (b) No. 8 Peel Street – ‘contributory’ to this precinct; and
- (c) No. 10 Peel Street – ‘contributory’ to this precinct.

Clause 45.03 – Environmental Audit Overlay (EAO)

59. Pursuant to Clause 45.03-1 of the Scheme, the following requirements apply:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

60. The use of the site for office is not a sensitive use and the requirements of this overlay are not relevant to the application.

Clause 45.06 – Development Contributions Plan Overlay (Schedule 1) (DCPO1)

61. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.

62. Pursuant to Clause 45.06-1 a permit granted must:

- (a) Be consistent with the provisions of the relevant development contributions plan.
- (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

63. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 6 (Collingwood) and the development infrastructure levy is applicable to the additional office floor space.
64. A condition is to be included outlining the requirements for the payment of the development infrastructure levy, in accordance with the relevant requirements.
65. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car parking

66. Clause 52.06-1 identifies that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
67. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
68. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme. The provision of car parking is as follows:

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	2,294sqm	3 spaces to each 100m ² of net floor area	68	0
Total			68	0

69. As no on-site car parking spaces are to be provided as part of this proposal, a planning permit for the full reduction of 68 car parking spaces is required.

Clause 52.34 – Bicycle Facilities

70. 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
71. 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
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Office (other than specified in the table)	2,294 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	8 employee spaces	27 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	3 visitor spaces	7 visitor spaces
Bicycle Parking Spaces Total			10 employee spaces	27 employee spaces
			3 visitor spaces	3 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		2 showers / change rooms	5 showers / change rooms

72. The development proposes a total of 19 additional employee spaces on-site. Three on-site bicycle spaces are provided for visitors, meeting the Scheme requirements, whilst an additional 4 visitor spaces above the statutory requirement is proposed on-street. Clause 52.34-4 provides design standard for bicycle spaces and signage.

73. There is no planning permit required pursuant to the requirements of clause 52.34-3.

Clause 53.18 – Stormwater Management in Urban Development

74. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.*
- (b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

General Provisions

Clause 65 – Decision Guidelines

75. 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.

Planning Policy Framework (PPF)

76. Relevant clauses are as follows:

- Clause 11.02 (Managing Growth)*
- Clause 11.02-1S (Supply of Urban Land)*

77. 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)*

78. 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 13.05 (Noise)
Clause 13.05-1S (Noise abatement)

79. The relevant objective of this clause is:
- (a) *To assist the control of noise effects on sensitive land uses.*
80. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

Clause 13.07 (Amenity and Safety)
Clause 13.07-1S (Land use compatibility)

81. 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)

82. 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)*

83. The objective is:
- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

84. 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.*

85. 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.*

86. 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)

87. 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)

88. 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)

89. The relevant objective of this clause is:
(a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

90. 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 15.03 (Heritage)

Clause 15.03-1S (Heritage conservation)

91. The objective of this clause is:
(a) *To ensure the conservation of places of heritage significance.*

92. Strategies include:
(a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
(b) *Provide for the protection of natural heritage sites and man-made resources.*
(c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
(d) *Encourage appropriate development that respects places with identified heritage values.*
(e) *Retain those elements that contribute to the importance of the heritage place.*
(f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
(g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
(h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

93. The objective of this clause is:
(a) *To strengthen and diversify the economy.*

94. 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)

95. The relevant objective of this clause is:
- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*
96. 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)

97. The objective of this clause is:
- (a) *To create a safe and sustainable transport system by integrating land use and transport.*
98. 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)

99. The relevant objectives of this clause is:
- (a) *To promote the use of sustainable personal transport.*
100. 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)

101. 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)

102. 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)

103. 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)

104. The objective of this clause is:

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

105. A relevant strategy is:

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

[Local Planning Policy Framework \(LPPF\)](#)

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

Municipal Strategic Statement (MSS)

107. Relevant clauses are as follows:

Clause 21.04-2 (Activity Centres)

108. The relevant objectives of this clause are:

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

109. 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)

110. The objective of this clause is:

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

Clause 21.05-1 Heritage

111. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

112. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*

- (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
- (ii) *Strategy 14.2 Support the restoration of heritage places.*
- (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
- (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
- (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*
- (vii) *Strategy 14.9 Apply the landmarks and Tall Structures Policy at clause 22.03*

Clause 21.05-2 (Urban design)

113. 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;*

- (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 21.05-4 (Public environment)

114. 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)

115. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.

116. Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.

117. 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 21.07-1 (Ecologically sustainable development)

118. 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 (Neighbourhoods)

Clause 21.08-5 (Collingwood)

119. The following relevant commentary is offered at this clause:

- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*

- (b) *South of Johnston Street is a large area of public housing generally comprising large blocks of apartments set in grounds.*
- (c) *To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development. The most outstanding feature of the precinct is the Foy and Gibson complex of retail and warehouse of buildings which belong to the suburb's commercial past. The buildings have large dominating built forms with rhythmic facade design. They are imposing and visually cohesive.*
- (d) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys. The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.*

120. As identified at Clause 21.08-5, the following relevant built form strategies in clause 21.05 include the following:

- (a) *In the precinct bounded by Johnston Street, Wellington Street, Victoria Parade and Smith Street (including both sides of Smith Street depicted as the 'Smith Street Major Activity Centre' in the Built Form Character Map).*
 - (i) *Maintaining the varied profile of the skyline and the built form character of Smith Street.*
 - (ii) *Ensuring that no new development presents as a dominating built form along Smith Street.*
 - (iii) *Retaining the prominence of the key 'icon' (landmark) buildings in the Smith Street streetscape such as Pattersons, Safeway, Post Office.*
 - (iv) *Maintaining the Foy and Gibson complex of buildings as a large dominating visually cohesive group of buildings.*
 - (v) *Retaining the uniformity of the streetscapes associated with the Foy and Gibson buildings.*
 - (vi) *Ensuring new development respects the scale of adjoining existing clusters of low rise residential development.*

Relevant Local Policies

Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)

121. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

Clause 22.03 (Landmarks and Tall Structures)

122. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, the following is relevant: *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

Clause 22.05 (Interfaces Uses Policy)

123. This policy applies to all development and use applications 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.
124. 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.*
125. 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 22.07 (Development Abutting Laneways)

126. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.16 (Stormwater Management (Water Sensitive Urban Design))

127. 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)

128. 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](#)

Plan Melbourne

129. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.

130. It is policy to create mixed-use neighbourhoods at varying densities to offer more choice in housing and create opportunities for local businesses and new jobs whilst also delivering better access to local services and facilities.

131. In respect of commercial use, the plan identifies the following:

- (a) *Between now and 2031 it is estimated that approximately 11.9 million square metres of commercial floorspace will be required across metropolitan Melbourne to meet projected demand.*

Of this total, 57 per cent would be required for office uses.

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

132. The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.

133. Map 5 within the document shows the commercial land within the inner metro region and identifies the site as being adjacent to an existing regionally significant commercial area, directly to the north, south and west.



Figure: Excerpt from Map 5 of the MICLUP showing the subject site as a red circle.

134. The MICLUP anticipates an additional 4 million square metres of commercial floor space will be required across the Inner Metro Region by 2031. Of this, approximately 3.3 million square metres is anticipated to be required for office uses and the remaining floor space to be allocated for retail. Whilst the City of Melbourne is anticipated to accommodate the majority of the additional floor spaces required, the City of Yarra is expected to provide, in addition to the existing 933,400sqm of commercial floor space identified in 2018, an additional 548,000sqm of commercial floor space by 2031.

Spatial Economic and Employment Strategy

135. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.

136. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
137. In regards to the strategic context of the site, the SEES provides the following:
- (a) *The key shaper of Yarra's retail precincts has been the tram network. This will continue to be the strongest influence from a transport perspective on retail development. In particular, the five major retail strips Brunswick Street, Smith Street, Victoria Street, Bridge Road and Swan Street have benefited from this infrastructure. Compared to Hoddle and Johnston Streets, Yarra's main streets with tram lines heritage and quality of place attracts dynamic businesses esp in hospitality and entertainment. These streets have a more fine-grained urban structure, less intrusive traffic and better performing retail precincts.*
138. The strategy includes the following precinct specific directions for the Brunswick Street, Fitzroy and Smith Street, Fitzroy/Collingwood precinct:
- (a) *Brunswick Street and Smith Street offer a consolidated core of retail and hospitality for the suburbs of Fitzroy and Collingwood and a wider catchment beyond. The C1 zoning throughout this area allows a range of employment and housing in mixed use developments. The development of the Community Arts Precinct (on Johnston Street) is an emerging trend, supported by state. Council values its arts and culture sector.*
139. In respect of the capacity of the differing precincts to accommodate future growth, with regard to future demand, the following comments are made in respect of the Smith Street Major Activity Centre:
- (a) *Smith Street has undergone rapid gentrification in recent years. It has a well-regarded hospitality offer, and is increasingly considered a destination for people seeking a high quality, diverse food and drink experience. It also accommodates the area's largest supermarket, with a second full line supermarket also opening in recent times, creating two focal points for local retail activity. The northern end of the street lacks the fine-grained characteristics of the southern end, with a significant concentration of homeware stores and factory outlets. The precinct still has capacity to develop, particularly at the precinct's northern end. With strong demand for residential development across the precinct, there is some risk that residential developments could reduce the precinct's employment floor space capacity.*

Yarra Planning Scheme Amendment C269 – Rewrite of Local Policies

140. Amendment C269 proposes to introduce new and revised local planning policies into the Yarra Planning Scheme. The amendment was on public exhibition between 20 August 2020 and 4 December 2020.
141. The revised local planning policy seeks to include the Collingwood Mixed Use precinct within the Smith Street, Collingwood / Fitzroy Major Activity Centre. The following relevant strategies for the revised Major Activity Centre are provided below:
- (a) *Encourage development that responds to the different built form conditions in Collingwood South precinct, with taller built form towards Wellington St and south of Peel Street and retain the visual dominance and integrity of the existing industrial warehouse buildings north of Peel Street.*
 - (b) *Encourage employment through mixed use and commercial development, including in the mixed use zoned land behind Smith Street.*
- Amendment C270 – Fitzroy and Collingwood Stage 1 Interim*

142. On the 17 December 2019, Council requested the Minister for Planning to consider the approval of proposed interim built form controls through the implementation of several Design and Development Overlays (DDOs) for activity centres in Fitzroy and parts of Collingwood.
143. The subject site is included within the proposed Design and Development Overlay, proposed to be covered by Schedule 30 (DDO30).
144. The proposed DDO30 includes a number of discretionary and mandatory built form guidelines in regards to the street wall, upper level front and side setbacks, overall building height, rear interface, overshadowing and daylight access, common boundary and building separation, building layout, façade design, access and parking and loading areas to achieve the following objectives:
- (a) *To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:

 - (i) *a new lower- to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street; and*
 - (ii) *a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.**
 - (b) *To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.*
 - (c) *To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.*
 - (d) *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.*
 - (e) *To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*
145. The proposed DDO30 would introduce a mandatory height limit of 20.8 metres, with the heritage streetwall to be retained along Peel and Little Oxford Streets, as shown below:

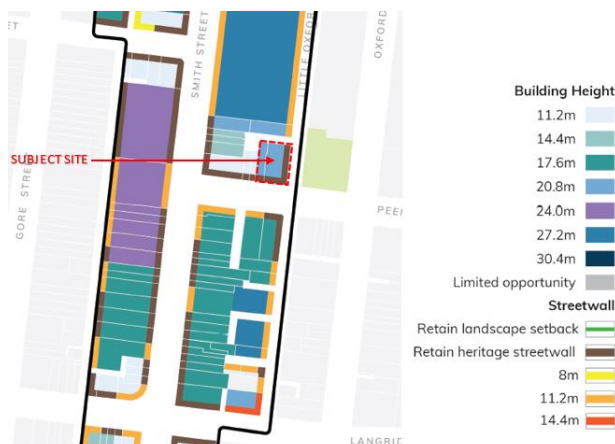


Figure: Extract from Map 2 of the proposed DDO30 controls, with the subject site highlighted

146. Amendment C270 is supported by (most relevantly) the Smith Street Built Form Framework prepared by Hansen and the Brunswick-Smith Street Heritage Built Form Review prepared by GJM Heritage.

147. To date, a decision has not yet been made by the Minister for Planning in respect of the Amendment. If approved, the proposed interim DDOs would be temporary only and be included in the Yarra Planning Scheme for approximately 2 years.

148. It is noted that is control has little weight in the consideration of this application.

Advertising

149. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 2,390 letters sent to surrounding owners and occupiers and by three signs displayed on site. Council received 48 objections and 2 letters of support, the grounds of which are summarised as follows:

- (a) Built form and massing:
 - (i) Height and mass of the development is inconsistent with the existing neighbourhood character;
 - (ii) Development not in keeping with historic low-scale precinct; and
 - (iii) Proposed development inconsistent with the proposed Design and Development Overlay, Schedule 30.
- (b) Use and Off-Site Amenity Impacts:
 - (i) Amenity impacts to neighbouring residential properties (overlooking, visual bulk, overshadowing, loss of privacy and daylight, noise and loss of views);
 - (ii) Overshadowing and visual bulk to the Peel Street park; and
 - (iii) ESD performance of the proposed building.
- (c) Traffic and Car Parking
 - (i) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development;
 - (ii) Increased traffic due to lack of car parking provided;
 - (iii) Insufficient provision for loading/deliveries; and
 - (iv) Lack of horizontal bicycle parking.
- (d) Other:
 - (i) No longer a need for office space due to COVID19;
 - (ii) Decrease in property values;
 - (iii) Impacts to mental and physical health; and
 - (iv) Construction noise.

150. The application was advertised under the provisions of Section 57B of the Act in November and December 2020 following the lodgement of the Section 57A amendment. Submissions were received from existing objectors and three additional objectors, however, no new issues were raised.

151. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.

Referrals

External Referrals

152. The application was not required to be referred to external authorities.

Internal Referrals

153. The application was referred to the following units within Council:

- (a) Environmentally Sustainable Design (ESD) Advisor;

- (b) Strategic Transport Unit.
- (c) Urban Design Unit;
- (d) City Works Unit;
- (e) Streetscapes and Natural Values Unit;
- (f) Engineering Services Unit;

External Consultants

- (g) Acoustic Consultant (SLR Consultants);
- (h) Wind Consultant (MEL Consultants); and
- (i) Heritage Consultant (Anita Brady).

154. The Section 57A plans were re-referred to (a) – (d) as referenced above, with the original documentation only referred to those identified at (e) – (i). Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Use of the land as office;
- (c) Built form, Heritage and Urban Design;
- (d) On-site amenity including Environmentally Sustainable Design;
- (e) Off-site amenity;
- (f) Car parking, bicycle facilities and strategic transport;
- (g) Objector concerns.

Policy and Strategic Support

156. The proposal satisfies the various land use and development objectives within the Planning Policy Framework (PPF), providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.

157. The Mixed Use Zone (MUZ) objectives readily encourage commercial uses and higher built form, subject to individual site constraints. State and local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport.

158. 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.

159. The site fulfils this criteria, with tram routes along Smith Street, bus routes along Hoddle Street and Johnston Street and Collingwood Station approximately 830 metres to the east. Yarra's Copenhagen style bicycle lanes are also located along Wellington Street, providing a better-connected journey for cyclists, encouraging the use of alternative modes of transport to and from the site, rather than encouraging the reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision* of the Scheme. The application proposes the construction of a seven-storey office building, with roof terrace above, on land which is currently underutilised in an area that can accommodate greater built form. The site has attributes of a key development site, including the overall size of the amalgamated site, the underutilised development capacity, the robust existing heritage form, proximity to public transport corridors, activity centres and services within the surrounding area.

161. The site is located in an area suitable for redevelopment, with a proposed built form that generally includes elements of a diverse pattern of urban form in the neighbourhood, creates a new built form character and would result in no unreasonable off-site amenity impacts, subject to conditions, as outlined later in this report.
162. Having regard to the above, the proposed further development of the site for a greater provision of floor area for office is considered to have strategic planning support, however regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below.

Use of the land as office

163. The use of the land as office requires planning permission pursuant to the requirements of the MUZ. Clause 22.05 (*Interface Uses Policy*) requires new non-residential use and development within the MUZ to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.
164. The use of the site as an office building is supported by the PPF and the objectives of the zone, as outlined previously, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services.
165. The applicant has provided indicative staff numbers for the office as part of the application material, advising that approximately 250 staff members would occupy the office. However, the use of the land would be bound by building regulations which anticipate 1 worker per 10sqm of office area. This would equate to approximately 229 staff members and is considered acceptable for a proposal of this size and scale. This will not form a condition as it is likely the total area available would be reduced once internal fit-outs are undertaken, as well as the built form changes recommended via condition (discussed below). In addition, off-site amenity impacts are largely caused by hours of operation, noise and car parking (albeit no car parking is proposed within this application), all of which will be considered within this report.
166. In relation to the proposed hours of operation, guidance is drawn from clause 22.01 (*Discretionary Uses in a Residential 1 Zone*) which stipulates that permit required uses in a Residential 1 Zone (e.g. Neighbourhood and General Residential Zones) should have hours of operation limited to 8am to 8pm. Considering these hours are supported by the Scheme in purely residential areas and with regard to the location of this application within a MUZ, where commercial uses are encouraged, the proposed hours of operation between 8am and 8pm, Monday to Friday, are considered reasonable. A condition will therefore be included to restrict the office use to these hours and days.
167. The development includes a number of terraces that provide additional amenity for the proposed office tenancies. As these terraces are linked directly to the office use, a condition will be included to ensure that these terraces are not used outside of the office hours permitted by any permit issued (e.g. only utilised between 8am and 8pm, Monday to Friday).
168. The proposal includes a meeting space/theatrette within the north-western corner of the building at the ground and first floors. As outlined within the Acoustic Report, this space is ancillary to the office use and will be utilised by future office tenants. As the meeting space/theatrette is ancillary to the predominate office use, the use of these spaces would be required to operate in accordance with the hours of operation of the office – between the hours of 8am and 8pm, Monday to Friday only. This ensures that residential amenity, particularly during the sensitive night-time period (10pm to 7am), is protected.
169. The proposed office use is largely considered to generate minimal off-site amenity impacts, given the limited hours of operation and surrounding context and is unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land. However, this will be discussed later in the report under 'Off-Site Amenity Impacts'.

170. A condition will also be included to limit delivery hours to Council's standard delivery times to ensure deliveries are undertaken at appropriate times.

[Built form, Heritage and Urban Design](#)

171. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*) and Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*).
172. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings.

Context

173. Built form in the surrounding area consists of a mixture of architectural styles and materials. Taller buildings are emerging within proximity to the land. The majority of these buildings are robust in design and constructed hard-edged to the street. The Collingwood area is undergoing significant change with regards to building heights and forms, with a clearly emerging character of dense development.
174. As already outlined in this report, there is no dispute that strategically the subject site is appropriately located for a higher-density development, being within proximity to a MAC and proposed to be located within one, the overall size of the amalgamated site, the underutilised development capacity, the robust existing heritage form, the sites location providing excellent access to cycling networks and near various forms of public transport. Based on these attributes, it is a reasonable expectation that this site will experience intensification in the future.
175. Design and Development Overlay, Schedule 30, is proposed to be applied to the land through Amendment C270 (Fitzroy and Collingwood Stage 1 Interim). A recent VCAT decision *18 Smith Street Pty Ltd v Yarra CC* [2020] VCAT 1319 discussed the status of Amendment C270 and whether it had any statutory weight, finding the following:

[25] Council, in December 2019, requested the Minister for Planning to apply the interim controls. No decision has been made by the Minister. No party relied on Amendment C270. Given the lack of progress on approval of the amendment and the absence of public exhibition, we find no weight can be placed on the provisions proposed.

Emphasis added.

176. The request for interim controls has not undertaken elements of a formal Planning Scheme Amendment, including exhibition or an independent panel process, with the interim controls providing a 'placeholder' whilst the permanent controls are being prepared. As such, these temporary controls carry limited, if any, statutory weight until the formal Amendment is approved by the Minister.
177. Nevertheless, the Built Form Framework has been referenced throughout this assessment as a reflection of Council's strategic position for the site, where appropriate.

Heritage (demolition and new works)

178. Prior to ascertaining if the proposed building is acceptable, one must consider if the demolition and works to the existing building satisfy Council's policy.

179. The existing building at No. 6 Peel Street is graded as being 'individually significant' within the Collingwood Slope heritage precinct (HO318). The existing buildings at No. 8-10 Peel Street are graded as being 'contributory' within HO318, however, it is acknowledge that the building at No. 8 Peel Street has limited heritage significance given its construction approximately in 1997/1998.
180. Council's external Heritage Consultant has confirmed that the demolition proposed for these buildings is acceptable, noting that most of the visible external fabric of the three buildings will be retained where interfacing with the public realm along Peel Street and Little Oxford Street. In particular, the roof form of No. 10 Peel Street is currently not visible from the surrounding public realm and is not a key characteristic of the retained heritage form.
181. In particular, whilst the demolition of the rear wing to the 'individually significant' graded building at No. 6 Peel Street is proposed, Council's external Heritage consultant identified that the loss of the rear parts of this building is *compensated by the extent of retention of the front part of the building, including the main original roof form with the centrally located chimney/pots, and the proposed conservation works.*
182. Council's external Heritage advisor reviewed the proposed conservation works, providing the following:
- (a) *Also as noted, conservation and repair works are proposed to all retained facades/walls of the three buildings, as annotated on the plans and further identified in the Raworth HIS report. These are supported and generally not commented on here.*
183. A condition will require a conservation management plan, generally in accordance with the 'Heritage Impact Statement' and the '6-10 Peel Street, Collingwood - List of conservation and refurbishment works proposed to the existing facades' two page document provided by the applicant, to be submitted to ensure all these aspects are captured and adequately addressed within the demolition and construction phase of the development.
184. Further conditions will also require:
- (a) the provision of an archival record to ensure a detailed and annotated photographic record of the existing building at No. 6 Peel Street, being 'individually significant', in its context be documented and provided.
- (b) The provision of a structural report to demonstrate the means by which the retained portions of the buildings will be supported during demolition and construction works to ensure their retention.
185. In regards to the proposed new works the relevant objectives of clause 22.02-4 are '*to preserve the scale and pattern of streetscapes in heritage place*' and '*to ensure that additions and new works to a heritage place respect the significant of the place.*'
186. Clause 15.03-1 includes strategies to encourage appropriate development that respects places with identified heritage values, creates a worthy legacy for future generations, and ensures an *appropriate* setting and context for heritage places is maintained and enhanced. Clause 43.01 includes the purpose to ensure that development does not adversely affect the significance of heritage places.
187. The proposed DDO30 provides the following relevant decision guidelines in relation to heritage:
- (a) *whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street; and*

- (b) *whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.*

188. In terms of the immediately surrounding heritage context, the following is noted:

- (a) The Foy & Gibson buildings and complex have three separate entries in the Victorian Heritage Register being HO127, HO128 and HO129. These buildings are located at No. 79 – 93 Oxford Street, No. 95-101 Oxford Street and part No. 107 Cambridge Street, part No. 68-158 Oxford Street and No. 103-131 Oxford Street and No. 250-254 Oxford Street.
- (β) The Grace Darling Hotel, to the west on the corner of Peel Street and Smith Streets, is a predominately the two storey building constructed of bluestone and rendered brickwork with feature sandstone window surrounds. This building is also an entry in the Victorian Heritage Register being HO135.
- (c) No. 2-4 Peel Street to the west, a distinctive pair of two-storey Victorian commercial buildings (shops and residences), graded as ‘individually significant’ to HO318.
- (d) No. 12-10 Peel Street to the east, a free-standing two-storey 1870s building which was historically associated with the Congregational Church, graded as ‘individually significant’ to HO318.
- (e) On the southern side of Peel Street, both No. 5–7 Peel Street and No. 9-11 Peel Street are double-storey buildings graded as ‘individually significant’ to HO318.
- (f) The wider area is a mix of non-contributory buildings and contributory buildings.



Figure: Map demonstrating the heritage grading's of the subject site and surrounding properties
Source: City of Yarra GIS

189. Council's Heritage Consultant reviewed the heritage sensitivities within the surrounding area and identified that the built form and massing results in the bulk of the development being positioned within the north-western corner of the site. This will ensure that the taller form will be in proximity to the modern 'Smith and Co' development (No. 132-152 Smith Street) and located an acceptable distance from the Foy & Gibson buildings to the north and the lower scale heritage buildings within the Smith Street precinct.

