



Agenda

Planning Decisions Committee

6.30pm, Wednesday 28 April 2021

Microsoft 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 chair 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 Anab Mohamud
Cr Claudia Nguyen
Cr Amanda Stone

Council officers

Danielle Connell (Senior Co-Ordinator Statutory Planning)
Laura Condon (Senior Planner)
Rhys Thomas (Senior Governance Officer)
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

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Wednesday 7 April 2021 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN20/0414 - 63-67 Gipps Street, Collingwood	5	61
6.2	PLN20/0563 - 66 Lord Street Richmond - Construction of one triple storey dwelling	71	95
6.3	PLN20/0084 - 129-135 Bridge Road, Richmond-Development of the land for partial demolition, construction of a multi-storey building and a reduction in the carparking requirements of the Yarra Planning Scheme.	98	143
6.4	PLN19/0892 - 157-161 Burnley Street, Richmond (CONFIDENTIAL ITEM)		
6.5	PLN19/0539 - 193 Queens Parade, Clifton Hill (CONFIDENTIAL ITEM)		

6.1 PLN20/0414 - 63-67 Gipps Street, Collingwood

Executive Summary

Purpose

1. This report provides an assessment of the proposal at 63-67 Gipps Street, Collingwood, for the construction of a ten storey building including roof top terrace/plant and a reduction of the car parking requirements associated with office and a food and drinks premises (no permit required for uses).

Key Planning Considerations

2. Key planning considerations include:
 - (a) Interfaces uses policy (Clause 22.05);
 - (b) Built form (Clauses 15, 21.05, 22.10, 34.02-7 and 43.02); and
 - (c) Car Parking and Bicycle Provision (Clauses 52.06 and 52.34) of the Yarra Planning Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Built form and urban design;
 - (b) Off-site amenity;
 - (c) Car parking and traffic; and
 - (d) Objector concerns.

Submissions Received

4. Eleven (11) objections were received to the application, these can be summarised as:
 - (a) Inappropriate built form and design (height and massing; unresponsive to heritage; architectural expression; and insufficient landscaping;
 - (b) Amenity Impacts (unacceptable internal amenity and ESD; overlooking; loss of sunlight and views; noise, overshadowing; impact to solar panels; public realm shadowing; and wind impacts);
 - (c) Traffic and Car Parking (loss of on-street car park for the DDA space; additional traffic cannot be supported; and not enough car parking provided); and
 - (d) Lack of open space within the area.

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 recommendations:
 - (a) The plans amended to include the changes as depicted on the “Sketch” plans prepared by NTF Architecture P/L, Sheets TP1-100 Revision E, TP101-TP1-103 Revision C and TP2-100-TP2-101 Revision D dated 06/04/2020, including the following:
 - (i) Reduction in the street wall height by one level, from a height of 23.425 metres to 20.025 metres;
 - (ii) Reduction in the overall height by 1 metre, from 33.025 metres to 32.025 metres, with the lift core along the western boundary protruding 1 metre above;
 - (iii) The columns around the north-eastern corner modified due to the introduction of a 2.6 metre (Gipps St) x 3.3 metre (Rupert Street) splay; and
 - (vi) The northern, eastern and southern elevations of the upper levels above the podium, modified from a blue-grey colour to a red-brown colour.

- (b) The levels above the podium setback from the south a minimum 3 metres from the centreline of right-of-way.
- (c) Horizontal coloured rebate lines added to the pre-cast concrete panels on the western elevation (as shown on the sketch plans) in 'REN1' in line with the FFL of each podium level.

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

6.1 PLN20/0414 - 63-67 Gipps Street, Collingwood

Reference D21/23037
Author Michelle King - Principal Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Langridge
Proposal: Construction of a ten-storey building including roof top terrace/plant and a reduction of the car parking requirements associated with office and a food and drinks premises (no permit required for uses)
Existing use: Office/Warehouse
Applicant: Urbis Pty Ltd
Zoning / Overlays: Commercial 2 Zone
Design and Development Overlay, Schedule 11
Development Contributions Plan Overlay, Schedule 1
Date of Application: 19/06/2019
Application Number: PLN20/0414

Planning History

1. Planning Permit No. 1020 was issued on 20 April 1980 for the *re-construction of a factory completely destroyed by fire at 67 Gipps Street.*

Background

Lodgement of 'without prejudice' sketch plans

2. On 20 January 2021, the applicant submitted 'without prejudice' sketch plans to lower the podium height as recommended by Council's Urban Design consultant and to reinstate the north-eastern ground floor corner splay as recommended by Council's Engineering Unit.
3. These sketch plans contained errors that were corrected within updated sketch plans provided on 11 February 2021. These sketch plans are included as an attachment to the report. The sketch plans make the following changes:

All

- (a) Title boundary dimensions removed.

Below Ground (Pit)

- (b) The 10,000L water tank increased in size to 20,000L.

Ground Floor

- (c) Relative levels (RL's) of finished floor levels inside and outside building entrances removed.
- (d) The columns around the north-eastern corner modified due to the introduction of a 2.6 metre (Gipps St) x 3.3 metre (Rupert Street) corner splay.
- (e) The area of the food and drinks premises (café) increased from 49sqm to approximately 57sqm.

Mezzanine Floor

- (f) The area of the office increased from 41sqm to approximately 72sqm.
- (g) Modification to the location of the columns/walls and windows within the north-eastern corner due to the ground floor corner splay modification.

First Floor to Third Floor

- (h) Modification to the location of the columns/walls and windows on the northern elevation due to the modifications to the podium height.

Fourth Floor

- (i) Modification to the location of the columns/walls and windows on the northern, eastern and southern elevations due to the modifications to the podium height.

Fifth Floor

- (j) Level now setback a minimum of 3.55 metres from Gipps Street, 2 metres from Rupert Street and 1 metre from the southern boundary, resulting in the podium reducing by one level.
- (k) A terrace with an area of 63sqm (approximate) proposed above the podium within the northern, eastern and southern setback area adopting setbacks of 1 metre, 1 metre and 0.35 metres from the building line to Gipps Street, Rupert Street and the ROW respectively.

Sixth Floor

- (l) Due to the reduction of the podium by one level, this level no longer provides outdoor terraces and now includes shading over the northern, eastern and southern windows consistent with the seventh-floor plan.

Seventh Floor

- (m) Modification to the location of the columns/walls and windows on the northern elevation.

Elevations

- (n) Reduction in the street wall height by one level, from a height of 23.425 metres to 20.025 metres.
- (o) Reduction in the overall height by 1 metre, from 33.025 metres to 32.025 metres, with the lift core along the western boundary protruding 1 metre above.
- (p) Modification to the location of the columns/walls and windows on the northern, eastern and southern elevations.
- (q) Introduction of the corner splay at the ground floor level.
- (r) Introduction of an opening along the western boundary, 2.3 metres in length from the southern boundary and 1.8 metres in height from the top of the wall.

Materials and Finishes

- (s) Whilst no updated materials schedule was submitted, the following is noted as shown within the elevations:
 - (i) The northern, eastern and southern elevations of the upper levels, above the podium, modified from a blue-grey colour to a red-brown colour.
 - (ii) The design detail around the main entrance at the western edge of the northern elevation modified from a blue-grey colour to a red-brown colour.
 - (iii) The western elevation of the podium levels modified from red-brown coloured concrete to grey concrete (except for a 3.55 metre return from the north and 1.17metres return from the south).
 - (iv) The western elevation of the upper levels, above the podium, modified from a blue-grey coloured concrete to a red-brown coloured concrete.

- 4. These sketch plans are provided without prejudice for information purposes on how the identified urban design and engineering issues could be addressed. The changes proposed within the submitted sketch plans, compared with the development proposed within the decision plans, is shown below.



Figure: Render of the development as proposed within the decision plans (left) and sketch plans (right)
Source: Provided by the applicant on 15/12/2020

5. The assessment is based on the advertised plans, with reference made to the sketch plans received on 11 February 2021, where relevant.

The Proposal

6. The proposal is to construct a ten-storey building including roof top terrace/plant and a reduction of the car parking requirements associated with office and a food and drinks premises (no permit required for uses). Key features of the proposal include:

Use and layout

7. The building has three frontages; to Gipps Street to the north, Rupert Street to the east and the right-of-way (ROW) to the south. At the ground floor the building contains a food and drinks premises of 49sqm. The written documentation indicates that this food and drinks premises will be a café and therefore a condition will require this notation to be included on the plans. The café has two entrances, one from Gipps Street and the other from Rupert Street.
8. One office tenancy of 41sqm is located on the mezzanine level. Whilst Council's external Urban Designer noted that this office tenancy is shown as a 'pop up' on Drawing DR3-103 of the Urban Context Report, it is considered that it is adequately documented within the floor plans and accompanying reports as office space. The upper levels accommodate 1,707sqm of office floor area. A terrace with an approximate area of 63 sqm on the sixth floor and a roof terrace with an approximate area of 50 sqm are proposed to service the office use.
9. A total of 11 car spaces are accessed at the ground level in car stacker systems. The car parking area is primarily accessed from the ROW, however, access is also gained from Rupert Street. A total of 35 on-site bicycle spaces for employees and 8 for visitors are provided at the ground floor, with a dedicated bicycle entrance from Rupert Street. A bike repair station is also provided within the visitor bicycle parking area. Associated end-of-trip facilities are provided at the mezzanine level.

Construction

Demolition

10. All structures on site are to be demolished (no permit required).

Below Ground (Pit)

11. Located below the ground floor will be services including a 10,000L rainwater tank, car stacker pit and lift pit. These services will not be accessible.

Ground Floor

12. To the north are several columns (approximately 0.4 metres wide) that would abut the street with glazing in between setback 1 metre from the boundary; except for the area containing the ground floor north-eastern planter where the glazing is setback 3.3 metres from the boundary. The door to the main entrance lobby is located toward the west with an entrance to the food/drink tenancy located centrally along Gipps Street.
13. Along the eastern boundary with Rupert Street the development is built to the boundary for a length of 10.72 metres from the southern boundary with the rear 2.68 metre wide garage door. To the north of the on-boundary wall, a 5.36 metre wide opening is provided as a bicycle entrance door, with the door setback 1 metre from the street. To the north of the bicycle entrance door, several columns (approximately 0.4 metres wide) abut the street with glazing in between setback 1 metre from the boundary; except for a 1 metre deep planter and the area containing the ground floor north-eastern planter where the glazing behind is setback 4.84 metres from the boundary. A secondary entrance to the food/drink tenancy is also provided from Rupert Street.
14. The development is generally built along the western and southern boundaries. Where interfacing with the south, the development includes a 12.295 metre wide garage door and the main vehicular entrance.

Mezzanine Floor

15. To the north, several columns (as per lower level) with glazing in between setback 1 metre from the boundary except for the portion above the ground floor north-eastern planter (setback 3.3 metres from the boundary).
16. Along the eastern boundary with Rupert Street the development is built to the boundary for a length of 10.72 metres, above the ground floor bicycle entrance a void with a length of 5.36 metres and depth of 3.1 metres is provided. To the north of the bicycle entrance door, several columns approximately (as per lower level) with the exception of the northernmost column which abuts the boundary for 1 metre with glazing in between setback 1 metre from the boundary, except for the area containing the ground floor north-eastern planter where the glazing behind is setback 4.84 metres from the boundary.
17. The development is generally built along the western and southern boundaries.

First Floor

18. To the north, columns and walls approximately 0.4 - 2.6 metres wide abut the street with glazing in between setback 1 metre from the boundary except for the westernmost area above the main entrance which contains a street-facing balcony. This area is setback 2 metres from the boundary with a 0.6 metre wide planterbox encroaching into this setback.
19. The development is generally built along the western, eastern and southern boundaries. Where interfacing with the south and east, the development includes several windows inset approximately 0.2 metres from the wall.

Second Floor to Fifth Floor

20. To the north, columns and walls approximately 0.4 - 2.6 metres wide abut the street with glazing in between setback 1 metre from the boundary except for the westernmost area above the main entrance containing a street-facing balcony. This area is setback 1 metre from the boundary with a 1 metre wide planterbox encroaching into this setback.

21. The development is generally built along the western, eastern and southern boundaries. Where interfacing with the south and east, the development includes several windows inset approximately 0.2 metres from the wall.

Sixth Floor

22. Above the podium, the sixth level is setback a minimum 3.55 metres from Gipps Street, 2 metres from Rupert Street and 1 metre from the southern boundary.
23. A terrace with an area of 63sqm (approximate) is proposed above the podium within the northern, eastern and southern setback area adopting setbacks of 1 metre, 1 metre and 0.35 metres from Gipps Street, Rupert Street and the ROW respectively.
24. The development is generally built to the western boundary for a length of 23.265 metres.

Seventh Floor and Roof Garden

25. The setbacks to Gipps Street, Rupert Street and the ROW are the same as those described in relation to the sixth floor. Solar baffles encroach into these setbacks by 0.8 metres, 0.4 metres and 0.26 metres to the north, east and south respectively.
26. The development is generally built to the western boundary for a length of 23.265 metres.

Elevations

27. To Gipps Street, Rupert Street and the ROW, a 23.425 metre (maximum) podium consisting of seven storeys (inclusive of the mezzanine level) is proposed.
28. The building will be ten storeys (inclusive of both the mezzanine and rooftop garden levels) with an overall height of 33.025 metres (including plant) proposed. The development will be built to the western boundary.



Image: Render of the proposed development

Source: Drawing DR5-104 of the Urban Context Report

Materials and Finishes

29. The proposed materials and finishes are in accordance with the external materials palette, provided below.



Image: External material schedule

Source: Drawing DR5-200 of the Urban Context Report

Existing Conditions

Subject Site

30. The subject site is located at the south-western intersection of Gipps Street and Rupert Street. The site is approximately 240 metres west of Hoddle Street and approximately 230 metres east of Wellington Street. The site consists of one allotment, known as Plan of Consolidation 150657.
31. The site is rectangular in shape with a frontage to Gipps Street of 14.26 metres and a frontage to Rupert Street of 27.84 metres, resulting in a total area of approximately 395sqm, shown below.



Figure: Aerial photograph of No. 67 – 69 Gipps Street, Collingwood

Source: Nearmap, image capture date: 22 January 2021

32. The site is occupied by a single storey warehouse building, shown below, that is built generally to all boundaries, with the exception of the north-east corner where a corner splay exists and the south-east corner, where there is a concrete apron providing access to two-car parking spaces that are directly accessed from Rupert Street. To the north of these car spaces, a roller door allowing vehicular access into the building is provided.



Figure: No. 66 - 69 Gipps Street, Collingwood, the front façade (left) and rear car parking area (right)
Source: Officer image, taken 22/11/20

Title Documents

33. The title submitted with the application does not show any covenants or agreements, however, the title indicates that along the western boundary the site is encumbered by two easements.
34. Easement A applies centrally along the western boundary for a length of 11.73 metres and depth of 0.13 metres and relates to overhanging eaves. As documented on the submitted plans, the adjoining property to the west does not include any overhanging eaves and therefore this easement will not be impacted by the proposed development.
35. Easement B applies along the western boundary to a 9.88 metre length taken from Gipps Street and an approximate 1.48 metre length taken from the rear boundary, both 0.11 metres in width and relates to party walls. As documented on the submitted plans, the existing building and the adjoining property to the west do not include any party walls and therefore this easement will not be impacted by the proposed development.

Surrounding Land

36. The site is in an area which contains a variety of built form and uses. The immediate area is primarily commercial and industrial in character; however two small pockets of non-conforming residential dwellings exist along the northern and southern sides of Gipps Street to the west of the site. The subject site and these dwellings are located within the Commercial 2 Zone (C2Z).
37. The closest residential area is located approximately 85 metres north of the subject site, with this area within the Neighbourhood Residential Zone (NRZ). The surrounding area and zoning is shown below.

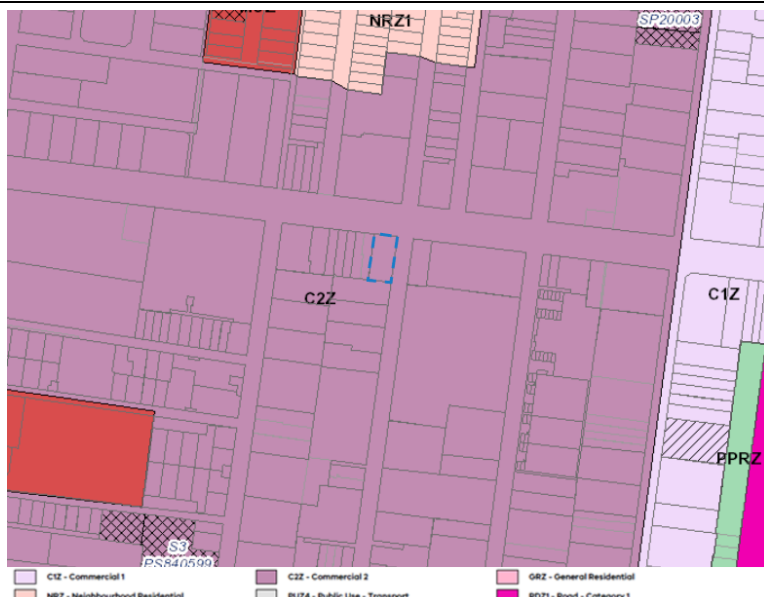


Figure: The subject site and surrounding land shown as C2Z, with NRZ/MUZ to the north and south-west
Source: DELWP

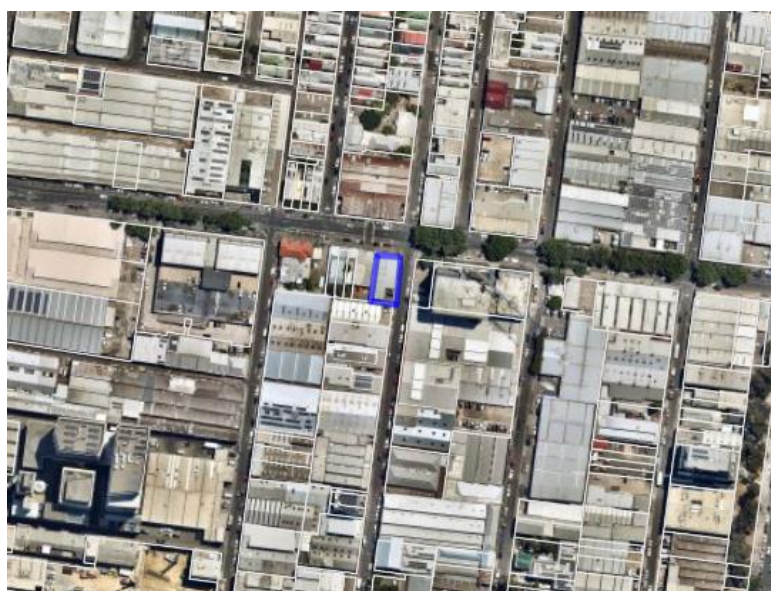


Figure: Aerial photograph of the subject site and surrounding built form
Source: Nearmap image capture date: 22 January 2021

38. The site is approximately 500 metres to the east of the Smith Street Major Activity Centre (MAC), which provides convenience retailing that services the local community. The site also has good access to a range of public transport services, as follows:
 - (a) Smith Street (500m to the west) - serviced by Tram Route 86 (Bundoora RMIT - Waterfront City Docklands).
 - (b) Victoria Parade (470m to the south) - provides connections to Tram Routes 12 (Victoria Gardens - St Kilda) and 109 (Box Hill - Port Melbourne) and Bus Routes 302 (City - Box Hill via Belmore Road and Eastern Freeway), 303 (City - Ringwood North), 305, 905 and 908 (City - The Pines Shopping Centre, Templestowe), 309 (City - Donvale), 318 (City - Deep Creek), 350 (City - La Trobe University), 684 (Eildon - Melbourne), 906 (City - Warrandyte) and 907 (City - Mitcham).
 - (c) Hoddle Street (170m to the east) also provides access to the abovementioned bus routes.
 - (d) Collingwood Train Station (390m to the east).
39. The site's immediate interfaces are as follows:

North

40. Gipps Street is immediately to the north. This street supports a single lane of traffic and a bicycle lane in each direction. Parallel parking is provided along both sides, interspersed with mature London Plane trees.
41. Directly opposite the site, on the northern side of Gipps Street at No. 58A, is a double-storey modern commercial building, with carparking provided on the ground floor of the site in an under-croft arrangement. This building encompasses the entire block between Campbell and Rupert Streets, with minimal setback from the front boundary.
42. On the north-eastern corner of Rupert Street and Gipps Street, at No. 60 Gipps Street, is a double storey commercial building that is built to all boundaries, adopting a 100% site coverage.
43. To the west of No. 58A Gipps Street and to the east of Rokeby Street at No. 52 – 58 Gipps Street are four buildings constructed as dwellings. These four buildings are graded 'individually significant' within the Campbell Street Heritage Precinct, Collingwood. Three of these buildings appear to be used as dwellings (Nos. 52, 54 & 56 Gipps Street).
44. These dwellings are located within the C2Z, where the use of land for a dwelling is a 'Section 3 – Prohibited use' in accordance with clause 34.02-1 of the Scheme. The dwellings at No. 52 and 54 Gipps Street do not appear to have established existing use rights pursuant to clause 63 of the Scheme. The dwelling at No. 56 Gipps Street established existing use rights for the use of the land as a dwelling in 2013 through Planning Permit PLN13/0335, however, given the lapse of time since 2013 it is unclear whether this dwelling would currently benefit from existing use rights.

South

45. To the south of the site is a ROW approximately 3 metres in width that is shown as a carriageway easement on the Certificate of Title for No. 107-109 Rupert Street and included on Council's Road Register as ROW No. 255.
46. The permit applicant submitted an easement report with the planning application, demonstrating that the subject site has easement rights over the laneway. Council's Engineering Unit reviewed this aspect, making the following comments:
 - (a) *The title information for the property at 109 Rupert Street (Title Plans TP 9495573U) shows a carriageway easement encumbering the northern boundary of the site. The easement measures 2.81 metres along the western boundary, 2.88 metres along the eastern boundary, and 35.19 metres along its northern and southern boundaries.*
 - (b) *The carriageway easement is identified as Right of Way No. 255 and is listed on Council's Register of Public Roads and asset database, MASS.*
 - (c) *As part of Council's Road Management Plan, roads on Council's Register of Public Roads are deemed reasonably required for general use by the public. Council is obligated to maintain roads on the Register.*
 - (d) *The subject land is a 'road' within the meaning of the Local Government Act 1989 (LGA), on the basis that it is:*
 - i. *A 'Right of Way' as defined in the LGA (section 3(1)(b)). The subject land is known to title as a carriageway easement on the relevant title plan (Title Plans TP 9495573U); and*
 - ii. *A 'Public Road' under the Road Management Act 2004 (RMA) (section 3(1)(ca) of the (LGA), by virtue of its inclusion on Council's Register of Public Roads.*
47. To the south of the ROW, is No. 107-109 Rupert Street. Occupying this site is a single-storey factory building, which is generally constructed to all boundaries, except for the carriageway easement and a 5.5m setback from Rupert Street. Car parking is accommodated within the Rupert Street setback area.