190. The southern Peel Street interface was considered to be the most sensitive heritage interface. In regards to the proposed built form and massing of the development, Council’s Heritage Consultant reviewed the originally submitted plans, making the following recommendations:

- (a) *Reconsider the proposed landscaping to the terrace area to the top of 10 Peel Street, through setting back the proposed raingarden further away from the east parapet edge and/or ensuring that the plantings are of low scale and ultimately of little or no visibility from the surrounding streets.*
- (b) *For 6 Peel Street, reduce the height of the proposed development to the immediate rear of this building through removing two levels from the new building in this location, and/or through setting back the upper levels further away from the rear of 6 Peel Street.*
- (c) *For 8-10 Peel Street, increase the south setback (to Peel Street) for up to level 5 by between 1m and 2m (up to 5m overall on the south side) and remove a level from the top of the development over 8-10 Peel Street.*
- (d) *For the VHR listed Grace Darling Hotel, a reduction in the height of the proposed development as recommended here will assist in limiting the visual impact of the new development in backdrop views to the hotel, and making the new development less prominent.*

191. It is considered that the amended plans submitted pursuant to Section 57A, the decision plans, address all of the above items that were identified as issues by Council’s external Heritage Consultant, as follows:

- (a) The proposed planting around the edge of the heritage parapet is now shown to be kept below the heritage façade line. This can form a condition of permit within a landscape plan and will be discussed further below under ‘landscape architecture’. With regard to the height of the parapet relative to the finished floor level of the terrace, as shown below, this is considered to be an achievable outcome.



Figure: Extract from Section BB showing the relationship between the planters and parapet at Level 03

- (b) The amended plans incorporate the reduction of one level and also a further setback of approximately 0.8 metres, thus addressing the concerns of Council’s Heritage Advisor through a combination of design interventions. The interface with No. 6 Peel Street is therefore considered acceptable as shown in the decision plans. A conditional 2.55 metre setback from the western boundary from Level 03 and above, discussed further later in the report, will also assist in further removing building bulk behind this individually significant building.
- (c) Above No. 8-10 Peel Street, a level has been deleted and the setback from Peel Street has been increased by 1 metre, in accordance with the recommendations and therefore is considered acceptable.

- (d) In regards to the final recommendation, the items discussed under (b) above would adequately assist in limiting the visual impact of the new development in backdrop views to the hotel to an acceptable level. The material change made to the western boundary wall within the Section 57A plans also limit the extent of visual bulk, as the extensive use of grey concrete has been removed with the green glazed terracotta façade system now instated, ensuring the design language of this elevation integrates with the overall building, limiting visual impact.

192. In respect of the materials proposed, Council's Heritage Advisor made the following comments:

- (a) *Regarding the proposed materials and architectural expression of the visible new levels, these are generally acceptable. The arrangement of glazing, the vertically delineated bays, and the 'unified architectural expression' as referred to in the Raworth HIS report, distinguish between the old and the new on the development site, and generally without detriment to the retained heritage building components. The heritage precinct also has new and substantial buildings of varying expression and materials, which again allows for some diversity in the approach to this site.*

193. It is considered that the proposed materials utilised for the new form above the heritage form will create a distinction between the solid masonry street wall and the upper levels maintaining the clarity of the street wall in the street streetscape. The retained heritage elements will remain as the primary view from the public realm.

Height and massing of the development

Height

194. The proposal is an overall seven storeys in height which equates to 24.75 metres (excluding plant). The lift core, a service room and terrace balustrading sit above this height, an additional 3.95 metres, 2.3 metres and 1 metre respectively.
195. Whilst it is acknowledged that the building will be taller than adjoining developments, there are recent approvals for higher developments in this area, with some having already been constructed or under construction. There is no doubt significant change will occur here, however it is not to say that any increase is therefore acceptable.
196. Most notably, within the immediate streetscape, it is acknowledged that the existing building at No. 20-22 Peel Street adopts a predominate height of 20.18 metres flush to Oxford Street which returns along Peel Street for approximately 12 metres. This building is existing, and it can be clearly seen that visual bulk associated with the height and robust form of the building is managed by the separation Peel Street Reserve and the wide road reserve of Peel Street provides. The subject site also benefits from an abuttal to the Peel Street Reserve and the wide road reserve of Peel Street.
197. The approved building at No. 33 Peel Street would adopt an overall height, flush to the Peel Street and Cambridge Street corner of 25.98 metres, with predominant and overall heights along Peel Street of 24.5 metres and 26.9 metres respectively, again flush to Peel Street. This site is approximately 230sqm in area, substantially smaller than the subject site which incorporates an area of approximately 560sqm.
198. 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 the subject sites current use as a double storey dwelling and three-storey commercial buildings is an underutilisation of land in an inner city location.

199. It is acknowledged that the two examples referenced above 'sit lower' within the streetscape due to the sloping topography of the Collingwood Slope Precinct. Notwithstanding, the design of the development has had regard to the sloping topography that results in the subject site 'sitting higher' than surrounding land to the east. The site is of reasonable size due to the amalgamation of allotments, retaining the robust heritage base and adopting significant upper level street setbacks to ensure the new built form is recessive to the surrounding public realm.
200. Considering the street's proximity to the Smith Street MAC, the Gipps Street employment precinct, convenient access to public transport combined with the existing robust heritage base, it would be a reasonable expectation that this site and others within the surrounding area would experience further intensification in use and development.
201. It is acknowledged that the proposed DDO30 proposes a mandatory height of 20.8 metres (excluding service equipment/lift structures, balustrading and the like). With regard to the proposed DDO30, the current policies that apply to the site and surrounding context, Council's Urban Design Unit was supportive of the proposed height, making the following comment:
- (a) *The overall height has been reduced to seven (7) storeys, from 28.7m to 24.75m. In addition, the Peel Street setback has been increased to 4m at Levels 3-5. Level 6 setbacks have been decreased to Peel Street and Little Oxford to meet Levels 3-5. Compositionally, the massing amendments transform the proposal from a 3+3+2 (heritage base, middle, upper) to a 3+4 composition (heritage, upper). An appropriate proportional relationship and urban design outcome for the heritage base and Peel Street streetscape.*
202. Furthermore, the proposed development would still meet the following, relevant, objective of the proposed DDO30:
- (a) *a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.*
203. The proposed overall height of the development is consistent with the emerging character of development. The height above the overall predominant height, associated with the lift core, services room and terrace balustrading is well setback from the site boundaries to ensure that it would be subservient to the substantive built form. Conditions discussed below under 'upper levels' and 'equitable development' will also assist in providing greater separation between the lower levels and upper levels to the northern and western interfaces.
204. Whilst it is acknowledged that the height of the building will be taller than the existing adjoining developments and the existing up to three-storey form on-site, it is clear this proposal is in-line with the emerging character of the area and consistent with local and state policy.
205. The issue of development which is higher than surrounding built form was further discussed in the Red Dot Tribunal decision, *Pace Developments v Port Phillip CC* (includes Summary) (Red Dot) [2012] VCAT 1277:
- [58] We accept that the building will be taller and will be seen, but the notion of respectful development does not mean that new buildings must replicate that which exists nor does it imply that they will not result in change. As we have noted, change must be contemplated in an area where growth is encouraged by the MSS and chance to improve, or perhaps in this case repair, the urban environment.*
206. Continuing the discussion regarding visibility of taller built form, the following comments were made by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):

[54] *If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.*

207. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra's identity as a low-rise urban form with pockets of higher development.*

(a) Strategy 17.2 reads as follows:

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:

- (i) Significant upper level setbacks*
- (ii) Architectural design excellence*
- (iii) Best practice environmental sustainability objectives in design and construction*
- (iv) High quality restoration and adaptive re-use of heritage buildings*
- (v) Positive contribution to the enhancement of the public domain*
- (vi) Provision of affordable housing*

208. Whilst the site is not designated as a strategic redevelopment site and is not strictly located within an activity centre the criteria identified above provides a benchmark against which the assessment of a permit application for a development of height above 5 – 6 storeys can be assessed against.

209. In regards to (ii), (iii) and (v), these items are all considered to have been met and will be discussed later in the report. As discussed above under 'heritage,' item (iv) has been met, with the proposed redevelopment also ensuring that the heritage buildings are conserved, maintained and conserved. Item (vi) is not relevant, given that this is a commercial proposal.

210. It is clear that the proposed height in this location is acceptable, however the transition of the building mass and whether the development provides appropriate upper level setbacks is key to its acceptability within this specific context. The upper level setbacks will be discussed further below.

Massing

Podium

211. The existing heritage forms are retained to Peel Street and Little Oxford Street and are therefore acceptable. It is acknowledged that the retention of the heritage street wall would meet the mandatory requirements of the proposed DDO30.

212. The heritage podium of No. 10 Peel Street is maintained along Oxford Place, with the form to the west of the heritage fabric proposed to extend on-boundary to a height of seven storeys.

213. The appropriateness of the seven storey wall abutting Oxford Place will be discussed further under 'equitable development' where it is acknowledged that a three-storey form is considered appropriate for this interface with the upper levels to be setback above. Conditionally, the interface to Oxford Place would be acceptable.

Upper levels

214. When viewed from various locations along Peel Street, Little Oxford Street and the surrounds, the contrast between the retained heritage podium and green glazed terracotta façade system of the upper levels would distinguish the two parts of the building. This will create an obvious distinction between the solid masonry street wall and the upper levels maintaining the clarity of the street wall in the street streetscape.
215. In respect of upper level setbacks, the Urban Design Unit identified that the street setbacks were acceptable and assisted in providing '*an appropriate proportional relationship and urban design outcome for the heritage base and Peel Street streetscape*'.
216. Whilst the upper level setback to Little Oxford Street are less than that envisioned by the proposed DDO30 (recommended 6 metres to side streets), the proposed 3 metre side street setback is considered satisfactory with particular regard to the robust heritage form that constitutes the base. Furthermore, the proposal would clearly meet the following, relevant, requirements upper levels of development should meet:
- (a) *be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and*
 - (b) *contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.*
217. Council's Heritage Advisor found that the Little Oxford Street upper level setbacks were generally acceptable, subject to increased setbacks from Peel Street to protect the more sensitive interface which has been achieved within the Section 57A plans as previously discussed.
218. The setbacks provided to Peel Street are considered acceptable, providing a 4 metre setback above 8-10 Peel Street and a 12.85 metre setback above the more sensitive heritage fabric associated with No. 6 Peel Street. This aligns with the recommendations made by both Council's Urban Design Unit and Heritage Consultant on the original application plans, which proposed a 3 metre and 12 metre setback.
219. The western return wall associated by the 12.85 metre setback is treated with the green glazed terracotta façade system, ensuring that the building has been designed 'in the round'. No setback is proposed for the remainder of the western boundary wall, within the 'northern half' of the allotment.
220. It is considered that this on-boundary wall is unresponsive in its location against the western boundary, most pointedly the interface of Level 03 and above with the proposed roof-top terrace under construction on No. 2 – 4 Peel Street. The proposed interface would result in excessive visual bulk and as such it is recommended that the on-boundary wall be setback to 2.55 metres to align with the western edge of the lift core, as demonstrated below, from Level 03 and above. The setback area created is to be non-trafficable.

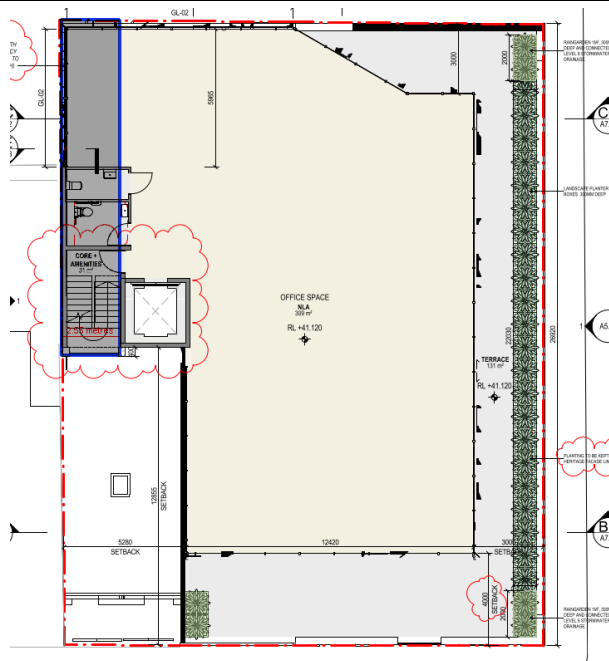


Figure: Level 03 Floor Plan with recommended setback area shown with blue outline (to be continued above)

221. As a result of the above condition, not only would the issue of visual bulk to the adjoining dwelling be addressed, but the development when viewed from the western and northern approaches would appear subservient to retained heritage fabric, including the Grace Darling Hotel. Lastly, whilst this modification would require the reorienting of the stairwell and bathroom facilities it is considered that the floor plan would be able to accommodate these changes.
222. In conclusion, abrupt height transitions are an emerging character in the Collingwood area and hence the policy encouragement at Clause 22.10-3.3 to scale down to lower built form cannot be applied without discernment, as this would substantially impede development potential without regard to broader considerations in an area that is undergoing substantial transition from lower built form to much higher built form.
223. Subject to conditions, the upper levels of the development would be setback appropriately to ensure the upper form is expressed ‘in the round’ and that the prominent heritage forms remain as prominent features within the streetscape.

Architectural Quality

224. The development is considered of high architectural quality and in that regard responds to the design objectives clause 15.01-2. The contemporary design is appropriate and responds well to this part of Collingwood where it is strategically located in proximity to a constantly evolving MAC.
225. Council’s Urban Design Unit was complementary of the proposed design elements, making the following comments on the original proposal:
- (a) *The materiality and composition of the new form is clearly distinguishable from the heritage fabric, adopting a respectful contemporary design. The new form comprises largely of a terracotta façade system (green glazed finish), employing strong vertical elements and fenestration.*
 - (b) *It is recommended that a detailed Façade Strategy, including material sample board be provided. With the purpose of ensuring the legibility of the façade pattern, articulation, and depth and detailing the application of façade panels (TL:01 Terracotta Façade System in glazed green). The articulated finish to the exposed concrete (CE:02) western party wall (Elevation A5.03) with No.4 Peel Street is to be clarified.*

226. As clarified within the updated comments on the Section 57A plans, the concern raised with the western boundary wall has been alleviated. As shown below the exposed concrete finish has now been modified to ensure that the building is designed ‘in the round,’ with TL:01 (terracotta façade system in green) now applied to the western elevation.



Figure: Originally submitted (left) and Section 57A (right) render of the western elevation

227. With regard to the assessment made under built form and massing, the conditional setback from the western boundary requires further consideration of the south-facing lift core. As shown below, the current design of the lift core, whilst proposed to be CE:02 (dark tinted concrete), integrates well with the building due to the linear design of the stair well on its western side.



Figure: Southern elevation, with built form to be setback from the west, outlined in red

228. With the setback of the stair core, as recommended and shown above in red, the southern elevation of the lift core would be more prominent and appear ‘unbalanced’ with the overall building. This would result in a built form element that does not achieve an acceptable level of integration with the overall new building form. A condition should therefore require the southern elevation of the lift core to be clad in ‘TL:01’, or an architectural treatment that integrates with the overall building.

229. In line with the recommendation of Council’s Urban Design Unit, it is considered that a façade strategy and materials and finishes schedule is required to be submitted via condition to demonstrate:

- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details (in particular the detailing of ‘TL:01’);
- (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.

230. This will ensure that the materials to be utilised for the development are reviewed prior to construction to ensure they are of a high architectural quality in accordance with the plans submitted to date.

Equitable Development

231. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered.

232. The sites to the east and south will not be impacted by the proposal from an equitable development consideration as they are separated by the width of Little Oxford Street and Peel Street which provide a reasonable buffer. The sites to the north and south require consideration of equitable development due to the narrow nature of Oxford Place and direct abuttal, respectively.

233. It is an accepted planning principle that the upper levels of developments are to provide a 4.5 metre setback from the common boundary, or the centreline of a laneway/street where applicable, to ensure opportunities for equitable development are preserved. Where sites are constrained, blank walls can also be utilised to ensure future adjoining development is not prejudiced.

234. This is expressed within *3000 Corporation Pty Ltd v Boroondara CC [2019] VCAT 993* where Members Bennett and Nervegna provided the following comment at paragraph 94, as follows:

(a) *The ability to achieve or maintain equitable development rights on adjoining sites, and a more efficient use of land, varies depending on specific circumstances. For example, on wider and larger sites it is often submitted that a development set back at least 4.5 metres from site boundaries allows adjoining sites to be developed with similar setbacks, thereby providing an equitable sharing of development potential. On narrower sites, the ability to maintain development potential on adjoining sites is often achieved by constructing blank walls to boundaries so that there is no necessity for future development on adjoining sites to be set back to protect the amenity of dwellings within an already constructed building.*

Emphasis added.

235. Where interfacing to the west, the development is considered to provide an acceptable equitable development scenario for the following reasons:

- (a) The southern 'half' of the development is setback 5.28 metres from the western boundary, far exceeding the requirement for a 4.5 metre setback;
- (b) The northern 'half' where interfacing with No. 2-6 Peel Street is to be a blank wall, with no windows, and will conditionally be setback to 2.55 metres. With consideration to the blank wall along this interface, an equitable development outcome is provided; and
- (c) The northern 'half' where interfacing with Oxford Place is setback in excess of 9 metres from the rear of the properties facing Smith Street and an equitable development outcome is provided.

236. Where interfacing to the north, the development is constructed to the boundary for seven storeys to the west of the retained heritage form. Above the heritage form, the development adopts a setback of 0 metre – 3 metres.

237. A three-storey on-boundary form along Oxford Place is considered acceptable, and typical of development expectations in the area. There is concern, however, with the upper levels of the development above the street-wall height.

238. It is considered the interface of the upper levels to the north does not provide an equitable development scenario. The current three-storey form on No. 61 Little Oxford Street may be redeveloped in the future, given the zoning of the land (Commercial 1 Zone), proximity to the Smith Street MAC and abuttal to a higher density development to the north and also proximity to the subject site which strategically can accommodate taller built form.
239. With consideration to the width of Oxford Place, at 4.74 metres in width, a 4.5 metre setback from the centreline of the laneway would equate to a minimum 2.13 metre building setback from the northern boundary. The DDO30, whilst not approved and as previously identified carries limited statutory weight, provides further guidance as follows:
- (a) *Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:*
 - (i) *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists; and*
 - (ii) *be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.*
 - (b) *Where the common boundary is a laneway, the setback is measured from the centre of the laneway.*
240. As the levels above the street-wall would not be on the same level as the existing balconies and windows of No. 61 Little Oxford Street and present as commercial windows, it is considered that a setback lesser than the 4.5 metres can be applied and it is recommended that Levels 03 – 07 be setback 1 metre from the northern boundary (3.37 metres from the centreline of Oxford Place). The setback area created is to be non-trafficable.
241. This would provide an appreciable building break between the lower and upper forms of the building and also address building separation requirements with regards to the commercial nature of the proposed office building and equitable development opportunities to the north.

Landmarks, Views and Vistas

242. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features.
243. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under clause 22.03-4 of the Scheme.

Light, Shade and Public Realm

244. 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 an improvement in streetscape, public space quality and perceived safety.
245. Furthermore, a decision guideline of the proposed DDO30 requires consideration of the following:
- (a) *Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.*
246. Council's Urban Design Unit was supportive of the ground floor interface to the surrounding streets, providing the following:

- (a) *The proposal will increase activation of the Peel Street, Little Oxford Street and Oxford Place. Through the utilisation of existing entrances and new entrances and passive surveillance opportunities to the rear laneway, Oxford Place.*
- (b) *It is necessary to sensitively integrate all necessary externally accessible service cabinets into the façade (currently there are no service cabinets detailed in Plan or Elevation).*

247. The site presently contributes little to the street, being a vacant building with limited meaningful entrances at the ground floor level. The vehicle crossover and roller door dominates the frontage to No. 8 Peel Street. The proposal provides an active frontage, removing the existing roller door to provide for a generous glazed entrance point.

248. In terms of integration with the street, the floor plans and elevations indicate that an architectural feature will project into Peel Street at the ground floor level as shown below:

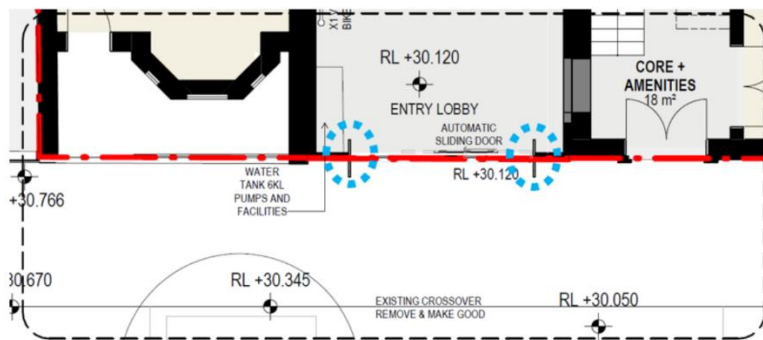


Figure: Ground floor plan with projections highlighted in blue

249. This is not supported as it may restrict pedestrian access within the public realm and will be required to be deleted.

250. There are no services shown within the building footprint (e.g. substation, metres, etc.). The proposal seeks to remove the existing fire booster cupboard along Little Oxford Street and reinstate the heritage building. This is considered acceptable, however, if services were required to be introduced in the future a formal amendment would be required to be made with the location assessed at this time.

251. Council's Urban Design Unit requested the following to form conditions:

- (a) *A detailed Streetscape Plan must be provided including (but not limited to) the following items:*
 - (i) *On-street parking bays;*
 - (ii) *Reinstated surface materials;*
 - (iii) *Existing and proposed street fixtures;*
 - (iv) *Street trees;*
 - (v) *Dimensions of openings and offsets; and*
 - (vi) *Levels and drainage.*
- (b) *All pavements surrounding the site (Peel Street and Little Oxford) are to be reinstated as asphalt footpaths with bluestone kerb and channel. All proposed streetscape materials should be per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings. Rectification of paving surrounds (currently assumed bonded aggregate) around existing Plane trees on Peel Street, should be coordinated with Council Natural Values and Streetscapes Team.*

252. Council's Engineering Unit also recommended that the footpath along the property's Peel Street and Little Oxford Street frontages be reconstructed. Oxford Place was also requested to be profiled and re-sheeted, with the central bluestone open channel reset. They also recommended the following:
- (a) *With the removal of the redundant vehicle crossing and the reconstruction of the Peel Street footpath, the applicant must ensure the finished floor levels inside the entry lobby neatly match and transition the new design levels of the reconstructed footpath.*
253. Given the scale of the proposed works and limited public realm benefits proposed, this is considered reasonable to form conditions. A condition will require a detailed streetscape plan to be provided.
254. A decision guideline of the proposed DDO30 requires consideration of how buildings and works will impact solar access to footpaths and public open spaces. Shadow diagrams submitted identify that a 6.49sqm portion of the kerb outstand on the opposing side of Peel Street will be shadowed at 10AM, after this the shadowing would clear. At 2PM, the opposing footpath of Little Oxford Street is already shadowed by the existing building.
255. Whilst the first floor of the existing building within the Peel Street reserve will be shadowed at this time, it is considered reasonable due to the limited period of additional shadowing. No additional overshadowing of the Peel Street reserve between the hours of 10AM and 2PM will occur. Council's Urban Design Unit raised no issue with the level of overshadowing to the public realm, providing the following comments:
- (a) *Given the height of the existing street wall, sense of openness adjacent to the Peel Street Park and demonstration of limited shadow impacts, the upper level setback toward Little Oxford Street of 3m is acceptable from an urban design perspective.*
256. Lastly, Objective 5.1.4 of the UDG V requires new buildings within activity centres to minimise adverse wind effects. Furthermore, a decision guideline of the proposed DDO30 is whether the development mitigates negative wind effects.
257. The application was accompanied by a desktop wind assessment prepared by Windtech Consultants Pty Ltd, based on the initial application. The wind assessment made the following recommendations:
- (a) Retention of the existing perimeter walls around the Level 03 terrace, with a minimum combined planter box/planting height of 1.5 metres.
 - (b) Recommendation for a 1.5 metre high balustrade along all aspects of the Level 06 terrace with planting proposed along the north-eastern corner and southern elevation.
258. With regard to (a) identified above, the parapet of the retained heritage building extends a minimum 1.88 metres above the finished floor level of the terrace and would therefore comply. With regard to (b), the modified roof terrace at Level 06 proposing balustrading to 1 metre in height and would not comply with the recommendation. It is also not considered appropriate to include vegetation as a wind mitigation measure and therefore it is recommended the report be updated to remove reference to vegetation.
259. The wind report submitted with the initial application has been peer reviewed externally. The wind consultant raised no concerns with the proposed methodology or findings of the report prepared by the applicant, but identified several items that were required to be addressed within an updated report, as follows:
- (a) An explicit reference to the expected criteria for the ground level streetscapes.
 - (b) An assessment of whether wind conditions would satisfy the standing criterion is required for the Peel Street building entrance.

(c) Standing criterion is to be achieved for the Level 03 and Level 06 terraces.

260. Furthermore, due to the height reduction within the S57A plans and the modifications to the built form, as recommended, it will form conditions that the wind report also be updated to assess the final proposal. A condition would also require amended plans to comply with the requirements of the Wind Impact Assessment.

261. Subject to conditions it is considered that wind is adequately assessed and will ensure the development would not generate safety concerns for the pedestrian wind environment. Notably, the assessment submitted indicates that wind conditions to Peel Street Park would be expected to benefit from the shielding provided by the development from the prevailing westerly winds.

Site Coverage

262. Whilst not strictly applicable, it is acknowledged that the level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6 that applies to new development not within a Heritage Overlay. However, as the existing level of site coverage in the surrounding (and immediate) area is similar and within zoning that encourages higher density development (MUZ), it is acceptable. Commercial and mixed-use buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood.

Landscape architecture

263. Landscaping is not a typical feature of higher density development in this Collingwood precinct, however, the proposal does include landscaping around the Level 3 terrace, as shown below:

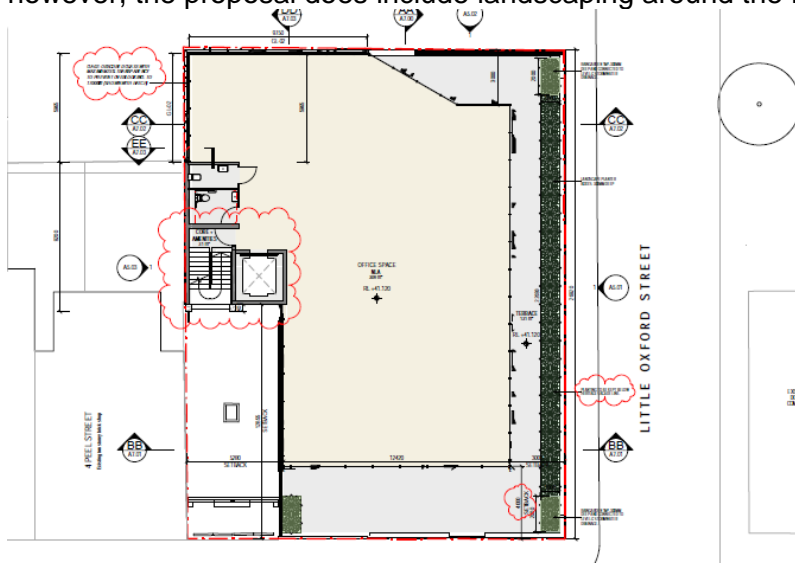


Figure: Proposed Plan 03, showing landscaping around perimeter of terrace

264. A condition will require a detailed landscape plan to be provided with the following details:

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

265. A condition will also require details of the maintenance of the vegetation, to ensure the planting is kept below the heritage façade line, in accordance with plan notation and to satisfy the concern of Council’s Heritage Consultant, who made the following comment:

- (a) *Setting the rain garden further back or away from the parapet edge would assist, and/or ensuring the plantings are of low scale and of little or no visibility from the surrounding streets.*

266. Lastly, in line with the initial comments received from Council's Urban Design Unit, the following will also be required to be included:

- (a) *Details of any raised planters and rain gardens including height, width, soil depths and materiality.*

267. In regards to street trees, there are two street trees located within the Peel Street road reserve in front of the subject site, these trees are advanced Plane trees.

268. To ensure their protection during construction, Council's Streetscapes and Natural Values Unit requires a bond for the amenity value of the trees and a tree management plan to be provided. This is considered a typical requirement and will form conditions to ensure that the trees are adequately protected during construction.

On-site amenity including Environmentally Sustainable Design

Daylight and Ventilation

289. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office space being located on a corner with a northern abuttal to a laneway. The development provides large expanses of glazing at all levels (where not restricted due to retained heritage fabric) and the provision of a terrace at Level 03 and on the rooftop.

290. The daylight investigation provided within the Sustainable Management Plan (SMP) demonstrated that the project achieved a 2% daylight factor for 50% of the leasable office floor area, exceeding the BESS standards that require a daylight factor of 2% for at least 30% of floor area. Council's ESD Advisor raised no issue with the daylight modelling provided and this aspect is considered to be satisfactory.

291. The SMP submitted with the application indicates that a mechanical ventilation system will be utilised. Council's ESD Advisor raised no concern with the proposed ventilation, however, requested clarification on the provision of outdoor air to office spaces on all levels. Clarification on this aspect is considered appropriate and can form a condition.

Circulation Spaces

269. The main pedestrian entrance to the smaller tenancy at No. 6 Peel Street is easily identifiable from the street as the existing entrance door to the dwelling building will be retained. Access to the larger tenancy at No. 8-10 Peel Street will be provided from the central building (No. 8 Peel Street) and will be easily identifiable from the street. The automatic sliding door provides access to a generous lobby space with clear view lines to the main lift lobby. The circulation spaces afford a good level of amenity to future building occupants.

Facilities

270. Bathrooms are provided at each level for the office tenants. Whilst kitchen facilities are not currently shown on the floor plans, it is considered that this will be designed in the detail design stage once the building becomes tenanted and is acceptable.

271. Bicycle parking and end-of-trip facilities are also incorporated into the design, within the basement level. External terraces are provided at varying levels. These features will further enhance the amenity of the development.

Environmentally Sustainable Design (ESD)

289. 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. Council's ESD Advisor confirmed that the proposal was close to meeting Council's Best Practice ESD standards.
290. Further, the redevelopment of the site located in an existing built-up area makes efficient use of the existing heritage buildings, infrastructure and services, and the proximity of the subject site to numerous public transport modes and provision of no on-site car parking reduces reliance on private vehicles.
291. Council's ESD Advisor identified that whilst there were no obvious deficiencies with the proposal, there was outstanding information that needed to be provided to substantiate the claims made. These items were outlined within their referral comments and are provided below:
- (a) *Clarify provision of outdoor air to office spaces on all levels, and mark plans (including elevations).*
 - (b) *Provide details in Section J Analysis and aim for (min) 10% improvement on 2019 NCC requirements.*
 - (c) *Clarify depth between articulated façade and recessed glass (to determine shading benefit) and consider additional external shading for upper levels (4 and above).*
 - (d) *Provide Landscape Plan articulating details of planting schedule and maintenance.*
 - (e) *Provide a statement as to how building design mitigates urban heat and consider a lighter pallet of materials (particularly the roof, SRI>50) to reduce heat gain.*
292. The above outstanding information can be required to be provided via condition.

Off-site amenity

293. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). As the site surrounds description identifies, there are dwellings located on the opposing side of Oxford Place and immediately adjoining the site to the west.
294. It is important to identify that the zoning of these two residential properties differs, the site on the opposing side of Oxford Place is located within a Commercial 1 Zone whilst the adjoining site to the west is located within the MUZ.
295. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate);
- (a) *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.*

Noise

272. 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.
273. 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 (subject to consideration of hours and sleep disturbance criteria). Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity limited to weekdays between 8am and 8pm and located along the Peel Street frontage in proximity of Smith Street.

274. The applicant submitted an acoustic report to address noise impacts from the proposal on surrounding residential properties. Potential noise impacts were identified as music associated with the theatrette, industrial waste collection, mechanical plant (including roof mounted equipment and voice noise from external terraces. Council's Acoustic consultant reviewed the acoustic report, suggesting the following be included as conditions:
- (a) *SEPP N-2 limits are identified and applied to music and amplified voice from the theatrette.*
 - (b) *An assessment and acoustic specifications be provided for the theatrette façade wall and external door so as to achieve the SEPP N-2 limits.*
 - (c) *Management strategies are developed for minimising noise impacts from users of the theatrette to occupants of the overlooking apartments. These may include:*
 - (i) *Use of the door to Oxford Place for emergencies only, particularly while the theatrette is in use.*
 - (ii) *Limitations to the times that the space can be used, particularly if appropriate noise targets cannot be met for all periods of the day and night.*
275. A condition will be included requiring the report to be updated prior to construction to ensure that all of the information requested above be provided and satisfied prior to the development occurring. Given the use of the meeting space/theatrette will be restricted to 8am to 8pm, Monday to Friday, it is considered the above can be satisfactorily achieved.
276. A further condition will require the acoustic assessment to be updated to assess the most recent plans, including noise impacts from the rooftop terrace, to ensure the built form modifications made within the Section 57A plans have no adverse impacts on the surrounding properties.
277. Lastly, it is noted that the Acoustic Report submitted identifies that design of noise from mechanical plant to ensure compliance with SEPP N-1 can be conducted during the detailed design phase of the project. A post-construction acoustic report will also be required to ensure that the mechanical plant has adequately been addressed.

Visual bulk

278. In regards to visual bulk impacts, the most sensitive interface are the dwellings to the north, across Oxford Place, that orient their secluded private open space areas and habitable room windows to the ROW as well as the residential dwelling to the west which proposes a rooftop terrace to the northern third of their allotment.
279. Traditionally buildings with commercial uses tend not to include side and rear setbacks and this is evident in both the remnant commercial buildings in the area and the new development occurring. Minimal side and rear setbacks would be an expected feature of the redeveloped buildings where located within zoning that encourages higher density forms.
280. In respect of the dwellings to the north along Oxford Place it is considered that due to the narrow width of the ROW, views to the proposal in its entirety from within the dwellings and their balcony areas would be limited and only possible from a greater distance, reducing any potential visual bulk impacts. The enclosed nature of the balconies would further assist in restricting the view lines to the new built form.
281. In regards to visual bulk to the west, it is considered that within this built form context, views from windows and open space areas to built form is not an unreasonable expectation. Views from the approved east-facing Level 01 windows of No. 2-4 Peel Street would be to its own boundary wall, with this wall mitigating views upwards.

282. In respect of views from the approved Level 02 roof terrace of this dwelling, as previously discussed a condition will be included requiring level 03 of the development and above to be setback 2.55 metres from the western boundary. This will ensure an appreciable setback from the west is provided to alleviate visual bulk concerns, furthermore this terrace would have a northern unobstructed outlook due to the layout of Oxford Place.
283. The conditional setback requirement combined with the modification to the materials on the western boundary wall as made within the Section 57A amendment (from exposed concrete to the green glazed terracotta façade system) will ensure views will be to a visually interesting elevation that has cohesion with the overall built form that are considered acceptable within the surrounding context.

Overlooking

284. In relation to overlooking, it is an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open spaces within a 9 metre radius and 45 degree arc. Regardless, clause 22.05 does require non-residential development to be designed to minimise the potential for unreasonable overlooking.
285. With the location of residential uses, overlooking to the north and west is to be considered as these are the only residential properties within 9 metres of the site.

Northern Interface

286. Obscured glass with a maximum 25% transparency has been applied to the office windows to the west of the retained heritage form from the ground level to Level 03, with the exception of the meeting space/theatrette. Given the proximity of the meeting space/theatrette to existing habitable room windows and balconies of No. 61 Little Oxford Street, albeit at Level 01, it is considered that this interface would result in unreasonable overlooking and therefore the following condition is recommended:
- (a) *The northern elevation of the meeting room/theatrette modified to incorporate obscure, patterned glazing to provide visual interest in lieu of GA:01.*
287. This will ensure that obscure glazing with a pattern to ensure visual interest is provided. It is not considered that obscure patterned glazing would compete with the retained heritage form on this elevation given the limited viewlines to this section of the development and clear association with the new built form.
288. Whilst the windows within the northern elevation of the heritage façade are not proposed to incorporate obscure glazing, it is considered that this is an existing condition that will be maintained and further intervention is not required.
289. The Level 03 terrace will largely be screened to a minimum height of 1.7 metres by the parapet of the existing building, however, there is a 2.6 metre length that would have unobstructed views. A condition should be included requiring this area to be non-trafficable, to ensure views from this space are mitigated as there may be direct views from the terrace into the Level 02 windows of No. 61 Little Oxford Street. With regard to the previously discussed condition requiring a 1 metre setback from Oxford Place at this level, the conditioned non-trafficable area along this interface is shown below.

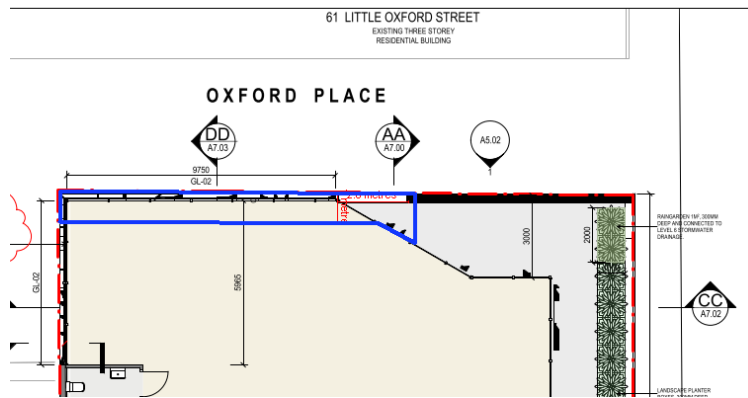


Figure: Proposed Plan 03, showing the area to be non-trafficable via condition outlined in blue

290. Screening has not been provided to the upper levels, at Level 04 and above, and it is considered that view lines will generally be distorted from these heights and project primarily over the roof of the dwellings, not into the open space areas.
291. Further north, the development at No. 132-152 Smith Street is in excess of 9 metres from the subject site and therefore overlooking would be managed to an acceptable level.

Western Interface

292. To the west, the southern half will be setback 5.28 metres from the boundary. Views within the 9 metre radius and 45 degree arc would largely fall on the roof form of No. 2-4 Peel Street. It is considered downward views into the lightcourt of this dwelling and to the roof terrace at the rear would be on oblique angles and adequately distorted and are therefore acceptable.
293. Where directly adjoining the proposed terrace associated with the adjoining dwelling the development presents as a blank wall resulting in no direct views.
294. To the north of the blank wall, the west facing elevation proposes to include obscure glazing to 1.7 metres in height at Level 03 only. The entire northern façade of the proposed building at No. 2-4 Peel Street is to be hit and miss brick with a maximum 25% transparency (to an overall height of 9.4 metres) and therefore the clear glazing utilised at Level 01 and Level 02 is considered acceptable.
295. Given the roof terrace of this adjoining dwelling is to be unenclosed, unlike the balconies at No. 61 Little Oxford Street, it is considered that the Level 04 west-facing windows of this portion of the development should be obscure glazed to a height of 1.7 metres. Views from the levels above would be distorted from these heights and mitigate overlooking to an acceptable level.

Overshadowing

296. 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.
297. The proposed building would not cause increased overshadowing to the existing secluded private open space areas on the northern side of Oxford Place, due to the orientation of the site. There are no dwellings to the east and south that would be impacted.
298. In respect of overshadowing to the roof terrace currently under construction at No. 2 – 4 Peel Street, the overshadowing diagrams indicate that shadows cast by the development would fall over the terrace between the hours of 9AM and 11PM.

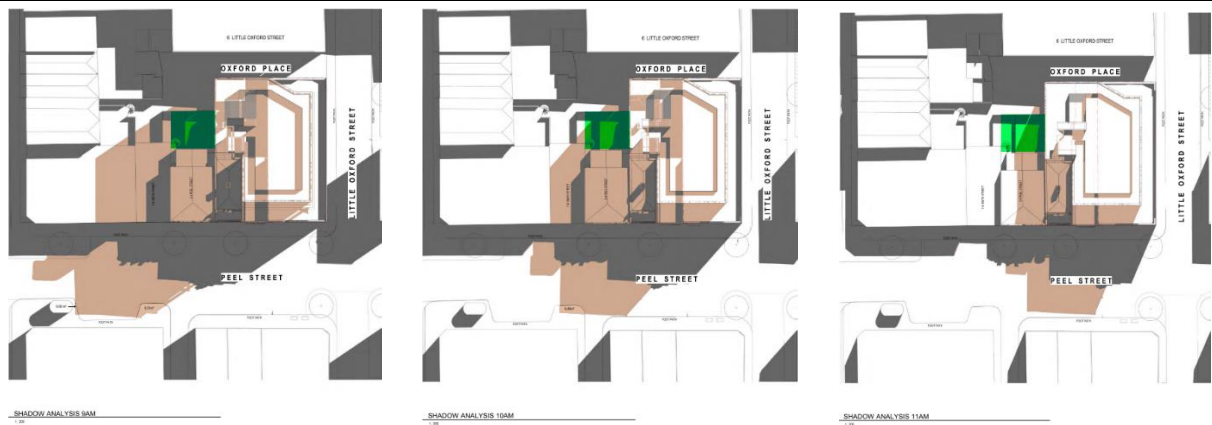


Figure: Shadow diagrams at 9AM, 10AM and 11AM showing the adjoining proposed terrace in green

299. From 12PM the shadows would be clear of the proposed roof terrace at No. 2 – 4 Peel Street. The development will inevitably result in changes to overshadowing that will extend into both the public realm and into private properties. This is because the existing development on the review site, being three storeys, has a modest impact with respect to overshadowing.
300. Any redevelopment of the subject site will likely increase the extent of overshadowing, be it five, six or seven storeys. This change in the extent of overshadowing that will occur as a result of the development is acceptable in the context of the review site's planning policy and physical context, where higher density development is encouraged.
301. Notwithstanding the above, the proposed building setbacks as required via condition, will further improve shadowing impacts to this adjoining property in the morning hours.

Daylight to existing windows

302. In respect of daylight to existing windows, there are south-facing windows associated with No. 61 Little Oxford Street facing the subject site. The separation distance provided by Oxford Place, of 4.74 metres, would provide for adequate daylight to these existing windows.
303. To the west, as described under site surrounds, the most recent amendment approved for the dwelling at No. 2-4 Peel Street would result in a light court along the common boundary of the site at the first floor.
304. This light court is enclosed along the western boundary and provides a width and depth on-site of 1.099 metres x 3.193 metres. The dining room has east-facing windows interfacing with the light court, whilst the bedroom has north-facing windows interfacing with the light court. The dining room also benefits from the provision of skylights proposed above.
305. It is considered the proposed width and depth of this lightcourt will ensure adequate daylight to these windows will be provided and will further be enhanced through the conditional setback from the western boundary, as previously discussed.

Fumes and air emissions, light spillage

306. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor terraces). The proposed use is not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use that is proposed to operate between 8am and 8pm on weekdays only. As stated earlier a condition will ensure the terraces to the offices are not used outside of these hours. There would be no fumes associated with the office use.

Car parking, bicycle facilities and strategic transport

307. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 68 car parking spaces, with no on-site car parking spaces proposed. To support a full reduction in the statutory rate, a car parking demand assessment was undertaken by Ratio Consultants, with parking availability in the neighbourhood also reviewed. These results are captured in the assessment below.

Parking Availability

308. The applicant's traffic engineers, Ratio Consultants, conducted an occupancy survey of the surrounding streets on Thursday 21 November 2019, Friday 22 November 2019 and Saturday 23 November 2019 between 8:00am and 12:00pm. The survey area encompassed sections of Webb Street, Smith Street, Peel Street, Little Oxford Street, Oxford Street and Cambridge Street. Council's Senior Traffic Engineer confirmed that the times and extent of the survey are acceptable.
309. The parking survey found an inventory of 260 publicly available parking spaces. The parking survey determined that the peak parking occupancy was observed on Friday with no fewer than 19 spaces vacant, an on-street parking occupancy of 93%. Council's Senior Traffic Engineer advised that the results suggested that short stay parking spaces could be found close to the site, but the supply of on-street long stay parking spaces is scarce.
310. Council's Traffic Engineers confirmed that the availability of short-stay parking would provide regular turnover throughout the day, thereby allowing customers and clients to park near the site or access the site via alternative transport modes. The limited availability of long-term on-street parking would discourage employees from driving to work and encourage them to travel by alternative forms of transport. The Engineering Unit advised that the operation of the new office would not have an adverse impact on existing car parking conditions within the surrounding area.

Parking Demand

311. With regards to the car parking demand generated by the proposed office use, it is acknowledged that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means.
312. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to commercial precincts that are designated for greater change is applied.
313. A VCAT decision *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [\[2017\] VCAT 753](#) regarding an office development at No. 2 – 16 Northumberland Street, Collingwood, discusses this specific precinct with regard to supporting a significant reduction in car parking (386 car parking spaces) with the following assessment made:

[54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.

[55] *We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.*

314. Further to the above decision, in the VCAT Red Dot Decision *Ronge v Moreland CC [2017] VCAT 550* the Tribunal made the following key statements:

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.

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.

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.

Policy tells us the future must be different.

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.

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.

Based upon the findings within this recent decision, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

315. Based upon the findings within these decisions, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

316. In support of the lack of car parking on-site, examples of existing offices within the City of Yarra with no on-site car parking were provided by Council Engineers. Details of these offices are provided as follows:

- (a) PLN17/0867 – 187-195 Langridge Street, Collingwood - 470 m²
- (b) PLN15/0630 – 113-115 Bridge Road, Richmond - 844 m²
- (c) PLN18/0072 – 100-102 Islington Street, Collingwood - 207 m²
- (d) PLN18/0697 – 37-39 Stewart Street, Richmond - 1,330 m²
- (e) PLN18/0902 – 48-50 Gipps Street, Collingwood - 1871 m²

317. No provision for on-site car parking would encourage a modal shift from private vehicle use to more sustainable travel. Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

318. Specifically, in relation to the particular benefits of the site location, the reduction being sought by the proposal is further supported by the following:
- (a) The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Smith Street MAC and Gertrude and Johnston Street NACs, which in turn will reduce the dependence on private vehicle by future employees;
 - (b) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future employees and visitors would be able to take advantage of the Copenhagen bike lanes along Wellington Street;
 - (c) Office land uses are particularly conducive to alternative transport modes given that trips typically occur within peak hour when public transport services are most frequent. The regularity and familiarity of the journey is also a factor that encourages alternative travel modes. Employees are also more likely to cycle to avoid peak hour traffic delays;
 - (d) There is limited on-street parking in the area, with restrictive parking controls acting as a disincentive for employees to travel to work by car. Employee or visitor parking permits will not be issued for the development and building tenants would be entering leases aware of the on-site parking availability. Therefore, businesses with a high reliance on car parking are unlikely to take up a lease at the site;
 - (e) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis/rideshare; and
 - (f) The proposed retained heritage forms significantly reduce the ability for the development to provide car parking.
319. The provision of no on-site parking for the office use is considered appropriate, having regard to the site's accessibility to public transport services and its proximity to the Melbourne CBD. Based on the above, Council Engineers raised no objection to the proposed reduction in the car parking requirement.
320. Several engineering conditions in regards to civil works, road asset protection, and construction management, impacts of assets on the proposed development and modification to car parking signage have been recommended. These conditions are considered standard and will be included as conditions.

Loading and unloading

321. With regards to the proposed use of the site for office, it is not considered that an on-site loading bay is required. It is anticipated that loading associated with the office would be infrequent and undertaken by smaller trucks/vans that can utilise the nearest public on-street Loading Zone (on the east side of Oxford Street, south of Peel Street) or public parking within the area.
322. A condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Waste Management

323. Following a review of the Waste Management Plan (WMP) (authored by Leigh Design and dated 4 August 2020), Council's City Works Unit advised that the document was satisfactory.

324. The proposal provides for a 17sqm waste storage room on the ground floor, within the north-western corner of the development. The waste room will accommodate 3 x 660 litre bins for garbage, 3 x 660 litre bins for recycling and 1 x 120 litre bin for organics. A 2sqm area for hard rubbish is also accommodated within the waste storage room.
325. All waste collection will be private and is intended to be undertaken from Oxford Place to the north. A roller door provides access from the waste bin to the western interface with Oxford Place. The waste vehicle will prop within Oxford Place whilst the collection staff will transfer bins to the truck and back. The food recycling bin is to be collected at call, whereas the balance of the commercial waste will be collected once per week.
326. In addition to the above, it is acknowledged that due to changes in waste service systems recently announced by the State Government the site must consider how the 4 waste streams (food/green waste, glass, comingled recycle and landfill waste) will be managed and ensure adequate space for extra bins, for glass that is currently not included, that will be required. This can be incorporated as a condition.
327. Furthermore, a condition will be included to ensure that the provisions, recommendation and requirements of the endorsed WMP be implemented and complied with.