48. To the south of this property at No. 105 Rupert Street is a double-storey commercial building that is generally built to all boundaries. The two buildings at No. 97 and No. 99 Rupert Street are single-storey and similar in construction, generally built to all boundaries and used for commercial purposes.
49. To the south of the above sites, at No. 81 – 89 Rupert Street, is a large parcel of land (approximately 1,960sqm) that recently received planning approval pursuant to Scheme Amendment C283 for the use and development of a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing a residential hotel, retail, offices, cinema, restaurant, art and craft centre, art gallery, restricted recreation facilities, and community meeting facilities, along with basement car parking and other services.
50. The Rupert Street interface is shown below.

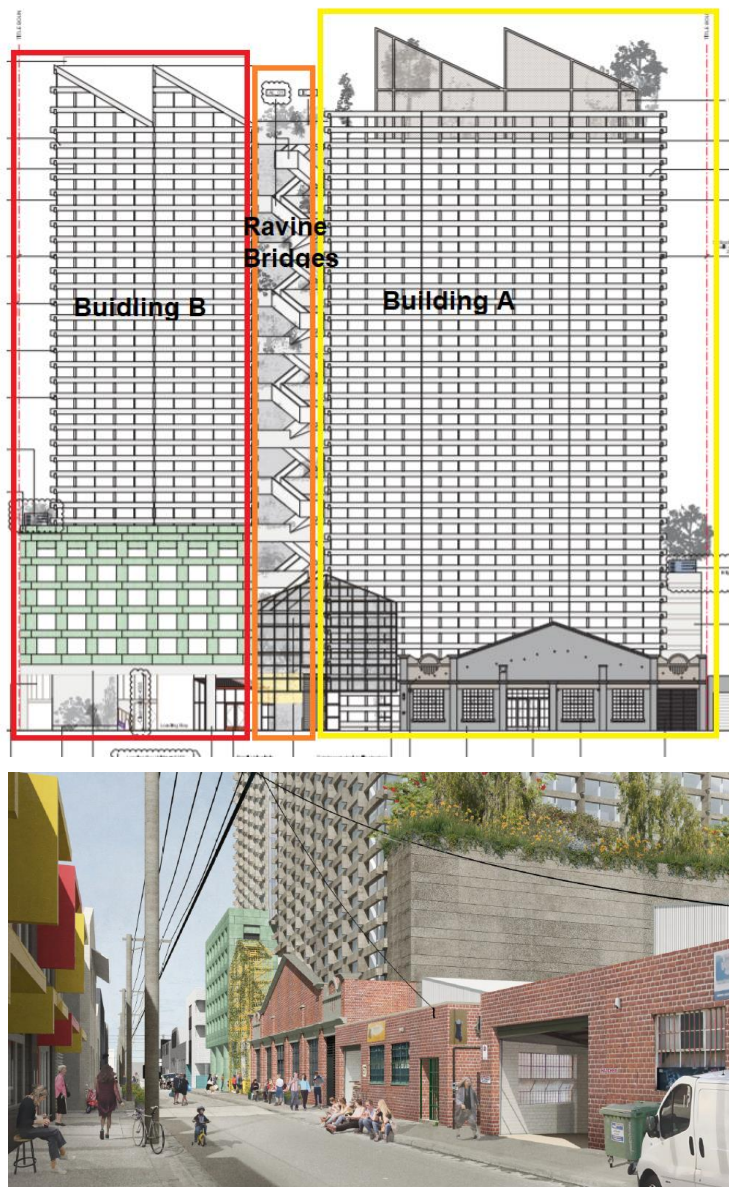


Figure: Rupert Street Elevation (top) and render (bottom) of No. 81-89 Rupert Street, Collingwood
Source: Excerpts from the Planning Decisions Committee Agenda dated 15 July 2020

East

51. To the east, Rupert Street is a one-way (south-bound) street with parallel parking on the opposing side. Buildings on the opposite side of Rupert Street range between single and double-storey industrial style buildings. These buildings are either vacant or used for commercial purposes and all hard-edged to the street.

52. On the south-east corner of the Rupert Street/Gipps Street intersection is No. 69 Gipps Street which is situated on the south-east corner of Gipps and Rupert Streets. The site is developed with a single storey brick warehouse adopting a site coverage of 100%.
53. To the east of this, at No. 71 – 93 Gipps Street, is a large parcel of land (approximately 1,580sqm) where the development approved pursuant to Planning Permit PLN16/1150 is currently under construction. This Planning Permit approved the development of the land with a multi-storey building, use of land for a food & drink premises (cafe), reduction in the car parking requirements, waiver of the loading bay requirements and removal of an easement. The Gipps Street interface is shown below.

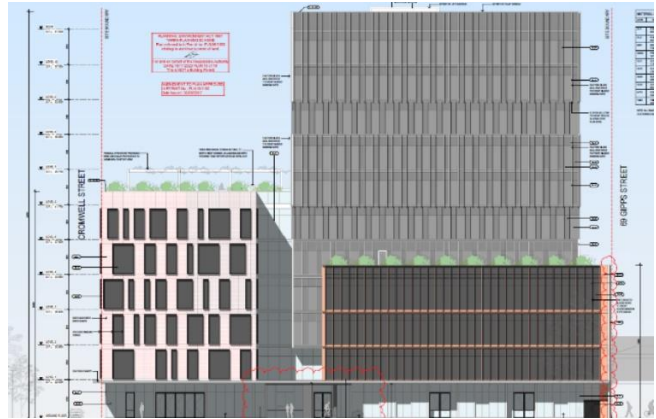


Figure: Gipps Street Elevation of No. 71-93 Gipps Street, Collingwood
Source: Excerpt from the delegate report (left) and endorsed plans (right) of PLN16/1150

West

54. To the west of the subject site, at No. 59A and No. 61 Gipps Street, is a two-storey commercial building containing two attached office tenancies. This site utilises the ROW for access to the car parking area that is located at the rear of the site.
55. To the west of the above-mentioned site, there are a row of three dwellings between No. 55 – 59 Gipps Street. These dwellings appear to be single-storey Edwardian dwellings with secluded private open space and pedestrian access to the ROW provided at the rear. Only No. 57 Gipps Street has windows facing east toward the subject site, these windows are at the ground floor level and approximately 17 metres from the western boundary of the site.
56. These dwellings are located within the C2Z, where the use of land for a dwelling is a 'Section 3 – Prohibited use' in accordance with clause 34.02-1 of the Scheme. The dwelling at No. 59 Gipps Street established existing use rights for the use of the land as a dwelling in 2010 through Planning Permit PL10/0479, however, given the lapse of time since 2010 it is unclear whether this dwelling would currently benefit from existing use rights.
57. The dwellings at No. 55 and 57 Gipps Street do not appear to have established existing use rights pursuant to clause 63 of the Scheme. The floor plan of each dwelling has been obtained from online real estate listings, and shown below:

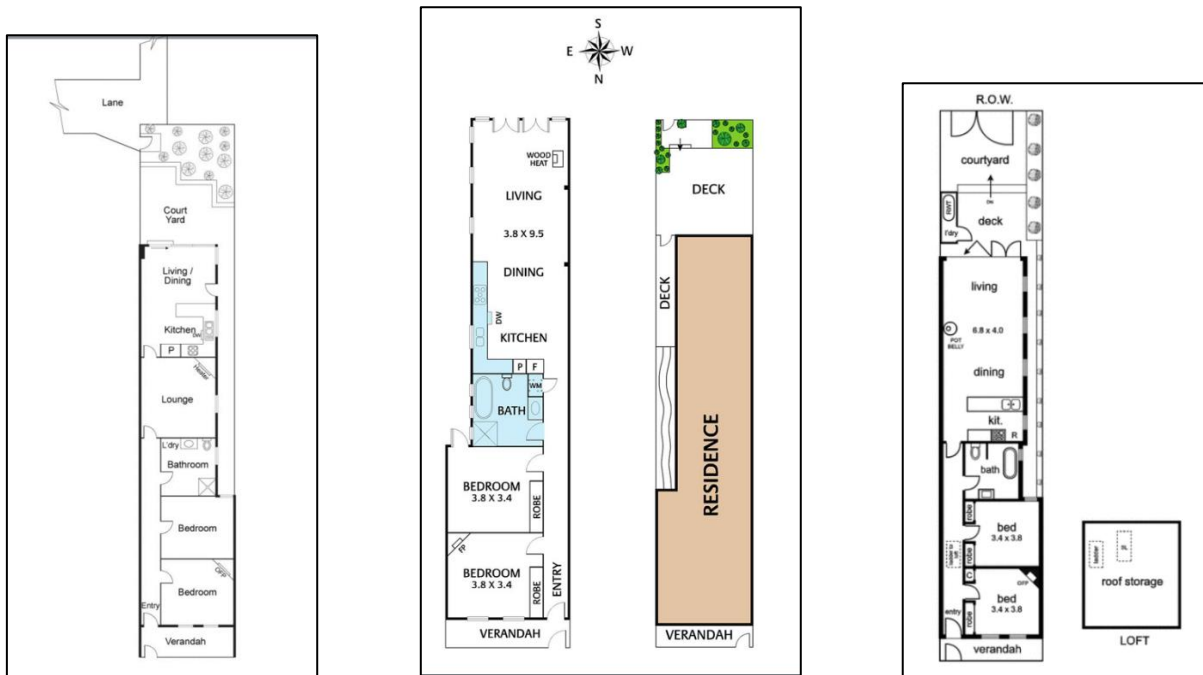


Image: Floor plans of No. 55 (left), No. 57 (centre) and No. 59 (right) Gipps Street, Collingwood

Source (left): <https://www.realestate.com.au/property/55-gipps-st-collingwood-vic-3066>

Source (centre): <https://www.realestate.com.au/property/57-gipps-st-collingwood-vic-3066>

Source (right): <https://www.realestate.com.au/property/59-gipps-st-collingwood-vic-3066>

58. To the west of these dwellings is a vacant lot and on the south-eastern corner of Rokeby Street and Gipps Street at No. 51-55 Gipps Street is a double storey hotel known as the Glasshouse Hotel. This building is graded 'individually significant' within a site-specific overlay for the Glasshouse Hotel.
59. More broadly, the Collingwood area is currently going through a period of transition from lower scale buildings to higher density development. There have been several approvals within Collingwood for larger scale developments.
60. Within the Gipps Street precinct there have been a number of planning permit approvals granted for higher density development, some of which are under construction or already constructed, these approvals include:
 - (a) No. 71-93 Gipps Street (11 storeys);
 - (b) No. 48-50 Gipps Street (6 storeys);
 - (c) No. 23-25 Gipps Street (6 storeys);
 - (d) No. 81-89 Rupert Street (13 storeys);
 - (e) No. 33-37 Rupert Street (10 storeys);
 - (f) No. 40-50 Rokeby Street (11 storeys);
 - (g) No. 89 Rokeby Street (7 storeys);
 - (h) No. 91 Rokeby Street (6 storeys);
 - (i) No. 19 Down Street (8 storeys);
 - (j) No. 78-89 Wellington Street (9 storeys);
 - (k) No. 1-21 Robert Street (17 storeys);
 - (l) No. 2-16 Northumberland Street (13 storeys);
 - (m) No. 61-75 Langridge Street (7 storeys);
 - (n) No. 60-62 Langridge Street and 23-45 Waterloo Road (9 storeys); and
 - (o) No. 23-45 Waterloo Road (9 storeys).
61. Further afield there have been planning permit approvals in the western section of Collingwood, also known as the Collingwood Mixed Use Precinct, some of which are under construction or already constructed, these approvals include:

- (a) No. 20-22 Peel Street (6 storeys);
- (b) No. 33 Peel Street (8 storeys).
- (c) No. 41 Peel Street (6 storeys);
- (d) No. 7 & 9-15 Little Oxford Street (9 storeys);
- (e) No. 1-57 Wellington Street and 71-77 Victoria Parade (11 storeys);
- (f) No. 61-71 Wellington Street and No. 37-39 Langridge Street (14 storeys);
- (g) No. 73-77 Wellington Street (10 storeys);
- (h) No. 93 Wellington Street (10 storeys);
- (i) No. 109 Wellington Street (10 storeys);
- (j) No. 195 Wellington Street (9 storeys);
- (k) No. 27-29 Oxford Street and No. 15-21 Derby Street (8 storeys);
- (l) No.42-44 Oxford St, 61-63 Cambridge St &16-20 Langridge St (11 storeys);
- (m) No. 107 Cambridge Street (6 storeys);
- (n) No. 72 - 94 Cambridge Street (10 storeys);
- (o) No. 46-74 Stanley Street & 23-35 Napoleon Street (9 storeys); and
- (p) No. 51 Langridge Street (11 storeys).

62. The above constructed, under construction, and recently approved planning applications show that Collingwood is an area undergoing transition with larger scale developments.

Planning Scheme Provisions

Zoning

Clause 32.04 – Commercial 2 Zone

63. The site is located within the Commercial 2 Zone (C2Z). The relevant purposes of the C2Z is as follows:
- (a) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
 - (b) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
64. Pursuant to clause 34.02-1, a planning permit is not required to use the land as an office.
65. Pursuant to clause 34.02-1, a planning permit is not required to use the land as a food and drinks premises as the total leasable floor area does not exceed 100sqm.
66. Pursuant to clause 34.02-4, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at Clause 34.02-7.

Overlays

Clause 43.02 – Design and Development Overlay (Schedule 11)

67. The site is located within the Design and Development Overlay (Schedule 11). Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay.
68. Schedule 11 to the DDO relates to the Gipps Street Precinct, and outlines a preferred future character for this neighbourhood as follows;
- (a) *A built form business and commercial environment which builds on the existing fine grain industrial nature of the area that allows for innovation and interest.*
 - (b) *A vibrant and safe street environment due to an increasing amount of street oriented development, particularly on Gipps and Langridge Street.*

- (c) *A consistent streetscape with active street-frontages and well-articulated buildings with street facades built to a height of up to 3-4 storeys. Taller built form will be set back from property boundaries and spaced to create new interest and variety in building forms.*

69. With regards to building heights and setbacks, Schedule 11 notes that;

- (a) *Taller built form may be appropriate on larger sites able to provide adequate setbacks that respect the narrow streetscape character of the Precinct and avoid overshadowing of neighbouring properties.*
- (b) *Development above 4 storeys should:*
 - (i) *Demonstrate a high standard of architectural design*
 - (ii) *Minimise overshadowing of adjoining streets, public spaces or private properties*
 - (iii) *Be set back from along the northern side of the following streets:*
 - *Gipps Street*
 - *Langridge Street.*

70. With regards to building design, the overlay notes that;

- (a) *Development should be designed to:*
 - (i) *have active and attractive frontages.*
 - (ii) *address street activity in its interface design, avoiding recessed car parking at street level.*
 - (iii) *be well articulated and modulated.*
 - (iv) *use materials and finishes which complement adjacent development and enhance the appearance of the narrow street network.*

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

71. 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.

72. 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

73. 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 and retail floor space.

74. A condition is to be included outlining the requirements for the payment of the development infrastructure levy, in accordance with the relevant requirements.

75. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car parking

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

77. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.

78. 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.
79. 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.

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	1,748 sqm	3 spaces to each 100m ² of net floor area	52	9
Food and Drink	49 sqm	3.5 spaces per 100 m ² of leasable floor area	1	1
Share Car				1
Total			53	11

80. A total of 11 car spaces are proposed on site, with one allocated to the food and drinks premises and 9 allocated to the office use, therefore the application seeks a total reduction of 43 car spaces associated with the office use.
81. As previously identified, the modification to the mezzanine office area as shown on the sketch plans (increase in floor area from 41sqm to 72sqm) would result in the requirement for 53 car parking spaces being required for the office use pursuant to the requirements of Clause 52.06. With 9 on-site spaces allocated to the office use, the sketch plans would result in the requirement for an additional car parking reduction of one space (total 44 space reduction).

Clause 52.34 – Bicycle Facilities

82. 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
83. Under the provisions of Clause 52.34-3 of the Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	1,758 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	6 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces	
Retail premises (other than	49 sqm	1 employee space to each 300 sqm of leasable floor area	0 employee spaces	

specified in this table)		1 visitor space to each 500 sqm of leasable floor area	0 visitor spaces	
Bicycle Parking Spaces Total			6 employee spaces	35 employee spaces
			2 visitor spaces	8 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		1 showers / change rooms	4 showers / change rooms

84. The development proposes a total of 29 additional employee spaces and six visitor spaces above the statutory requirements of the Scheme. The proposal also provides 3 additional showers / change rooms from that required by the Scheme.

85. There is no planning permit required pursuant to the requirements of clause 52.34-3. Clause 52.34-4 provides design standard for bicycle spaces and signage.

Clause 53.18 – Stormwater Management in Urban Development

86. 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

87. 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)

88. Relevant clauses are as follows:

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

89. 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 13.05-1S (Noise abatement)

90. The relevant objective of this clause is:

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

91. 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)

92. 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)

93. 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)

94. The objective is:

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

Clause 15.01-2S (Building design)

95. 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.*

96. Relevant strategies of this clause are:

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

97. 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)

98. 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)

99. 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)

100. The relevant objective of this clause is:

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

101. Relevant strategies are:

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

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

102. The objective of this clause is:

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

Clause 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

103. The objective of this clause is:

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

104. 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)

105. The relevant objective of this clause is:

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

106. 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)

107. The objective of this clause is:

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

108. 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)

109. The relevant objectives of this clause is:

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

110. 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)

111. 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)

112. 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)

113. 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)

114. The objective of this clause is:

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

115. 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 \(LPPF\)](#)

116. The relevant policies in the Municipal Strategic Statement (MSS) are described as follows:

Clause 21.04-3 (Industry, office and commercial)

117. The objective of this clause is:

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

Clause 21.05 (Built Form)

118. Relevant objectives and strategies include;

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

Clause 21.05-2 (Urban Design)

119. Relevant objectives and strategies include:

- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
 - (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
- (d) *Objective 19 To create an inner city environment with landscaped beauty.*
 - (i) *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
- (e) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.05-3 (Built form character)

120. The general objective of this clause is:

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

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

122. The strategies to achieve the objective are to:

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

Clause 21.05-4 (Public environment)

123. 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)

Clause 21.06-1 (Walking and cycling)

124. Relevant objectives and strategies include;
- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*

Clause 21.06-2 (Public transport)

125. Relevant objectives and strategies include;
- (a) *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)

126. Relevant objectives include;
- (a) *Objective 32 To reduce the reliance on the private motor car.*
 - (b) *Objective 33 To reduce the impact of traffic.*

Clause 21.07-1 (Ecologically sustainable development)

127. 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

128. This clause outlines the Collingwood neighbourhood as follows:
- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
 - (b) *The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses. To allow flexibility for large sites which may have difficulty in finding new industrial tenants, rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.*

Relevant Local Policies

Clause 22.03 – Landmarks and Tall Structures

129. 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

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

131. 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

132. 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 22.10 – Built form and design policy

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

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

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

- (a) *urban form and character;*
- (b) *setbacks and building height;*
- (c) *street and public space quality;*

- (d) *environmental sustainability;*
- (e) *site coverage;*
- (f) *on-site amenity;*
- (g) *off-site amenity;*
- (h) *landscaping and fencing;*
- (i) *parking, traffic and access; and*
- (j) *service infrastructure.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

135. 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

136. 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

137. 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.
138. 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. 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)

139. The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050, and 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.
140. Map 4 within the document shows the industrial land within the inner metro region, identifying the subject site as existing regionally significant industrial land, as shown below. This would be due to the zoning of the land as C2Z, where dwelling uses are prohibited.

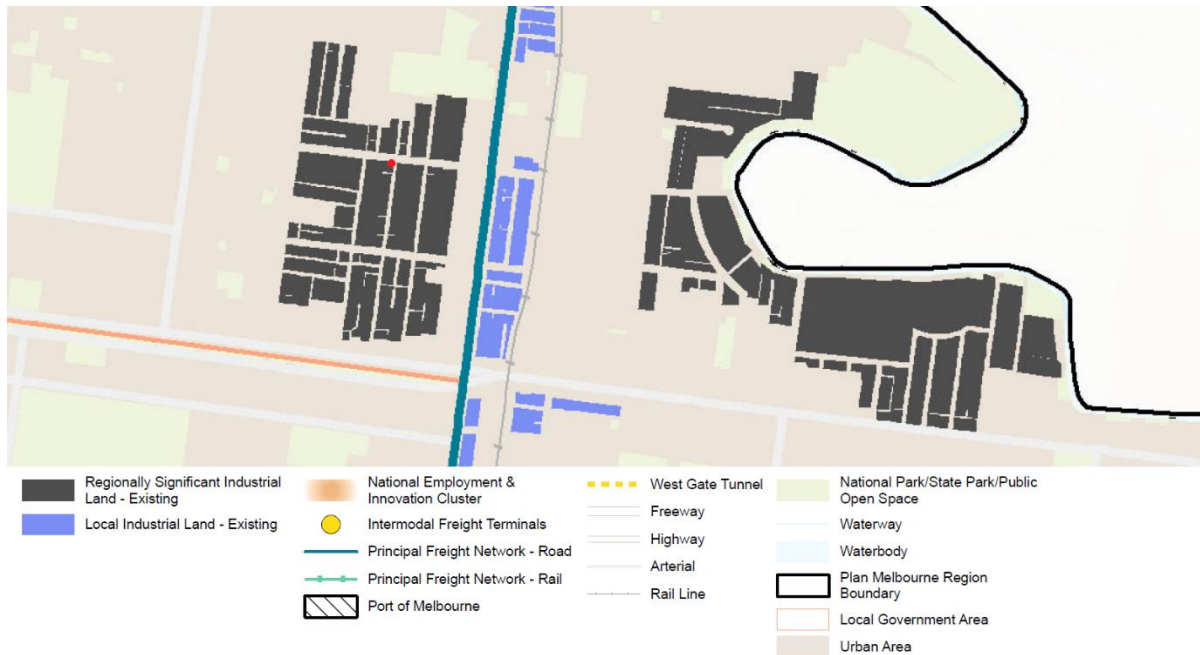


Figure: Excerpt from Map 4 of the MICLUP showing the subject site as a red circle.

141. 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

142. 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.
143. 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.
144. The Gipps Street Precinct (located between Smith, Johnston and Hoddle Streets and Victoria Parade) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street south, Cremorne and Victoria Parade.
145. A Strategy of the Spatial Economic and Employment Strategy relevant to this application is Strategy 2: Retain and grow Yarra's Major Employment precincts:

To accommodate projected demand for commercial floor space Yarra's two large consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities. These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts.