Bicycle parking and facilities

328. The proposal provides a total of 30 bicycle parking spaces on-site (27 employee & 3 visitor), with generous end-of-trip facilities and the provision of 36 lockers. These features are considered necessary given the full reduction in on-site car parking spaces being sought.
329. The proposal provides a total of 27 bicycle parking spaces on-site for employees, with end-of-trip facilities provided at the basement level. The number of bicycle spaces for employees exceeds the statutory rate outlined in Clause 52.34 and the rate outlined within Category 6 of the Built Environment Sustainability Scorecard (BESS) (requiring 8 employee spaces and 24 employee spaces respectively). Furthermore, the proposal would meet AS23890.3 which requires 20% of employee spaces to be horizontal at-grade (37% are horizontal at-grade). The proposed provision of employee bicycle parking is satisfactory.
330. In respect of visitor parking, the proposal provides 3 spaces on-site with four space off-site, along the Peel Street frontage. The statutory rate outlined in Clause 52.34 requires 3 visitor spaces and the rate outlined in Category 6 of the BESS recommends five spaces. The proposal comfortably exceeds both requirements when considering both on-site and off-site parking.
331. The design and layout of the visitor spaces are considered acceptable, with all three provided as horizontal at-grade spaces, in a location easily accessible to visitors of the site. The Strategic Transport comments confirmed that these spaces meet the standards set out in AS890.3.
332. Council's Strategic Transport Unit recommended the visitor bicycle parking at the Peel St footpath to be installed as per Council's Urban Design bike hoop standard and be offset from the kerb by 0.6m and maintain a minimum 1.5m clear path of travel from the adjacent building line. This can be facilitated via condition.

Green Travel Plan

333. An amended Green Travel Plan (GTP) was provided with the Section 57A documentation. This document was referred to Council's Strategic Transport Officer, who advised the GTP included all of the information required and can be endorsed.

The conditions suggested throughout the report are inconsequential to the information contained within the GTP, and therefore it is not required to be updated.

334. A condition will therefore require the provisions, recommendations and requirements of the GTP to be implemented and complied with to the satisfaction of the Responsible Authority.

Objector Concerns

335. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.

Built form and massing

- (a) *Height and mass of the development is inconsistent with the existing neighbourhood character*

The above considerations are discussed within paragraphs 194 to 223.

- (b) *Development not in keeping with historic low-scale precinct*

The above considerations are discussed within paragraphs 178 to 193.

- (c) *Proposed development inconsistent with the proposed Design and Development Overlay, Schedule 30*

The above considerations are discussed within paragraphs 175 to 176.

Use and Off-Site Amenity Impacts

- (d) *Amenity impacts to neighbouring residential properties (overlooking, visual bulk, overshadowing, loss of privacy and daylight, noise and loss of views)*

The above considerations are discussed within paragraphs 293 to 306.

- (e) *Overshadowing and visual bulk to the Peel Street park*

The above considerations are discussed within paragraphs 254 to 255.

- (f) *ESD performance of the proposed building*

The above considerations are discussed within paragraphs 289 to 292.

Traffic and Car Parking

- (g) *Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development*

The above considerations are discussed within paragraphs 308 to 320.

- (h) *Increased traffic due to lack of car parking provided*

The above considerations are discussed within paragraphs 308 to 310.

- (i) *Insufficient provision for loading/deliveries*

The above considerations are discussed within paragraphs 321 to 322.

(j) *Lack of horizontal bicycle parking*

The above considerations are discussed within paragraphs 328 to 332.

Other

(k) *No longer a need for office space due to COVID19*

The application submitted proposes office space and therefore must be assessed as such. The office building is typical of office development occurring in the area.

(l) *Decrease in property values*

Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987* or the Yarra Planning Scheme.

(m) *Impacts to mental and physical health*

The impacts of development on mental and physical health of surrounding residents is not a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987* or the Yarra Planning Scheme.

(n) *Construction noise*

Whilst this will be handled at the Building Permit stage, a Construction Management Plan will be required via condition to ensure the construction is managed in accordance with Council policies and procedures.

Conclusion

336. The proposed use and 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.

337. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

1. Before the use and/or 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, prepared by Warren and Mahoney, Sheets: A2.00, A3.00, A3.01, A3.08, A5.02, A5.03, A8.00 (All Revision 'E' dated 9/11/2020), A3.07, A4.01, A7.01 (All Revision 'D' dated 9/11/2020), A2.01 (Revision 'C' dated 25/05/2020), A7.02 (All Revision 'C' dated 9/11/2020), A3.09, A7.00 (All Revision 'C' dated 21/10/2020), A3.02, A3.03, A3.04, A3.05, A3.06 (All Revision 'D' dated 21/10/2020), A5.00, A5.01 (All Revision 'E' dated 21/10/2020), A3.10, A4.00 (All Revision A dated 20/05/2020), A7.03 (Revision 'A' dated 21/10/2020) and A4.03, A4.04 (All Revision B dated 15/06/2020) but modified to show:

Layout

- (a) All proposed demolition as shown in blue on A2.00 and A2.01 to be shown in red.
- (b) All new works on the ground floor to be contained within the title boundaries of the site.

Built Form and Materials

- (c) Levels 03 – 07 be setback 1 metre from the northern boundary, with the setback area at Level 03 to be non-trafficable.
- (d) Levels 03 – 07 be setback 2.55 metres from the western boundary, with the setback area at Level 03 to be non-trafficable.
- (e) The southern elevation of the lift core to be clad in TL:01, or an architectural treatment that integrates with the overall building.
- (f) The northern elevation of the meeting room/theatrette modified to incorporate obscure, patterned glazing to provide visual interest in lieu of GA:01.
- (g) The Level 03 terrace on the northern side of the built form to be non-trafficable where the parapet of the retained heritage building does not extend above the finished floor level by 1.7 metres in height.
- (h) The Level 04 west-facing windows north of the lift core to be obscure glazed to a height of 1.7 metres.

Car Parking and Services

- (i) The two bike hoops on the Peel Street footpath must be offset from the kerb by 0.6m and must maintain a minimum 1.5m clear path of travel from the adjacent building line, in accordance with Council's Street Furniture Details 01: Bicycle Hoops.

Reports and Plans

- (j) Any changes required by the amended Conservation Management Plan at Condition 5;
 - (k) Any changes required by the amended Sustainable Management Plan at Condition 10;
 - (l) Any changes required by the amended Acoustic Report at Condition 12;
 - (m) Any changes required by the amended Wind Impact Assessment at Condition 16;
 - (n) Any changes required by the amended Waste Management Plan at Condition 18; and
 - (o) Any changes required by the Landscape Plan at Condition 21.
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. 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) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details (in particular the detailing of 'TL:01');
 - (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.
4. As part of the ongoing consultant team, Warren and Mahoney 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.

Conservation Management Plan

5. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan is to be generally in accordance with the Heritage Impact Statement prepared by Bryce Raworth, dated June 2020 and the '6-10 Peel Street, Collingwood - List of conservation and refurbishment works proposed to the existing facades' two page document and must include, but not be limited to, the following:
 - (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façades, roof and return walls, including sections demonstrating the thickness of architectural elements;
 - (ii) The proposed restoration and conservation works to the existing façade, roof and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (iv) Any specific requirements.
 - (b) A written description of the demolition and construction methods to be used.
6. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

7. Before demolition commences, a detailed and annotated photographic record of the existing building at No. 6 Peel Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
 - (a) include the interior and each external elevation of the building;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

Structural Report

8. 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 the buildings will be supported during demolition and construction works to ensure their retention.
9. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. Before the use and/or 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 prepared by WRAP Engineering Pty Ltd dated 12 October 2020, but modified to include or show:

- (a) Clarify provision of outdoor air to office spaces on all levels, and mark plans (including elevations).
 - (b) Provide details in Section J Analysis and aim for a minimum 10% improvement on 2019 NCC requirements.
 - (c) Clarify depth between articulated façade and recessed glass.
 - (d) Provide Landscape Plan articulating details of planting schedule and maintenance.
 - (e) Provide a statement as to how building design mitigates urban heat.
11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

12. Before the use and/or 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 Acoustics and dated 12 May 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) SEPP N-2 limits identified and applied to music and amplified voice from the meeting space/theatrette.
 - (c) An assessment and acoustic specifications for the meeting space/theatrette façade wall and external door so as to achieve the SEPP N-2 limits.
 - (d) Management strategies for minimising noise impacts from users of the meeting space/theatrette to occupants of the overlooking apartments. Including:
 - (i) Use of the door to Oxford Place for emergencies only; and
 - (ii) Limitations to the times that the space can be used.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Following completion of the development, and prior to the occupation of the building, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.
15. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Impact Assessment

16. Before the use and/or development commences, an amended Wind Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the assessment prepared by Windtech Consultants Pty Ltd dated May 21, 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) An explicit reference to the expected criteria satisfied for the ground level streetscapes.

- (c) Standing criterion to be achieved for:
 - (i) The ground floor building entrances; and
 - (ii) The Level 03 and Level 06 terraces.
 - (d) Vegetation is not to be used as a wind mitigation measure.
17. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

18. Before the use and/or 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 Leigh Design and dated 4 August 2020, but modified to include or show:
- (a) A separate waste stream and bin/s for glass.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. The collection of commercial waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

21. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) Details of any raised planters and rain gardens including height, width, soil depths and materiality;
 - (d) provide a specification of works to be undertaken prior to planting; and
 - (e) details of the maintenance of the vegetation, to ensure the planting is kept below the heritage façade line.
- to the satisfaction of the Responsible Authority.
22. 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.

Street Trees

23. Before the use and development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the two street trees located on the Peel Street frontage, including:
- (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
24. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority
25. Before the use and development commences, the permit holder must provide a security bond of \$50,000 for the retained street trees to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Green Travel Plan

26. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use

27. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the following hours:
- (a) Monday to Friday: 8:00am – 8:00pm.
28. Except with the prior written consent of the Responsible Authority, the use of the office terraces are restricted to the hours referenced within Condition 27.
29. The amenity of the area must not be detrimentally affected by the use or development, 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.

30. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Lighting

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian entrances 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.

General

32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. 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.
34. 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.
35. 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.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
37. 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.
38. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
39. The development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Infrastructure Works (Streetscape Plan)

40. Before the development commences, detailed design drawings to the satisfaction of the Responsible Authority of Oxford Place, to be reconstructed as part of this proposal, and all infrastructure works in Peel Street and Little Oxford Street, must be submitted to and approved by the Responsible Authority. The detailed design drawings must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority.

The detailed design drawings must also detail the following

- (a) pavement widths,
- (b) on-street parking bays,
- (c) reinstated surface treatment,
- (d) existing and proposed street fixtures,
- (e) street trees,
- (f) road infrastructure items,
- (g) landscaping (where applicable),
- (h) Dimensions of openings and offsets,
- (i) complete levels and grading resolution around the perimeter of the subject site,
- (j) drainage including the installation of any additional drainage pits and associated connecting drainage, and
- (k) the finished floor levels inside the entry lobby to neatly match and transition to the new design levels of the reconstructed footpath.

to the satisfaction of the Responsible Authority.

41. Before the building is occupied, all works to the public realm required by condition 40 must be fully constructed and completed by the owner:

- (a) at the full cost of the owner; and
- (b) in accordance with the detailed design drawings approved under condition 40.

to the satisfaction of the Responsible Authority.

Road Infrastructure

42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel and footpath along the frontages to Peel Street and Little Oxford Street must be reconstructed:

- (a) With a cross-fall of 1 in 33 unless otherwise specified by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the asphalt flanks (pavement surface) of Oxford Place, from the western boundary of the site to Little Oxford Street must be profile and re-sheeted and the central bluestone channel is to be reset:

- (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 redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

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

45. 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 (including trenching and excavation for utility service connections) must be reinstated:

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

46. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
47. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) 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, 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.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bicycle hoops (four spaces) must be installed on Peel Street:
 - (a) at the permit holder's cost;
 - (b) in accordance with Street Furniture Details 01: Bicycle Hoops; and
 - (c) in a location and manner,to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

50. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

51. Before the use and/or 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.
- (q) any site-specific requirements.

52. During the construction:

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

53. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

54. 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;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

55. 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;
- (c) the office use is not commenced within five years of the date of this permit.

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

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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.

All future businesses and residents (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business, resident or visitor parking permits.

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 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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.

Environmental Audit Overlay

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

Attachments

- 1 PLN20/0214 - 6 - 10 Peel Street Collingwood - ATTACHMENT 1
- 2 PLN20/0214 - 6 - 10 Peel Street Collingwood - Plans Part 1
- 3 PLN20/0214 - 6 - 10 Peel Street Collingwood - Plans Part 2
- 4 PLN20/0214 - 6 - 10 Peel Street Collingwood - Heritage Expert Report
- 5 PLN20/0214 - 6 - 10 Peel Street Collingwood - ESD Referral
- 6 PLN20/0214 - 6 - 10 Peel Street Collingwood - Strategic Transport Referral
- 7 PLN20/0214 - 6 - 10 Peel Street Collingwood - Urban Design Referral
- 8 PLN20/0214 - 6 - 10 Peel Street Collingwood - City Works Referral
- 9 PLN20/0214 - 6 - 10 Peel Street Collingwood - Streetscapes & Natural Values Referral
- 10 PLN20/0214 - 6 - 10 Peel Street Collingwood - Engineering Referral
- 11 PLN20/0214 - 6 - 10 Peel Street Collingwood - Acoustic Referral
- 12 PLN20/0214 - 6 - 10 Peel Street Collingwood - Wind Referral
- 13 PLN20/0214 - 6 - 10 Peel Street Collingwood - Heritage Referral

6.3 PLN20/0322 - 350 - 356 Johnston Street & 2 Rich Street Abbotsford - Construction of a multi-storey building containing office, food and drink premises and retail premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN20/0322 which relates to land at No. 350 – 356 Johnston Street and 2 Rich Street, in Abbotsford. The report recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 15.01 – Built Environment – Urban Design Guidelines for Victoria;
 - (b) clause 22.10 – Built Form and Design Policy; and
 - (c) clause 43.02 – Design and Development Overlay (Schedule 15)
 - (d) clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Built Form, and;
 - (b) Off Site Amenity.

Submissions Received

4. Twenty two (22) objections were received to the application, these can be summarised as:
 - (a) Concerns regarding the proposed design, including the building height and massing not complying with built form controls of the DDO15;
 - (b) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);
 - (c) Impacts to the Victoria Park heritage precinct;
 - (d) Visibility of roof level services;
 - (e) Wind impacts;
 - (f) Impacts to existing street trees;
 - (g) Traffic, car parking and loading concerns;
 - (h) Noise impacts associated with the food and drink premises, vehicle entry door and car stacker system;
 - (i) Concerns regarding construction noise and traffic;
 - (j) Concerns about maintenance of the proposed landscaping, and;
 - (k) Loss of property values.

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 the following key conditions:
 - (a) A patterned façade treatment to the eastern boundary wall to mitigate visual bulk when viewed from the public realm;
 - (b) Screening to the northern facades of Levels 1 and 2 provided with a maximum transparency of 25% to a height of 1.7m above finished floor level (to mitigate overlooking impacts).

CONTACT OFFICER: Chris Stathis
TITLE: Senior Statutory Planner
TEL: 9205 5352

6.3 [PLN20/0322 - 350 - 356 Johnston Street & 2 Rich Street Abbotsford - Construction of a multi-storey building containing office, food and drink premises and retail premises \(no permit required for uses\) and a reduction in the car parking and visitor bicycle space requirements](#)

Reference D21/14313
Author Chris Stathis - Senior Statutory Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Langridge Ward
Proposal: Construction of a multi-storey building containing office, food and drink premises and retail premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements.
Existing use: Restricted Retail
Applicant: Brother from Another Mother Pty Ltd
Zoning / Overlays: Commercial 1 Zone
 Design and Development Overlay (Schedule 15)
 Development Contributions Plan Overlay (Schedule 1)
Date of Application: 21 May 2020 (original lodgement)
 14 December 2020 (Section 57A amendment)
Application Number: PLN20/0322

Planning History

1. Planning application '001353' was lodged in 2001 for alterations to the existing building, however detailed records of this application are not available.

Background

2. The following matters are relevant background information:

Lodgement of S57A plans

3. The application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 14 December 2020. Key changes included:
 - (a) Reduction in the building footprint at levels 3, 4, 5, 6 and 7 with increased northern setbacks at these levels (see figure 1 below).
 - (b) Waste Management Plan, Sustainable Management Plan and Landscape Plan updated in response to comments from internal Council units.
4. The amended application was re-advertised pursuant to Section 57B of the *Planning & Environment Act 1987*.



Figure 1: 3D images of the west elevation of the development for the original plans (left) and amended plans (right). (Applicant submission, December 2020)

Planning Scheme Amendment C238

5. On 01 February 2021, the Minister for Planning formally gazetted Planning Scheme Amendment C238, which introduces a Development Contributions Plan Overlay over the entire municipality. This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The requirements of this provision have immediate effect. A condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

The Proposal

6. The proposal is for construction of a multi-storey building containing office, food and drink (cafe) premises and retail premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements. The proposal can be described in more detail as follows:

Use

- (a) The application proposes to use the land for:
- (i) office, with a net floor area of 3,382sqm;
 - (ii) food and drink premises (café), with a leasable floor area of 279sqm, and;
 - (iii) retail premises, with a leasable floor area of 217sqm.
- (b) A planning permit is not required for any of the proposed uses.

Development

General

- (c) The development proposes an eight-storey building. This comprises a five-storey podium base presenting to Johnston Street, which transitions to a three-storey podium base presenting to Rich and Little Turner Streets. Above these podiums, mid and upper levels are provided with greater setbacks as the development ascends to a building height of eight storeys (28.5m), including roof level services, the development has an overall height of 31.5m. More specifically, the development seeks:
- (i) a five-storey (18m) street wall to Johnston Street;
 - (ii) three-storey (11m) street walls to Rich Street and Little Turner Street;
 - (iii) a maximum building height of 28.5m (31.5m including roof level services);
 - (iv) upper level setback to Johnston Street of 7.5m;
 - (v) mid-level setbacks to Rich Street ranging from 0m to 3m;
 - (vi) upper-level setbacks to Rich Street ranging from 3m to 6m;
 - (vii) staggered mid-level and upper-level setbacks to Little Turner Street, with these increasing as the development ascends in height.
- (d) The development proposes a total of 42 car spaces, 34 employee bicycle spaces and 10 visitor bicycle spaces.

Basement

- (e) One basement level will be accessed via a ramp at Little Turner Street, with the following features:
- (i) A total of 42 car spaces including 41 car stacker spaces and one conventional, accessible car space.
 - (ii) Two service areas;
 - (iii) Waste storage room;
 - (iv) 15,000L rainwater tank;
 - (v) lift and stairwell, and
 - (vi) Holding bay and traffic signal within the vehicle accessway for internal traffic management.
- (f) The basement is proposed to be constructed to all site boundaries save for a 3m by 3m splay at the southwest corner of the lot.

Ground Floor

- (g) The ground level will be constructed to all title boundaries save for a 3m by 3m splay at the southwest corner of the lot.
- (h) The retail tenancy will present to the entire Johnston Street frontage as well the southern section of the Rich Street frontage.
- (i) The food and drink premises tenancy will present to northern section of the Rich Street frontage.
- (j) The principal pedestrian entrance is located centrally along the Rich Street frontage and has a width of approximately 3.5m;
- (k) Directly north of the principal pedestrian entrance is a booster cupboard (approximate width of 3.5m).
- (l) The northern end of the Rich Street frontage comprises bench seating (within title boundaries) facing the street and an alfresco area, both associated with the food and drink premises.
- (m) The ground floor provides a lift core towards the eastern boundary. At the eastern boundary is an internal employee bicycle storage compound with:
 - (i) 27 vertical bicycle spaces;
 - (ii) 7 horizontal bicycle spaces (total of 34 employee spaces);
 - (iii) Two accessible toilets;
 - (iv) 6 shower / change rooms, and;
 - (v) A total of 32 lockers.
- (n) The easternmost section of the Little Turner Street frontage is dedicated to vehicle access with a ramp width of 3.6m and a crossover width of 7.5m (achieved through the use of a curved wall). The remainder of the Little Turner Street frontage is composed of mesh screening with glazing behind.

Ground Floor Public Realm Works

- (o) The application proposes to remove the 21m-wide crossover along Rich Street and replace it with a kerb extension which includes:
 - (i) A designated area for footpath trading associated with the proposed food and drink premises (depicted on the landscape plan only);
 - (ii) Ten visitor bicycle spaces (five horizontal hoops);
 - (iii) Two seating benches;
 - (iv) Replanting of the existing garden bed (towards Johnston Street);
 - (v) Provision of a new street tree on the Johnston Street footpath.

Levels 1 and 2

- (p) Each of these levels feature 742sqm of office floor space and extend fully across the entire subject site. The lift and services core is provided towards the eastern boundary.

Levels 3 and 4

- (q) As the development ascends above the rear, three-storey podium, Levels 3 and 4 are provided with a diagonal setback from Rich Street and greater northern setbacks and lesser floor area:
 - (i) Level 3 has a northern setback of between 2.9m to 12.9m with an office floor area of 535sqm, and is provided with a north-facing terrace (115sqm);
 - (ii) Level 4 has a northern setback of between 7.3m to 12.9m with an office floor area of 514sqm;

Levels 5, 6 and 7

- (r) Above Level 4, all levels are provided with a setback of 7.5m from Johnston Street, an increased, diagonal setback from Rich Street, with the aforementioned increases in northern setbacks and reduced office floor area as the development ascends in height:
 - (i) Level 5 has a northern setback of between 7.3m to 12.9m with an office floor area of 301sqm and is provided with a south-facing terrace;

- (ii) Level 6 has a northern setback of between 10.4m to 12.9m with an office floor area of 280sqm;
- (iii) Level 7 has a northern setback of 12.9m and an office floor area of 259sqm;

Roof Level

- (s) A plant room is provided on the roof, with a setback of 13.35m from Johnston Street, a setback of 7.5m from Rich Street and rear setback of 1.7m.
- (t) The lift overrun is incorporated into the plant room whilst the stairwell is located to the north of the plant room (having a rear setback of approximately 14m).
- (u) Solar panels are provided across the northern section of the roof area, with a minimum capacity of 10kW.

Materials and finishes

- (v) The development proposes a mix of powdercoated metal frame (dark green colour), painted concrete (dark green colour), marble slab (dark green colour, to ground floor facades only), metal mesh screen (dark green colour), glazing (aluminium framing in a black colour) and bluestone pavers to the public realm surfacing on Rich Street.
- (w) The form of the proposed building is rectilinear with square format fenestration across the street wall facades of the building and more fine-grained, vertical-rectangular formats at the upper levels;
- (x) Eastern boundary walls composed of painted concrete with façade patterning to reference the fenestration formats of the building facades.
- (y) The plant and services area is provided with the aforementioned metal mesh screen.

7. A three-dimensional perspective of the development is provided below at Figure 2.



Figure 2: Three dimensional render of the proposed development showing the southern and eastern façades of the building as viewed from Johnston Street (Applicant Submission).

Existing Conditions

Subject Site

8. The subject site includes two properties – No. 350-356 Johnston Street and No. 2 Rich Street. The overall subject site is rectangular in shape and located at the northeast corner of Johnston and Rich Street, in Abbotsford. The site has a frontage to Johnston Street of 20.12m and a depth of 31.7m, with a total site area of 638 square metres. The site abuts Little Turner Street at the rear of the site, with a rear boundary width of 20.12m.

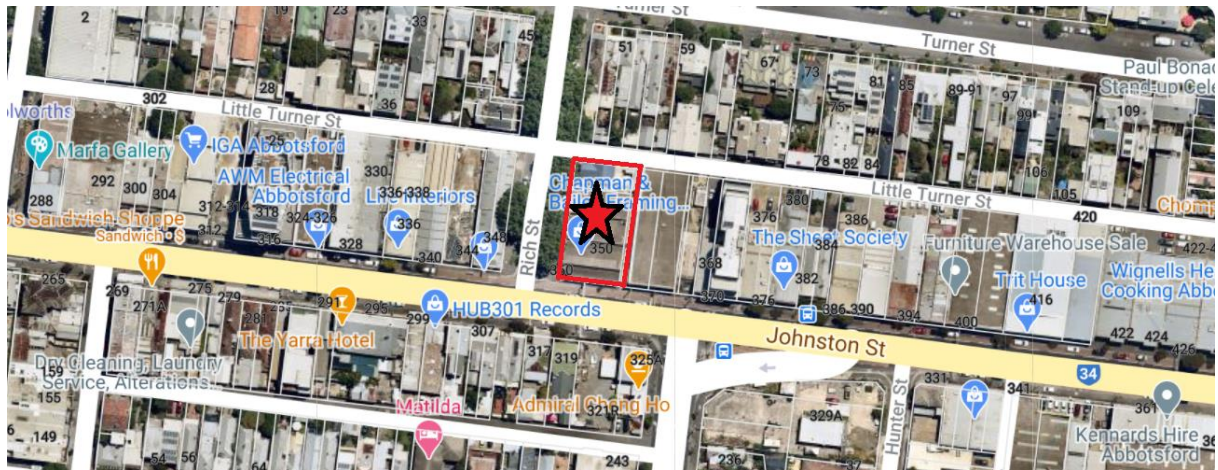


Figure 3: The subject site (red outline) and surrounding land (Nearmap, December 2020)

9. The southern section of the site (i.e. No. 350 – 356 Johnston Street) is developed with a part single-storey and part double-storey brick warehouse building which presents to Johnston Street and Rich Street with street walls roughly 5m in height and punctuated with a recessed pedestrian entrance to Johnston Street and windows to both streets. The building has a warehouse access door on Rich Street as well as an undercroft car parking area which is wide enough to accommodate four vehicles on site. The building has a saw-tooth, pitched roof and full site coverage save for a pedestrian splay located at the southwest corner of the site. The building is currently used as a restricted retail premises for a art framing business.
10. The northern section of the site (i.e. No. 2 Rich Street) is developed with a single-storey, Edwardian-era, timber weatherboard dwelling and presents to Rich Street. The dwelling is set back approximately 3m from Rich Street and has an area of secluded private open space (SPOS) towards the rear (east) of the lot. The dwelling presents to Rich Street with high front fencing and a roller door associated with a front carport. The dwelling presents to Little Turner Street with timber paling fencing (approximately 1.6m in height). Across the overall subject site, crossovers take up the majority of the Rich Street footpath, with a total width of 22m.



Figure 4: The subject site as it presents to Rich Street (Google Street View, 2019)



Figure 5: The subject site viewed from the corner of Johnston and Rich Streets.

Surrounding Land

11. Broadly speaking, Abbotsford is a highly varied neighbourhood with industrial and commercial buildings of various types and eras. These are grouped in precincts (principally along Johnston Street, Victoria Street, Hoddle Street and the Yarra River corridor). Abbotsford also has low-rise residential areas that make up the mixed character of the suburb.
12. The surrounding land is defined by the Johnston Street Neighbourhood Activity Centre (NAC), which is largely zoned C1Z and includes a wide range of commercial and community offerings. Public transport is readily available to the site with bus services on Johnston Street and Victoria Park Railway Station 300m west. To the north and south of the Johnston Street NAC are low-rise, residential areas, zoned Neighbourhood Residential (north) and General Residential (south). This zoning context is depicted at figure 6 below.

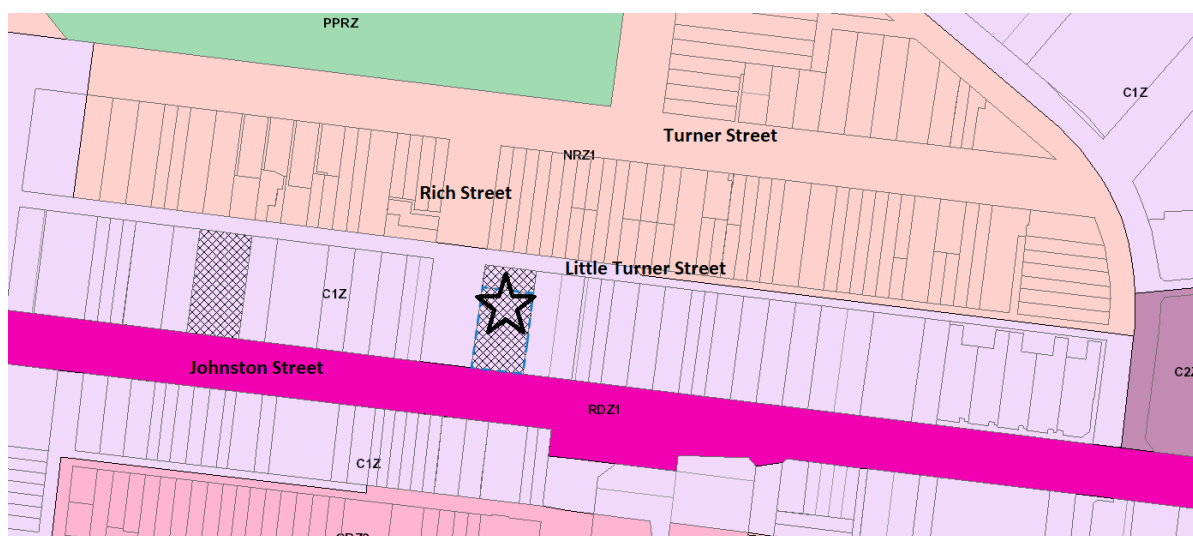


Figure 6: The zoning context of the surrounding land. (Victorian Government, February 2021)






13. To the immediate west of the site, is Rich Street, a two-way street (approximately 10m wide) with on-street car parking and established street trees on both side of the street.
14. Further west, at No. 346 Johnston Street, is single-storey, red brick building used as an office for a signage company. The building is constructed flush to Johnston, Rich and Little Turner Streets. Vehicle access to the site is gained towards the northern section of Rich Street.
15. To the immediate north is Little Turner Street, a 6 metre wide bluestone laneway that connects with Trenerry Crescent to the east and Rich Street to the west. The majority of properties on the northern edge present to Little Turner Street with 'back-of-house' elements such as garages or roller doors. There are also contemporary in-fill townhouse dwellings which front Little Turner Street, the closest of which is No. 60 Little Turner Street which has its pedestrian entrance and garage door at ground floor, with south-facing habitable room windows at first floor facing Little Turner Street.
16. To the north of Little Turner Street is a row of six Victorian-era, single-storey brick dwellings at Nos. 47 – 57 Turner Street. These dwellings have high site coverage and are generally constructed to their side boundaries. The majority of the dwellings (all except No. 51 Turner Street) have garages presenting to Little Turner Street with their respective areas of secluded private open space (SPOS) to the north of each garage. No. 51 Turner Street has a larger area of SPOS that extends to the Little Turner Street boundary, presenting to the street with timber paling fence. All of these dwellings feature south-facing habitable room windows which address the subject site.


17. To the north of the subject site, on the western side of Rich Street are two, Victorian-era, double-storey brick dwellings, both of which feature small front gardens, habitable room windows and first-floor balconies fronting Rich Street. Both dwellings have areas of SPOS towards the rear of their respective lots (i.e. away from the subject site).



Figure 7: Garages of four out of five Turner Street dwellings facing Little Turner St. (Applicant submission, 2020)

18. To the immediate south is Johnston Street, which has a width of approximately 20 metres and carries five lanes of traffic. The Road Zone, Category 1 applies to Johnston Street.
19. On the southern side of Johnston Street, opposite the subject site, at No. 319 Johnston Street is a single-storey Victorian-era timber dwelling with north-facing habitable room windows fronting Johnston Street and a rear area of SPOS at the southern end of the lot. This dwelling is located in the C1Z. To the east of No. 319 Johnston Street (also opposite the subject site), at No. 321 Johnston Street is a vacant parcel of land that had approval for a three-storey townhouses development under Planning Permit PLN14/0193 (it should be noted, however, that this permit has expired).
20. The Victoria Park community hub and recreation facility is also a significant feature of the area and is located 70 metres north of the site.
21. The subject site forms part of a linear commercial precinct zoned C1Z (with some C2Z land towards the Yarra River) in northern Abbotsford, which, pursuant to the Spatial Economic and Employment Strategy (SEES), is referred to as the Johnston Street East Emerging Activity Centre. This area includes Johnston Street between Hoddle Street (west) to the Yarra River (east) as well as Trenerry Crescent and Abbotsford Convent. The area has a range of commercial offerings including office, restricted retail and warehouses with a concentration of retail and hospitality offerings located in the western section near Victoria park Railway Station.
22. The precinct is typified by an older building stock (Victorian through to post-war eras) industrial and commercial buildings of 1-2 storeys as well as an emergent character of mid-rise contemporary office and apartment developments of up to 12 storeys. The older building stock typically has high site coverage with buildings presenting to the public realm with sheer walls and 0m street setbacks. The emerging developments in the area provide contemporary architectural responses, typically with rectilinear forms and materials including concrete, metal cladding and facades with high proportions of glazing. Examples of this emergent character include the following:

Permit No. (Address)	Description	Image
PLN16/1188 (329 Johnston Street)	Eight storey apartment development – permit issued in 2018, works have not yet commenced.	
PLN16/0471 (344 Johnston Street)	Seven-storey apartment development, permit issued in 2017, works have not yet commenced	
PLN11/0770 (370 Johnston Street)	Six-storey mixed-use development, permit issued in 2012, development completed.	
PLN15/0644 (316 - 322 Johnston Street)	Nine-storey apartment development, permit issued in 2016, construction nearing completion.	
PLN16/1155 (312 – 314 Johnston Street)	Seven-storey apartment development, permit issued in 2018, construction commenced.	

Permit No. (Address)	Description	Image
PLN15/0612 (247 – 259 Johnston Street)	12-storey, mixed use development, permit issued in 2017, construction completed.	

Planning Scheme Provisions

Zoning

Commercial 1 Zone

23. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for the use of the land for office, food and drinks premise or retail.
24. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

Overlays

25. The subject site is affected by the Design and Development Overlay (Schedule 15). Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works. Schedule 15 provides comprehensive design guidelines and built form controls, with the latter outlined in the following table:

Item	DDO15 Built form Control
Preferred maximum building height	24m
Mandatory maximum building height	31m
Preferred maximum street wall height (Johnston Street)	15m
Mandatory maximum street wall height (Johnston Street)	18m
Preferred rear interface (northern boundary wall height)	11m
Preferred min. mid level setback (Johnston St)	6m
Preferred min. upper level setback (Johnston St)	45 degrees above 18m
Preferred min. upper level setback (Little Turner St)	45 degrees above 11m
Preferred min. upper level setback (Rich St)	3m
Building projections	<i>Projections such as balconies and building services must not intrude into a setback</i>

26. The application will be assessed against these controls in the assessment section of this report.

Particular Provisions

Clause 52.06 – Car parking

27. Clause 52.06-1 of the Scheme prescribes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table below outlines the car parking requirements for the proposed office use (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction. The subject site is located within the 'Principal Public Transport Network' and therefore the reduced requirements of column B of Table 1 apply. Clause 52.06-5 states a car parking reduction that is not a whole number is to be rounded down to the nearest whole number.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	3382 sqm net floor area	3 car parking spaces per 100sqm of net floor area	101	-	-
Food and Drink Premises / Retail*	496 sqm leasable floor area	3.5 spaces per 100sqm of leasable floor area	17	-	-
Total			118	42	76

*the sub-category 'Shop' has been used for the purposes of this assessment, which has a higher requirement than other retail sub-categories.

28. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of 76 spaces is sought.

Clause 53.18 – Stormwater Management in Urban Development

29. The purpose of this provision is to ensure that stormwater in urban development...is managed to mitigate the impacts of stormwater on the environment, property and public safety. The provision requires that new development achieve industry best practice with regards to stormwater management, mirroring the requirements of local policy at clause 22.16. The provision is relevant to the application as the proposed building has a gross floor area of greater than 50sqm.

Clause 52.34 – Bicycle facilities

30. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land (i.e. within the title boundaries of the subject site). The table below outlines the bicycle parking requirements for the proposed use. Clause 52.34-5 outlines that if the applicable requirement is not a whole number, then the requirement is to the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus / Shortfall
Office	3382 sqm net floor area	<i>Employee spaces</i> 1 space to each 300m ² net floor area (if the net floor area exceeds 1000m ²)	11		
		<i>Visitor spaces</i> 1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m ²)	3		
		<i>Showers / Change Rooms</i> 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2		

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus / Shortfall
Food and Drink Premises / Retail	496 sqm leasable floor area	<i>Employee spaces</i> 1 space to each 300m ² leasable floor area	2		
		<i>Shopper spaces</i> 1 space to each 500m ² leasable floor area	1		
		<i>Showers / Change Rooms</i> Only applicable if 5 or more bicycle spaces required by use	0		
Total		<i>Employee spaces</i>	13	34	+21
		<i>Visitor / Shopper spaces</i>	4	0	-4
		<i>Showers / Change Rooms</i>	2	6	+4

31. As detailed in the above table, the proposal provides a surplus of 21 employee spaces and 4 showers / change rooms. As such, a planning permit is not triggered under this provision for employee space or showers change rooms. The application does not provide any visitor spaces within title boundaries, and therefore seeks a visitor space reduction of 4 spaces. It should be noted that ten visitor spaces are proposed outside of title boundaries as part of the proposed kerb extension works along Rich Street.

General Provisions

32. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Planning Policy Framework, Local Planning Policy Framework and any local policy, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

33. Relevant clauses are as follows:

Clause 11.01-1R (Settlement - Metropolitan Melbourne)

34. Relevant strategies include;

- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
- (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

35. 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 11.03-1R (Activity centres – Metropolitan Melbourne)

36. 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 15.01 (Built Environment and Heritage)

37. This clause outlines the following guidelines;
- (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
 - (b) *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
 - (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
 - (d) *Planning should promote excellence in the built environment and create places that:*
 - (i) *Are enjoyable, engaging and comfortable to be in.*
 - (ii) *Accommodate people of all abilities, ages and cultures.*
 - (iii) *Contribute positively to local character and sense of place.*
 - (iv) *Reflect the particular characteristics and cultural identity of the community.*
 - (v) *Enhance the function, amenity and safety of the public realm.*

Clause 15.01-1S (Urban design)

38. 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 15.01-1R (Urban design - Metropolitan Melbourne)

39. The objective is:
- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building Design)

40. The objective is:
- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
41. The strategies of this clause are:
- (a) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
 - (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
 - (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
 - (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
 - (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
 - (f) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
 - (g) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
-

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

42. 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)

43. The objective is:
- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
44. 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 and resource efficiency)

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

Clause 17 (Economic development)

46. The clause states:
- (a) *Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

Clause 17.01-1S (Diversified economy)

47. The objective is:
- (a) *To strengthen and diversify the economy.*
48. Relevant strategies are:
- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
 - (b) *Improve access to jobs closer to where people live*

Clause 17.01 -1R (Diversified economy – Metropolitan Melbourne)

49. Strategies include:
- (a) *Facilitate the development of National Employment and Innovation Clusters by ensuring they:*
 - (i) *Have a high level of amenity to attract businesses and workers;*
 - (ii) *Are supported by good public transport services and integrated walking and cycling paths;*
 - (iii) *Maximise investment opportunities for the location of knowledge intensive firms and jobs.*

Clause 17.02-1S (Business)

50. The objective is:
- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*
51. Relevant strategies include:
- (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 18.02-1S – (Sustainable personal transport)

52. The objective is:
- (a) *To promote the use of sustainable personal transport.*
53. Relevant strategies 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) *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.*
 - (d) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

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

54. 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)

55. The objective 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)

56. 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)

57. The objective is:
- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*
58. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

59. Relevant clauses are as follows:

Clause 21.04-3 (Industry, office and commercial)

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

61. The clause also acknowledges that *Yarra's commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.*

Clause 21.05-2 (Urban design)

62. The relevant objectives and strategies 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 encourages new development to be no more than five – six storeys unless it can be demonstrated that the development can achieve specific benefits such as:*
- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*
(c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
(d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
(e) *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*
(f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 (Public environment)

63. The relevant objective and strategies 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.*

Clause 21.05-3 (Built form character)

64. The relevant objective is:

- (a) *Objective 27 To improve the interface of development with the street in non-residential areas.*

Clause 21.06 (Transport)

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

Clause 21.06-1 (Walking and cycling)

66. 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.*

Clause 21.06-2 (Public transport)

- (b) *Objective 31 To facilitate public transport usage.*
(i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

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

Clause 21.07-1 (Environmentally sustainable development)

67. The relevant objective of this clause is:

- (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 21.08-1 Neighbourhoods (Abbotsford)

68. Clause 21.08-1 describes the Abbotsford area in the following way:

- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*
- (b) *Victoria Park is a major cultural and recreational asset of Yarra. Surrounding Victoria Park is a residential area which is Victorian in origin. To the south of Johnston Street residential areas consist of Victorian and Edwardian streetscapes with a substantial amount of weatherboard housing. These residential neighbourhoods have a consistent character which must be protected.*

69. Within Figure 5 of Clause 21.08-1, the subject site is identified as being within the Johnson Street Neighbourhood Activity Centre. Figure 6 of Clause 21.08-1 shows the site as being partly within a main road area where the objectives include to '*maintain the hard urban edge of development along main roads*' and '*reflect the fine grain of the subdivision pattern in building design where this exists along main roads*'.

70. This clause focuses on the local area implementation of the objectives and strategies set out in the MSS. Currently, the clause only relates to the Johnston Street Activity Centre (east of Smith Street). The clause provides the following vision for the centre:

- (a) *Johnston Street will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.*

71. The clause nominates the subject site as being within Precinct 2 (Johnston Street East), for which the following precinct vision is provided:

- (a) *East of the railway line bridge at Victoria Park Station, a more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades. Taller built form set back from the main façades.*

Relevant Local Policies

72. Relevant clauses are as follows:

Clause 22.05 (Interface Uses Policy)

73. The relevant policy is:

- (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.*

Clause 22.07 (Development abutting laneways)

74. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;

- (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. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 (Built form and design policy)

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

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

76. The policy has the following objectives:

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

- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Encourage environmentally sustainable development.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

77. This policy applies to (as relevant) new buildings and contains the following objectives;
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
 - (b) *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*
 - (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
 - (d) *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.*
 - (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
 - (f) *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.*

Clause 22.17 (Environmentally Sustainable Design)

78. 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

Spatial Economic and Employment Strategy

79. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
80. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
81. The Abbotsford Major Employment Precinct is nominated as one of five major employment precincts within Yarra, the other four being Gipps Street (Collingwood), Church Street south (Richmond), Cremorne and Victoria Parade. The SEES describes the Abbotsford precinct as a source of:
- significant employment clusters including one of the largest concentrations of industrial employment in the municipality. Abbotsford also hosts significant commercial employment particularly around Johnston Street and Trennery Crescent.*
82. More specifically, the SEES designates the subject site as being located within the Johnston Street East Emerging Activity Centre, which includes Johnston Street between Hoddle Street in the west to the Yarra River in the east as well as Trennery Crescent and the Abbotsford Convent. The SEES highlights that this is a precinct that should be targeted for diverse employment opportunities, stating that the centre:

benefits from heavy rail, retail, open space assets and the Abbotsford Convent...It is well suited to accommodating growth in both employment and housing.

83. A Strategy of the SEES relevant to this application is Strategy 1: Support Employment Growth in Activity Centres, which includes the following direction:

Yarra's Activity Centres are likely to accommodate significant growth in retail, commercial and institutional floor space. It is anticipated that an estimated 134,000 sqm of additional floor space will be added to Yarra's larger Activity Centres between 2016 and 2031 for commercial, retail and institutional uses (an increase of around 10%).

Yarra Economic Development Strategy 2020 - 2025

84. This is a local strategy that outlines Yarra's vision for future economic development with a focus on major employment precincts, The strategy calls for the intensification of employment opportunities, stating that:

Yarra's employment precincts and activity centres are critical economic areas that support a broad range of business and employment uses. The availability of areas of employment land in Yarra ...is a strength and competitive advantage and will be important in accommodating future business and employment growth. Therefore, Yarra is in a position whereby further population and employment growth can be accommodated.

Advertising

85. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 611 letters sent to surrounding owners and occupiers and by three signs displayed on site. Council received a total of 22 objections, the grounds of which are summarised as follows:
- (a) Concerns regarding the proposed design, including the building height and massing not complying with built form controls of the DDO15;
 - (b) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);
 - (c) Impacts to the Victoria Park heritage precinct;
 - (d) Visibility of roof level services;
 - (e) Wind impacts;
 - (f) Impacts to existing street trees;
 - (g) Traffic, car parking and loading concerns;
 - (h) Noise impacts associated with the food and drink premises, vehicle entry door and car stacker system;
 - (i) Concerns regarding construction noise and traffic;
 - (j) Concerns about maintenance of the proposed landscaping, and;
 - (k) Loss of property values.
86. The application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 14 December 2020. Key changes included:
- (a) Reduction in the building footprint at Levels 3, 4, 5, 6 and 7 by increased northern setbacks at these levels (see figure 1 below).
 - (b) Waste Management Plan, Sustainable Management Plan and Landscape Plan updated in response to comments from internal council units.
87. The amended plans were re-advertised under the provisions of Section 57B of the *Planning and Environment Act 1987* by 97 letters sent to surrounding owners and occupiers (including all original objectors. An additional five objections were received (1 of which were from new objectors that had not objected to the original proposal). The grounds of these objections can be summarised in the same way as the previous paragraph.

88. A planning consultation meeting was not held due to public health risks associated with the coronavirus pandemic.

Referrals

89. The majority of referral comments are based on the amended plans. The only referral comments that are not based on the amended plans are the external wind consultant comments. There was no need to re-refer the amended plans to the external wind consultant as the proposed changes result in a reduction in built form and therefore will have no tangible impact on wind flow (compared to the original plans).
90. It should be noted that the external urban design comments are in two parts; the first being a detailed assessment of the original plans (i.e. superseded plans) which includes a number of recommendations that are still relevant to the amended plans. The second set of comments is a brief assessment of the amended plans. The two sets of comments are intended to be read together.

External Referrals

91. The application was referred to the following consultants:
- (a) External urban design consultant (Kinetica);
 - (b) External wind consultant (MEL Consultants).
92. Referral responses/comments have been included as attachments to this report.

Internal Referrals

93. The application was referred to the following units within Council:
- (a) Engineering Services Unit;
 - (b) ESD Advisor;
 - (c) Waste Unit;
 - (d) Open Space Unit;
 - (e) Strategic Transport Unit;
 - (f) Urban Design Unit (public realm only);
 - (g) Streetscapes and Natural Values Unit, and;
 - (h) Civil Engineering Unit.
94. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

95. The primary considerations for this application are as follows:
- (a) Policy and strategic support;
 - (b) Built form;
 - (c) On-site amenity;
 - (d) Off-site amenity;
 - (e) Car parking, vehicle access, traffic, loading and waste;
 - (f) Bicycle facilities; and
 - (g) Objector concerns.

Policy and Strategic Support

96. The proposed development has strong strategic support at State and local level. The subject site is located within the Commercial 1 Zone (C1Z), a key purpose of which is *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The proposed uses (office, food & drinks and retail) are all Section 1 uses (no permit required) which indicates strong strategic support.

97. The subject site is also located within the Johnston Street NAC, which provides a wide range of retail, community and hospitality offerings with good public transport links. This ensures that the site is well serviced by local infrastructure and commercial offerings. Planning policy (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development within activity centres and more intense development on sites well connected to public transport.
98. The site and adjacent land are located in the C1Z and form part of the Johnston Street East Emerging Activity Centre, as identified by the SEES. The proposal complies with the strategic direction outlined for this precinct within the SEES by continuing the industrial/commercial use of the site in a more intensive form, in order to facilitate greater employment opportunities in the area.
99. 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 public transport commute. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.
100. The site fulfils these criteria as it is within the Johnston Street NAC, which, as previously described, provides a wide range of retail, community and hospitality offerings with good public transport services including direct access to bus services on Johnston Street and Victoria Park Railway Station (300m west). The site is also within 250m of the office / industrial precinct that runs between Trenerry Crescent and the Yarra River.
101. This site context thereby encourages the use of alternative modes of transport to and from the site rather than the reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*. Further, the site is located within proximity to a comprehensive cycling network; with the Main Yarra Trail (300m northeast) and the ‘Copenhagen-style’ bicycle lanes established along Wellington Street (1km west), both of which are highly utilised commuter routes for cyclists.
102. The zoning of the land preferences uses such as offices. This is further supported by the DDO15, which has a future vision of mid-rise development for the Johnston Street NAC. The proposed development also largely complies with the built form controls contained within the DDO15, giving further evidence of the strategic support for higher densities in this part of the municipality. Local policy at Clause 21.12 provides a strategic vision for the Johnston Street NAC and states that *more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades*
103. In light of the above considerations, the proposed development of the site for a mid-rise office development is considered to have strong strategic support. However, such strategic direction must be balanced against site constraints, the local built form context, the proposed architectural response and the potential for off-site amenity impacts. These aspects of the development will be discussed in the following section of this report.

Built Form

104. This section of the report considers the built form of the proposed development and is guided principally by the DDO15 at Clause 43.02-17. This assessment is also based upon the decision guidelines of the Commercial 1 Zone at clause 34.01-7 and local policy at clauses 21.05 – Urban design; 22.05 – Interface Uses Policy and 22.10 – Built form and design policy.