146. The strategy includes the following precinct specific directions for the Gipps Street precinct:

Given projected demand for employment floor space, and office floor space in particular, the precinct should retain its employment focus. Recent zoning changes have already provided greater flexibility in the range of permissible employment land uses.

Although there are many retail and hospitality business beyond the immediate Gipps Street precinct, the lack of retail within the precinct could be a barrier to attracting new businesses. The collection of smaller business on Glasshouse Road at the western edge of the precinct might be interpreted as evidence of the attractiveness of the more vibrant quarters of the precinct.

More detailed built form guidance would provide greater clarity about opportunities for additional development and the scale and form envisaged.

This precinct could accommodate future demand for floor space generated by both the Victoria Parade health precinct and the Johnston Street Activity Centre, where capacity for growth is more constrained.

Gipps Street Local Area Plan

147. The Gipps Street Local Area Plan (GSLAP) was adopted by Council in February 2010. This plan includes objectives, strategies and actions which deal with future land use and form of development, physical improvements and infrastructure investments. The GSLAP provides the strategic basis for future development and activity mix, preferred future character, a guide for new public works and infrastructure, design guidance and an overall approach to implementation and priorities.
148. This plan pre-dates the rezoning of the subject land from Industrial to Commercial and influenced the implementation of Schedule 11 to the Design and Development Overlay affecting the site.
149. The GSLAP acknowledges that Wellington, Langridge and Gipps Streets offer greater exposure and accessibility for activities like showrooms and larger office developments. The plan also aims to reduce car travel into the precinct, as follows;
 - (a) *A broader policy objective to implement Council's Strategic Transport Statement is to reduce the proportion of trips into and out of the precinct by car.*
 - (b) *Reduced car travel will depend primarily on broader initiatives beyond the scope of this plan.*
 - (c) *Local initiatives should aim to improve walking and cycle access and connections to public transport and slowing car and other vehicle traffic in and around the precinct.*

Advertising

150. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 527 letters sent to surrounding owners and occupiers and by three signs displayed on site. Council received 11 objections, the grounds of which are summarised as follows:
 - (a) Built form and design (height and massing; unresponsive to heritage; architectural expression; and insufficient landscaping);
 - (b) Amenity Impacts (unacceptable internal amenity and ESD; amenity impacts to neighbouring properties (overlooking, loss of sunlight and views, noise, overshadowing, impact to solar panels); public realm shadowing; and wind impacts.
 - (c) Traffic and car parking (loss of on-street car park for the DDA space; additional traffic cannot be supported; and not enough car parking provided); and
 - (d) Lack of open space within the area.
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 under the Scheme 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 (public realm only);
- (d) City Works Unit;
- (e) Streetscapes and Natural Values Unit;
- (f) Open Space Unit;
- (g) Engineering Services Unit (additional comments were sought from Council's Engineering Services Unit on the sketch plans, due to the modified corner splay. This is included as an attachment).

External Consultants

- (h) Wind Consultant (MEL Consultants); and
- (i) Urban Design Consultant (Simon McPherson).

OFFICER ASSESSMENT

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

- (a) Policy and Strategic Support;
- (b) Built form and Urban Design;
- (c) On-site amenity;
- (d) Off-site amenity;
- (e) Car parking and traffic;
- (f) Bicycle facilities and strategic transport;
- (g) Waste management; and
- (h) Objector concerns.

Policy and Strategic Support

155. The proposed development has strong strategic support at State and local level. The subject site is located within a Commercial 2 Zone (C2Z), this zone has a key purpose *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
156. Consistent with the zone, the use of the land for office and food and drinks premises does not require a planning permit and only the buildings and works are triggered by this provision. This indicates strong strategic support for the office use, and supporting smaller food and drinks premises, within the precinct. Additionally, policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport.
157. Council's external Urban Designer made the following comments in respect of the predominate use of the building as office:
- (a) *DDO11 seeks to develop the Gipps Precinct as a vibrant business and commercial environment, while Clause 21.03 identifies it as a Potential Commercial and Industrial Area. Clause 21.04-3 seeks to increase the number and diversity of local employment opportunities, including commercial and office use in existing industrial areas.*

- (b) *The Gipps Precinct Local Area Plan aims to direct and manage change in the Gipps Precinct to increase economic activity and employment, improve the local environment and character and make it a better place for those who visit, work and live in the area.*
- (c) *The locality is therefore appropriate for development with a focus on employment and commercial spaces.*
158. The site and land to the north, east, west and south are in the C2Z and form part of the Gipps Street Industrial Precinct. The C2Z zoning of the subject site and adjoining land facilitates the provision of greater density and higher built form, subject to individual site constraints, given the purpose of the zone.
159. 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.
160. 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.
161. The site fulfils this criteria, with tram routes along Smith Street and Victoria Parade, bus routes along Hoddle Street and Johnston Street and the Collingwood Train Station approximately 390 metres to the east, thereby 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*. Further, the site is located within proximity to a comprehensive cycling network; with particular regard to the ‘Copenhagen-style’ bicycle lanes established along Wellington Street to the west.
162. The zoning of the land preferences uses such as offices to occur. This outcome is further supported by both the *GSLAP* and the *SEES* that aim to promote the Gipps Street area and land with the C2Z, as neighbourhoods where larger office developments are encouraged. This site is clearly located within an area where higher intensity commercial uses have been directed to be located.
163. The site is located in an area suitable for redevelopment, with a proposed built form that generally includes some elements of diverse pattern of urban form in the neighbourhood, creates a new built form character and would result in no unreasonable off-site amenity impacts due to the surrounding commercial uses and corner block location.
164. 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.

Built form and Urban Design

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

Urban form, character and context

166. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.
167. The proposal is an appropriate response to the site's strategic context and whilst these considerations have previously been outlined, it is important to identify the recent strategic work presented within the SEES specifically references that there is significant capacity for commercial employment within the Gipps Street precinct. The Gipps Street precinct is an area of renewal, as identified as identified within Plan Melbourne (2014). Furthermore, the SEES specifically states at Page 46:
- (a) *The Cremorne/Church Street South and Gipps Street precincts have been identified as having significant floor space capacity if existing lower scale development is replaced by multi-storey development.*
168. Extensive change in the Collingwood area is evident, with a considerable number of recent approvals surrounding the subject site, as identified previously within this report. Strategically, the subject site is appropriately located for a higher-density development, being within proximity to an Activity Centre and within the C2Z with excellent access to public transport, services and facilities. In addition, the site has two street interfaces and a ROW frontage, thereby providing a degree of separation from surrounding sites. It would therefore be a reasonable expectation that this site (as others in the Collingwood area are currently doing) would experience a degree of intensification.
169. The subject site is not located within a heritage overlay and is sufficiently separated from the existing heritage within the surrounds (the Glasshouse Hotel on the corner of Gipps Street and Rokeby Street and the buildings at No. 52 – 58 Gipps Street). The subject site is separated from these heritage buildings by approximately 38 metres, to the Glasshouse Hotel, and 44 metres including the width of Gipps Street to the buildings at No. 52 – 58 Gipps Street.
170. The proposed development is sufficiently separated from these heritage buildings to minimise any detrimental impact on heritage grounds, however, consideration to the development of the sites in between are to be considered and will be discussed later in this report. The separation distance and the material palette used, however, will distinguish the new built form from the existing heritage buildings.
171. While the building differs considerably in terms of its overall appearance and scale from other existing adjoining buildings, this is to be expected as it represents an emerging built form character within an area that is undergoing significant renewal.

Height, scale and massing of the development

Height

172. The proposed building will extend to a maximum height of ten storeys equating to 33.025 metres. The sketch plans reduce the predominant overall height of the building by 1 metre, however the lift core will extend 1 metre above. The proposed building will be taller than immediately adjoining sites, however there are other taller buildings in the nearby vicinity such as the site under construction at Nos. 71-93 Gipps Street which adopts an overall height of approximately 46.5 metres and the Yorkshire Brewery development to the south-west adopting an overall height of approximately 50.4 metres.
173. The development is also comparable to recent office approvals in the C2Z which range between 7-13 storeys in height in the broader precinct; some of which have been constructed or are under construction, most notably the development approved at Nos. 81-89 Rupert Street (55 metres to the south) which adopts an overall height of approximately 44 metres.

174. This current application is in-line with the emerging character of the area and generally consistent with local and State policy. The issue of development which is higher than surrounding built form was further discussed in the Red Dot Victorian Civil and Administrative Tribunal (VCAT) 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.

175. 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.

176. The new development in the area continues to present a hard edge character to the street with rectilinear forms and robust materials. There is no doubt that the site's current use as a single storey commercial building is an underutilisation of land in an inner-city location.
177. The DDO11 does not nominate preferred or mandatory building heights; rather preferred character guidelines. The DDO11 requires development above four storeys to demonstrate a high level of architectural design (achieved, as discussed below), minimise overshadowing of adjoining streets, public spaces or private properties (achieved, as discussed later in this report under light and shade and off-site amenity impacts) and be set back along the northern side of Gipps Street (the development is to the south of Gipps Street).
178. As will be discussed, the proposal meets all these factors. The mixed character of the existing streetscape, separation distance from existing residential properties and heritage properties, as well as the way in which the development responds to surrounding built form allows a higher scale to be supported.
179. 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*

180. Whilst the site is not designated as a strategic redevelopment site and is not 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.
181. With regards to (ii), (iii) and (v), these items are all considered to have been met and will be discussed later in the report. Items (iv) and (vi) are not relevant, given that the buildings on site are not of heritage significance and this is a commercial proposal and dwellings are prohibited in the zone.
182. Council's external Urban Design Consultant reviewed the proposed height and deemed it to be acceptable with regard to the emerging character of taller buildings within the precinct. Whilst the size of the subject site is notably smaller than the sites which are to accommodate 13 storey forms, it was deemed that 10 storeys for this site was appropriate. Mr McPherson opined that the upper level setbacks and high street wall resulted in the upper levels having limited visual implications in the streetscape, particularly for the pedestrian experience.
183. The proposed height in this location is acceptable, however, the proposed massing of the podium and whether the development provides appropriate upper level setbacks is key to its acceptability within this specific context. This will be discussed below.

Podium and Massing

184. A seven-storey podium (inclusive of the mezzanine and balustrade) is proposed to Gipps Street, Rupert Street and the ROW. This podium will extend to a height of 23.425 metres.
185. The DDO11 seeks street facades to be built to a height of up to 3-4 storeys, however regard must be given to the particular site context which has a highly urban character, comprising built form generally built to the street frontages with other nearby buildings significantly exceeding the proposed street wall height of the DDO11. In addition, the impacts of the podium on the street/pedestrian experience must also be taken into account.
186. Council's external Urban Design Consultant identified that the overall height of the podium was not a satisfactory urban design outcome and recommended that the podium be reduced by one level to a six storey podium form (inclusive of mezzanine and balustrade). With this change, Council's Urban Design Consultant advised the outcome would be in keeping with and responsive to the following:
- (a) *DDO11 preferred future character for the Gipps Precinct;*
 - (b) *General character of low-scale industrial fabric in the precinct;*
 - (c) *Prevailing street wall height at 71-93 Gipps Street;*
 - (d) *General transition downwards in street wall height from east to west, established by 71-93 Gipps Street;*
 - (e) *Low-scale built form to the immediate east and west, with less overt juxtaposition;*
 - (f) *Heritage Glasshouse Hotel building to the west.*
187. The applicant prepared sketch plans to address this concern, amongst others, lowering the podium height by one storey to an overall height of 20.025 metres. The reduction by one storey ensures that the podium will appropriately accord with the emerging character, with respect to the size of the subject site and immediately adjoining properties. Whilst the modified podium will be six storeys, it will present as five in the surrounds as the mezzanine is concealed by design as being part of the ground floor.
188. Furthermore, the lowered podium height will ensure that an appropriate transition to the heritage listed Glasshouse Hotel can be achieved when the sites to the west are developed.

The street wall as proposed at seven storeys would not have enabled an appropriate transition to this heritage listed property and this concern is alleviated through the sketch plans.

189. As the following comparison demonstrates, the lowered podium also provides a better urban design outcome with regard to the development currently under construction to the east. Whilst the podium will be taller than the four-storey podium portion of this development it will be noticeably lower than the six-storey podium portion of the development providing a balanced outcome.

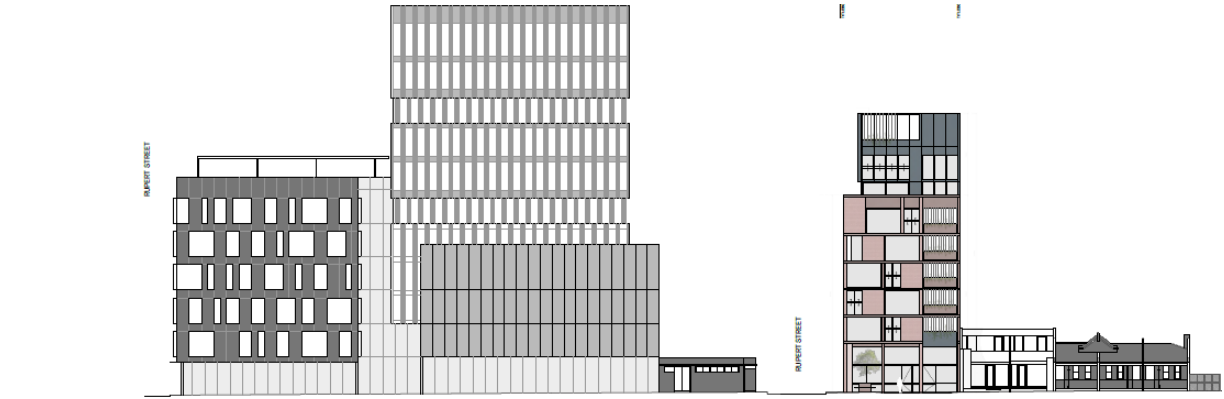


Figure: Gipps Street Streetscape Elevation
Source: Decision Plans

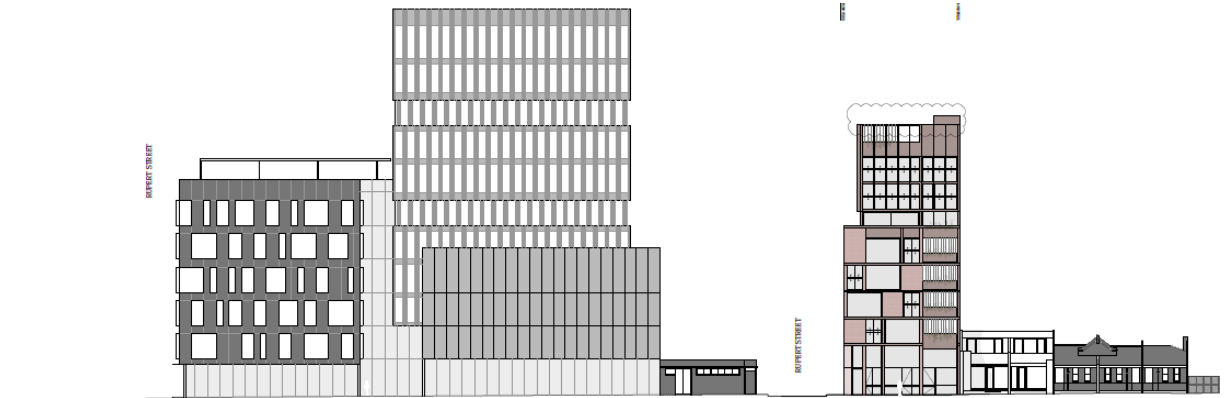


Figure: Gipps Street Streetscape Elevation
Source: Sketch Plans (11.02.21)

190. A condition will therefore require the proposal to be amended to accord with the sketch plans.
191. As a result of the podium reduction the composition of the massing has also been modified. Council's external Urban Design Consultant identified in anticipation of this occurring that even with the podium reduction of one storey, the ten storey form would *still retain an appropriate relationship between a solid, robust building 'base' of 6-storeys, and a 4-storey (including roof terrace) recessive upper level form.*
192. Other changes are also proposed within the sketch plans, most notably a modification to the materials proposed and the inclusion of a corner splay on the ground level. These changes will be discussed later in the report under the relevant sections. The modifications to the locations of the windows on the varying levels is satisfactory and maintains the intent of the design.

Upper Level Setbacks

193. Above the podium, the upper levels are proposed to be setback a minimum 3.55 metres from Gipps Street, 2 metres from Rupert Street and 1 metre from the ROW. The baffles, providing solar shading to the windows, protrude into these setbacks by 0.8 metres, 0.4 metres and 0.26 metres to the north, east and south respectively.

194. Council's external Urban Design consultant reviewed the proposed upper level setbacks identifying that they were acceptable. The following assessment was made:
- (a) *The proposed upper level setbacks of 3.55m at Gipps Street (or effectively 2.75m taking window baffles into account), and 2.31m (or 1.91m with window baffles) are relatively tight in the context of a 10-level building height, but should be considered in the local context and by the visual implications.*
 - (b) *As noted above, the proposal provides clear visual separation, through contrasting design expression, between the masonry street wall form and the upper level framed metal form.*
 - (c) *The perspective renders at Drawings DR5-100 and DR5-101 in the Urban Context Report show that the proposal has a relatively 'vertical' form overall, as a result of the mid-rise height and limited site size.*
 - (d) *However, while the proposal 'towers over' its neighbouring single-storey built form on Gipps Street, I do not consider its height and scale to be overwhelming or dominant in the emerging context of the Gipps Precinct. I consider its scale and massing to be effective and appropriate in this emerging context.*
 - (e) *Further, the overall massing is commensurate with and responsive to the built form at 71-93 Gipps Street, establishing a level of consistency in this part of Gipps Street.*
195. The surrounding built form context is robust and can accommodate greater built form with the conditional six storey podium ensuring that views upwards would largely be concealed. There is however, some concern with the minimum 1 metre setback from the southern boundary.
196. It is an accepted principle (such as referenced within the proposed Collingwood and Fitzroy Interim Design and Development Overlays proposed within Amendment C270) that the upper levels of a development are to provide a 3 metre setback for commercial windows and 4.5 metres for a habitable room windows. Where abutting a laneway, this is taken from the centreline.
197. The southern upper level setback would be setback approximately 2.45 metres from the centreline of the ROW. A condition will require the southern setback of the levels above the podium to be setback 3 metres from the centreline of the ROW to ensure an adequate setback to the south is provided, with regards to equitable development.
198. The western wall will abut the western boundary at all levels. This is considered appropriate, given the likelihood of corresponding future development on the adjoining site to the west. There are no windows proposed within this boundary wall, however, the sketch plans show an opening within the topmost corner as shown below:

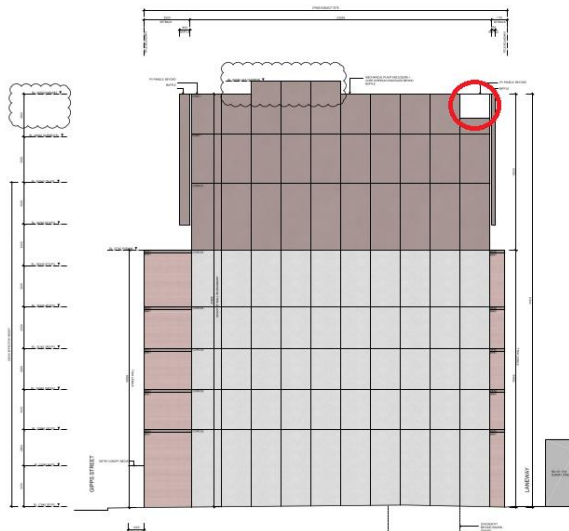


Figure: Gipps Street West Elevation with opening highlighted
Source: Sketch Plans (11.02.21)

199. This opening is to the plant level and therefore raises no concerns with overlooking nor equitable development.

Architectural Quality

200. In terms of architectural quality, policy at clause 15.01-2S encourages high standards in architecture and urban design, with design guidelines at DDO11 noting that development should be designed to have attractive frontages, be well articulated, and use materials and finishes which complement adjacent development. This overlay also seeks to ensure that *building design responds to the inherent industrial character of the Precinct*.
201. The following requirements are provided within the DDO11 to guide building design and architectural quality:
- (a) *Development should be designed to:*
 - (i) *Have active and attractive frontages.*
 - (ii) *Address street activity in its interface design, avoiding recessed car parking at street level.*
 - (iii) *Be well articulated and modulated.*
 - (iv) *Use materials and finishes which complement adjacent development and enhance the appearance of the narrow street network.*
202. The development is of high architectural quality and in that regard responds to the requirements of the Design and Development Overlay and the design objectives of clause 15.01-2S of the Scheme. The contemporary design is appropriate and responds well to this part of Collingwood with the design offering a modern built form that revitalises the interface with Gipps and Rupert Streets through generously sized openings, and upper level communal areas.
203. Council's external Urban Design Consultant reviewed the overall design expression of the development, determining that the proposal is considered, refined and of an appropriate quality with the following assessments provided:
- (a) *The proposal presents quite a simple, robust and refined design expression, comprising a 'solid' brickwork base, and lighter-weight upper levels comprising a framework of deep ribs or blades.*
 - (b) *The street walls create a sense of mass and solidity through solid brickwork panels interspersed with the glazing, in a 'random' pattern which supports visual interest.*
 - (c) *In my view, the design balances visual strength, mass and robustness, with a degree of lightness and more delicate elements.*
 - (d) *The openness of the street wall levels makes the building look approachable and open, while still reflecting visual mass and 'groundedness'.*
 - (e) *The plans indicate consideration of architectural details such as subtle expression of floor slab edges within the facades, and the demarcation of the entrance through a thin-edged lining to the brick entrance portal, including an extended canopy.*
 - (f) *In support of these visual qualities, I would hope that 'real' brickwork is proposed rather than 'brick snaps' fixed to concrete panels, but the façade design looks like authentic brickwork.*
 - (g) *The façade planting, outlined above, will add softness and further visual interest to the facades.*
 - (h) *The expressed depth of the facades, which has a solar control function as discussed above, also supports visual interest and a sense of visual relief.*
 - (i) *The brickwork base form is visually distinct from the lighter upper level form, but within a consistent design framework, which is appropriate.*

- (j) *I support the proposed design approach of a lighter, metal 'framed' and glazed expression to the upper levels, and while the open roof deck level is 'enclosed' by a framed parapet, it's open sides provide views to the sky and so a 'feathering' effect at the top of the building.*

204. With regard to the assessment of Mr McPherson and review of the materials schedule, the following should be addressed via condition:

- (a) Whilst real brickwork is proposed as identified within the materials schedule and town planning report, further details of the brickwork should be provided including details of the material chosen to be utilised.
- (b) The material 'SCN1' is described as red metal work and utilised along the car parking areas and services on the ground floor. As shown on the plans this material has a high degree of texture, however, on the materials schedule it is shown as a 'flat' material. Details of 'SCN1' should be provided to ensure it is highly textured.
- (c) The material of the upper levels, 'BC1', are to be clearly identified within the materials schedule. Whilst described as a 'baffle' material, it is unclear whether this will be metal, or not.