105. These provisions and policies seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the site context, building height, massing, architectural response, the pedestrian experience and the development's interface with sensitive uses. These will be considered in the following paragraphs.

Site Context

106. As outlined earlier within this report, built form in the immediate area is mixed, with an emergence of contemporary, higher-scale development evident in the commercially-zoned strip along Johnston Street. These developments are interspersed throughout a streetscape that is defined by hard-edged commercial buildings, typically provided with 0m street setbacks.
107. To the north on the opposite side of Little Turner Street, land is residential and defined by dwellings of one-two stories situated on narrow allotments. The most proximate dwellings are Nos 47 – 53 Turner Street, which have south-facing areas of SPOS that address the subject site. Clauses 22.05, 22.10, the DDO15 and the decision guidelines of the zone require that new development respond appropriately to sensitive residential interfaces.
108. The proposal has responded through a 11m high northern boundary wall with upper levels set back in a simple, staggered alignment with northern setbacks increasing as the development ascends from Level 3 to 7. This design response acknowledges Little Turner Street as the border between the commercially-zoned land along Johnston Street and the residential context to the north. A more detailed assessment of amenity impacts to the residential interfaces will be provided in a latter section of this report.
109. As outlined previously, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C1Z within the Johnston Street NAC, with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.

Heritage

110. The subject site is not affected by a heritage overlay and as such, no consideration is warranted for the proposed demolition of the existing building on site (as this does not trigger a planning permit).
111. North of the subject site (opposite Little Turner Street) is the Victoria Park Heritage Precinct (Schedule 337 to the Heritage Overlay) which comprises single and double-storey buildings of the Victorian and Edwardian eras. The DDO15 encourages heritage buildings along Johnston Street to be preserved and respected through appropriate development, however the DDO15 does not identify any need to respond to heritage buildings outside the Johnston Street NAC. Notwithstanding this, the proposed development will have little impact on the heritage precinct given that the subject site is delineated from the heritage precinct by Little Turner Street. Neither Rich Street nor Little Turner Street have an appreciable heritage streetscape, with the latter defined by back-of-house buildings and contemporary in-fill development. Rather, the contributory elements of the precinct are seen in the Turner Street streetscape. As such, the proposed development will not obscure views of the heritage precinct.
112. Part of the development will be visible (in long range views) from Turner Street, however this will not affect the significance of the heritage precinct as the development will clearly read as a separate, contemporary building away from the precinct.

Building Height

113. The development proposes a solid built-form height ranging from three storeys (podium to Rich and Little Turner Street) to five storeys (podium to Johnston Street) and up to a total building height of 28.5m (31.5m including roof services). The development has been assessed against the building height controls of the DDO15 in the table below.

Item	DDO15	Proposal	Complies?
Preferred maximum building height	24m	28.5m	No
Mandatory maximum building height	31m	28.5m	Yes
Preferred maximum street wall height (Johnston Street)	15m	18m	No
Mandatory maximum street wall height (Johnston Street)	18m	18m	Yes
Preferred rear interface (northern boundary wall height)	11m	11m	Yes

114. As demonstrated above, the development, with a building height of 28.5m, complies with all mandatory height controls set out in the DDO15. The development, however, seeks to exceed the preferred building height (24m) by 4.5m and the preferred Johnston Street wall height (15m) by 3m. The DDO15 states that a permit should not be granted to exceed the preferred maximum building height unless the following criteria are met:
- (a) *The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12–1.*
 - (b) *The proposal will achieve each of the following:*
 - (i) *Housing for diverse households types.*
 - (ii) *Universal access.*
 - (iii) *Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.*
 - (iv) *Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.*
 - (v) *Greater building separation than the minimum requirement in this schedule.*
 - (vi) *No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum building height.*
115. With regard to (a), the proposed height is supported by part 1.0 of the DDO15 as it is mid-rise and at eight storeys, it sits within the nominated range of 5 – 10 storeys. It also provides a strong activation of the public realm and equitable development opportunities for nearby sites, as discussed in a latter section of this report. The proposed height is also supported by the provisions of clause 21.12, which envisages that *a more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades... [with]... taller built form set back from the main façades.*
116. With regard to (b)(i), (ii) and (iii), these relate to apartment developments and are therefore not applicable. With regards to (b)(iv), the proposal (with a Green Star score of 62.5 points) will exceed the 5 Star Green Star Standard (which is set at a Green Star score of 60 points).
117. With regards to (b)(v), the minimum building separation outlined in the DDO15 is 3m for a commercial window. This is not applicable to the proposed development as there are no windows across the eastern façade (the only façade not facing a street).

118. With regards to (b)(vi), the nearest residentially-zoned dwellings are at Nos. 47 – 53 Turner Street, to the north of the subject site. The proposed building height (28.5m) will not cause any significant additional amenity impacts when compared to the preferred building height (24m). More specifically:

- (a) Given that the subject site is to the south of the nearest dwellings on Turner Street, the proposed building height will not generate any additional equinox overshadowing;
- (b) Daylight to the south-facing windows of the northern dwellings will not be unduly compromised by the proposed building height. In fact, the development exceeds the requirements of Clause 55 (ResCode) as it relates to protecting daylight access. This is explored in more detail in the Off-Site Amenity section of this report.
- (c) The difference in visual bulk impacts between the proposed development and a development of the preferred building height will be negligible. Firstly, the design response has minimised visual bulk impacts by providing an elegant raked form across the northern upper level and has proposed a building height of 28.5m, less than the mandatory maximum of 31m. Secondly, three out of four properties (Nos. 47, 49 and 53 Turner Street) to the north have garages fronting on to Little Turner Street which will limit views of the upper levels from their respective areas of SPOS. Thus, the most sensitive interface is that of No. 51 Turner Street which has its area of SPOS extending to Little Turner Street. As shown in the sightline diagram below at figure 8, the difference in visual bulk impacts from the centre point of this SPOS is minimal (when compared to the visual bulk impacts generated by the preferred building height of 24m) with only negligible components of Level 6 and 7 visible. Finally, the dominant, close-range view of the development from the northern dwellings will be of the three-storey street wall presenting to Little Turner Street.

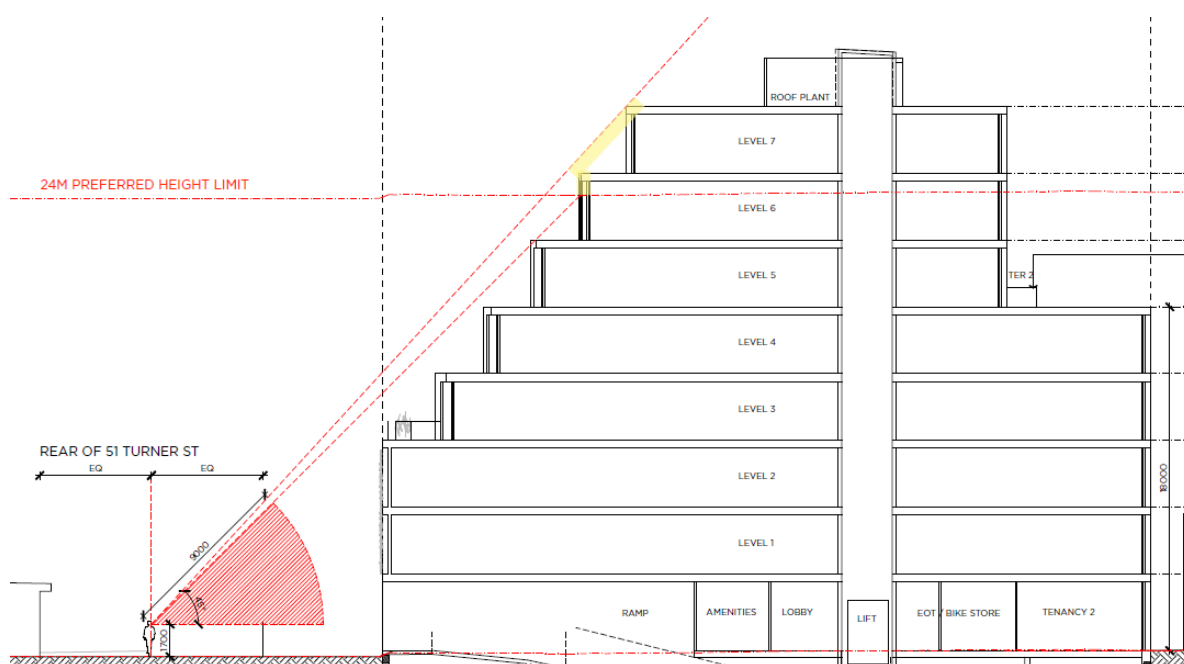


Figure 8: Sightline diagram comparing proposed visual bulk impacts to that of a building with the preferred building height (24m) (applicant submission, February 2021).

119. In light of these considerations, the proposed building height is supported against the above criteria. The development will achieve a very strong ESD performance whilst imposing no unreasonable amenity impacts.

120. The roof level services room and stairwell has a height of 31m, however this is not part of the proposed building height (28.5m) because the following criteria from the DDO15 have been satisfied:

- (a) *Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);*
- (b) *The equipment does not cause additional overshadowing;*
- (c) *The equipment does not extend higher than 3.6 metres above the maximum building height.*

121. With regard to (a), the services room and stairwell takes up approximately 40% of the roof area. With regard to (b) the services area and stairwell will not generate additional overshadowing they have been generously set back from the southern façade line (approximately 6.3m) and so shadows generated by these structures will not affect the public realm along Johnston Street. With regard to (c), the lift overrun is only 2.5m above the development's maximum building height (28.5m). For these reasons it is considered that the services room and stairwell have been designed to have minimal views from the public realm and do not form part of the proposed building height.

122. The lift overrun is the only part of the building that exceeds the mandatory maximum building height (31m); by approximately 0.5m. In a similar manner to the above, this protrusion is supported by the DDO15 as the following criteria have been satisfied:

- (a) *Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);*
- (b) *The equipment does not cause additional overshadowing;*
- (c) *The equipment does not extend higher than 3.6 metres above the maximum building height.*

123. With regard to (a), the lift overrun takes up less than 10% of the roof area. With regard to (b) the lift overrun will not generate additional overshadowing as it is only 0.5m higher than the roof and provided with generous setbacks from the building facades. With regard to (c), the lift overrun is only 0.5m above the mandatory maximum building height. For these reasons, the lift overrun's protrusion above the mandatory maximum building height is supported.

124. The external urban design consultant reviewed the proposed building height and raised concerns about the proposed variation to the northern-interface built form controls (discussed in the next section of this report) and raised concerns about associated visual bulk impacts. The external urban design consultant's recommendation to address this issue was to either delete Level 7 and modify the northern setbacks or alternatively delete Level 3 (without any changes to the northern setbacks). This recommendation will not be pursued for the following reasons:

- (a) the visual bulk impacts associated with the northern interface have been assessed to be appropriate, which is assessed in the following section of this report.
- (b) the building height (28.5m) is less than the mandatory maximum building height (31m) anticipated for precinct 2B of the Johnston Street NAC, which has higher built form expectations than other parts of the NAC;
- (c) the building height is commensurate with recent approvals on nearby land, as shown at figure 9 below;
- (d) it is a well established urban design principle that corner sites are preferred candidates for robust buildings as these help to announce the intersection of two streets;
- (e) the external urban design advice did not raise any issue to the proposed building height from an architectural or public realm perspective.

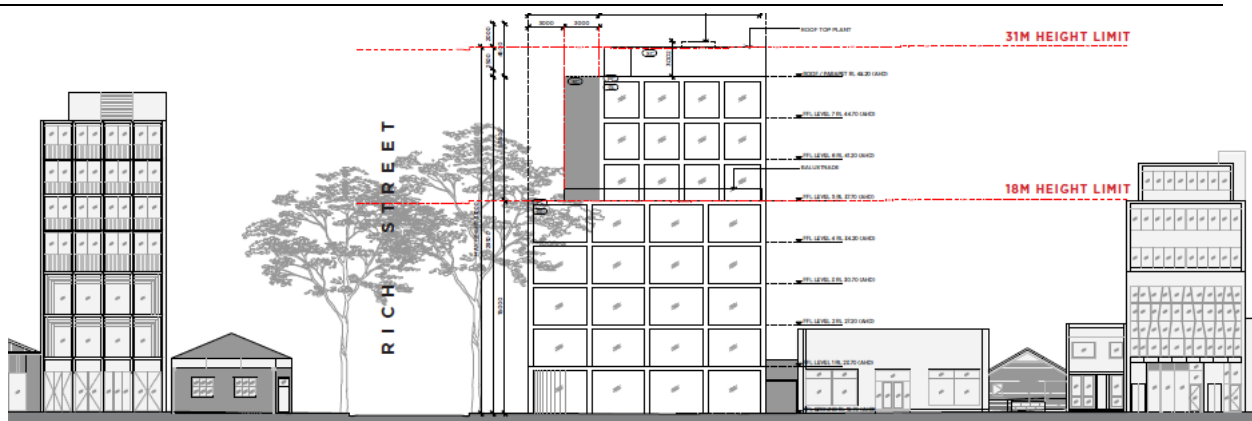


Figure 9: Johnston Street streetscape elevation.

125. In terms of street wall heights, the development provides a five-storey (18m) street wall to Johnston Street. This complies with the mandatory maximum street wall height designated by the DDO15, and therefore has strategic support. The development seeks a variation to the preferred street wall height of 15m, however this is supported given:
- (a) It is a well-established urban design principle that corner sites are preferred locations for robust development, helping to announce the intersection of two streets;
 - (b) The proposed street wall height matches the constructed development at No. 370 Johnston Street, 50m east (see figure 8, above);
 - (c) Future development to the east is likely to utilise the 18m street wall height in line with No. 370 Johnston Street;
 - (d) the 18m mandatory maximum street wall height is applied to the entire precinct 2B of the DDO15 (northern side of Johnston Street between No. 300 Johnston Street and Trenerry Crescent), and as such, robust podium forms are anticipated as part of the future vision for this part of the street;
 - (e) the variation to the preferred street wall height will not result in any amenity impacts to residentially-zoned dwellings or any equinox shadowing to the southern footpath of Johnston Street.
126. The street wall height to Rich Street is three-storeys (15m) and therefore complies with the preferred street wall height control. The transition between the Johnston Street podium and Rich Street podium is smooth, with a diagonal, west-facing wall at levels 3 and 4 that recedes away from Rich Street as it moves northwards. This achieves the intention of the corner site controls at 2.8 of the DDO15.

Massing

127. The massing of the proposed development follows the setbacks set out by the DDO15 built form controls with podiums presenting to Johnston Street (five stories) and Rich Street (three storeys). The mid and upper levels step back from the podium with a consistent setback of 7.5m to Johnston Street. The mid levels are provided with setbacks between 0m and 3m from Rich Street. the upper levels have setbacks from Rich Street ranging from 3m to 6m. At the rear interface, an 11m street wall presents to Little Turner Street, above which, the mid and upper levels recess with greater northern setbacks as the development ascends in height. The development has been assessed against the DDO15 massing controls in the following table:

Item	DDO15	Proposal	Complies?
Preferred min. mid level setback (Johnston St)	6m	7.5m	Yes
Preferred min. upper level setback (Johnston St)	45 degrees above 18m	52 degrees above 18m	No
Preferred min. upper level setback (Little Turner St)	45 degrees above 11m	54 degrees above 11m (worst case scenario)	No

Preferred min. upper level setback (Rich St)	3m	Transition between 0m and 6m	No
Building projections	<i>Projections such as balconies and building services must not intrude into a setback</i>	No projections proposed into any setbacks (preferred or mandatory)	Yes

128. As shown in the table above, the proposal seeks some variation to the preferred massing controls. Firstly, the mid level setback to Johnston Street (7.5m) is greater than the preferred minimum setback (6m) which demonstrates that the mid-level will not impose upon the Johnston Street public realm. In this case, the mid level and upper levels to Johnston Street are the same, with levels 3 – 7 all provided with the 7.5m street setback. This results in a minor variation to the upper level setback control (52 degrees instead of 45), which is demonstrated at figure 10 below. This variation is minor, and together with the 7.5m street setback, will not impose upon the public realm. This design response also avoids an overly tiered design as encouraged by the DDO15.

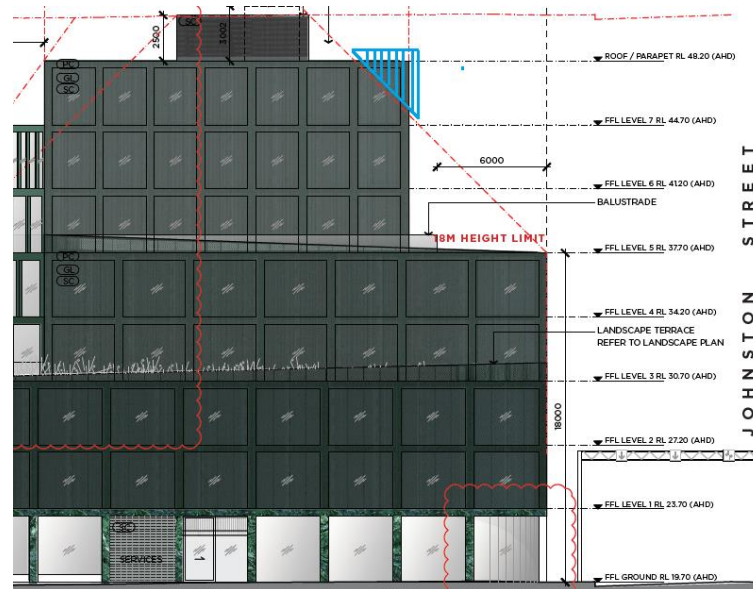


Figure 10: Hatched blue area showing extent of variation to the upper level setback built form control (Johnston St)

129. The DDO15 prescribes that the upper levels have a minimum street setback of 3m from Rich Street. At levels 5, 6 and 7, the development exceeds this requirement with a diagonal western wall that is set back between 3m and 6m, thus ensuring minimal views of the upper levels from Rich Street. At levels 3 and 4, a diagonal western wall with street setbacks ranging from 0m (at the corner of Johnston Street) to 3m is provided. Whilst this seeks a variation to the preferred upper level setback, on balance, it outperforms the preferred controls with levels 5, 6 and 7 being highly recessive. The variation at Levels 4 and 5 allow for a successful transition between the 18m Johnston Street wall and the 11m Rich Street wall as encouraged by the DDO15. For these reasons the massing response to Rich Street is supported.

130. The northern facades above the Little Turner Street podium (Levels 3 – 7) have been designed to minimise visual bulk impacts to the northern dwellings by ‘fanning’ these levels diagonally from the west, with greater northern setbacks as the development ascends in height. This results in most of the western section of these facades performing in-excess of the 45 degree control (as shown by the blue shading at figure 10 below).

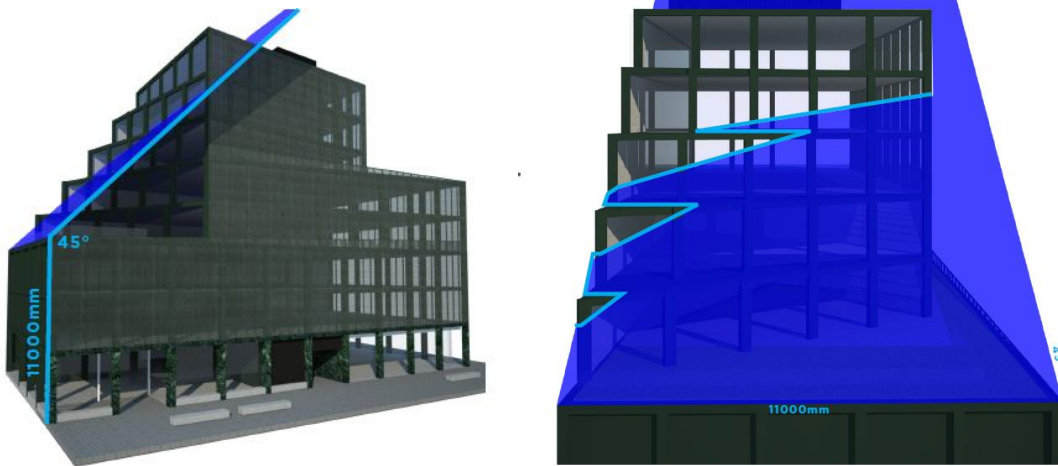


Figure 11: 3D image showing development assessed against the 45 degree preferred rear interface control. The area shaded blue at the right image depicts sections of the development that have setbacks that are greater than the 45 degree preferred control.

131. Some modest variations are sought to the 45 degree control – small eastern sections at Levels 3 – 5 and the rear-most sections of levels 6 and 7. These are supported for the following reasons:
- (a) Three out of four of the northern dwellings at Nos 47 – 53 Turner Street have garages fronting Little Turner Street which will minimise views of the upper levels from their respective areas of SPOS;
 - (b) With regard to No. 51 Turner Street (the SPOS of which extends south to Little Turner Street), a sightline diagram has been submitted which shows that the dominant view of the development from the centre point of the SPOS will be the three-storey street wall presenting to Little Turner Street, as prescribed by the DDO15 (refer to figure 8 earlier in this report), and;
 - (c) The design response has incorporated an elegant massing arrangement across the northern façade which provides good built form articulation and avoids visual bulk impacts that come from an overly tiered or ‘wedding cake’ typology.
132. The 45 degree built form control for the rear interface is a preferred control and therefore must be assessed on its merits, with regard to site context and the design response. For the reasons listed above, the proposed variations to the control are satisfactory. As previously outlined, the external urban design advice recommended that one level be removed in order to reduce visual bulk impacts to the northern dwellings, however, as shown earlier at figure 8, the visual bulk impacts will be minimal (when compared with a development of the preferred building height).
133. The DDO15 requires that projections such as balconies and building services must not protrude into a nominated setback. The use of the word ‘must’ illustrates that this is a mandatory control as outlined in 2.2 of Schedule 15. The application proposes a north-facing terrace at Level 3 and a south-facing terrace at level 5, both of which have been located so that they do not protrude into any of the relevant setback controls for the subject. As such, these terraces will have minimal views from the public realm and are supported from a massing perspective. Similarly, all roof level services have been located so that they do not protrude into the setback controls, ensuring that there will be minimal views of these elements.

134. The DDO15 prescribes a minimum building separation of 3m be provided for a window of a commercial building. This provision, however, is not relevant to the eastern facade, as it has been designed with no east-facing windows. The DDO15 also has a preferred control for ‘appropriate’ building separation to be provided above the height of 21m to allow for views to the sky between buildings. The development has not provided a formal building separation above 21m, however has allowed for views to the sky by:

- (a) Provision of a mid-level setback of 7.5m from Johnston Street, which exceeds the preferred minimum mid-level setback (6m). This generous setback has also been applied to the upper levels of the development. As such, the levels above the Johnston Street podium will have a recessive appearance and not unduly interrupt views to the sky from Johnston Street.
- (b) The upper levels at the northern interface have being provided with greater northern setbacks as the development ascends in height. By Level 6 (21m above ground level), generous northern setbacks ranging from 10.4m to 12.9m will ensure continued views to the sky.
- (c) The upper levels of the development have provided setbacks from Rich Street (up to 6m) which significantly exceed the minimum control (3m). This will ensure that the upper levels are recessive from the public realm on Rich Street, ensuring views to the sky from this vantage point.

Public realm and pedestrian response – internal to subject site

135. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the use. This outcome has been achieved at ground level, with a high degree of glazing along all three street frontages, allowing views between the ground commercial uses and public realm. The principal pedestrian entry point (for the office use) is generously sized (approximately 3.5m wide) and has been located along Rich Street providing a high level of street activation in accordance with policy objectives of clause 22.10 and the DDO15. Rich Street is the preferred location for this principal entry point as it has a footpath that is wider than that of Johnston Street. Rich Street is also not affected by the heavy traffic levels on Johnston Street, making it a more amenable space for pedestrian movements.

136. The application also proposes a ground floor, curved pedestrian splay at the corner of Johnston and Rich Streets. This is comparable to the existing pedestrian splay and will therefore ensure smooth pedestrian circulation between the two streets.

137. The external urban designer was also supportive of the ground floor scheme, stating that:

The proposed Ground Floor program is activated, articulated and generally visually interesting, with services well concealed along the Rich Street frontage. Overall, the ground floor plane will contribute to a new, contemporary urban character within the Johnston Street Activity Centre.



Figure 12: Ground floor response to Rich Street (Applicant submission, December 2020)

138. The external urban design advice, however recommended that a retractable awning is provided along the Rich Street frontage and that bench seating is provided intermittently between the columns along Rich Street. The former will be required by condition as it is an effective mechanism for providing weather protection to the public realm. The latter will not be pursued as this could result in reduced space along the footpath (due to occupants protruding outside title boundaries when seated).
139. A small portion (approximately 3.5m) of the Rich Street frontage has been reserved for a booster cupboard (adjacent to the pedestrian entry point). This is a minor proportion of the Rich Street, with active frontages dominating the ground floor response to both Johnston and Rich Streets. The booster cupboard has also been provided with a metal mesh screen which will ensure that the services behind are not overly visible and will also integrate this element with the metal mesh used across the development. Council’s Urban Design Unit did not raise any issue with regard to the booster cupboard.
140. Vehicle access has been provided off Little Turner Street, with a single-width access door towards the eastern end of the northern boundary. This ensures that vehicles do not interrupt the pedestrian experience along Johnston and Rich Streets, allowing for the majority of these to be dedicated to active frontages as previously described. In addition, the existing, 22m-wide vehicle crossover to Rich Street will be removed and replaced with a kerb extension which will improve the pedestrian experience along Rich Street (as will be discussed in the following section of this report).
141. Vehicle access from Little Turner Street is also supported by the DDO15, which discourages access off Johnston Street and calls for access to be made from *side streets or laneways where practical*.

As will be discussed in a later section of this report, Council’s Engineering Services Unit confirmed that vehicle access from Little Turner Street is supported from a traffic perspective, noting that Little Turner Street (at approximately 6m wide) is significantly wider than a typical laneway in Yarra.

142. Based on the above considerations, the presentation of the development to the public realm is well designed and will provide a positive interface with the street.

Public realm and pedestrian response – external to subject site

143. The application proposes to remove the 22m wide crossover along Rich Street and replace it with a kerb extension which includes:
- (a) A designated area for footpath trading associated with the proposed food and drink premises;
 - (b) Ten visitor bicycle spaces (five horizontal hoops);
 - (c) Two seating benches;
 - (d) Replanting of the existing garden bed (towards Johnston Street);
 - (e) Provision of a new street tree on the Johnston Street footpath.

144. These are shown at the concept plan at figure 13 below.

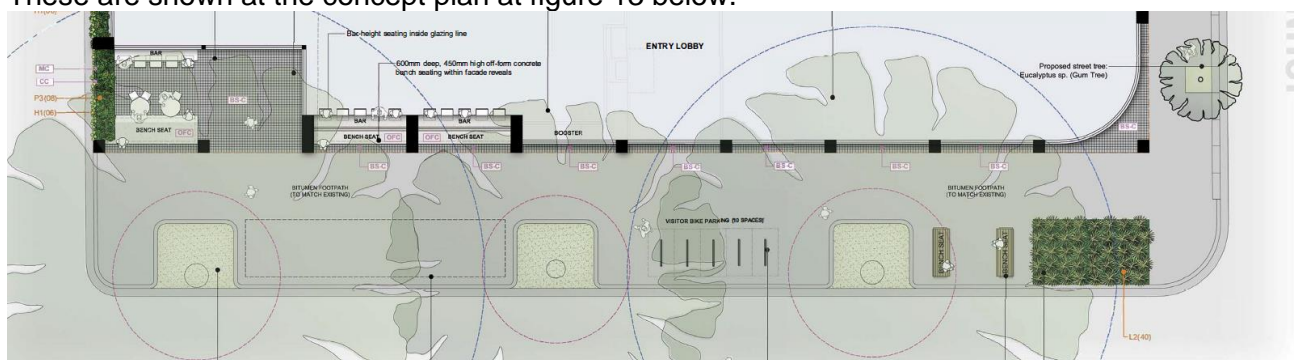


Figure 13: Proposed kerb extension to Rich Street

145. These public realm changes are a substantial improvement for the pedestrian experience along Rich Street and would enable greater circulation for pedestrian movements, activation of the public realm (through the footpath trading and public seating) as well as providing publicly accessible bicycle spaces. Council's Urban Design Unit concurred, stating that:

The proposed footpath extension to Rich Street is supported from an Urban Design perspective as it will provide additional public amenity to the area while simultaneously creating outdoor dining space for the proposed and drink premises.

146. Whilst supportive of the kerb extension, Council's Urban Design Unit made the following recommendations:
- (a) Ensure that the bench seats have back and arm rests in accordance with the Yarra Public Domain Manual.
 - (b) Consider relocating the bicycle hoops slightly further south to provide a clear view to the pedestrian entry point.
 - (c) All materials to be used within the public realm are to comply with the Yarra Standard Drawings and Road Materials Policy.
147. Items (a) and (c) are standard matters for public infrastructure and can be achieved by conditions associated with a public realm plan. Item (b) does not need to be pursued as this would have no tangible change to the public realm output. Further, most view lines to the pedestrian entry point will be from further afield such as the corner of Johnston Street or further north along Rich Street - the bicycle spaces will not block these view lines. Council's Urban Design Unit also highlighted that the use of public land for footpath trading is subject to a separate approvals process within Council. Therefore, to ensure that the public realm plan does not infer footpath trading approval, a condition will require that the footpath trading notation be removed from the public realm plan.
148. The 'public realm plan' has been submitted as part of the landscape plan for the overall site. As such, a condition will require a stand-alone public realm plan to be provided, separate to the landscape plan. Conditions will require the public realm plan to be updated as per discussed conditions in the previous paragraph. A condition will also require the public realm plan to be updated to account for any changes required by the satisfactory detailed civil and drainage plan (which is discussed in the following paragraph).
149. The proposed kerb extension would require alteration to the profile of public land and therefore has drainage implications. Council's Civil Engineering Unit reviewed the concept drainage plan provided by the applicant and stated that a detailed civil and drainage plan is required to ensure that the proposed kerb extension results in a drainage outcome to the satisfaction of Council. Council's Civil Engineering Unit proposed a condition for a detailed civil and drainage plan to address the following matters:
- (a) *Drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including curb extension);*
 - (b) *Integration of curb extension with the intersection of Rich Street and Little Turner Street;*
 - (c) *Integration of curb extension with the surrounding road network in accordance with Council engineering standards, including transitioning of the road pavement from the kerb extension back to existing surface levels beyond the Rich street frontage of the development and roadworks to provide road pavement crossfalls as determined by Council;*
 - (d) *All proposed works to maintain the health of the existing street trees on Rich Street to the satisfaction of Council's Arborist and to be in accordance with Council's engineering standards and requirements.*

150. The recommended conditions will be incorporated into the condition for a detailed civil and drainage plan for the kerb extension.
151. Council's Civil Engineering Unit raised concerns that the required civil and drainage works could impact on street tree health – this matter is discussed in the street trees section of this report.
- Architectural quality*
152. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.10 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form and materials of the surrounding area.
153. As outlined earlier, there is an emergent character of higher built form in the Johnston Street NAC. These developments typically provide robust, rectilinear designs, high proportions of glazing across facades, and roof forms that are either flat or pitched in a contemporary fashion.
154. The development proposes a mix of powdercoated metal frame (dark green colour), painted concrete (dark green colour), marble slab (dark green colour, to ground floor facades only), metal mesh screen (dark green colour) and glazing (aluminium framing in a black colour) provided in expansive, square formats at the lower levels and more vertical-rectangular formats at upper levels.
155. The proposed materiality is generally supported as the simple metal and mesh screening provides a simple aesthetic that aligns with the massing scheme. The contrast between the western façade (glazing behind metal mesh) and the southern façade (glazing with no screens) provides visual interest from the public realm perspective. Furthermore, mesh is not a solid material and, as such, will provide a sense of animation to the façade, particularly in the evening when internal lights are used.
156. The use of marble at the ground floor facades to Johnston and Rich Streets helps to attract pedestrian line of sight back to ground floor. The use of square window formats within the street walls and finer, vertical rectangular formats at upper levels provides subtle delineation between these two components of the development, and helps the upper levels to appear recessive to the street walls. The external urban design advice was supportive of the materials proposed and found that the: *expressed structural grid provides articulation and rhythm to the ground floor interface, referencing the warehouse character of the area and breaking up the scale of the glazing.*
157. The external design advice did however, recommend that a darker colour be applied to the western walls of levels 3 and 4 to help break up the massing presenting to Rich Street. This is not considered necessary, as the built form of these levels has been designed to create articulation without resorting to the use of different materials, noting that these levels are set back further from Rich Street (3m – 6m) than is prescribed by the DDO15 (3m). Furthermore, the architectural response provides a simple, refined aesthetic – by providing a darker colour at the mid-levels, these would appear as more prominent when viewed from the public realm. The subtle changes in fenestration formats also help to visually delineate the podium levels from the mid and upper levels.
158. At the eastern boundary wall, the development proposes painted concrete in a dark grey colour with square and rectangular format patterning to reference the fenestration formats the other building facades. This is an attempt to integrate the eastern façade with the rest of the development. However, an eight-storey boundary wall will be noticeable from the public realm (especially from east of the subject site along Johnston Street) and the treatment proposed does not go far enough to alleviate visual bulk impacts.

A condition will therefore require that an updated patterning scheme be applied to the eastern boundary wall with façade rebates, which will add texture and a sense of visual interest to mitigate visual bulk impacts.

159. In terms of architectural form, the development offers a robust, rectilinear appearance with solid street walls presenting to Johnston Street (five storeys), Rich Street and Little Turner Street (both three storeys). Levels 3 and 4 transition smoothly between Johnston Street and Rich Street through the application of a diagonal western wall that recedes away from Rich Street in a northerly direction. This methodology is then replicated at levels 5, 6 and 7 in a southerly direction. The overall effect is one that provides the prescribed street wall heights in an elegant fashion without resorting to an overly tiered, or 'wedding-cake' typology, as shown at figure 13 below. Similarly, the northern facades of levels 3 – 7 fan out from the west to provide a simple cascading of these levels that integrates with the diagonal forms across the development.

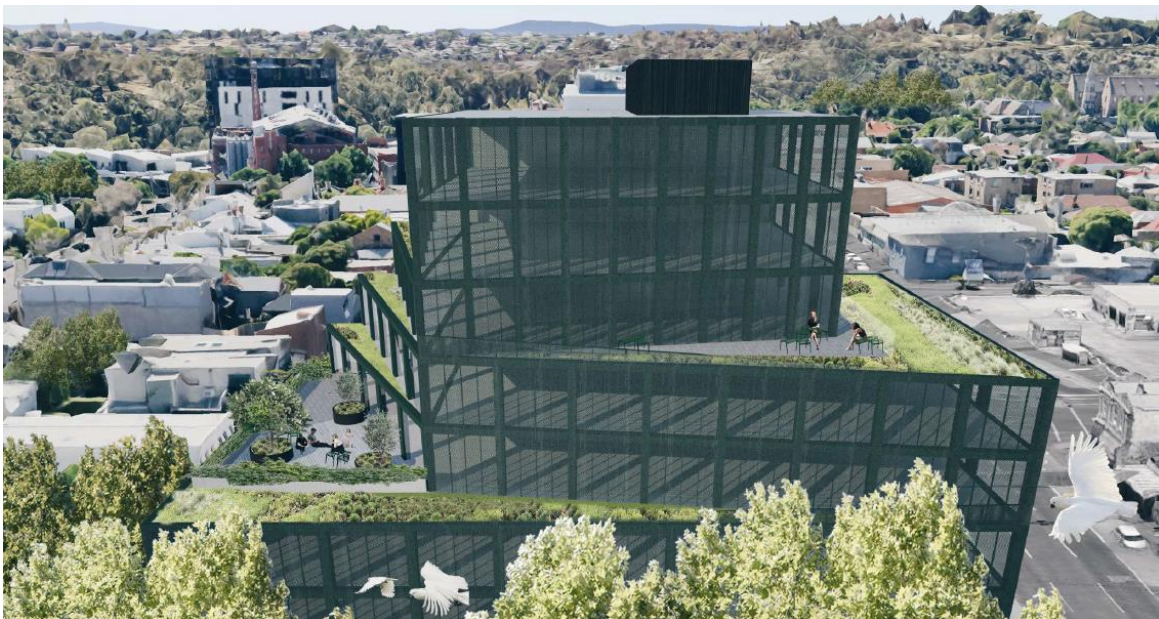


Figure 14: 3D image of the west elevation.

160. The architectural form was also supported by the external urban design advice which commented that it will add *a unique contribution to Johnston Street, providing multi-dimensional visual interest and ... [form]... part of a coherent overall building composition*. For these reasons, the proposed architectural form is supported.

Landscaping

161. The development provides substantial landscaping across the development including:
- Planters along the northern wall at ground floor (presenting to Little Turner Street) with climbing plants on wire;
 - Planting provided to the existing garden bed on the corner of Rich and Johnston Streets;
 - Planters along the northern, eastern and western edges of the Level 3 terrace;
 - Three tree plantings at the Level 3 terrace;
 - Green roofing to the non-trafficable areas of the podium roof areas (at Levels 3 and 6).
162. These landscape offerings are considered to add amenity to the public realm, particularly for the Johnston Street NAC which does not have a strong landscape character. The climbers proposed to the ground floor northern wall will add visual interest to Little Turner Street, whilst the terrace planter boxes will soften the appearance of the northern façade and assist in mitigating visual bulk impacts to nearby dwellings. The green-roofing proposed at Levels 3 and 6 are a positive ESD outcome that responds to urban heat island effect.

163. Council's Open Space Unit reviewed the landscape plans and confirmed that they were satisfactory, raising no issues. In light of these considerations, the proposed landscaping is supported.

Street Trees

164. The three-storey street wall proposed to Rich Street requires some pruning of the easternmost branches of the mature street trees on Rich Street. A Tree Impact Assessment was submitted as part of the application and was reviewed by Council's Streetscapes and Natural Values Unit who commented that the proposed pruning of the street trees is satisfactory, however it will need to be undertaken by Council's approved Tree Maintenance contractors and paid for by the permit holder. A condition will ensure that this is stipulated on the permit (should a permit issue).
165. Council's Streetscapes and Natural Values Unit also recommended that a protection bond be taken by Council for the four street trees along the subject site's frontages. This is based on the amenity value of the trees as follows:
- (a) Tree 1 (northern tree on Rich Street): \$29,625
 - (b) Tree 2 (central tree on Rich Street): \$16,825
 - (c) Tree 3 (southern tree on Rich Street): \$30,490
 - (d) Tree 4 (tree on Johnston Street): \$484
166. A condition will require that a total protection bond of \$77,424 is made to Council prior to commencement of works.
167. With regard to the proposed kerb extension works, the extent of detail shown on the landscape plan is insufficient to properly assess tree impacts. The kerb extension will also need to be modified to satisfy Council's Civil Engineering requirements. As such, a condition has been included under the condition requirement for a detailed civil and drainage plan to ensure that the works will not affect the health of stability of the three street trees along Rich Street. These trees have substantial canopy cover and provide a high level of amenity to the public realm and therefore their protection will need to be carefully considered in the development of the civil and drainage plans. Comments from the Streetscapes and Natural Values Unit have been included in the conditions for the civil and drainage plan requirement.
168. Furthermore, Council's Streetscapes and Natural Values Unit recommended that the Tree Management Plan be updated to do provide a detailed tree impact assessment for the proposed kerb extension works, including construction methodology and assessment against AS4970 (protection of trees on development sites). This will be required by way of an amended Tree Management Plan.
169. Council's Streetscapes and Natural Values Unit also recommended that:
- (a) The proposed street tree on Johnston Street should be deleted as it would conflict with existing infrastructure (fire hydrant and overhead gantry);
 - (b) In lieu of the above new tree, two new small street trees should be planted on the opposite side of Rich Street;
 - (c) Aerial bundles cable should be considered to replace the existing open wire low voltage power cables within Rich Street.
170. With regard to (a), a condition will require its deletion from the public realm plan. With regards to (b), this is onerous, particularly as the suggested location does not abut the subject site. With regards to (c), this would be an unreasonable requirement to place upon the permit holder and therefore will not be pursued.

Site coverage

171. The application proposes the entirety of the site to be covered in built form. Whilst the development does not achieve the encouraged maximum site coverage of 80% in accordance with Clause 22.10, this is acceptable given the proposed site coverage is similar to that existing on site, and to commercial buildings in proximity to the land, with hard edge development a characteristic of the Johnston Street NAC. The proposed site coverage is also consistent with the objectives of the DDO15 which calls for street walls with 0m street setbacks. Further, the provision of a ground floor, pedestrian splay at the southwest corner and the alfresco area of the food and drink premises in the northwest corner of the ground floor will help to ‘open up’ the built form when viewed from the public realm.

Light and shade

172. The overshadowing controls of the DDO15 state that development must not overshadow the southern footpath of Johnston Street between the hours of 10am and 2pm on the September equinox.

173. The submitted shadow diagrams show that the development will not overshadow the southern footpath of Johnston Street between the equinox hours of 10am and 3pm, and therefore confirms compliance with the overshadowing controls of the DDO15 (refer to figures 15 and 16 below). For these reasons, the development will not unduly affect solar access amenity to the public realm.

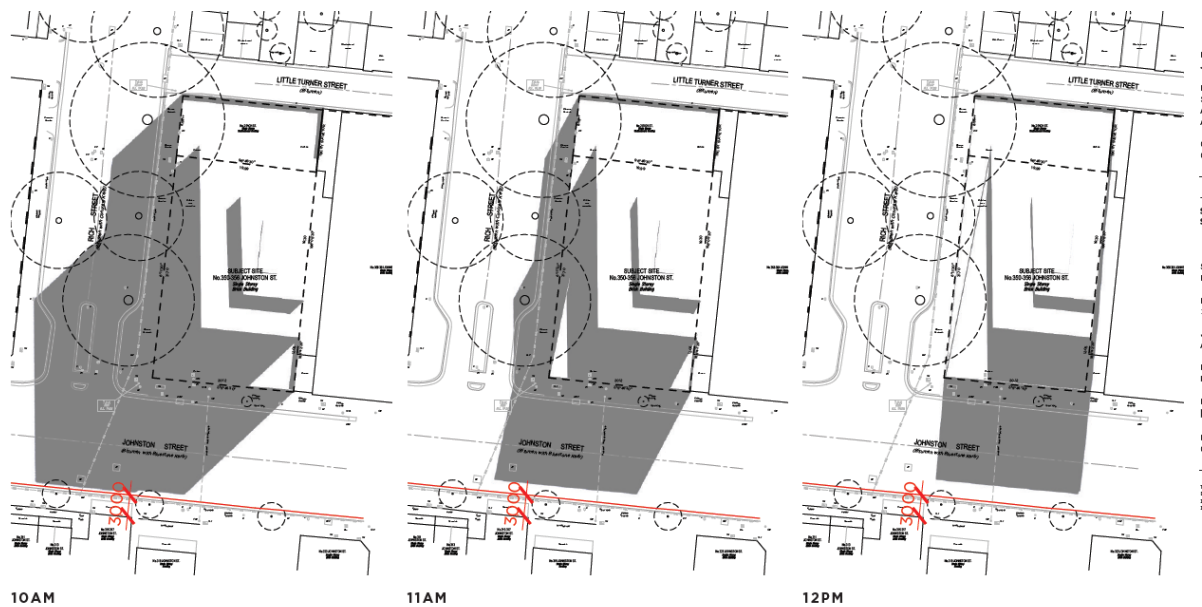


Figure 15: Proposed equinox shadows between 10am and 12pm (Applicant submission, December 2020)



Figure 16: Proposed equinox shadows between 1pm and 3pm (Applicant submission, December 2020)

On-site Amenity

174. The development is considered to achieve a good level of internal amenity through the following:

- (a) provision of a suite of ESD features which include a rainwater tank, an extensive solar array at roof level, and excellent daylight access with all levels provided with daylight from the northern, western and southern aspects,
- (b) mesh screening provided across the entire western façade which provides a shading device that will reduce cooling loads in summer months whilst being designed to effectively integrate with the overall development;
- (c) levels 3 and 5 provided with terraces with landscaped planters and seating for employee amenity;
- (d) bicycle parking for both employees and visitors as well as end of trip facilities for employees.

175. With regards to the wider ESD features proposed for the development; a 10kW solar array will be provided at the roof, rainwater will be captured for irrigation use and toilet flushing with a 10,000L rainwater tank, energy efficient lighting and water efficient fixtures / taps will be installed and sustainable products will be used throughout the design. These features (amongst others) achieve a Green Star score of 62.5 points which exceeds the five-star benchmark (set at a score of 60 points of 57%). The proposed ESD response thus represents an exceedance of the industry 'excellency' standard.

176. To further increase the development's energy efficiency (and to ensure that the development will actually achieve the stated Green Star score), Council's ESD Advisor recommended a number of modifications and additions to the design as well as the Sustainability Management Plan (SMP), based upon the originally-submitted plans and SMP. As part of the Section 57A amendment, updated plans and SMP were submitted in response to the ESD Advisor's comments. Council's ESD Advisor reviewed these and found that most items had been addressed satisfactorily. The outstanding items are as follows:

- (a) Provide operability to a selection of windows.
- (b) permit condition required to state: *Prior to commencing construction, provide a Section.J Assessment to support claims of meeting and/or exceeding NCC 2019 energy efficiency requirements, including thermal performance, GHG emissions, hot water, HVAC and peak demand reduction.*

- (c) Permit condition required to state: *Prior to commencing construction, clarify rooftop PV system size, generation and associated reduction in GHG (within Section J Assessment or memo-style response).*
 - (d) A Green Travel Plan should be required by condition to outline strategy for reducing reliance on private vehicles;
 - (e) Further clarification on how the nominated innovations credits will be achieved and implemented.
177. These recommendations can be captured by way of condition. Item (a) requires that window operability be shown on the development plans, and as such a condition under condition 1 will require this. Items (b), c and (e) can be addressed by way of conditions for an amended SMP. Item (d) can be achieved through a stand-alone condition for a Green Travel Plan, which is a reasonable requirement for a development of this scale and is a requirement of local ESD policy at clause 22.17.

Off-site Amenity

178. Clause 15.01-2S of the Scheme and the general design objectives of the DDO15 aim to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 22.05 and 22.10 as well as the decision guidelines of the Commercial 1 Zone at Clause 34.01-7 and the DDO15 at Clause 43.02-15.
179. As previously identified, the subject site has commercial interfaces to the west (opposite Rich Street) and immediately east. To the south is a dwelling and a vacant site, both located in the C1Z on the opposite side of Johnston Street. To the north is residentially-zoned land, the closest dwellings to the subject site being Nos. 47 - 53 Turner Street.

Daylight to windows

180. The closest habitable room windows (for a dwelling in a residential zone) addressing the subject site are the south-facing windows of No. 47 Turner Street, which have a minimum setback of approximately 15 metres from the proposal's northern boundary wall (which has a height of 11m). Whilst not strictly applicable, this would comply with Standard A12 (Daylight to habitable room windows) of ResCode as the setback (15m) from the northern boundary wall is greater than half (5.5m) of the height of the northern boundary wall (11m).
181. The northern façade of the upper-most level (Level 7) also complies with the Standard. The wall is set back approximately 28m from the south-facing window of No. 47 Turner Street, which is greater than half (14.25m) of height of the wall (28.5m). Whilst not applicable for office developments in the C1Z, it gives evidence to the minimal daylight impact on nearby dwellings proposed by the development.
182. The commercial property on the western side of Rich Street (No. 348 Johnston Street) will experience some loss of sunlight for its east facing windows in the morning hours. This is satisfactory as Rich Street will continue to provide a wide buffer between the two sites to ensure continued daylight access.

Overshadowing

183. The decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 call for new development to consider overshadowing impacts to nearby land in residential zones (including shadowing to existing solar energy facilities). Although not strictly applicable in this instance, and in the absence of any other test, Standard B21 of Clause 55 notes:

- (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September; and*
- (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

184. Given there are no dwellings to the east and west of the subject site, there will be no shadow impacts to dwellings for these aspects. The dwellings to the north of the subject site will not experience any equinox shadow impacts given the orientation to the subject site. There will also be no equinox shadow impact to the dwelling opposite the subject site at No. 319 Johnston Street, as shown by the shadow diagrams.
185. With respect to solar energy facilities, the nearest to the subject site is located to the southwest at No. 313 Johnston Street. As demonstrated by the shadow diagrams, there will be no equinox shadowing to this facility.
186. In of the above considerations, the proposal satisfies the decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 with regard to shadowing.

Overlooking

187. The decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10 call for new development to consider overlooking impacts to nearby land in residential zones. Clause 22.10 offers the following guidelines for mitigation of overlooking:

New residential development that contains a habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or a dwelling's secluded private open space located within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio, should be either:

*Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
Have sill heights of at least 1.7 metres above floor level.*

Have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25% transparent.