205. Whilst the sketch plans successfully modify the podium and massing of the development to respond to the emerging character of the area, it is noted changes to the materiality are also proposed. For clarity, the proposed changes to the materiality are replicated below:

- (a) The northern, eastern and southern elevations of the upper levels above the podium, modified from a blue-grey colour to a red-brown colour.
- (b) The design detail around the main entrance at the western edge of the northern elevation modified from a blue-grey colour to a red-brown colour.
- (c) The western elevation of the podium levels modified from red-brown coloured concrete to grey concrete (except for a 3.55 metre return from the north and 1.17metres return from the south).
- (d) The western elevation of the upper levels above the podium, modified from a blue-grey coloured concrete to a red-brown coloured concrete.

206. The proposed colour change of the upper levels and the design detailing around the entrance from a blue-grey to a red-brown is considered an appropriate response. The proposed change in colour will ensure a cohesive design language is continued for the building as a whole. Whilst similar in colour, the brickwork base would still be visually distinct from the baffled upper levels.

207. The modifications proposed within the sketch plans do, however, result in a poorer design outcome for the western elevation. Previously, the western boundary wall associated with the podium levels were proposed as red concrete with the upper levels treated with a blue-grey concrete. Whilst a sheer wall, this ensured that the building was 'designed in the round'.

208. The sketch plans result in the western boundary wall associated with the podium levels treated as standard concrete with the upper levels treated with a red-brown concrete (except for the podium returns as described above). This would result in a built form element that does not achieve an acceptable level of integration with the overall building form. Further, this elevation would likely be prominent in the surrounds until the neighbouring sites are developed, contributing to the unacceptability.

209. The applicant provided the following renders to respond to this concern on 2 March 2021 showing coloured rebate lines in material 'REN1' continued from the podium returns and added onto the pre-cast concrete panels to create a continuous architectural design language.

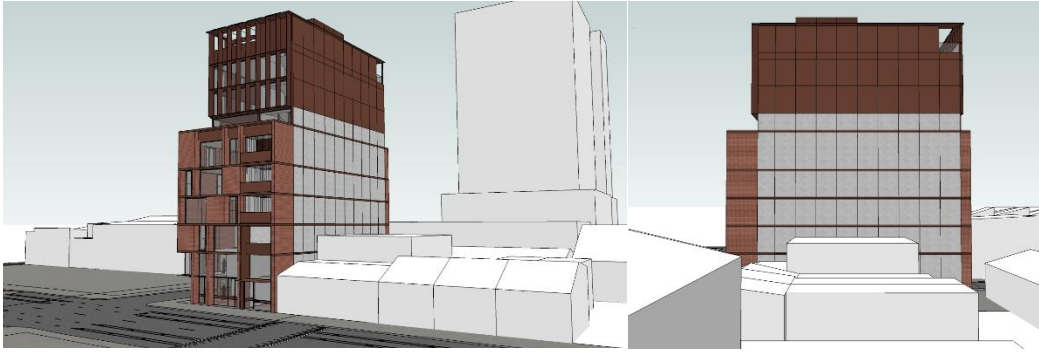


Figure: Render of how the lower western boundary wall could be treated
Source: Provided by the applicant on 02/03/2021

210. On balance, this is acceptable and would appropriately ensure a satisfactory level of articulation is provided to this elevation until the adjoining properties develop. This will be conditioned.
211. Whilst the proposed external materials schedule provided an indication of the different materials and finishes proposed throughout the design, it is considered that the descriptions of each material is broad. A façade strategy and materials and finishes schedule is 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 mid-level and tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
 - (i) Details of material 'BRK01' including the colour and particulars of the product chosen;
 - (ii) Details of material 'SCN01,' ensuring the material provides a high degree of depth and texture;
 - (iii) Details of material 'BC1;'
212. This will ensure that the materials to be utilised for the development are reviewed prior to construction, with higher degree of detail provided to ensure they are of a high architectural quality in accordance with the plans submitted to date.

Landmarks, Views and Vistas

213. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The proposed development does not compete with any identified landmarks given its location and is an acceptable response to the local policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to the clocktower of Collingwood Town Hall from vantage points within Gipps Street.

Light, Shade and Public Realm

214. Planning policy encourages 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. A design objective of DDO11 is *to provide a pedestrian friendly environment along all street frontages*.
215. Council's internal Urban Design Unit was supportive of the ground floor interface to the surrounding public realm, commenting:

- (a) *Overall, the proposed ground floor interface is supported from an Urban Design perspective.*

216. Council's external Urban Designer reviewed the ground floor interface of the building with Gipps Street, Rupert Street and the rear ROW. In respect of the interface with Gipps Street and Rupert Street, Mr McPherson assessed at length the depth of the recessed entrances and glazing from the street, at 1 metre, concluding that the proposed depth provided shading benefits with the spacing between columns allowing for adequate sightlines. It is considered that the sketch plan design maintains generous spacing between columns and is therefore also acceptable.

217. Whilst Council's external Urban Design consultant was supportive of the planter box within the north-eastern corner, this is required to be deleted due to the requirement for the retention of the corner splay. The deletion of this element as shown within the sketch plans is therefore acceptable.

218. In respect of the interface to Gipps Street, Rupert Street and the rear ROW, the following key points were made:

(a) Gipps Street

- (i) *The proposed Ground Level frontage to Gipps Street comprises a double-height glazed interface to the street, with the main entry occupying about one-third, and the café tenancy two-thirds, including the recess for the courtyard space at the corner.*
- (ii) *The small office tenancy space at Level 1 allows the front part of the café, courtyard and main entry to be double-height spaces, which adds interest and 'drama' to the front of the building.*
- (iii) *These glazed frontages are appropriate in supporting activation to the street and opportunities for visual interaction and passive surveillance of the public realm.*

(b) Rupert Street

- (i) *While this street frontage is less activated and less visually permeable than the Gipps Street frontage, I consider the extent of activation to be reasonable, and that service areas are appropriately located to the rear of the building, off Rupert Street, with activation maximised around the street corner.*

(c) Rear ROW

- (i) *The Ground Floor interface to the south comprises a wide 'garage' door for car parking within a metal screen façade (SCN1), but with windows at Level 1 and above. I consider this acceptable, and support the design integration of the vehicle entry door with other aspects of the façade design.*

219. The site presently contributes little to the street, being a commercial building with limited meaningful entrances at the ground level. The vehicle crossovers and inactive interface dominates the frontage to Rupert Street. The proposal provides an active frontage to both Gipps and Rupert Streets, removing the visible ground floor car parking area and entrance to provide for a generous glazed entrance point to Rupert Street (for both the café and the bike entry).

220. Council's internal Urban Design Unit requested the following changes be made to the plans:

- (a) *Amend drawings to show all existing site and footpath features, such as but not limited to, street lights, parking signs, electrical poles, telephone pillar, utility service pits etc.*
- (b) *Amend drawings to show accurate location of existing street trees – the existing street trees located within the roadway, not on the footpath as drawn.*
- (c) *Remove all references to the proposed DDA carpark space. This is a separate application process to that of the planning permit and should be made once the development is complete. (Note that the setout/design of the proposed DDA carpark space is not supported in its current form.)*
- (d) *The footpath surrounding the site is to be reinstated after construction as per Yarra's Road Materials Policy.*

221. A condition can require the existing site and footpath features, as referenced within (a) above, to be included on the plans. This is particularly important as the current plans show a proposed DDA car space, which is not supported and is to be discussed later in the report. A further condition will also require the RL's at the entrances to buildings, on public and private land, to be reinstated as these were removed from the sketch plans.
222. There are no street trees in proximity of the site that would be impacted by the development as confirmed by Council's Streetscapes and Natural Values Unit. Whilst the Site Context Plan does not show the correct location of trees as identified above in (b), this plan would not form part of the endorsement package and therefore will not be required to be updated via condition.
223. In response to items (c) and (d) referenced above, these items were also recommended by Council's Engineering Unit and will be required via condition. A more detailed assessment of these items is provided later in the report.
224. Whilst the DDO11 requires new development to create pedestrian connections and through links where the property is accessible from at least two streets, this is considered unnecessary for a corner site. Both street frontages are easily accessible by future tenants of the building through the generous entrances to both streets and internal circulation spaces.
225. Schedule 11 to the Design and Development Overlay requires developments to limit the number of vehicular access points to a site and discourages multiple garages in a continuous row along street frontages. Recessed ground floor car parking spaces are also discouraged. The development relies on vehicle access from the rear ROW, ensuring that both street frontages are largely provided as active frontages. Whilst site services and a portion of the garage door is located within the southern portion of the Rupert Street elevation, the services and garage door are treated with materials that integrate with the overall building ensuring that they will be integrated with the building.
226. Council's local policy at Clause 22.07 also discusses development abutting laneways and relevantly, seeks to provide an environment which has a feeling of safety for users. From a design perspective, the use of the laneway is considered to be an improvement in streetscape, public space quality and perceived safety, by seeking to establish a greater connection to the public realm through increased passive surveillance from the south-facing windows of the development.
227. In regards to sunlight access within the public realm, the proposed development will not shadow Gipps Street given it is to the south of the street. In the afternoon, the proposed development will create shadow on the eastern side of Rupert Street from approximately 1:15pm onward for the balance of the day.

228. Given the commercial context of the land and the discussion earlier within this report, the height of the development as proposed is considered acceptable subject to the changes in the submitted sketch plans. A building of lesser height would not make efficient use of the land, with higher built form supported by Council. The narrow width of Rupert Street would make it difficult to prevent any additional overshadowing in the afternoon hours if any development of height on the site is approved.
229. The increase in shadowing is considered acceptable on the basis that Rupert Street is not a primary pedestrian thoroughfare and provides predominately local access via narrow footpaths. Mr McPherson opined that the impacts of shadowing to the public realm, as well as those to the neighbouring commercial properties, was acceptable.
230. Lastly, Objective 5.1.4 of the UDGv requires new buildings within activity centres to minimise adverse wind effects. The application was accompanied by a desktop wind assessment prepared by SLR Consultants, based on the decision plans. The wind assessment identified that the following wind mitigation measures are already included within the plans:
- (a) Provision of an awning over the main Gipps Street entrance.
 - (b) Provision of balcony planter boxes.
 - (c) Landscaping on the level 6 terrace.
 - (d) Shielding for the roof garden to 1.8 metres through a combination of landscaping or screens.
 - (e) The large corner pillar will provide a solid screen to assist in the break-up of winds from some directions.
 - (f) The tree and planter combination in the north-east corner to reduce wind speeds in this area.
231. The report then went on to make the following recommendations:
- (a) Level 6 Terrace - A management plan should be implemented for the terrace where it is not to be used in high winds. It should be noted that tenants can still use the roof garden in these conditions.
 - (b) Street Level – A management plan should be implemented for the café to prevent both doors being opened in windy conditions.
232. This wind report has been peer reviewed externally. The external wind consultant raised no concerns with the proposed analysis approach, site exposure, regional wind climate and description of the development but identified several items of concern, as follows:
- (a) The seating around at the north-eastern corner around the planter has not been included.
 - (b) Council's Wind Consultant disagreed that the proposed wind conditions to Gipps Street and Rupert Street would not be significantly altered due to the proposed development.
 - (c) Standing and sitting criteria were sought to be achieved for the above podium terrace and the roof terrace, however, the applicants report identified this may not be met.
 - (d) The report did not provide an assessment of the wind conditions outside the main entrance.
 - (e) The applicant's report does not provide a conclusion as to whether the various areas satisfy the target criteria with the mitigation strategies.
233. In summary, Council's Wind Consultant made the following comment:
- (a) *SLR have assessed that in many cases the proposed wind conditions would be similar to the existing wind conditions, which MEL Consultants disagrees with and is not consistent with the physical effects of buildings on pedestrian level wind conditions. The wind impacts of a single level building would not be similar to an 8 storey building of rectangular planform. It is recommended that the report is updated to address the concerns raised in this review.*

234. Given the number of concerns highlighted by Council's Wind Consultant and to ensure all matters are addressed appropriately, a condition will be included requiring a Wind Tunnel Study to be conducted to ensure that the existing and proposed wind conditions are satisfactorily documented and addressed.
235. With respect to the wind mitigation measures identified and areas of concern, the landscaping on the ground floor within the north-eastern corner is to be removed from the sketch plans and there is no landscaping proposed on the Level 6 terrace as referenced. Furthermore, it is 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.
236. With respect to the additional recommendations, the wind tunnel study should also include the management plans referenced as recommendations, if still required through the further assessments to be made.
237. Lastly, due to the modified massing as proposed within the sketch plans it will form conditions that the wind tunnel study also assess the final proposal. A condition would also require amended plans to comply with the requirements of the Wind Tunnel Study.
238. 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.

Site Coverage

239. The proposed site coverage of 100% is considered acceptable as the existing level of site coverage in the surrounding (and immediate) area is similar and within zoning that encourages higher density development (C2Z). Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood.

Landscape architecture

240. Landscaping is not a typical feature of commercial land in the Collingwood area; however, landscaping is provided within the development at the ground level, the podium levels where facing Gipps Street and also at the rooftop level.
241. Council's Open Space Unit reviewed the submitted landscape plan and commented that the landscape plan was satisfactory. Due to the changes as shown in the sketch plans, a condition can require the landscaping plans to be updated to assess the final development.
242. The level of landscaping proposed is supported and achieves compliance with the guidelines of the DDO11, which notes that landscaping should be considered as a means of providing attractive street frontages. Furthermore, Council's external Urban Designer was complimentary of the landscaping proposed and made the following comments:
- (a) *While Landscape Architecture is not my area of expertise, it is noteworthy that the proposal incorporates quite extensive façade planting, comprising vertical stainless-steel wires for climbing plants. This occurs in a recessed raised planter and a ground-level planter at Rupert Street (spanning Ground Floor and Mezzanine levels), in balcony planters at each level above the main entrance facing Gipps Street, and at roof deck level facing Gipps Street.*
 - (b) *I am supportive of façade planting if it can be effectively maintained given the climate and exposure.*

243. In regards to street trees, there are none along the Gipps Street or Rupert Street frontages nor any within proximity that would be impacted. This was confirmed by Council's Streetscapes and Natural Values Unit who advised that the proposed development would have no impact on the existing roadway trees and that future street tree planting of the frontages would be looked at in the future as part of capital works or infill planting.

On-site amenity

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. Further, the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.
290. Council's ESD Advisor identified areas of deficiencies and outstanding information that needed to be provided. This was outlined within their referral comments as follows:

(a) Application ESD Deficiencies:

- (i) *Clarify provision of BUG for optimised building use.*

(b) Outstanding Information:

- (i) *Provide Daylight Analysis that illustrates compliance with DF and VLT indicated.*
- (ii) *Provide NABERS energy report to support 5.5 star claim.*
- (iii) *Provide information on hot water systems and consider using a heat pump.*
- (iv) *Provide details on peak energy demand within NABERS energy report.*
- (v) *Clarify shading strategy for level 6 (TP1-102), which doesn't have an external shading treatment.*
- (vi) *More information required on HVAC and include within NABERS energy report, and consider 3 pipe VRF.*
- (vii) *Clarify approach to car park ventilation.*
- (viii) *Provide lighting details (and improvement over NCC 2019) within NABERS energy report.*
- (ix) *Clarify system size and generation within NABERS energy report.*
- (x) *Clarify extent of toilets serviced with rainwater.*
- (xi) *Clarify extent of use of sustainably sourced timbers (i.e. % by weight or cost).*
- (xii) *Indicate EV car-share location on plans (TP1-100), and consider pre-wiring more spaces to future proof the development.*
- (xiii) *Include 90% recycle/reclaim construction waste target in EMP.*
- (xiv) *Provide a statement that addresses UHI mitigation, considering high SRI (>50) materials, colours, and additional vegetation provision.*
- (xv) *The provision of 2x e-bikes are not mentioned within the GTP or indicated on plans. Remove credit, or indicate location of bike spaces on plans and within GTP.*

291. It is considered that all items can be addressed via condition as these items request further detailed analysis of the ESD measures. Conditions will require the above to be provided within an amended Sustainable Management Plan (SMP) with the SMP also required to be updated to reference the sketch plans with conditional changes.

Daylight and Ventilation

292. 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, with three frontages to Gipps Street, Rupert Street and the ROW. The development provides large expanses of glazing at all levels and the provision of terraces throughout.
293. As identified above, daylight analysis that illustrates compliance with DF (daylight factor) and VLT (visible light transmittance) indicated is required to be submitted within an amended SMP. This will ensure that daylight is provided in accordance with Council's ESD Standards. Given the site has three frontages with extensive windows this approach is considered satisfactory.
294. In respect of ventilation, whilst the SMP does not mention natural ventilation, the Urban Context Report submitted with the application identifies that all offices have dual aspects with operable glazing to allow for passive ventilation.
295. It is clear from the development plans that the northern and eastern elevations incorporate operable glazing. Whilst Council's ESD Advisor identified that further operable glazing could be incorporated along the southern elevation of levels 3-5, this was not required for the development to meet best practice standards and therefore will not form a condition.

Circulation Spaces

296. The main pedestrian entrance from Gipps Street will provide access to the lift core and stairwell of the building. The proposed stairwell is a feature of the development and is proposed to be an open air fire stair with a direct relationship to Gipps Street at all levels to encourage use.
297. Due to the requirement for a corner splay, the food and drinks premises as shown on the sketch plans has an entrance to Gipps Street and one from Rupert Street providing substantial activation to the street frontages. The dedicated bicycle entrance is also from Rupert Street. The circulation spaces afford a good level of amenity to future building occupants. Lighting of these entries will be required to ensure appropriate identification and safety.

Facilities

298. Communal facilities are provided at each level for the office tenants including a kitchenette and bathrooms. Bicycle parking and end-of-trip facilities are also incorporated into the design at the ground and first floors. External terraces are provided at varying levels. These features will further enhance the amenity of the development.

Off-site amenity

299. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). As the site surrounds description identifies, there are non-conforming dwellings located to the west on the southern and northern sides of Gipps Street as shown below. The closest dwelling, at No. 59 Gipps Street, is located approximately 11 metres to the west.

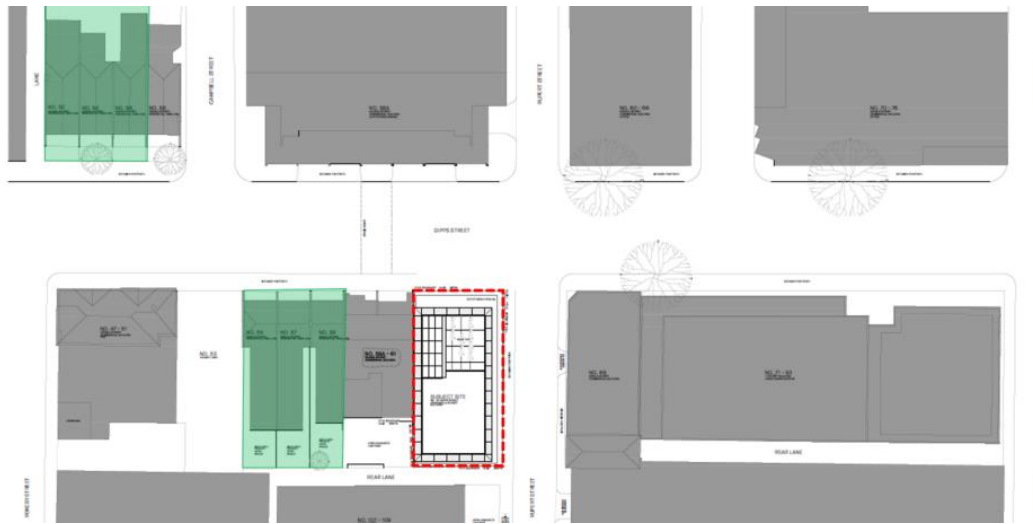


Figure: Design Response Plan showing the subject site (red) and nearby non-conforming residential (green)
Source: Sheet TP0-100 of the Decision Plans, annotated

300. Commercial 2 zoned land is where a range of commercial and light industrial uses are to be located (and hence their associated built form). Dwellings (other than caretaker's dwellings) are prohibited in this zone. Hence, even if existing use rights were able to be established for the dwelling-type buildings within Gipps Street, these dwellings are not afforded the same level of amenity protection as dwellings within a residential area (such as the Neighbourhood Residential zoned land further to the north).
301. Underlining this, the decision guidelines for buildings and works in the C2Z pursuant to Clause 34.02 do not refer to consideration of impacts on residential uses but rather of *the interface with adjoining zones, especially the relationship with residential areas* (emphasis added). Furthermore, the purpose includes "that uses do not affect the safety and amenity of adjacent, more sensitive uses" (emphasis added) but does not refer to development specifically.
302. This issue has been discussed in many Tribunal decisions within Commercial 2 Zones (formerly Business 3 Zones) including:

W Huczek & D Starkiewicz v Yarra CC [1999] VCAT 45 (31 August 1999)

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

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

Burrett v Yarra CC [2005] VCAT 978 (24 May 2005)

[23] I am not suggesting that residential amenity considerations are irrelevant; however, expectations need to be tempered against the purpose of the Business 3 zone which does not include providing for residential use. On the contrary residential use is "prohibited", with caretaker's house being the exception. If the protection of the residential amenity of caretaker's houses is elevated to a matter of primary or significant importance in this type of zone, this could stifle the proper development of the area for its primary purpose.

[24] The policy at Clause 22.05 referred to by Ms Miles deals with the amenity impacts at interface locations. Whilst this site is located at the interface between the Business 3 and Residential 1 zones, the proper application of the policy is with respect to with interface issues between properties within different zones, not within the same zone. Further, the site is not located in an area where a mix of residential and commercial/industrial activity is encouraged and the potential for amenity conflicts needs to be carefully managed.

303. It must be noted that each of these Tribunal cases are referring to legitimised dwellings within Commercial 2 Zones where existing use rights had been established.
304. Non-conforming residential uses (or permitted caretaker's dwellings) cannot expect the same level of amenity as a dwelling within a residential area. Application of policies to protect their amenity to a standard associated with residential areas would result in an unreasonable limitation of the development potential of the subject site. The vision for the area under the current zoning and Council's strategic planning is for increased development to contribute to accommodating employment growth supporting the economic viability and enhancing the precinct.
305. Considerations must be limited to the impact of the proposed built form as the proposed land uses are as-of-right. 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.*
306. Further to this, guidelines within the DDO11 specify that building design should protect the amenity of existing pockets of residential development, and that consideration should be given to how *the design, height and visual bulk of buildings on the site address potential negative amenity impacts on surrounding development*. Potential off-site amenity impacts will be discussed in turn.

Noise

307. The use of the land for office and for the food and drinks premises (café) does not require a planning permit within the C2Z, however it is considered unlikely that the proposal would result in unacceptable noise emissions to the nearby residential properties. Whilst the shared nature of the laneway will increase vehicular activity within this space, this activity is not considered to be out of character with the C2Z and will be restricted to the interface with Rupert Street and will not directly interface with the rear of the residentially used properties.
308. Looking specifically at the noise sources, services/plant equipment are located on the roof and appropriately screened by the solid building wall along the western boundary (with the exception of the cut-out as described earlier on the sketch plans), where the most sensitive uses are located. A condition will require noise and emissions from the building to comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1).
309. While the office and food and drinks premises (café) would not require a large number of deliveries to the site, a condition will require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law. This would assist in minimising noise disruption to the surrounds from these noise sources.

Visual bulk

310. In regards to visual bulk impacts to the non-conforming dwellings in the immediate area, it is considered that within this built form context views from windows to built form is not an unreasonable expectation. 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 commercial buildings where interfacing with other similarly developed allotments and zoning that encourages higher density forms.

Overlooking

311. 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.
312. The proposed development is predominately for an office and therefore is not subject to the same requirements. With all interfaces with the subject site being to commercial buildings, and zoned C2Z, largely built to boundaries, including to streets, the development would not be subject to unreasonable visual bulk impacts and would not result in unreasonable overlooking.
313. Notwithstanding this, the subject site is located in excess of 9 metres from the closest residential use (No. 57 Gipps Street) and would therefore comply with the stricter requirement for a 9 metre separation.

Overshadowing

314. The decision guidelines of the C2Z include a requirement for buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to encourage commercial areas for offices.
315. In the absence of any specific guidelines, Standard B21 of Clause 55 (Rescode) will be used as a reference. This standard 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.
316. Notwithstanding the above, application of policies (such as Standard B21 of Clause 55) to protect the amenity of non-conforming dwellings to a standard associated with residential areas would result in an unreasonable limitation of the development potential of the subject site.
317. Between 9am and 10am, the proposal shadows the secluded private open spaces (SPOS) of the dwellings on the southern side of Gipps Street. Between 10am and 11am the SPOS of No. 55 Gipps Street would be partially shaded whilst the SPOS areas of No. 57-59 Gipps Street would be wholly shadowed. Between 11am and 12pm, only the south-eastern corner of the SPOS area to No. 59 Gipps Street would be shadowed.
318. The additional impact is limited to two to three hours in the morning at the September equinox. This is considered reasonable having regard to the site's inner city context, policy support for taller built form on the subject site and the C2Z designation of the area. It is considered that overshadowing impacts are unavoidable with consideration to the expected development in the area.
319. The sunlight to the impacted dwellings will not be modified from 11am, in respect of No. 55-57 Gipps Street, and 12pm, for No. 59 Gipps Street. Furthermore, the sketch plans would assist in reducing the impact of the shadowing to these properties due to the overall 1 metre reduction in height.

320. In respect of daylight, the proposal is adequately setback from windows associated with the non-conforming dwellings to the west to allow for access to daylight.

Fumes and air emissions, light spillage

321. The majority of the office and the ground floor food and drinks premises uses are enclosed with the uses conducted indoors (with the exception of the outdoor terraces for office). All uses within the building do not require planning permission to operate.
322. The proposed uses are not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use. The building built up against the western boundary would also ensure light spill would be directed to the north, east and south only – away from the sensitive uses. Any light spill would be in the context of other uses in the area, and there is no direct lighting of the external part of the building. There would be no fumes associated with the proposed uses.

Equitable Development

323. 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. As previously discussed, a condition will require a 3 metre setback to be provided for the upper levels of the development from the centreline of the ROW to the south to ensure an appropriate equitable development scenario is provided to this interface.
324. The site is separated from land to the north and east, with the only direct abuttal being the property to the west. In this respect, the proposed development abuts this boundary for its entire height.
325. This design outcome will ensure that the site to the west is not constrained in its development potential given whatever is built will be against boundary walls. Given the context of the site, it is considered that future equitable development opportunities are available.

Car parking and traffic

326. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 43 car parking spaces for the office use based on the decision plans. As previously identified the additional 31sqm of office floor space as proposed within the sketch plans would result in the car parking reduction associated with the office increasing by one space, to a total 44 spaces.
327. Eleven on-site car parking spaces are proposed (1 for the food and drinks premises, 9 for the office use and 1 for a car share). A condition will require a notation to be included on the plans identifying the allocation of car parking, as this is currently not referenced.

Parking Demand

328. 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.
329. It is well documented through decisions made by 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 precincts that are designated for greater change is applied.
330. 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.*

331. 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:

- (a) *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.*
- (b) *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.*
- (c) *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.*
- (d) *Policy tells us the future must be different.*
- (e) *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.*
- (f) *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.*
- (g) *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.*

332. In support of the reduced car parking on-site, examples of existing offices within the City of Yarra with reduced on-site car parking were provided by Council Engineers. Details of these offices are provided as follows:

Development Site	Approved Office Parking Rate
60-88 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m ² (200 on-site spaces; 27,653 m ²)
51 Langridge Street, Collingwood PLN17/0332 (Amended) issued 18 May 2018	0.54 spaces per 100 m ² (18 on-site spaces; 3,335 m ²)
2-16 Northumberland Street PLN16/0435 issued 14 June 2017	0.89 spaces per 100 m ² (135 on-site spaces; 15,300 m ²)

333. A review of other planning permits issued within proximity of the site demonstrate that the provision of zero car parks to service office developments is becoming increasingly common and supported in the area:

- (a) Planning Permit PLN18/0902 issued for No. 48-50 Gipps Street (west of the site) was approved with a full reduction of car parking associated with the 1,871sqm of office area.
- (b) Planning Permit PLN18/0158 issued for No. 89 Rokeby Street (south of the site) was approved with a full reduction of car parking associated with the 615sqm of office area.

334. The provision of car parking at this lower rate would encourage a modal shift from private vehicle use to more sustainable travel. This accords with the GSLAP, which aims to reduce the proportion of trips into and out of the precinct by car. In combination with the over provision of bicycle spaces on-site, it is considered that the proposal provides incentives and opportunities for alternative sustainable transport options.

335. 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 is well serviced by public transport, including the Collingwood Train Station and bus services along Hoddle Street, both within 390 metres of the subject site.
- (b) The surrounding area has a good bicycle network, which includes the Wellington Street 'Copenhagen lanes' proximate to the site. The proposal includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.
- (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. Occupant 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.
- (f) 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.

Parking Availability

336. The applicant's traffic engineers (One Mile Grid) did not conduct a parking survey. Council's Engineering Unit drew on recent data supplied with the planning application for No. 33 – 37 Rupert Street, Collingwood (PLN20/0165) which encompassed sections of Rupert Street and Langridge Street. The occupancy survey had identified an inventory of up to 59 spaces in the study area. The results indicate that no fewer than 1 vacant space or 98 % occupancy was recorded.
337. Data in the immediate vicinity was also provided for the planning application at No. 48 – 50 Gipps Street, Collingwood (PLN18/0902) which encompassed sections of Down Street, Dight Street, Sturt Street, Singleton Street, McCutcheon Way, and sections of Campbell Street, Cromwell Street, Wellington Street, Rokeby Street, Rupert Street, and Gipps Street. The occupancy surveys revealed that on a weekday, the demand for parking was very high during the standard business hours of 9am – 5pm, with parking occupancies ranging between 70% and 97%.
338. It is understood that on-street parking demand is very high and close to saturation point. As acknowledged in the *Ronge v Moreland* decision, existing patterns of car parking usage is not useful given policy within Clause 52.06 encourages the use of other forms of transport.
339. Council's Engineering Unit were supportive of the proposed reduction, stating the following:
- (g) *From a traffic engineering perspective, the proposed reduction in the car parking requirement for the site is considered appropriate in the context of the development and the surrounding area. Employees of the office would commute to and from the site using more sustainable forms of transportation. The occupation and operation of the site should not adversely impact existing on-street parking conditions in the area.*

Traffic

340. The following decision guidelines of the DDO11 are relevant to the consideration and assessment of modifications to the traffic volume that would result from the proposal:
- (a) *The impact of traffic generated by the proposal and whether it is likely to require additional traffic management control works in the neighbourhood.*
- (b) *The location of, and access to, parking facilities and their effect on the local road network.*
341. For the additional car parking spaces accommodated on-site, the applicants traffic engineers and Council's Engineering Unit quantified peak hour volumes of an additional 6 vehicle movements both within the morning and afternoon peak.
342. Council's Engineering Unit confirmed that the additional traffic volume is not unduly high and would not have a detrimental impact on the traffic operation of the surrounding road network. Council's Engineering Unit raised no issues with the location of, and access to, the parking facilities and it is therefore considered that additional traffic management control works would not be required.

Layout

343. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

344. These details, along with the proposed car stacker units have been reviewed by Council's Engineering Unit who is satisfied with the layout of the car parking area. Council's Engineering Unit has requested that the plans be revised to include the following details / dimensions that will be addressed by way of conditions:
- (a) The floor-to-ceiling height inside the car park is to be dimensioned;
 - (b) The depth of the stacker pit is to be dimensioned on the drawings.
 - (c) The setback of the canopy from the edge of the kerb to be dimensioned;
 - (d) Ground clearance check for the access from the carriageway easement; and
 - (e) Ground clearance check for the access from Rupert Street.
345. Several engineering conditions regarding civil works, road asset protection, and construction management, impacts of assets on the proposed development, reinstatement of redundant vehicle crossings and modification to car parking signage have been recommended. These conditions are considered standard and will also be included.
346. In addition to the above, Council's Engineering Unit raised concern with the proposed development over the existing corner splay as shown in the decision plans. As previously identified, the sketch plans seek to address this concern by proposing a splay 2.6 metres in length along Gipps Street and 3.3 metres along Rupert Street on the ground floor.
347. Council's Engineering Unit reviewed the sketch plans showing the corner splay and made the following comment:
- (a) *The corner splay on the north-east corner of the site has been retained. Although the dimensions of the proposed splay are slightly different to the existing dimensions, the overall design is considered satisfactory.*
348. The Engineering Unit requested that the splay be dimensioned on the drawings and finished in a material consistent with the surrounding footpath. These can form conditions.

Loading and unloading

349. With regards to the proposed use of the site predominantly as an office with a small food and drinks premises, it is not considered that an on-site loading bay is required. It is anticipated that loading associated with the uses would be infrequent and undertaken by smaller trucks/vans that can utilise the nearest public on-street Loading Zone (on the east side of Rupert Street, south of Gipps Street and 12 metres from the site) or public parking within the area.
350. A condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

On-Street Disabled Parking Bay

351. The application seeks to modify one 2P ticketed car parking space along the Gipps Street frontage to a disabled parking bay. Council's Engineering Unit made the following comment:
- (a) *It is noted the applicant has proposed an on-street accessible parking bay in Gipps Street, west of Rupert Street. Since the accessible parking bay is on a Public Highway under the Victorian Local Government Act 1989, it cannot be assessed as part of this application. The applicant can consider re-designing the car parking area in order to accommodate an accessible parking space and shared area.*

352. Further to the above, Council's internal Urban Design Unit reviewed this aspect commenting that all references to the proposed DDA car park should be removed from the planning application drawings and documents. The internal Urban Design Unit identified that applications to modify on-street car parking are to be considered separately to planning permit applications, that the proposed DDA car park is not supported in its current form and that the location of any proposed DDA car park is required to be considered in relation to its broader public use and not by the use of one premises.
353. In accordance with the advice received from Council's Engineering Unit and internal Urban Design Unit, the proposed changes to the on-street car parking cannot be considered as part of this assessment. A condition will therefore be included requiring the proposed DDA car park to be removed from the plans. Further details regarding these arrangements would have to be undertaken via a separate process involving Council's Traffic Engineers and Parking Management Team.

Bicycle facilities and strategic transport

Bicycle parking and facilities

354. The proposal provides a total of 35 bicycle parking spaces on-site for employees, with end-of-trip facilities provided at the mezzanine floor 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 (Australian Standards for bicycle parking facilities) for which requires 20% of employee spaces to be horizontal at-grade. The proposed provision of employee bicycle parking is satisfactory.
355. Council's Strategic Transport Unit reviewed the proposed access and safety, advising that the aisle width provided for the employee bicycle parking area did not appear to accord with the access requirements of AS2890.3 and the bicycle rack specifications attached to the Traffic report. A condition will therefore be included requiring the aisle width of the employee bicycle room to accord with the requirements of this Australian Standard and the bicycle rack specifications.
356. The proposed end-of-trip facilities located on the mezzanine level would exceed the Scheme requirements (1 shower/change room) as well as the BESS requirements (2 showers/ change rooms), through the provision of 4 showers/change rooms. The provision of a bicycle repair station on the ground floor provides infrastructure to support increased use of the bicycle room. Council's Strategic Transport Unit raised no concerns with this aspect of the design.
357. In respect of visitor parking, the proposal provides 8 visitor bicycle spaces at the ground level, with access from Rupert Street. The spaces are not within an enclosed area and can be accessed from the Rupert Street entrance foyer. The visitor spaces are accommodated in a bicycle stacker system.
358. 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 BESS (requiring 2 visitor spaces and 3 visitor spaces respectively). Council's Strategic Transport Unit commented that the layout, provision and location of the visitor bicycle parking was acceptable.
359. With regard to the above, it is considered that subject to conditions the bicycle parking and facilities are acceptable.

Electric vehicles

360. The Sustainable Management Plan (SMP) identifies that electric vehicle infrastructure for one car-stacker bay will be provided. Council's ESD Officer reviewed the submitted SMP and requested the following be provided:

- (a) *Indicate EV car-share location on plans (TP1-100), and consider pre-wiring more spaces to future proof the development.*

361. Council's Strategic Transport Officer reviewed the proposal and recommended the car parking area be electrically wired to be 'EV ready' to allow for easy future provision of electric vehicle charging. The Urban Context Report submitted with the application identifies that there will be EV car charging facilities within the stacker system. It is therefore considered appropriate for conditions to be included, requiring the EV car-share location to be shown on the plans and the car parking area to be electrically wired to be 'EV ready.'

Green Travel Plan

362. A Green Travel Plan (GTP) was provided by the applicant to support the application. This document was referred to Council's Strategic Transport Officer, who advised that the GTP provided all the required information and should be updated to include the endorsed plans / final layout of bicycle parking, due to the conditions discussed above. This can be facilitated via condition.

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

Waste management

364. Following a review of the Waste Management Plan (WMP) (authored by Leigh Design and dated 30 July 2020), Council's City Works Unit advised that the document was satisfactory, subject to the following being addressed:

- (a) All diagrams pertaining to the management of waste must be attached to the WMP.

365. It is considered that the matter identified above can be addressed via condition requiring an updated WMP. A condition should also require the WMP to be updated to reference the plans amended via condition 1 due to the changes to the floor area.

366. The proposal provides for an 11sqm waste storage room on the ground floor, along the western boundary with access to the southern car parking apron and ROW. The waste room will accommodate a 1 x 1,100 litre bin for garbage, a 1 x 1,100 litre bin for recycling, a 1 x 240 litre bin for glass and a 1 x 240 litre bin for organics. A 2sqm area for hard rubbish and e-waste is also accommodated within the waste storage room.

367. All waste collection will be private and is intended to be undertaken from the car parking apron along the southern boundary. Council's Engineering Unit reviewed this aspect identifying that it was a satisfactory arrangement, subject to the applicant confirming that sufficient headroom clearance to allow waste collection on-site is provided. The WMP identifies that the waste collection vehicle requires a clearance of 2.1 metres. The southern elevation shows the roller door provides a clearance of 3 metres.

368. It is unclear how the portion of the garage door along the eastern boundary (shown below) would operate to allow for vehicle movement direct from Rupert Street as shown in the swept path diagram for the waste vehicle.



Figure: Eastern elevation with the garage door highlighted by a red box
Source: Decision Plans

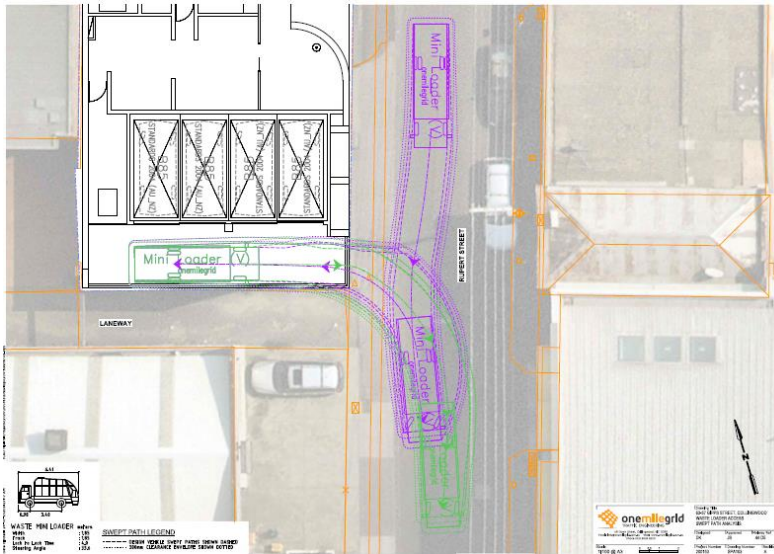


Figure: Swept path diagram of a waste mini loader
Source: Transport Impact Assessment, prepared by OneMileGrid dated 30 July 2020

369. A condition will therefore require the operability of the garage door along the eastern boundary to be shown and to be accommodated within the sites boundaries. A further condition should require the ground floor plan to show the location and extent of the vehicle crossover required along Rupert Street to facilitate vehicle movements into the site from this location.
370. Internally, a roller door provides access from the waste bin to the apron of the car parking area. The waste vehicle will prop upon the apron whilst the collection staff will transfer bins to the truck and back. The hard waste/e-waste is to be collected at call, whereas the balance of the commercial waste will be collected twice per week.
371. Furthermore, a condition will be included to ensure that the provisions, recommendation and requirements of the endorsed WMP be implemented and complied with.

Objector concerns

372. 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 design

(a) Height and massing

This is discussed within paragraphs 172 to 199.

(b) Unresponsive to heritage

This is discussed within paragraphs 169 to 170.

(c) *Architectural expression*

This is discussed within paragraphs 200 to 212.

(d) *Insufficient landscaping*

This is discussed within paragraphs 240 to 243.

Amenity Impacts

(e) *Unacceptable internal amenity and ESD*

This is discussed within paragraphs 289 to 298.

(f) *Amenity impacts to neighbouring properties (overlooking, loss of privacy, sunlight and views, noise, overshadowing, impact to solar panels)*

This is discussed within paragraphs 299 to 325.

(g) *Public realm shadowing*

This is discussed within paragraphs 227 to 229.

(h) *Wind impacts*

This is discussed within paragraphs 230 to 238.

Traffic and Car Parking

(i) *Loss of on-street car park for the DDA space*

This is discussed within paragraphs 351 to 353.

(j) *Additional traffic cannot be supported*

This is discussed within paragraphs 340 to 342.

(k) *Not enough car parks provided on-site*

This is discussed within paragraphs 328 to 339.

Other

(l) *Lack of open space within the area*

The above is not a relevant planning consideration as the Scheme does not require public open space to be provided for commercial developments. State and Local Planning Policies support an increase in development and land use activity in proximity to transport corridors and activity centres, such as on the subject site.

Conclusion

373. 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.

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of a multi-storey building and a reduction in the statutory car parking requirement at 63-67 Gipps Street, Collingwood 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 NTF Architecture P/L, Sheets TP101-TP1-103, TP2-100-TP2-101 and TP3-100 all Revision B and TP1-100 Revision D dated 06/04/2020 and DR5-200 Revision B dated 23/03/2020 but modified to include:
 - (a) The changes as depicted on the “Sketch” plans prepared by NTF Architecture P/L, Sheets TP1-100 Revision E, TP101-TP1-103 Revision C and TP2-100-TP2-101 Revision D dated 06/04/2020 which generally show:
 - (i) Reduction in the street wall height by one level, from a height of 23.425 metres to maximum 20.025 metres.
 - (ii) Reduction in the overall height by 1 metre, from 33.025 metres to maximum 32.025 metres, with the lift core along the western boundary protruding 1 metre above.
 - (iii) The columns around the north-eastern corner modified due to the introduction of a 2.6 metre (Gipps St) x 3.3 metre (Rupert Street) splay.
 - (iv) The northern, eastern and southern elevations of the upper levels, above the podium, modified from a blue-grey colour to a red-brown colour.

But further modified to show:

- (b) Food/drink tenancy labelled as a café.
- (c) Title boundary dimensions reinstated.
- (d) All existing site and footpath features to be shown on the ground floor plan including: street lights, parking signs, electrical poles, telephone pillar, utility service pits and the like.
- (e) Relative levels (RL's) of finished floor levels inside and outside building entrances.
- (f) Removal of the proposed DDA car park with the existing public realm conditions along Gipps Street (including on-street parking and existing footpath) shown.
- (g) Vehicle crossover required to enable access to the car park apron from Rupert Street shown.
- (h) The levels above the podium setback from the south a minimum 3 metres from the centreline of the right-of-way.
- (i) Horizontal coloured rebate lines added onto the pre-cast concrete panels on the western elevation in 'REN1' in line with the FFL of each podium level.
- (j) Lighting to the pedestrian and vehicular entrances must be provided on the subject site.
- (k) The operability of the garage door along the eastern boundary shown and accommodated within the boundaries of the site.
- (l) A notation on the ground floor plan identifying that 1 car parking space will be provided for the food and drinks premises, 1 to a car share and 9 to the office use.
- (m) The floor-to-ceiling height inside the car park dimensioned;
- (n) The depth of the stacker pit dimensioned.
- (o) The setback of the canopy from the edge of the kerb dimensioned.

- (p) Corner splay dimensioned and shown to be finished in a material consistent with the surrounding footpath.
 - (q) The aisle width of the employee bicycle room to comply with AS2890.3 and the requirements of the bicycle rack specifications (Cora Bike Rack E3DT-GP and Ned Kelly or similar).
 - (r) The location of the EV car-share space.
 - (s) The car parking area to be electrically wired to be 'EV ready,' with a notation included on the plans identifying this.
 - (t) Any changes required by the Façade Strategy and Materials and Finishes Plan at Condition 3;
 - (u) Any changes required by the Landscape Plan at Condition 5.
 - (v) Any changes required by the amended Sustainable Management Plan at Condition 7.
 - (w) Any changes required by the amended Wind Tunnel Study at Condition 9.
 - (x) Any changes required by the amended Waste Management Plan at Condition 11.
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) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
 - (i) Details of material 'BRK01' including the colour and particulars of the product chosen;
 - (ii) Details of material 'SCN01,' ensuring the material provides a high degree of depth and texture;
 - (iii) Details of material 'BC1;'
4. As part of the ongoing consultant team, NTF Architecture P/L 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.