188. The above policy is not strictly applicable to the proposed development as it is not a residential development. However it can be used as a guide for the purpose of assessing overlooking impacts.
189. The closest areas of SPOS to the subject site are those associated with Nos. 47 - 57 Rich Street. Due to the garages facing Little Turner Street, the areas of SPOS for Nos. 47, 49, 53, 55 and 57 are all located outside of the 9m, 45 degree arc from the subject site (these areas of SPOS are separated from the subject site by distances of approximately 12.5m, 10m, 12m, 12.5m and 12m respectively). The only area of SPOS within 9m of the subject site is that of No. 51 Turner Street. There are no sensitive interfaces within 9m of the subject site to the east, west or south. Given this site context, the northern interface is the critical area for assessment of overlooking.
190. The northern façade has been generally designed to limit overlooking impacts to No. 51 Turner Street. Specifically:

- (a) The northern façade at ground floor will not result in any overlooking impacts given that the existing southern boundary fencing of No. 51 Turner Street (approximate height of 2m paling fence plus 1m of permeable lattice) will obscure views from this level.
- (b) The northern façade at levels 1 and 2 is provided with metal mesh screening, which will assist in obscuring downward views. Given the proximity of the SPOS of No. 51 Turner Street (approximately 6m), a condition will require that this screening is fixed and has a maximum transparency of 25% to a minimum height of 1.7m above finished floor level, to ensure an appropriate outcome with respect to clause 22.10 and the decision guidelines of the Commercial 1 Zone.
- (c) The north-facing terrace at level 3 has been set back from the northern boundary by 1m, and is provided with a landscaped planter along its northern edge (width of approximately 1m). Together, these elements will ensure that downward views are obscured by the podium at level 2. A condition however, will require sectional diagrams to demonstrate this. A condition will also require a dimension for the height (above terrace finished floor level) and depth (i.e. dimension between northern balustrade and southern edge) of the northern planter box to be shown on the plans.
- (d) The north-facing windows at Levels 3-7 are not provided with any screening, however this is supported as downward views will be generally obscured by the podium at Level 2 and the vertical distance from these levels will also limit overlooking opportunities. More specifically, the diagonal distance between these levels and the SPOS of No. 51 Turner Street ranges from approximately 14m (level 3) to 32m (level 7), which further demonstrates the minimal overlooking that will result from these levels.

191. The proposed development, with conditions, will mitigate overlooking impacts in accordance with the decision guidelines of the Commercial 1 Zone and local policy at Clause 22.10.

Visual Bulk

192. Visual bulk impacts have been discussed at length in the *Building Height and Massing* sections of this report.

Noise Impacts

193. Clause 13.05-1S states that community amenity should not be reduced by noise emissions. Similarly, local policy at clause 22.05 calls for commercial development to consider noise attenuation in its design response. The application proposes three different uses – retail and food & drink premises at ground floor, with the remainder of the building used for office. All three uses are section 1 uses under the C1Z and therefore do not require a planning permit (and as such, conditions cannot be placed on a permit to restrict the operational capacity of these uses).

194. With regard to the proposed development, the design response has ensured minimal noise impacts by locating the car stacker system within the basement (thereby containing mechanical noise underground). Similarly, the roof level services will not cause noise issues because they will be located significantly higher than the nearby dwellings.

195. The proposed vehicle entry door is unlikely to generate any problematic noise issues given that the nearest habitable room is located 15m away (at No. 47 Turner Street). In any case, a condition will require the development to comply at all times with the EPA noise regulations that apply to commercial developments (SEPP N-1).

Wind Impacts

196. Wind impacts relate to the public realm, with a focus on potential impacts to pedestrians using the public realm. Given that the proposed development (eight storeys) would be substantially taller than nearby buildings, a close assessment of wind impacts is warranted.

197. A desktop wind assessment was undertaken by a qualified wind consultant (Vipac Engineers and Scientists) which found that wind conditions proposed by the development would be satisfactory. The assessment found that:
- (a) The development would generate wind conditions at the ground floor footpath that comply with the 'walking comfort' criterion;
 - (b) The development would generate wind conditions at the ground floor pedestrian entry at Rich Street that comply with the 'standing comfort' criterion;
 - (c) The communal terraces would have wind conditions that comply with the 'walking comfort' criterion.
198. An independent wind consultant (Mel Consultants) was engaged by Council to peer review the applicant's wind assessment. The peer review found that the assessment was largely satisfactory with their recommendations for a revised assessment limited to the following matters:
- (a) Further assessment undertaken for the ground floor seating area associated with the food and drinks premises (northwest corner of site);
 - (b) Further details of the wind assessment at the level 3 communal terrace seating area.
199. Conditions will require an amended wind impact assessment to show the changes recommended by the independent wind consultant. This will ensure safe and amenable wind conditions for occupants of the proposed development as well as the broader public realm.

Equitable Development

200. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the *Planning and Environment Act (1987)*, matters of equitable development must be considered. The DDO15 prescribes that upper levels are to be provided with a building separation of at least 3m where windows are proposed in a commercial development.
201. In this instance, the site is separated from land to the south by Johnston Street and to the west by Rich Street. Both of these roadways are sufficiently wide (20m and 10m respectively) to ensure reasonable equitable development opportunities for land to the south and west (regardless of the built form proposal).
202. Land to the north is located within the Neighbourhood Residential Zone, which has a mandatory maximum building height of two storeys and are separated from the subject site by the 6m-wide Little Turner Street. In light of this context, the proposed development will not unreasonably affect equitable development opportunities to the northern properties. Furthermore, the north-facing windows at Levels 1 and 2 will be screened with a maximum transparency of 25% (as required by condition), which means that future development of the northern dwellings will not need to consider overlooking into these levels of the development.
203. The site to the east (No. 358 - 364 Johnston Street), is located within the Commercial 1 Zone with the same built form controls as that of the subject site. The proposed development has responded to the eastern interface with a concrete boundary wall across all levels which is a non-sensitive interface to No. 358 – 364 Johnston Street. This will ensure their equitable development opportunities. There are also no east-facing windows proposed as part of the development. Furthermore, the outlook for these terraces are principally north (Level 3) and south (Level 5). For these reasons, the development has appropriately been designed for protecting equitable development opportunities to the east.

Car Parking, Vehicle Access, Traffic, Loading and Waste

Provision of car parking

204. The proposed development would provide a total of 42 on-site car parking spaces in the basement; 41 car stacker spaces and one conventional, accessible car space. Pursuant to Table 1 of Clause 52.06-5, this triggers a car parking reduction of 76 spaces.

205. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:
- (a) On-street car parking in the surrounding area consists largely of 1 hour, 2 hour, 4 hour and permit-restricted spaces. Johnston Street also has clearway restrictions during peak traffic times. The lack of long-stay car parking in the surrounding area will significantly reduce employee car parking demand associated with the proposed development. In the event of visitors arriving to the site by vehicle, the high turnover rate of the 1 and 2 hour car spaces will enable visitors to park near the site. Further, the permit-restricted spaces in the area will continue to protect car parking availability for existing, permit-holding residents.
 - (b) The site has excellent access to public transport, including bus services on Johnston Street (direct access) as well as Victoria Park Railway Station (300m) west, both of which are within walking distance.
 - (c) The provision of bicycle infrastructure in the surrounding area, including the Main Yarra Trail (500m east) and Wellington Street in Collingwood (1km west) both being highly utilised commuter routes for cyclists. The area also has shared lane markings for bicycles including on Johnston Street, Nicholson Street and Trenerry Crescent. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme. These measures (as well as the proposed end of trip facilities) will encourage employees to arrive via bicycle. The provision of external bicycle spaces along Rich Street will similarly encourage visitors to ride to the development;
 - (d) Local planning policy at clauses 18.02, 21.03, 21.06-3 and 21.07 encourage reduced rates of car parking provision for development sites within proximity to public transport routes and activity centres.
 - (e) Traffic is a key issue affecting the road network. By providing a lower rate of on-site car spaces, it will ensure that the development does not generate any problematic increase in traffic levels for the surrounding road network.
 - (f) The existing land use (541sqm of restricted retail) with four-on-site car spaces would trigger a reduction of 13 car spaces under existing conditions. The existing car parking reduction is considered to be transferrable to the proposed development, as outlined by Council's Engineering Services Unit;
 - (g) A Green Travel Plan is recommended by condition (as required by clause 22.17 and recommended by Council's Strategic Transport Unit). This will ensure that the permit holder will implement management practices to further encourage use of public transport and cycling as means of transport for employees and visitors.
 - (h) Council's Engineering Services Unit reviewed the proposed car parking provision and raised no issue to the proposed reduction, stating that it is appropriate for the site which *is ideally located with regard to sustainable transport alternatives*. Further, Council's Engineering Services Unit highlighted that the proposed car parking provision (at a rate of 1.09 car spaces per 100sqm of floor area) is greater than that of other office developments recently approved by Council in Cremorne and Collingwood which ranged from 0.72 - 0.96 spaces per 100sqm floor area.

Vehicle Access

206. The application seeks to provide access to the basement car parking area via a single width access door and ramp located in the northeast corner of the site (accessed off Little Turner Street). Whilst the access door is single width, the vehicle access point splays westwards to allow a width of 7.5m at the junction of Little Turner Street, which will facilitate vehicle access into the site.

207. Visibility for vehicle ingress and egress has been provided in the form of a convex mirror located at the western side of the entrance of the basement car park. The basement plan shows a car stacker system with a central accessway (minimum width 6.7m). To ensure safe vehicle movements internally, two traffic signals are provided one located within the basement (in front of a holding bay) and the other at the ground floor access point.
208. Council's Engineering Services Unit were largely supportive of the proposed access arrangements, with minor changes and additional details required as follows:
- (a) *The applicant must provide a ground clearance check of the development entrance and ramp (for the first 7.0 metres inside the property) using the B99 design vehicle. In Little Turner Street, spot levels of the south spoon drain and road pavement (including the north edge of the Little Turner Street pavement) are to be obtained from site and be incorporated and depicted in the cross sectional drawing of the ramp. The spoon drain as shown on drawings PA_72 and PA_72B has been depicted incorrectly and is to be corrected/amended on the drawings.*
 - (b) *Comment on the drainage aspects and design of the kerb extension works is to be provided by Council's Civil Engineering (Infrastructure) team.*
209. With regard to (a), this can be addressed by way of condition. With regard to (b), the comments from Council's Civil Engineering Unit have been discussed earlier within this report.
210. A number of additional recommendations were made by Council's Engineering Services Unit; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holder's cost, as follows:
- (a) The kerb extension (including any drainage infrastructure) along the property's Rich Street road frontage must be constructed to Council's satisfaction and at the Permit Holder's cost.
 - (b) The footpath immediately outside the property's Johnston Street and Rich Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a (maximum) cross-fall of 1 in 33 (for asphalt) or unless otherwise specified by Council.
 - (c) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
 - (d) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.
 - (e) 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.
 - (f) Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.
 - (g) Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

- (h) 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.
- (i) 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.
- (j) Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- (k) 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.

211. The majority of these additional recommendations can be appropriately captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type. However, with regards to items (a) and (b), these refer to the public realm upgrades proposed as part of the application which has been addressed under the recommended condition for a detailed civil and drainage design plan, as discussed under the Built Form section of this report.

Traffic

212. Council's Engineering Services Unit found that the proposed development would likely result in 21 individual trips in the morning peak and 21 in the evening peak (adopting a traffic generation of 0.5 trips per space per peak hour). Council's Engineering Services found that these were not unduly high and would not pose adverse impacts on the surrounding road network.
213. Furthermore, the application has located vehicle access from Little Turner Street. This is the preferred location with respect to pedestrian and traffic safety because there is no footpath at this street, and it has a predominantly 'back-of-house' laneway character with numerous garages and roller doors presenting to the street. The use of Little Turner Street also means that the footpath along Rich Street will no longer be affected by vehicle movements, consistent with access policy in the DDO15.

Loading and unloading

214. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. A loading bay has not been specifically designated on the plans, however the basement has sufficient space for a small waste vehicle to manoeuvre and undertake waste collection. Whilst the basement area could be used as a loading bay outside of peak hours, it is not considered necessary to provide a designated loading bay internal to the site. This is because the majority of the development is associated with office and, as such, goods will not be sold on site as part of Levels 1 to Level 7, ensuring a low demand for loading.
215. The proposed retail uses at ground floor are anticipated to generate a similar loading requirement to that of the existing Restricted Retail use and will therefore not unduly affect the surrounding road network as outlined by Council's Engineering Services Unit.

Waste

216. The submitted Waste Management Plan (WMP) shows that waste will be collected internally at the basement level via a private collection service. This will ensure that the surrounding street network remains unaffected by stationary waste vehicles during collection and that noise impacts to nearby dwellings is minimised. Swept path diagrams have been provided to demonstrate that a small waste collection vehicle can make the required movements to undertake collection in the basement. Council's Engineering Services Unit confirmed that the swept path diagrams for the waste vehicle are satisfactory. Swept path diagrams are not required for entry into the site from Little Turner Street as the street is relatively wide (6m) for the purposes of vehicle movements.
217. The WMP also shows that regular collections of waste will be in three streams – organics, garbage and recycle, each being collected twice a week. This extent of collection is considered appropriate for the area particularly given that collection will occur internally at the basement level (and therefore contain waste collection noise underground).
218. The WMP has been assessed by Council's City Works Unit, who confirmed that it is satisfactory. A condition will be required to require that the WMP be endorsed as part of the permit documentation, should a permit issue.

Bicycle Facilities

219. With regards to visitor spaces, the development will provide 10 publicly accessible spaces (5 horizontal hoops) along the Rich Street kerb extension. As these are located outside of title boundaries, they technically do not satisfy the visitor bicycle spaces requirements of Clause 52.34 (which in this case requires 4 visitor spaces to be provided within title boundaries). However, the proposed visitor spaces will be convenient and highly visible for visitors and the number proposed is considered to be sufficient for the development. Council's Strategic Transport Unit also confirmed that the proposed visitor spaces are satisfactory.
220. With regards to employee bicycle spaces, the development proposes a total of 34 spaces (27 vertical spaces and 7 horizontal spaces) within a secure compound at ground floor. This exceeds the statutory requirements outlined in Clause 52.34 (13 spaces), however Council's Strategic Transport Unit highlighted that it falls short of Council's best practice rate (36 spaces) pursuant to the Built Environment Sustainability Scorecard (BESS) and therefore recommended that at least 36 spaces are provided. A condition will require this.

Council's Strategic Transport Unit reviewed the access arrangements for the employee spaces and found them to be satisfactory, in accordance with the requirements of Australian Standard AS2890.3.

221. The development also proposes good end-of trip facilities for employees, with six showers / change rooms as well as a total of 32 lockers. Council's Strategic Transport Unit confirmed that the shower facilities exceed both the statutory requirements (2 showers / change rooms) and Council's best practice rates (4 showers / change rooms). This will encourage employees to commute by bicycle.
222. Council's Strategic Transport Unit also recommended that a Green Travel Plan be included as part of any approval. A condition will require this.

Objector Concerns

223. Objector concerns are discussed as follows:
- (a) *Concerns regarding the proposed design, including the building height and massing not complying with built form controls of the DDO15;*

This is discussed at paragraphs 113 – 160.

- (b) *Off-site amenity impacts (including overlooking, overshadowing, loss of daylight and visual bulk);*

This is discussed at paragraphs 178 – 203.

- (c) *Impacts to the Victoria Park heritage precinct;*

This is discussed at paragraphs 110 – 112.

- (d) *Visibility of roof level services;*

This is discussed at paragraphs 120 – 123.

- (e) *Wind impacts;*

This is discussed at paragraphs 196 – 199.

- (f) *Impacts to existing street trees;*

This is discussed at paragraphs 164 – 170.

- (g) *Traffic, car parking and loading concerns;*

This is discussed at paragraphs 204 – 215.

- (h) *Noise impacts associated with the food and drinks premises, vehicle entry door and car stacker system;*

This is discussed at paragraphs 193 – 195.

- (i) *Concerns regarding construction noise and traffic;*

Amenity impacts during the construction stage are not planning matters, however to ensure that construction is in accordance with Council's requirements, and to minimise amenity impacts to nearby properties, a Construction Management Plan has been recommended by way of condition.

- (j) *Concerns about maintenance of the proposed landscaping, and;*

This is discussed at paragraphs 161 – 163.

- (k) *Loss of property values.*

This is not a planning matter.

Conclusion

224. 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.

225. The proposal, subject to the conditions recommended, is a satisfactory planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN20/0322 for the construction of a multi-storey building for office, retail and food and drinks premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements at 350 – 356 Johnston Street & 2 Rich Street, Abbotsford, 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 prepared by Matt Goodman Architecture Office dated 10 December 2020 but modified to show:
 - (a) façade patterning (including façade rebates) provided to the eastern boundary wall to minimise visual bulk when viewed from the public realm;
 - (b) increased extent of window operability across the development;
 - (c) plan and elevation notations to confirm that the screening at the northern facades of Levels 1 and 2 are fixed with a maximum visual transparency of 25% to a height of 1.7m above finished floor level;
 - (d) dimension the height and depth of the northern planter box at the Level 3 terrace;
 - (e) sectional diagrams to demonstrate mitigation of downward views into the secluded private open space of No. 51 Turner Street from the northern facades of levels 3 – 7;
 - (f) retractable awnings provided to the Rich Street façade at ground floor;
 - (g) cross section drawing (ground clearance check) of the vehicle entrance (for the first 7m inside the property) using the B99 design vehicle. The ground clearance check must provide (or show) the following:
 - (i) spot levels of the southern spoon drain and road pavement (including the northern edge of the Little Turner Street pavement) to be depicted correctly;
 - (ii) no vehicle scraping or ‘bottoming out’ of a B99 vehicle as it accesses the subject site via Little Turner Street.
 - (h) A minimum of 36 employee bicycle spaces located within the ground floor bicycle compound;
 - (i) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (j) any requirement of the endorsed Tree Management Plan (condition 13) (where relevant to show on plans)
 - (k) any requirement of the endorsed Wind Report (condition 15) (where relevant to show on plans);
 - (l) any requirement of the endorsed Public Realm Plan (condition 17) (where relevant to show on plans).
 - (m) any requirement of the endorsed Detailed Civil and Drainage Design Plan (condition 21) (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. 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 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.
4. As part of the ongoing consultant team, Matt Goodman Architecture Office or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the 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.

Sustainable Management Plan

5. 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 prepared by Wrap Consulting Engineering, dated 11 December 2020, but modified to include or show:
- (a) Operability to a selection of windows.
 - (b) Provision of a Section J Assessment to support claims of meeting and/or exceeding NCC 2019 energy efficiency requirements, including thermal performance, GHG emissions, hot water, HVAC and peak demand reduction.
 - (c) clarify rooftop PV system size, generation and associated reduction in GHG (within Section J Assessment or memo-style response).
 - (d) Further clarification on how the nominated innovations credits will be achieved and implemented.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. The provisions, recommendations and requirements of the endorsed Waste Management Plan generally in accordance with the Waste Management Plan prepared by Waste Tech Services Pty Ltd and dated 11 December 2020, must be implemented and complied with to the satisfaction of the Responsible Authority.
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan (internal to subject site)

9. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Jack Merlo and dated 11 December 2020, but modified to include (or show):
- (a) Deletion of the landscaping proposed outside of title boundaries of the subject site.
- to the satisfaction of the Responsible Authority.
10. 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, all to the satisfaction of the Responsible Authority.

Street Trees

11. Before the development commences, the permit holder must provide an Asset Protection Bond of \$77,424 (ex GST), being \$29,625 for the northern tree on Rich Street, \$16,825 for the central tree on Rich Street, \$30,490 for the southern tree on Rich Street and \$484 for the Johnston Street tree, unless otherwise advised by the Responsible Authority. The security bond:
- (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) must be in accordance with the requirements of this permit.
12. Any pruning required to be undertaken for the four street trees along the subject site's Rich Street and Johnston Street frontages must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority) with all associated costs to be borne by the permit holder.

Tree Management Plan

13. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the amended Tree Management Plan will be endorsed and will form part of the permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Simon Howe, dated July 2020, but modified to include (or show):
- (a) Commitment that any pruning to the street trees will be undertaken by an approved tree maintenance contractor with all costs borne by the permit holder;
 - (b) A detailed description of all proposed works (including construction methodology) associated with the kerb extension works as shown on the endorsed Detailed Civil and Drainage Plan (condition 21);
 - (c) A tree impact assessment of the proposed works described as part of condition 14(b) above, including an assessment against AS4970.

all to the satisfaction of the Responsible Authority.

14. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented thereafter to the satisfaction of the Responsible Authority.

Wind

15. 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 Impact Statement prepared by Vipac and dated 22 July 2020, but modified to include (or show):
- (a) Further assessment undertaken for the ground floor seating area associated with the food and drinks premises (northwest corner of site);
 - (b) Further details of the wind assessment at the level 3 communal terrace seating area.

to the satisfaction of the Responsible Authority.

16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must be generally in accordance with the curb extension details shown on Drawing No. TP01 of the landscape plan prepared by Jack Merlo, dated 11 December 2020, but modified to include the following:
 - (a) High level details and dimensions of the proposed bench seats, with provision of back and arm rests;
 - (b) Materials schedule of all proposed materials, including surface materials and street furniture materials (with all materials to comply with the Yarra Standard Drawings and Road Materials Policy).
 - (c) Deletion of the proposed street tree from Johnston Street footpath;
 - (d) Deletion of the notation referring to footpath trading;
 - (e) Any detail required to be shown from the endorsed Detailed Civil and Drainage Plan (condition 21),

All to the satisfaction of the Responsible Authority.

18. Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 17) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

Road Infrastructure

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required); and
 - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated (including by the re-sheeting of the entire Johnston and Rich Street footpath for the width of the property frontage if required by the Responsible Authority):
 - (a) at no cost to the Responsible Authority; and
 - (b) to the satisfaction of the Responsible Authority.

Detailed Civil and Drainage Design Plan

21. Before the development commences, a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The plan must include. The Detailed Civil and Drainage Design Plan must provide:
 - (a) provisions for all civil and drainage works that are required to the abutting road frontages, as part of the development.
 - (b) Surface material finishes shown and specified;

- (c) Drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including curb extension);
- (d) Integration of curb extension with the intersection of Rich Street and Little Turner Street and surrounding road network, including transitioning of the road pavement from the kerb extension back to existing surface levels beyond the Rich street frontage of the development;
- (e) roadworks to provide road pavement crossfalls as determined by Council;
- (f) All proposed works to maintain the health and stability of the existing street trees on Rich Street in accordance with the Tree Management Plan (condition 13) and to the satisfaction of Council's Arborist;
- (g) design in accordance with Council's engineering standards and requirements.

22. Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Detailed Civil and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

Car Parking

23. 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, all to the satisfaction of the Responsible Authority.
24. 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.

Green Travel Plan

25. Before the development is occupied, 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) the provision of real time passenger information displays for nearby stops within each lobby;
 - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) details of bicycle parking and bicycle routes;
 - (g) details of GTP funding and management responsibilities;
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

26. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

27. 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 pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

General

28. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
29. The amenity of the area must not be detrimentally affected by the construction, 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.
30. The use, operation of the car stacker and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
31. 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.
32. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
33. 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.

Development Contributions

34. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management

35. 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
 - (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) 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;
- (s) vehicle borne material must not accumulate on the roads abutting the land;
- (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

36. 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 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

37. 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; or

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

NOTES

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

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.

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 Permit Holder's expense after seeking approval from the relevant authority.

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

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.

Attachments

- 1 PLN20/0322 - PDC Attachment - Decision Plans
- 2 PLN20/0322 - PDC Attachment - Landscape Plan
- 3 PLN20/0322 - PDC Attachment - Traffic Assessment Report
- 4 PLN20/0322 - PDC Attachment - Waste Management Plan
- 5 PLN20/0322 - PDC Attachment - Sustainability Management Plan
- 6 PLN20/0322 - PDC Attachment - Internal Urban Design Comments
- 7 PLN20/0322 - PDC Attachment - Strategic Transport Comments
- 8 PLN20/0322 - PDC Attachment - ESD Comments
- 9 PLN20/0322 - PDC Attachment - Engineering Comments
- 10 PLN20/0322 - PDC Attachment - Open Space, Waste and Civil Engineering Comments
- 11 PLN20/0322 - PDC Attachment - External Urban Design Comments on Amended Plans
- 12 PLN20/0322 - PDC Attachment - External Urban Design Comments (Original Plans)
- 13 PLN20/0322 - PDC Attachment - Streetscape and Natural Values Unit Comments
- 14 PLN20/0322 - PDC Attachment - Wind Peer Review Comments

Attachment 14 - PLN20/0322 - PDC Attachment - Wind Peer Review Comments