Landscape Plan

5. In conjunction with the submission of development plans under Condition 1, 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 Plans prepared by Peachy Green dated May 2020 (TP01) and Aug 2020 (TP02, TP03 and TP04) but modified to include (or show):
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.

6. 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 Management Plan

7. In conjunction with the submission of development plans under Condition 1, 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 Ark Resources dated 19 June 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) Clarification on the provision of BUG for optimised building use.
 - (c) Daylight Analysis illustrating compliance with DF and VLT indicated.
 - (d) NABERS energy report to support 5.5 star claim.
 - (e) Information on hot water systems with consideration to using a heat pump.
 - (f) Details on peak energy demand within the NABERS energy report.
 - (g) Shading strategy for levels which don't include an external shading treatment.
 - (h) Information on HVAC and include within NABERS energy report with consideration to 3 pipe VRF.
 - (i) Clarification on the car park ventilation.
 - (j) Details of lighting (and improvement over NCC 2019) within NABERS energy report.
 - (k) Clarify system size and generation within NABERS energy report.
 - (l) Clarify extent of toilets serviced with rainwater.
 - (m) Clarify extent of use of sustainably sourced timbers (i.e. % by weight or cost).
 - (n) Indicate EV car-share location on plans.
 - (o) Include 90% recycle/reclaim construction waste target in EMP.
 - (p) Provide a statement that addresses UHI mitigation, considering high SRI (>50) materials, colours, and additional vegetation provision.
 - (q) Remove credit for 2 x e-bikes or indicate location of bike spaces on plans and within GTP.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Study

9. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study must be generally in accordance with the Wind Impact Assessment prepared by SLR Consultants dated August 2020, but modified to include or show:

- (a) Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 1.
 - (b) Quantification of the existing wind conditions of Gipps Street and Rupert Street adjacent to the site.
 - (c) Walking criterion to be achieved for Gipps Street and Rupert Street adjacent to the site.
 - (d) Standing criterion to be achieved at all ground floor building entrances.
 - (e) Standing criterion at a minimum to be achieved for the above podium and rooftop terraces.
 - (f) Inclusion of the management plan for the above podium terrace and café entrances, if determined to be required following the additional wind tunnel modelling; and
 - (g) Vegetation is not to be used as a wind mitigation measure.
10. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

11. In conjunction with the submission of development plans under Condition 1, 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 6 July 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) All diagrams pertaining to the management of waste must be attached to the WMP.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The collection of commercial waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Green Travel Plan

14. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by OneMileGrid dated 12 August 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1, including the final layout of the bicycle parking.
15. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car parking

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;

- (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.

- 17. Ducting, pipes and other obtrusions must not encroach into the space design envelope of the car stacker spaces.
- 18. 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.

Lighting

- 19. 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 intensityto the satisfaction of the Responsible Authority.

General

- 20. The amenity of the area must not be detrimentally affected by the 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.
- 21. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
- 22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 23. 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.
- 24. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 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. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

27. 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.

Road Infrastructure

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
30. 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, including the reinstatement of the kerb and channel and re-sheeting of the footpaths for the entire width of the property (both Gipps Street and Rupert Street) :
- (a) in accordance with Council's *Road Materials Policy*;
 - (b) with a cross-fall of 1 in 40 unless otherwise specified;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Gipps Street (from the centre line of the road to the south kerb) and Rupert Street (from the centre line of the road to the west kerb) along the property frontages must be profiled (grounded by 50 mm) and re-sheeted (including the reinstatement of all road markings):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all road markings, including the painted bicycle lane markings along Gipps Street, are to be reinstated upon the completion of the pavement works:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
33. 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.

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or 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.
35. 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.
36. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Development Infrastructure Levy

37. 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

38. 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.
- (q) any site-specific requirements.

39. 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.

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

41. 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

42. This permit will expire if:

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

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

Notes:

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

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.

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

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.

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.

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

Overhead power lines run along the south side of Gipps Street, close to the property boundary. 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: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Attachments

- 1 PLN20/0414 - 63-67 Gipps Street, Collingwood - Site Location Map & Aerial Photo
- 2 PLN20/0414 - 63-67 Gipps Street, Collingwood - Decision Plans

- 3** PLN20/0414 - 63-67 Gipps Street, Collingwood - Urban Context Report
- 4** PLN20/0414 - 63-67 Gipps Street, Collingwood - Sketch Plans Final
- 5** PLN20/0414 - 63-67 Gipps Street, Collingwood - ESD Advisor Referral
- 6** PLN20/0414 - 63-67 Gipps Street, Collingwood - Strategic Transport Unit Referral
- 7** PLN20/0414 - 63-67 Gipps Street, Collingwood - Urban Design Unit (internal) Referral
- 8** PLN20/0414 - 63-67 Gipps Street, Collingwood - City Works Unit Referral
- 9** PLN20/0414 - 63-67 Gipps Street, Collingwood - Streetscapes & Natural Values Unit Referral
- 10** PLN20/0414 - 63-67 Gipps Street, Collingwood - Open Space Unit Referral
- 11** PLN20/0414 - 63-67 Gipps Street, Collingwood - Engineering Unit Referral
- 12** PLN20/0414 - 63-67 Gipps Street, Collingwood - External Wind Consultant Referral
- 13** PLN20/0414 - 63-67 Gipps Street, Collingwood - External Urban Design Consultant Referral

6.2 PLN20/0563 - 66 Lord Street Richmond - Construction of one triple storey dwelling

Executive Summary

Purpose

1. This report provides an assessment of the proposed construction of a triple storey dwelling at 66 Lord Street, Richmond.

Key Planning Considerations

2. Key planning considerations include:
 - Clause 54 – One dwelling on a lot
 - Clause 22.10 – Built form and design policy
 - Clause 22.13 – Residential built form policy

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - Clause 54
 - Built form and design;
 - Car parking / traffic; and
 - Objector concerns

Submissions Received

4. Council received 6 objections, the grounds of which are summarised as follows:
 - design (height, scale, bulk, character);
 - amenity (off-site, on-site, overlooking, overshadowing/loss of light);
 - loss of views; and
 - property devaluation.

Conclusion

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

CONTACT OFFICER: Konrad Bruhn
TITLE: Senior Statutory Planner
TEL: 03 9205 5124

6.2 [PLN20/0563 - 66 Lord Street Richmond - Construction of one triple storey dwelling](#)

Reference	D21/28724
Author	Konrad Bruhn - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

Ward:	Richmond
Proposal:	Construction of one triple storey dwelling
Existing use:	Single storey dwelling
Applicant:	Clarke Planning Pty Ltd
Zoning / Overlays:	General Residential Zone – Schedule 1 Development Contributions Plan Overlay – Schedule 1
Date of Application:	10 August 2020
Application Number:	PLN20/0563

Planning History

1. There is no recent planning history of relevance to this application.

Background

[Lodgement of S57A plans](#)

2. An application pursuant to Section 57A of the *Planning and Environment Act 1987* was received on 4 February 2021. The amendment includes the following key changes to plans:
 - Modifications to setbacks;
 - Deletion of the northern wing wall of the east-facing second floor balcony to create a void;
 - Glass screen to first floor balcony increased in height from 1.1m to 1.7m;
 - Glass screen to the west-facing second floor balcony increased in height from 1.1m to 1.7m including a 500mm nib/wing protrusion to its rear/west;
 - South-facing windows provided at ground floor level;
 - Easternmost vehicle crossover and vehicle entry deleted;
 - Western and southern parapet of roof over first floor family room increased in height by 400mm;
 - Modifications to materials and finishes; and
 - Second floor south facing windows from ensuite and living room to Brady St fitted with fixed obscure glass to 1700mm
3. These plans supersede the previously advertised plans and form the basis of Council's decision.
4. The application was re-advertised to surrounding owners and occupiers by mail, including all objectors. There were no further objections (four objectors advised that the amended plans did not resolve their concerns).

The Proposal

5. It is proposed to demolish the existing dwelling (no permit required) for the construction of one triple storey dwelling. Specific details as follows:

Ground floor level:

6. Ground floor plan comprising a double garage (one single width entry and crossover), rumpus room, two bedrooms, a bathroom and a laundry. There is a small private open space area located adjacent to the northern side boundary.
7. The ground floor is to be constructed to the rear (western) boundary for its entire width, constructed to the northern side boundary for a combined length of 19.49m, and constructed to the southern frontage to Brady Street for a length of 13.82m.
8. The ground floor is otherwise set back 2.41m from the northern side boundary, 2.50m from Lord Street, and 1.00m from Brady Street.

First floor level:

9. First floor plan comprising a bedroom, bathroom, open plan kitchen/dining/living area and a west-facing balcony.
10. The first floor is to be constructed to the northern side boundary for 10.95m and otherwise set back a minimum of 1.22m from the northern side boundary, 1.60m from the rear (western) boundary, 1.00m from Brady Street and 2.30m from Lord Street.

Second floor level:

11. Second floor plan comprising a sitting room, master bedroom (with associated walk-in-robe and ensuite), an east-facing terrace, and a further west-facing terrace.
12. The second floor is to be constructed to the northern side boundary for 10.95m and otherwise set back a minimum of a minimum of 1.22m from the northern side boundary, 9.00m from the rear (western) boundary, 1.00m from Brady Street and 5.15m from Lord Street (with the terrace located in this setback).

Design detail:

13. The external cladding is to comprise a mixture of dark brickwork, white render, dark render, dark fibre cement, and dark aluminium slats (privacy screens).
14. The proposed dwelling is a contemporary architectural design response and has a flat roof form.



Overall height:

15. The proposed dwelling contains three storeys and has an overall maximum height of 9.00m.

Water Sensitive Urban Design:

16. The application proposes to connect the drainage from the roof of the dwelling to a 2000L rainwater tank.

Existing Conditions

Subject Site

17. The subject site is located on the western side of Lord Street, at its intersection with Brady Street in Richmond. The subject site has 6.63m and 30.06m wide frontages to Lord and Brady Streets respectively, and a total area of approximately 199m². The subject site is developed with a single storey cottage that has weatherboard cladding and a hipped roof form. The dwelling is setback approximately 2.40m from Lord Street and is constructed to the Brady Street frontage for approximately 21.00m. The secluded private open space (SPOS) area is located to the rear of the dwelling and functions as a car parking space accessed via a crossover to Brady Street.
18. The title submitted with the application does not show any covenants or easements.



Figure 1: The subject site from Lord Street (photo taken by Officer 26/03/2021).

Surrounding Land

19. The subject site is located within an established residential area, with built form scale of the surrounding area comprising a mixture of low scale dwellings and modern 2-3 storey townhouses. There is an eclectic mixture of architectural styles and periods evident in surrounding streetscapes. The subject site is located approximately halfway between the Bridge Road Activity Centre to the north and the Swan Street Activity Centre to the south.
20. To the north, the subject site adjoins No. 64 Lord Street and No. 12 Murray Street.

21. No. 64 Lord Street is developed with a modern, double storey townhouse which is constructed to the southern side boundary shared with the subject site for approximately 6m before recessing to a setback of approximately 1m. There are no south-facing habitable room windows. A ground level SPOS area is located to the rear (west) of the dwelling. The dwelling has light render cladding and a flat roof.



Figure 2: No. 62 & 64 Lord Street (photo taken by Officer 26/03/2021).

22. Further north on the opposite side of Murray Street is 54-56 Lord Street which are developed with triple storey town houses.



Figure 3: Triple storey townhouses at 54-56 Lord Street (photo taken by Officer 26/03/2021).

23. No. 12 Murray Street is developed with a modern double storey townhouse that is constructed to the front, both side, and rear boundaries (save for a small ground level SPOS area located in the south-east corner of the site adjacent to the boundary shared with the subject site). The dwelling has light render cladding and a flat roof (pitched parapet façade).

24. To the west, the subject site adjoins No. 10 Murray Street which is developed with a modern double storey townhouse that is constructed with its frontage to Murray Street and both side boundaries but set back from Brady Street where there is a ground level SPOS/car parking area.



Figure 4: No. 10 & 12 Murray Street (photo taken by Officer 26/03/2021).

25. No. 10 Brady Street and No. 70 Lord Street are located on the opposite side of Brady Street to the south.
26. No. 10 Brady Street is developed with a double storey dwelling with high fencing and a roller door enclosing the front boundary resulting in the primary SPOS area being located to the side/front of the dwelling.



Figure 5: No. 10 Brady Street (photo taken by Officer 26/03/2021).

27. No. 70 Brady Street is developed with a modern double storey townhouse. A garage abuts the Brady Street frontage and there is otherwise a high paling fence extending east along the frontage to enclose an SPOS area. There are several north-facing habitable room windows at ground and first floor of the dwelling.



Figure 6: No. 70 Lord Street (photo taken by Officer 26/03/2021).

28. No. 67A and 67B Lord Street are located on the opposite side of Lord Street to the east and are developed with two attached townhouses that are set back approximately 2.6m from Lord Street. There are west-facing bedroom windows at ground floor level and west-facing terrace balconies at first floor level.



Figure 7: No. 67A & 67B Lord Street (photo taken by Officer 26/03/2021).



Figure 8: Aerial of the subject site and surrounding land (Source: Nearmap, 10/03/2021).

Planning Scheme Provisions

General Residential Zone – Schedule 2

29. The subject site is located in the General Residential Zone – Schedule 2.
30. Pursuant to Clause 32.09-5, a planning permit is required to construct an extension to a dwelling on a lot less than 500m².
31. The garden area requirements at Clause 32.08-4 do not apply to the subject site as it is less than 400m².
32. Schedule 2 to the GRZ stipulates that the maximum height of a dwelling must not exceed 9m and contain more than 3 storeys.

Development Contributions Plan Overlay – Schedule 1

33. The subject site is affected by the Development Contributions Plan Overlay – Schedule 1.
34. The construction of a replacement dwelling that does not increase the number of dwellings on the land is exempt from the development contribution requirements of the DCPO1.

Particular Provisions

Clause 52.06 – Car Parking

35. Clause 52.06-5 requires two on-site car parking spaces for a dwelling containing more than two bedrooms.
36. Pursuant to Clause 52.06-3, a permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:
 - *The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.*
 - *The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.*
37. The proposed dwelling has only 1 car parking space (single garage), however the existing dwelling on the land has three bedrooms with only 1 on-site car parking space, therefore a permit is not required to reduce the car parking space requirements for the proposed dwelling.

Clause 54 – One Dwelling on a Lot

38. This clause applies as the development is for the extension of a dwelling on a lot under 500sqm. A development should meet all the standards and must meet all the objectives.

General Provisions

39. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
40. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

41. The following clauses of the Planning Policy Framework (PPF) comprise broad policy objectives that are relevant to this application:

Clause 11.01-1S – Settlement

42. The objective of Clause 11.01-1S (Settlement) is:

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 15.01-1S - Urban design

43. The objective of Clause 15.01-1S (Urban design) is:

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

Clause 15.01-2S - Building design

44. The objective of Clause 15.01-2S (Building design) is:

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

Clause 15.01-5S - Neighbourhood character

45. The objective of Clause 15.01-5S - Neighbourhood character is:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02-1S - Energy and resource efficiency

46. The objective of Clause 15.02-1S (Energy and resource efficiency) is:

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

Local Planning Policy Framework (LPPF)

47. Within the Municipal Strategic Statement (MSS), the following clauses are particularly relevant to this application:

Clause 21.05-2 – Urban design

48. Objective 16 of Clause 21.05-2 (Urban design) is to reinforce the existing urban framework of Yarra.

Clause 21.07-1 – Environmentally sustainable development

49. Objective 34 of Clause 21.07 (Environmentally sustainable development) is to promote environmentally sustainable development. To achieve this objective, strategy 34.1 is to encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Clause 21.08-10 – Neighbourhoods (Central Richmond)

50. Clause 21.08 prescribes land use and built form strategies specific to each neighbourhood in the municipality. The subject site falls within the *Central Richmond* neighbourhood precinct at Clause 21.08-10. On the built form character map for Central Richmond, the site falls within an *Inner Suburban Residential* area. The built form objective for the heritage overlay area is to:
- *Maintain the existing pattern of front setbacks*
 - *Limit variations in height to a maximum of one storey compared to the adjacent properties, on single house site/small development sites in areas with generally consistent building heights.*

[Relevant Local Policies](#)

51. At the local policy level, the following policies within the Local Policy Planning Framework (LPPF) are relevant to this application:

Clause 22.10 – Built Form and Design Policy

52. The relevant objectives of Clause 22.01-2 are:
- *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
 - *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
 - *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
 - *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
 - *Create a positive interface between the private domain and public spaces.*
 - *Encourage environmentally sustainable development.*
53. Relevantly, the policy comprises design elements that address the following issues:
- *Urban form and character.*
 - *Setbacks and building heights.*
 - *Street and public space quality.*
 - *Environmental sustainability.*

Clause 22.13 – Residential Built Form Policy

54. The objectives of Clause 22.13-2 are:
- *To limit the impact of new development on surrounding land, particularly on low rise residential areas.*

- *To respond to and strengthen the distinct character of different parts of Yarra.*

55. For *Inner Suburban Residential* areas, it is policy to:

- *Maintain the existing pattern of front setbacks.*
- *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
- *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
- *Orient buildings at right angles to the street frontage.*
- *Provide front fencing that is open (unless the building is zero front setback).*
- *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

Clause 22.16 – Stormwater Management (water sensitive urban design)

56. Clause 22.16 implements the best practice performance objective outlined in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) to achieve the objectives of the State Environment Protection Policy (Water of Victoria).

57. Relevantly, it is policy to:

- *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - (i) *collection and reuse of rainwater and stormwater on site*
 - (ii) *vegetated swales and buffer strips*
 - (iii) *rain gardens*
 - (iv) *installation of water recycling systems*
 - (v) *multiple uses of water within a single manufacturing site*
 - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*

Advertising

58. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 36 letters sent to surrounding owners and occupiers and by signs displayed on site. Council received 6 objections, the grounds of which are summarised as follows):

- (a) design (height, scale, bulk, character);
- (b) amenity (off-site, on-site, overlooking, overshadowing/loss of light);
- (c) loss of views; and
- (d) property devaluation;

59. The amended plans were advertising pursuant to Section 57B of the *Planning and Environment Act (1987)* by 6 letters sent to surrounding owners and occupiers. Council has not received any additional objections.

Referrals

External Referrals

60. The application was not required to be referral to any external authorities.

Internal Referrals

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

- Engineering Referral Unit (comments based on the original plans advertised);
- Urban Design Unit (comments based on the original plans advertised); and
- Urban Design Unit (comments based on amended plans submitted).

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

OFFICER ASSESSMENT

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

- (a) Clause 54
- (b) Built form and design;
- (c) Car parking / traffic; and
- (d) Objector concerns.

Clause 54

64. Clause 54 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

65. The following objectives are not relevant to this application:

- *Clause 54.03-6 (Significant trees objectives) – Standard A8:*
There are no significant trees existing at the subject site.
- *Clause 54.04-4 (North facing windows objective) – Standard A13:*
There are no north-facing windows within 3m of the proposal.

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

Clause 54.02-1 (Neighbourhood character objective) – Standard A1 & Clause 54.06-1 (Design detail objective) – Standard A19:

67. The extent of boundary walls and high site coverage is generally consistent with the layout of development in the surrounding area.

68. The flat roof form and contemporary design detail and cladding is acceptable given the eclectic mixture of architectural styles and contributions from various periods in the streetscape. In particular, the use of face brickwork cladding for the ground level façade to Lord Street is compatible with the appearance of the streetscape in which this material features prevalently.

69. The triple storey (9m) overall height of the proposed dwelling is consistent with the prevailing built form scale of the surrounding area given the adjoining and opposite dwellings are double storey and the third storey is massed to limit the presentation of visual bulk to Lord Street.

70. *Clause 54.02-2 (Integration with the street objective) – Standard A2:*

71. The objective of Clause 54.02-2 is:

To integrate the layout of development with the street.

72. Clause 54.02-2 Standard A2 requires:

- *Dwellings should be oriented to front existing and proposed streets.*
- *High fencing in front of dwellings should be avoided if practicable.*
- *Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.*

73. The dwelling has been orientated to front Lord Street and the provision of east-facing habitable room windows at ground and first floor level and an east-facing second floor balcony promotes the observation of the streetscape. It is noted that the vertical fins to the first floor bedroom window are only 3mm thick while spaced 200mm apart to ensure a high degree of transparency.

Clause 54.03-1 (Street setback objective) – Standard A3:

74. Standard A3 requires that the proposed dwelling be setback a minimum of 4.00m from Lord Street (commensurate to the setback of front wall of the dwelling at No. 64 Lord Street).
75. It is proposed to set back the dwelling a minimum 2.50m from Lord Street. The proposed front setback is consistent with the objective of Clause 54.03-1 given that it is generally consistent with the prevailing street setbacks of surrounding dwellings. Notably, No's 62, 67A, 67B and 70 Lord Street are setback in the order of 2.70m.
76. Standard A3 also requires that the proposed dwelling be setback 2m from Brady Street. The dwelling is proposed to be setback 0m to 1m from Brady Street which is consistent with the objective of Clause 54.03-1 given that the character of the area includes buildings constructed to side street frontages. Notably, the garage to the side of No. 70 Lord Street is constructed to its frontage to Brady Street and the townhouses at No. 56 and 62 Lord Street are constructed to their respective side frontages to Murray Street.

Clause 54.03-2 (Building height objective) – Standard A4:

77. The proposal has a maximum height of 9m which does not exceed the maximum height or maximum number storeys permitted under schedule 2 to the General Residential Zone (9m).

Clause 54.03-3 (Site coverage objective) – Standard A5:

78. The proposed site coverage is 79.4% which exceeds the maximum site coverage requirement of Standard A5 (60%).
79. The proposed site coverage is consistent with the pattern of development in the surrounding areas which includes high site coverages and is acceptable considering the subject site is only 199m².
80. It is also noted that the proposed site coverage does not exceed the preferred maximum of 80% stipulated at Clause 22.10-3.6 (Site Coverage).

Clause 54.03-4 (Permeability objective) – Standard A6:

81. The proposed site permeability is 21% which meets the minimum site permeability requirement of Standard A6 (20%).
82. Furthermore, the applicant has provided a STORM Rating Report which achieves a STORM rating of 101% via the provision of a 2000L rainwater tank. The rainwater tank has been adequately detailed on plans, however there is no notation confirming that the rainwater tank is to be connected for re-use on site (i.e. toilet or garden irrigation). This should form a permit condition.
83. Subject to the condition discussed above, the proposal therefore achieves the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 and meets the requirements of Clause 22.16 (Stormwater) of the Yarra Planning Scheme.

Clause 54.03-5 (Energy efficiency protection objectives) – Standard A7:

84. The proposal is considered to meet the objectives and standard of Clause 54.03-5 as the large north, south, east and west-facing openable windows and glazed doors to the bedrooms and living areas would provide adequate daylight and natural ventilation.
85. Furthermore, the shadow diagrams confirm that the shadows cast by the proposed dwelling would not impact solar access to any existing solar energy facilities.

Clause 54.04-1 (Side and rear setbacks objective) – Standard A10:

86. Figure 4 below provides a detailed assessment of all proposed side and rear setbacks against Clause 54.04-1 Standard A10 (Side and rear setbacks).

Ground floor:

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
Northern rumpus room wall	2.57	1.00	2.41	1.41	Yes
Northern guest bed wall	2.84	1.00	2.41	1.41	Yes

First floor:

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
Western terrace screen	4.87	1.38	1.60	0.22	Yes
Northern terrace screen	4.59	1.30	1.70	0.40	Yes
Northern bed 2 wall/second floor terrace balustrade	7.05	2.14	1.22	-0.92	No
Northern family room wall	5.89	1.69	1.27	-0.42	No

Second floor:

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
Northern terrace screen (western terrace)	7.59	2.68	1.40	-1.28	No
Western terrace screen (western terrace)	7.26	2.35	9.00	6.65	Yes
Northern master bed wall	9.00	4.09	1.27	-2.82	No
Northern sitting room wall	9.00	4.09	1.22	-2.87	No

Figure 9: Standard A10 Assessment

87. As figure 9 demonstrates, several proposed walls do not comply with Standard A10. However due to the exceptionally small size of the subject site, the relevant test in this instance is whether the proposal meets the objective of Clause 54.04-1 which is:

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

88. The surrounding area comprises many attached dwellings and limited side setbacks due the narrow lot widths. The subject site is narrow and has a modest overall area, accordingly the proposed non-compliances with Standard A10 are acceptable from a neighbourhood character perspective.

89. There are no south-facing habitable room windows within the dwelling at No. 64 Lord Street and there is only a narrow (approx. 1m) wide private open space/passage area immediately to the south of the dwelling, therefore the non-compliant setbacks from the following adjacent proposed walls would not cause unreasonable amenity impacts (such as excessive visual bulk):
- Northern bed 2 wall/terrace balustrade (first/second floor)
 - Northern master bed wall (second floor)
 - Northern sitting room wall (second floor)
90. However, the northern family room wall (first floor) and the northern terrace screen (western terrace, second floor) would be located immediately adjacent to the SPOS area located to the rear of the dwelling at No. 64 Lord Street and would present excessive visual bulk and therefore cause detriment to the amenity of the property. Given the scale of the dwelling and provision of a terrace at first floor level and a further two terraces at second floor level, the amenity impact to the dwelling at No. 64 Lord Street is not considered reasonable in this context. A condition of any planning permit granted should therefore require that the northern family room wall and northern terrace screen (western terrace, second floor) be set back to meet Clause 54.04-1 Standard A10.
91. It is noted that the recessed part of the family room wall is setback 1.70m to comply with Clause 54.04-1 Standard A10, so the non-compliant part could reasonably be setback a further 430mm to align with the recessed part of the wall.
92. The western terrace at second floor level would need to be reduced in width which is not unreasonable considering there are a further two balconies and a ground level private open space area. The west-facing master bedroom windows rely on the terrace screening and therefore would need to be screened 'at the source' in accordance with Clause 54.04-6 Standard A15 (Overlooking).

Clause 54.04-2 (Walls on boundaries objective) – Standard A11:

93. Standard A11 requires:

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:

- *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*
- *Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.*

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Wall on boundary	Length (m)	A11 Length (m)	Difference	Compliance
Northern boundary walls	19.45	15.02	-4.43	No
Western boundary wall	6.63	6.63	0.00	Yes

Figure 10: Standard A11 length assessment

Wall on boundary	Ave. Height (m)	A11 Ave. Height (m)	Difference	Compliance
Northern boundary wall (garage)	2.89	3.20	0.31	Yes

Northern boundary wall (main dwelling)	9.00	3.20	-5.80	No
Western boundary wall	1.98	3.20	1.22	Yes

Figure 11: Standard A11 average height assessment

Wall on boundary	Max. Height (m)	A11 Max. Height (m)	Difference	Compliance
Northern boundary wall (garage)	2.89	3.60	0.71	Yes
Northern boundary wall (main dwelling)	9.00	3.60	-5.40	No
Western boundary wall	2.15	3.60	1.45	Yes

Figure 12: Standard A11 maximum height assessment

94. Figures 10-12 above demonstrate that the northern boundary wall of the proposed dwelling does not comply with the height and length requirements of Standard A11.
95. However due to the exceptionally small size of the subject site, the relevant test in this instance is whether the proposal meets the objective of Clause 54.04-2 which is:
- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*
96. The surrounding area comprises many attached dwellings and deep/high boundary walls due to the narrow lot widths. The subject site is narrow and has a modest overall area, accordingly the proposed non-compliances with Standard A10 are acceptable from a neighbourhood character perspective.
97. The location, height and length of the proposed on-boundary wall would not cause unreasonable amenity impacts for the following reasons:
- The northern boundary wall would abut a simultaneously constructed boundary wall at ground floor level of No. 64 Lord Street and the upper floors which are setback from the boundary do not have any windows. The proposal wall therefore would not impact daylight access or present visual bulk to internal areas of the dwelling.
 - The northern boundary wall would also be located adjacent to a 1m wide length of private open space which is not considered wide enough for recreation and currently has an outlook to the built form of the existing dwelling. The northern boundary wall would have limited impact on the SPOS area to the rear of the dwelling at No. 64 Lord Street given that it does not extend beyond the dwelling.

Clause 54.04-3 (Daylight to existing windows objective) - Standard A12:

98. Standard A12 requires:

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

99. With a maximum wall height of 9m, the maximum distance the proposed dwelling would need to be setback from an opposite habitable room window would be 4.5m in accordance with Standard A12.
100. There are no habitable room windows facing the proposal within 4.5m of any wall greater than 3m in height, therefore the dwelling would not impact the light court of any existing habitable room windows and meets Standard A12.

Clause 54.04-5 (Overshadowing open space objective) – Standard A14:

101. Standard A14 requires:

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. 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.

102. The objective of Clause 54.04-5 is:

To ensure buildings do not unreasonably overshadow existing secluded private open space.

103. The shadow diagrams indicate that less than 75% of SPOS area to the rear of No. 10 Murray receives sunlight at each hour between 9am and 3pm. Accordingly, the proposal does not comply with Standard A14 given that it is proposed to increase the overshadowing impact at 9am. Despite this, the increase in overshadowing would be just 0.5m² which is not unreasonable in the context and the dwelling would continue to receive an acceptable level of sunlight throughout the day, therefore the proposal meets the objective of Clause 54.04-5.
104. The shadow diagrams demonstrate that the proposal would not result in any additional overshadowing impacts to the SPOS area of any other dwelling in the surrounding area between 9am and 3pm, therefore the proposal meets Standard A15 with regard to these properties, irrespective of whether the adjoining properties receive 75% sunlight for at least 5 hours.

Clause 54.04-6 (Overlooking objective) – Standard A15:

105. The objective of Clause 54.04-6 is:

To limit views into existing secluded private open space and habitable room windows.

106. Relevantly, Standard A15 requires:

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows 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.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling 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, or*
- Have sill heights of at least 1.7 metres above floor level, or*
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or*

- *Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.*
- *Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.*

Screens used to obscure a view should be:

- *Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.*
- *Permanent, fixed and durable.*
- *Designed and coloured to blend in with the development.*

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary

107. A habitable room window refers to:

Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.

108. There are no SPOS areas or habitable room windows within 9m of the east-facing habitable room windows at all levels or the eastern and northern perimeters of the east-facing second floor terrace, therefore no screening is required for these elements.
109. The finished floor level of the ground floor is less than 800mm above the ground level at the title boundaries, and the rear fences are at least 1.8m in height. As such, screening to the north-facing rumpus room window and the south-facing bed 3 window is not required.
110. The south-facing rumpus room and guest bed windows at ground floor level have sill heights 1.7m above the finished floor level in accordance with Standard A15.
111. The north-facing family room windows at first floor level are fixed obscure glass to a minimum of 1.7m above the finished floor level in accordance with Standard A15.
112. The north-facing bed 2 window has a sill height 1.8m above the finished floor level in accordance with Standard A15.
113. The northern, western and southern perimeters of the terrace at first floor level are screened to 1.7m above the finished floor level with obscure glass in accordance with Standard A15. The obscure glass screens also prevent the west and south-facing living room windows at first floor level from overlooking.
114. The northern, western and southern perimeters of the west-facing terrace at second floor level are screened to 1.7m above the finished floor level with obscure glass in accordance with Standard A15. The obscure glass screens also prevent the west-facing master bed windows at second floor level from overlooking.
115. There are no SPOS areas or habitable room windows within 9m of the north-facing sitting room window at second floor level (the east-facing first floor balcony at No. 64 Lord Street is not considered to be 'SPOS' given it is currently exposed to Lord Street and does not enjoy a high level of privacy).
116. The south-facing sitting room window at second floor level fixed obscure glass to a minimum of 1.7m above the finished floor level in accordance with Standard A15.
117. The north-facing windows and SPOS area to the northern side of the dwelling at No. 70 Lord Street are within 9m and 45 degrees of the southern perimeter of the eastern second floor terrace (refer to figure 13 below). The southern side of the eastern second floor terrace has a 1m high balustrade with a 'void' above which does not meet Standard A15.

118. A permit condition should therefore require that the southern perimeter of the eastern terrace at second floor be screened in accordance with the objective of Clause 54.04-6 (Overlooking).

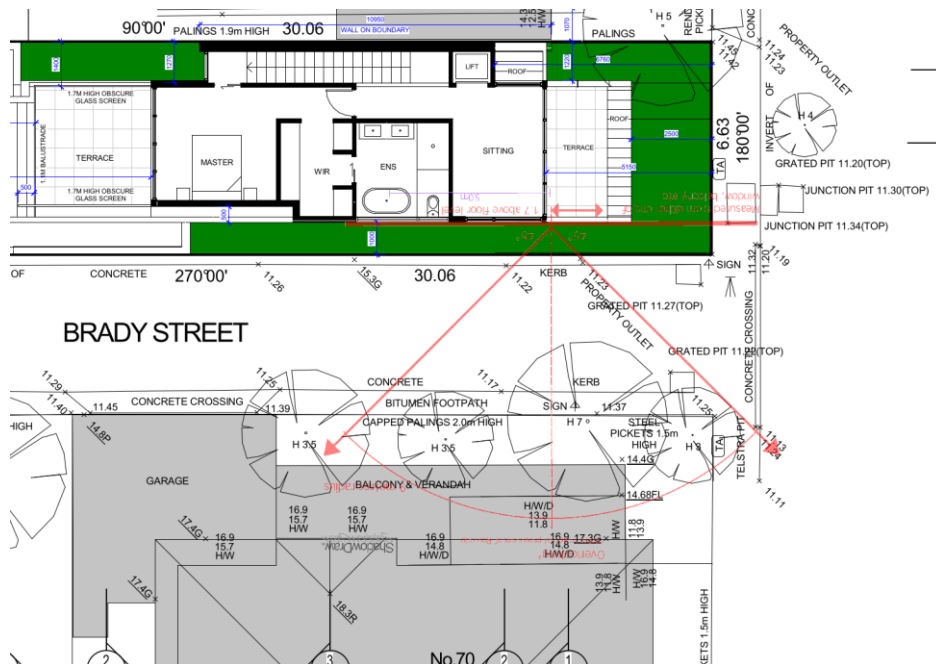


Figure 13: 9m 'cone of vision' from the southern perimeter of the east-facing second floor terrace.

Clause 54.05-1 (Daylight to new windows objective) – Standard A16:

119. All proposed habitable room windows face a minimum 3m² light court (with 1m clear to the sky) or otherwise a verandah/canopy that is open for at least one third.
120. The proposal therefore meets the objective and standard of Clause 54.05-1.

Clause 54.05-2 (Private open space objective) – Standard A17:

121. The objective of Clause 54.05-2 is:

To provide adequate private open space for the reasonable recreation and service needs of residents.

122. Standard A17 requires:

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

123. The first floor terrace SPOS area, which is accessible via the family room would have a total area of 23m² with a minimum dimension of 3m. Additionally, a 13m² ground level private open space area and two further terraces at second floor level are provided. The proposal is therefore considered to provide adequate private open space for the recreation and service needs of residents despite not meeting the minimum requirements of Standard A17.

124. The proposal therefore meets the objective of Clause 54.05-2.

Clause 54.06-2 (Front fences objective) – Standard A20:

125. The proposed front fence has a maximum height of 1.0m which does not exceed the maximum height specified in Clause 54.06-2 Standard A20.

126. The proposal therefore meets the objective and standard of Clause 54.06-2.

Built form and design:

127. Clause 22.10 (Built Form and Design) and Clause 22.13 (Residential Built Form) apply to the proposed development as the subject site is not affected by the Heritage Overlay. The following section will cover the assessment of the proposal against the relevant design objectives and guidelines.
128. The design objectives and guidelines at Clause 22.10-3.2 (Urban form and Character) are not considered relevant to the proposed development of an existing lot for a single dwelling and therefore will not be addressed in the assessment. Furthermore, there is significant overlap between the design objectives and guidelines at Clause 22.10-3.5 and the objectives and standards of Clause 54.03-4 (Permeability objective) and Clause 54.03-5 (Energy efficiency protection objectives). Accordingly, these design and objectives will not be addressed in the assessment below.

Setbacks and building height:

129. A design objective at Clause 22.10-3.3 is:

To ensure that the setbacks of new development complement the desired neighbourhood character of the area (as identified in the Site Analysis Plan and Design Response, the Municipal Strategic Statement and any relevant local planning policies).

130. As discussed in the assessment of the proposal against Clause 54.04-1 (Side and rear setbacks) and Clause 54.04-2 (Walls on boundaries), the extensive boundary walls and narrow side setbacks are necessitated by the narrow lot width and modest site area. Furthermore, the fine grain subdivision pattern has resulted in a prevailing character of boundary walls and limited building separation. Accordingly, the proposed side and rear setbacks are consistent with the character of the area.

131. Further relevant design objective at Clause 22.10-3.3 are:

To ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.

Use massing or articulation or changes of surface treatment, or a combination of these, to relate taller buildings to the scale of their surrounds, and to diminish visual bulk.

132. As demonstrated in the surrounding area, there is a prevailing character of modern double storey dwellings. Notably, all of the properties adjoining and opposite the subject site are developed with modern double storey dwellings and there is a recent triple storey townhouse development at 54-56 Lord Street just 20m north from the subject site.
133. The development of a triple storey dwelling with a 9m overall height is therefore acceptable having regard to the prevailing pattern of heights in the immediately surrounding area (and accords with the mandatory height limit of the GRZ2).
134. However, the second floor has not been appropriately massed to limit visual bulk and relate the triple storey built form of the proposed dwelling to the adjacent double storey buildings. In particular, the 'arms' which connect the balustrade of the eastern second floor terrace to the second floor façade/roof diminish the benefit of the secondary upper floor setback and result in the presentation of unnecessary visual bulk to Lord Street.
135. Council's Urban Design Unit has advised that chamfered 'arms' element the effect of densifying the form compared to a simple rectilinear setback.
136. A permit condition should therefore require that the 'arms' connecting the balustrade of the eastern second floor terrace to the second floor façade/roof be deleted.
137. Subject to the condition mentioned above, the proposal is therefore consistent with the objective of Clause 22.10-3.3

Street and Public Space Quality:

138. Clause 22.10-3.4 includes the following objectives:

- *To ensure ground level façade and boundary treatments interface positively with the street and public domain treatments interface positively with the street and public domain.*
- *To ensure that new development enhances public safety and the pedestrian experience.*
- *To ensure that access and views to public open spaces are provided where possible.*
- *To create attractive and active interfaces with the public domain whilst maintaining a sense of public space.*
- *To ensure the building presents visually interesting elevations on all faces visible from the public domain.*
- *To provide pedestrian/human scaled design at street level.*

139. As discussed earlier in the Clause 54.02-2 assessment, the dwelling has been appropriately orientated to front Lord Street and the provision of east-facing habitable room windows at ground and first floor level and an east-facing second floor balcony promotes the observation of the streetscape. It is noted that the vertical fins to the first floor bedroom window are only 3mm thick while spaced 200mm apart to ensure the street is visible.

140. It is proposed to clad the ground level façade with dark brickwork which is a high quality and durable material that is also compatible with the traditional materials and finishes in the surrounding area.

141. The plans do not specify the material and finish of the garage door. Council's Urban Design Unit has advised that a finish that incorporates transparency is preferred. Given that the garage door is not a habitable room and typically provides security to vehicle and storage, providing a transparent finish is not considered necessary in this instance. Notwithstanding this, the plans do not specify any material and finish for the garage door, this should therefore be addressed via permit condition.

142. The proposal is unable to provide surveillance of Brady Street due overlooking limitations associated with the existing SPOS area to the north of the dwellings at No. 10 Brady and 70 Lord Street. However, there are highlight windows and a mixture of high-quality materials to ensure this interface presents as visually interesting.

143. The proposal is therefore consistent with the objectives of Clause 22.10-3.4.

Inner Suburban Residential Areas:

144. Clause 22.13-3.2 provides the following design response for inner suburban residential areas:

Built form dominated residential areas with small gardens (if any) and minimal front and side setbacks.

Design Response

- *Maintain the existing pattern of front setbacks.*
- *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
- *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
- *Orient buildings at right angles to the street frontage.*
- *Provide front fencing that is open (unless the building is zero front setback).*
- *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

145. The proposed dwelling is consistent with the preferred design response for dwellings in *Inner Suburban Residential Areas* for the following reasons:
- The proposed setback to Lord Street (minimum 2.50m) is consistent with the prevailing character of modest setbacks in immediately surrounding area which are in the order of 2.70m;
 - The ground floor plan indicates that the front setback is to be landscaped/lawn which is consistent with the modest garden character of the streetscape;
 - The surrounding area, particularly the examples of modern townhouses, does not include gaps between buildings, therefore the boundary to boundary built form of the proposal is acceptable, especially given the upper floors are only built to the northern side boundary;
 - The triple storey height of the building does not exceed the height of the dwellings on adjacent properties by more than one storey given these dwellings are all double storey.

Car parking / traffic:

146. The original application plans were referred to Council's Engineering Unit who objected to the construction of an additional crossover to Brady Street and garage to the east of the existing crossover on the basis that it would not be accessible if a car was parked in the existing permit car parking zone located on the opposite side of Brady Street.
147. The amended plans lodged pursuant to Section 57A show the additional crossover and eastern garage entry deleted in accordance with the advice from Council's Engineering Unit.
148. Council Engineering Unit has confirmed they have no objection to the continual use of the existing crossover by virtue of its previous and existing use in providing access for a vehicle (and aerial images which confirm that a vehicle has been parked recently in this space).
149. As noted in the *Planning Scheme Provisions* section of this report, a permit is not required to reduce the car parking space requirements for the proposed dwelling given that existing dwelling on the land also has three bedrooms with only 1 on-site car parking space.

Objector concerns:

150. The following issues raised in objections have already been addressed in the assessment section of this report:
- design (height, scale, bulk, character);
 - amenity (off-site, on-site, overlooking, overshadowing/loss of light);
151. The outstanding issues are addressed in detail below:
- *Loss of views:*
The owner of No. 67A Lord Street has objected to the application on basis that the proposed dwelling would block views of St Ignatius Church to the west. The St Ignatius Church Spire is located some 580m from the first floor balcony at No. 67A Lord Street, at a slight south-eastern trajectory. The objector has provided a photograph from their west-facing first floor balcony (refer to figure 14 below).

Loss of 'views' is an issue commonly raised in planning objections, particularly in a municipality such as the City of Yarra which has many significant landmarks and city views. This issue has been considered by the Victorian Civil and Administrative Tribunal in the past; with the following commentary regarding the loss of views made in *O'Connell Street Developments PL v Yarra CC* [2003] VCAT 448 (30 April 2003):

[148] *Another concern raised by the residents of the Kayser building relates to the impact on views. At present, apartments facing towards the subject land enjoy expansive views towards the south. The proposed building will have an impact on part of those views. In considering this issue we refer to the following extract from the Tribunal's decision in Ariss and Morrow v Surf Coast Shire (1995/843 and 2048 unreported, editorial comment 14 AATR 294-5) which conveniently sets out the accepted principles on the issue of views:*

(a) there is no legal right to a view;

(b) views form part of the existing amenity of a dwelling and their loss is a relevant consideration to be taken into account;

(c) the availability of views must be considered in light of what constitutes a reasonable sharing of those views; and

(d) added emphasis will be placed on considerations (b) and (c) if the question of views is specifically addressed under the Planning Scheme.

[149] *After having inspected the subject land, which included viewing it from one of the upper level apartments in the Kayser building, we are unable to find that the extent to which the proposed building will interrupt existing views will be unreasonable bearing in mind the principle that there is no legal right to a view and that the planning scheme provisions do not refer to the issue of view protection. The impact on views was not of concern to the Responsible Authority or to Mr Milner. Furthermore whilst the proposal will interrupt part of the existing view, substantial views will still be available from the upper level apartments.*

It would appear, based on a line measurement from the St Ignatius Spire to the balcony, that the proposed dwelling which is setback 2.5m from the eastern frontage to Lord Street and 1.0m from the southern frontage to Brady Street would not block views of the spire from the west-facing first floor balcony (refer to figure 15 below), however if the triple storey dwelling would block views of the spire, a double storey dwelling would also block views of the spire.

In the GRZ2, which allows the construction of a dwelling up to a height of 9m and three storeys, it would be unreasonable for Council to limit the height of a dwelling to two storeys, even worse one storey, to preserve a view of a spire at a distance of 581m away, especially given that the tribunal has established that *there is no legal right to a view*. In an inner urban situation, a view is something that is unexpectedly enjoyed and cannot be the sole or even major determinant of what type of development may be permitted in adjacent areas.



Figure 14: Photo from west-facing balcony at No. 67A Lord Street (attached to objection).

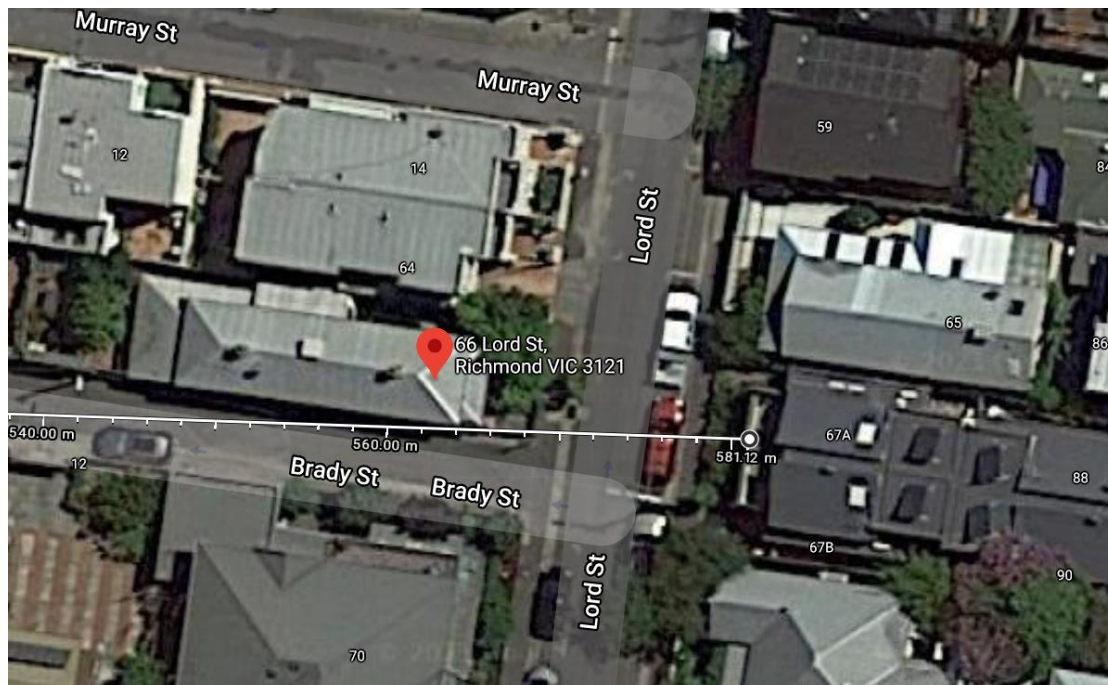


Figure 15: Straight line measurement from St Ignatius Spire to west-facing balcony at No. 67A Lord Street (Source: Google Maps).

- *Property devaluation:*

In a similar vein, it would be unreasonable to refuse the development of the land for an aspect of right dwelling due to impacts on property value as a result of the loss of a view. Furthermore, as confirmed in the Clause 54 assessment, the proposed dwelling would not cause any unreasonable overlooking, visual bulk, overshadowing, and daylight impacts to the dwelling at 67A Lord Street which is located a minimum distance of 15m to the west, therefore the property value should not be unreasonably impacted in this regard.

Conclusion

152. The proposed development is consistent with the objectives of Clause 54 and the relevant objectives and policies of the Planning Policy Framework and the Local Planning Policy Framework.
153. Accordingly, the proposal is an acceptable planning outcome, subject to the conditions recommended in this report.

RECOMMENDATION

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 +add.projects sheets TP22, TP24, TP26, TP28, TP41, TP52 & TP53 (P17 dated 28-Jan-21) and TP61-TP67 (P11 dated 23-Sep-20) but modified to show:
 - (a) The northern family room wall at first floor level (where not constructed on the boundary) setback in accordance with Clause 54.04-1 Standard A10;
 - (b) The northern privacy screen of the western second floor terrace balcony set back in accordance with Clause 54.01-1 Standard A10;
 - (c) The west-facing master bedroom windows modified or screened in accordance with Clause 54.04-6 Standard A15;
 - (d) A notation confirming the connection of the rainwater tank for re-use on site (i.e. toilets or garden irrigation);
 - (e) The southern perimeter of the eastern at the second floor be screened in accordance with the objective of Clause 54.04-6 (Overlooking);
 - (f) The 'arms' connecting the balustrade of the eastern second floor terrace to the second floor façade/roof deleted; and
 - (g) The material and finish of the garage door.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

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

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

Notes:

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

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 5555 for further information.

Attachments

- 1 PLN20/0563 - 66 Lord Street Richmond - Decision Plans
- 2 PLN20/0563 - 66 Lord Street Richmond - Advertising S52 - Application Form
- 3 PLN20/0563 - 66 Lord Street Richmond - Advertising S52 - Certificate of Title
- 4 PLN20/0563 - 66 Lord Street Richmond - Advertising S52 - Town Planning Report

- 5** PLN20/0563 - 66 Lord Street Richmond - Advertising S52 - Traffic Assessment Report
- 6** PLN20/0563 - 66 Lord Street Richmond - Advertising S52 - STORM Rating Report
- 7** PLN20/0563 - 66 Lord Street Richmond - Engineering Referral Response
- 8** PLN20/0563 - 66 Lord Street Richmond - Urban Design Referral Response
- 9** PLN20/0563 - 66 Lord Street Richmond - Urban Design Referral Response (2)

6.3 PLN20/0084-No's 129-135 Bridge Road, Richmond-Development of the land for partial demolition, construction of a multi-storey building and a reduction in the carparking requirements of the Yarra Planning Scheme.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN20/0084 which relates to land at 129 – 135 Bridge Road, in Richmond. The report recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Built form and Heritage (Clauses 15.01, 15.03, 21.05, 22.02, 34.01-8, 43.01 and 43.02 of the Yarra Planning Scheme)
 - (b) Off-site amenity impacts (Clauses 13.07 and 22.05); and
 - (c) Car parking (Clauses 18.01, 18.02, 21.06, 52.06 and 52.34).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification;
 - (b) Heritage, Urban design and Built Form;
 - (c) Off-site amenity impacts;
 - (d) Environmentally Sustainable design;
 - (e) Parking layout, traffic, waste management and bicycle parking;
 - (f) Development Contributions; and
 - (g) Objector concerns.

Submissions Received

4. Five (5) objections were received to the application, these can be summarised as:
 - (a) Visual bulk, insufficient upper level setbacks and height issues;
 - (b) Proposal not respectful of the heritage place and neighbourhood character;
 - (c) Lack of on-site car parking;
 - (d) Increased traffic generation;
 - (e) Increased demand for on-street parking spaces;
 - (f) Noise, shadowing and overlooking to residential properties;
 - (g) Oversupply in office and food and drinks premises spaces;
 - (h) Blocking views; and
 - (i) Impacts to 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.

CONTACT OFFICER: Laura Condon
TITLE: Senior Statutory Planner
TEL: 92055016

6.3 [PLN20/0084-No's 129-135 Bridge Road, Richmond- Development of the land for partial demolition, construction of a multi-storey building and a reduction in the carparking requirements of the Yarra Planning Scheme.](#)

Reference D21/33566
Author Laura Condon - Senior Statutory Planner
Authoriser Co-Ordinator Statutory Planning

Ward: Melba
Proposal: Development of the land for partial demolition, construction of a multi-storey extension to the existing buildings and a reduction of car parking requirements of the Yarra Planning Scheme
Existing use: Shop
Applicant: Ben & Luba Bloom C/- Contour Consultants
Zoning / Overlays: Commercial 1 Zone
 Heritage Overlay (Schedule 310)
 Development Contributions Plan Overlay (Schedule 1)
 Design and Development Overlay (Schedule 21 -Precinct 1)
Date of Application: 13 February 2020 (original application)
 30 March 2021 (Section 57a amendment)
Application Number: PLN20/0084

Planning History

1. The following permit history is of relevance:
 - (a) Building permit 4420 issued 29 May 1969 at No's 133-135 Bridge road for the replacement of the shop glazing and adjacent brick piers to the front shop window while the existing parapet was retained, and new metal fascia added.
 - (b) Planning permit TP85131 issued 9 July 1976 at No's 133-135 Bridge Road for the *purpose of a café and educational establishment (dance school).*
 - (c) Planning permit TP88130 issued 2 February 1977 at No's 133-135 Bridge Road for the *purpose of a takeaway food premises.*
 - (d) Planning permit TP88130 issued 17 August 1977 at No's 133-135 Bridge Road for the *purpose of an amusement centre.*
 - (e) Planning permit No. 96692 issued 20 September 1979 at No's 129-131 Bridge Road for the *purpose of a car rental station.*
 - (f) Planning permit No. 1383 issued 15 January 1980 at No's 129-131 Bridge Road for the *purpose of a car rental depot.*
 - (g) Planning permit No. 2307 issued 7 February 1983 at No. 129 Bridge Road to *erect a double-sided illuminated steel box sign on the front of the existing building in accordance with the endorsed plans.*
 - (h) Planning permit No. 3628 issued 22 April 1987 at No's 129-131 Bridge Road to *construct buildings and works and for use as an office in accordance with the endorsed plans.*

- (i) Planning permit No. 4259 issued 7 March 1988 at No's 129-131 Bridge Road for the *purpose of buildings and works for an office and shop in accordance with the endorsed plans.*
- (j) Planning permit No. 4449 issued 5 August 1988 at No's 133-135 Bridge Road for the *purpose of constructing a new shop front in accordance with the attached endorsed plans.* These works included the replacement of windows and the application of new render and moulding to the existing façade.
- (k) Planning permit No. 4959 issued 14 June 1989 at No's 133-135 Bridge Road to *paint and externally illuminate an advertising sign on the parapet walls in accordance with the attached endorsed plans.*
- (l) Planning permit No. 5574 issued 10 May 1990 at No's 133-135 Bridge Road for the *purpose of constructing a corrugated iron roof in accordance with the attached endorsed plans.*
- (m) Planning permit No. 6468 issued 21 September 1992 at No's 133-135 Bridge Road for the *purpose of a change of use to a 50 seat café in accordance with the attached endorsed plans.*
- (n) Planning permit No. 010200 issued 13 August 2001 at No's 133-135 Bridge Road for *demolition and buildings and works associated with the construction of a new shop front.* These works included the replacement of the existing shopfront window, doors and stall boards.
- (o) Planning permit No. 010317 issued 4 December 2001 at No's 133-135 Bridge Road for *an internally illuminated business identification sign.*
- (p) PL09/0760 was lodged October 2009 to *replace the existing wood veneer shop fascia.* It was determined a planning permit was not required for the replacement of the fascia as the proposed fascia would replicate the existing conditions.
- (q) Planning permit PLN11/0507 issued 30 August 2011 at No. 131 Bridge Road for *buildings and works (including partial demolition) for increased height to the rear of the building.*
- (r) Planning permit PLN12/1097 issued 28 June 2013 at No's 133-135 Bridge Road for a *reduction in the car parking requirement of the Yarra Planning Scheme in association with the use of the site as a restaurant (no permit required for use).*

Background

2. The following matters are relevant background information:

Original application

- 3. The application was lodged on 13 February 2020 for a multi-storey building to the rear of the existing shops (seven storeys with roof terrace - over one partially submerged basement level) and a reduction of the car parking requirements associated with food and drink premises and office uses.
- 4. Council's Heritage and External Urban Design consultants provided referral comments and raised concerns principally relating to the following:
 - (a) The staggered first floor 3m front façade setback (east side) and 5.2m setback to facade and 3m to terrace (west side) was considered insufficient,
 - (b) The 3m front terrace setback to level 2 and 6.9m façade setback considered insufficient,
 - (c) The 6m front setback of the mid-levels facades (level 3 and 4) considered insufficient, and

- (d) The façade treatments including the trim deck cladding to upper and rear levels, the arched windows with protruding shrouds (level 1), the fins applied to windows and dark grey cladding (level 3 and 4) and the curved south-west corner on the building (level 1, 3 & 4) were in combination considered too busy and not in keeping with heritage context.

Lodgement of informal “without prejudice” plans

- 5. In response to the above concerns the applicant provided informal ‘without prejudice’ on 6 November 2020 (plans plot dated 29 October 2020). The key changes of the plans included simplification of the façade treatment and architectural composition, the provision of increased upper level setbacks to Level 1 (5.2m) and 2 (7.5m) and deletion of the western terrace to Level 1.
- 6. These plans were further reviewed by Council’s Heritage Advisor. The advisor welcomed some of the changes but indicated a number of concerns remained outstanding. In particular, the front setbacks to levels 1-4 were considered to remain insufficient (a 12m setback recommended by Heritage Advisor). The staggered front setbacks to level 1 façade and level 2 terrace were also not supported.

Lodgement of formal S57A amended plans

- 7. In response to the above heritage comments and external urban design referral comments received for the original proposal, the application was amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 30 March 2021 (plan plot date 15 February 2021). The key changes to plans include:
 - (a) Increase the setback of the floor 1 façade to the west side to create a uniform front setback (to an average of 5.3m increased from the 3m setback shown on the advertised plans) with original ground floor roofs retained in setback areas,
 - (b) The full width of level 2 terrace setback increased from 3m (advertised plans) to 5.26m and the façade setback increased from 5.25m (advertised plans) to 8.62m,
 - (c) Front setbacks of level 3 and 4 increased from 6m (advertised plans) to 8m,
 - (d) Additional windows to east wall of level 6,
 - (e) Simplified façade treatments through the following:
 - (i) the replacement of the trim deck metal deck cladding (expressed seams with narrow gauge between seams) with metal interlocking cassette panels (recessed seams/shadow lines with wider gauge between seams) to upper/rear levels 2-6 to Leigh Place and east elevation and level 3 and 4 to Corns Place,
 - (ii) Removal of arched windows and window shrouds to level 1 and replaced with rectangular window forms with metal shroud applied to the depth of the window reveal only,
 - (iii) Deletion of the window fins, removal of some window mullions and use of a bronze satin finish coloured cladding on level 3 and 4 feature façades to Bridge Road and south end of Leigh Place, with this cladding also extended to wrap around part of the east wall, and
 - (iv) Deletion of the south-west curved corner feature on level 1.
- 8. The assessment of the application is based on the section 57A amended plans. These plans received an exemption from advertising at Council’s Development Assessment Panel on 1 April 2021. This determination was made on the basis the changes to plans would not cause material detriment to any persons or property due to the extent of built form being reduced through increased upper level setbacks being proposed. Details of a link to the section 57A amended plans contained on Council’s website was included in the Planning Development Committee (PDC) meeting invite circulated to objectors.
- 9. A perspective comparison of the advertised proposal (left) and Section 57a amended proposal (right) three-dimensional perspective of the development is provided below.



Advertised proposal



Amended proposal

Delegation

10. The application is required to be determined at Council's PDC Meeting as the building is between one and one and half storeys above the preferred 21m height limit specified in the Design and Development Overlay Schedule 21 (DDO21). Planning officers do not have the delegation to determine planning applications that exceed the height limits specified in Design and Developments Overlays by more than one storey.

Planning Scheme Amendment C238

11. 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 has been included in the recommendation to require the development contributions be met prior to commencement of the development.

The Proposal

12. The application proposes the partial demolition, construction of a seven storey extension to the existing building (plus basement) and a reduction of car parking requirements of the Yarra Planning Scheme in association with a food and drink premises and office . The proposal can be summarised as follows:

Demolition

13. The application proposes the partial demolition, as follows:
 - (a) It is proposed to retain the facades of all three buildings and their roofs above for a distance of 5.33m.
 - (b) All remaining walls and roof structures are to be demolished apart from the wall fronting Leigh Place (approx. 60% of length of Leigh Place frontage retained) with the rear lean-to services wing wall to this frontage to be removed. Of the retained wall to Leigh Place, the existing windows are to be removed with five additional sections of the wall to be removed to accommodate new window openings and a services cupboard door.
 - (c) The first floor eastern wall to No. 131 Bridge Road is also to be retained for the depth of the retained roof with the corresponding western wall retained for approx. half the width of the retained roof above.
 - (d) The central first floor window to the façade of No. 131 Bridge Road is to be removed.

Development

General

14. As a general description, the proposal is a seven storey, mixed use addition recessed behind three Victorian era shopfronts at the Bridge Road frontage. A 303sqm food and drinks premises is proposed at ground floor with 1943sqm of office floor space on the 6 levels above. Car parking is provided in a single basement level partly below ground level, which is accessed from Corns Place to the rear.
15. The general specifics of the proposal are as follows:
 - (a) 303sqm food and drink premises at Ground Floor.
 - (b) 1943sqm of office at Levels 1-6. Each office floor level will be provided with bathroom and kitchen amenities in the north-east corner of the building with the stair and lift access located to the front of the amenities (or 2144sqm nett).
 - (c) A roof terrace, with pergola structure, at Level 7.
 - (d) A Lower Ground Floor comprising 29 car parking spaces, including one accessible car space, together with service areas.
 - (e) A total of 25 bicycle spaces within the end of trip facilities at Ground Floor and Upper Ground Floor.
 - (f) A maximum building height of 28.7 metres measured above natural ground level (excluding the lift overrun).

Basement (Lower Ground Floor)

- (g) A new single level basement to the full extent of the site is proposed accommodating 29 car spaces in car stackers. The car parking area will measure 445sqm, with a bin storage area measuring 35sqm and a services area measuring 125sqm.
- (h) A 30,000ltr rainwater tank is to be installed under the access ramp.

Ground floor

- (i) A food and drink premises measuring 303sqm is proposed at ground floor accessed via the existing doors on Bridge Road at No's 129-131 Bridge Road. The existing door to No's 133-135 Bridge Road will access the office lobby (measuring 134sqm).
- (j) Given the slope of the land, the ground floor is double height to the rear allowing for the basement access ramp, a loading bay, a 55 sqm commercial store and substation to the rear of the food and drinks premises and a further 33sqm commercial store above the driveway ramp.
- (k) a double height/mezzanine end of trip bicycle facilities (EOTF) is proposed measuring 60sqm on the lower level and 54sqm on the upper level. The male facilities contain 2 toilets, 2 showers and 8 lockers. The female facilities contain 2 toilets, 3 showers and 14 lockers. The upper level EOTF contain 25 bicycle spaces, a DDA bathroom with shower and 9 lockers.
- (l) Four visitor spaces are proposed in the form of two new bike hoops to the Bridge Road frontage, with a further two existing bike hoops to be retained.

Level 1

- (m) Office with a floor area of 477sqm. It will be constructed to the east and rear boundaries, be setback 0.25m to the west/Leigh Place and will occupy the existing first floor of No. 131 Bridge Road. The remainder will be setback 5.3m from Bridge Road.

Level 2

- (n) Office with a floor area 322sqm with a 126sqm terrace located to the Bridge Road and Leigh Place frontages. The terrace will be setback 5.28m to Bridge Road and with the building facade behind setback 8.64m.
- (o) The terrace to the Leigh Place frontage will be 1.12m wide. The building façade will be setback 2.35m.

Level 3 and 4

- (p) An office with a floor area of 361sqm will be provided at level 3 and 353sqm of office at level 4. These levels will be setback 8m to Bridge Road, 1.48m to Leigh Place and be built to the remaining boundaries.

Level 5 and 6

- (q) An office with a floor area of 235sqm will be provided at level 5 and 195sqm at level 6, with a 72sqm terrace located to the front of level 5.
- (r) Both levels will be setback 12m to Bridge Road, 1.48m to Leigh Place and 3.65m to the east boundary, with level 5 front terrace balustrade setback 8m. This terrace balustrade will be 2m in height and clear glazed.
- (s) The eastern setback will contain plant which will be enclosed by a 1.5m high wall on the east boundary, resulting in an overall maximum eastern boundary wall height of 21.2m.
- (t) Approximately half the northern wall of level 5 will be built to the Corns Place boundary to a max height of 21.2m with the remainder of the level 5 and 6 wall raking sharply away from the boundary to a maximum setback of 5.43m.

Roof terrace

- (u) The roof terrace measures 131sqm. Its access foyer is setback 3.5m to the east boundary and 7m to Corns Place. The terrace balustrades are setback between 1m and 1.3m. The balustrades will be 1.5m high. A roof form is located in a central position on the terrace (recessed between approx. 2m-5m from the terrace edges and maximum height of 3.4m). 13 solar panels will be mounted to this roof form.

New facades

- (v) The ground, first and second floor eastern boundary wall will be a mixture of smooth concrete pre-cast in a natural finish and a dark grey finish. The remaining wall above will be metal cladding “surfmist-matt finish”, apart from a section of bronze cladding.
- (w) The new basement, ground, first floor and second floor terrace/planter walls will be red or white painted face brick to Leigh Place, Bridge Road and Corns Place. Service doors will be black metal finishes. Black metal fin screens will be applied to a number of windows on these levels.
- (x) A feature facade is proposed to level 3 and 4 Bridge Road frontage and part of the Leigh Place frontage. This facade will be predominately glazed with a satin finish bronze metal cladding to the walls.
- (y) The remaining walls to Bridge Road above the feature facade will be predominately glazed finished. The remaining upper level walls to Leigh Place and Corns Place will be metal cladding “surfmist-matt finish”.

16. A three-dimensional perspective of the development is provided below.



3D Image of proposal viewed from southern side of Bridge Road.

Existing Conditions

Subject Site

17. The subject site is located on the north-east corner of Bridge Road and Leigh Place in Richmond. Lennox Street is approximately 15m to the east. The subject site comprises three land parcels, namely No. 129 Bridge Road, being a single storey Victorian era shop on the intersection with Leigh Place, No. 131 Bridge Road being the central double storey Victorian era shop and No's 133-135 Bridge Road being the easternmost single storey Victorian era shop. The buildings are generally built the full extent of the site boundaries, apart from a small setback area to the rear of No's 129-131 Bridge Road to accommodate open sided car parking for 5 car spaces.



View of subject site from intersection of Lennox Street.



Three existing buildings at subject site.

18. Combined, the sites have a southern boundary to Bridge Road of 21.21m, northern boundary to Corns Place of 21.03m, a western boundary to Leigh Place of 32m and an eastern boundary of 32m, yielding an overall site area of approx. 678.5sqm.
19. All of the buildings are graded 'contributory' to the Bridge Road heritage precinct with a construction date range of 1870-1915.
20. Council's Heritage Advisor and Council records indicate the buildings have been modified over time, principally including the following alterations:
- (a) No. 129 Bridge Road - installation of new shop front windows;
 - (b) No. 131 Bridge Road - installation of new shop front windows and central first floor window replaced and enlarged;

- (c) No's 133-135 Bridge Road – installation on new shop front windows with brick piers replaced to the side of the windows. Existing parapet retained and new fascia attached to it.

21. The three titles comprising the Site do not show any covenants or Section 173 agreements registered. No easements, other than party wall easements between the existing buildings on the Site, are also present on the corresponding plans of subdivision.



Subject Site

Surrounding Land

General

22. The surrounding area contains a mixture of commercial and retail uses, including the Epworth Hospital, which is located to the west and north of the site. The subject site is located within the Bridge Road Activity Centre (BRAC). The buildings fronting Bridge Road are typically one to two stories in height; however the area is currently changing and increasing in both height and density.
23. Bridge Road is serviced by two tram routes (No.48 – North Balwyn to Victoria Harbour Docklands and No.75 – City to Vermont South). Train services are located at West Richmond Station 400m north of the site and Jolimont Station 800m west of the site and Richmond Station on Swan Street (770m south-west). Further the CBD is also within walking distance of the site, approx. 2km to the west.



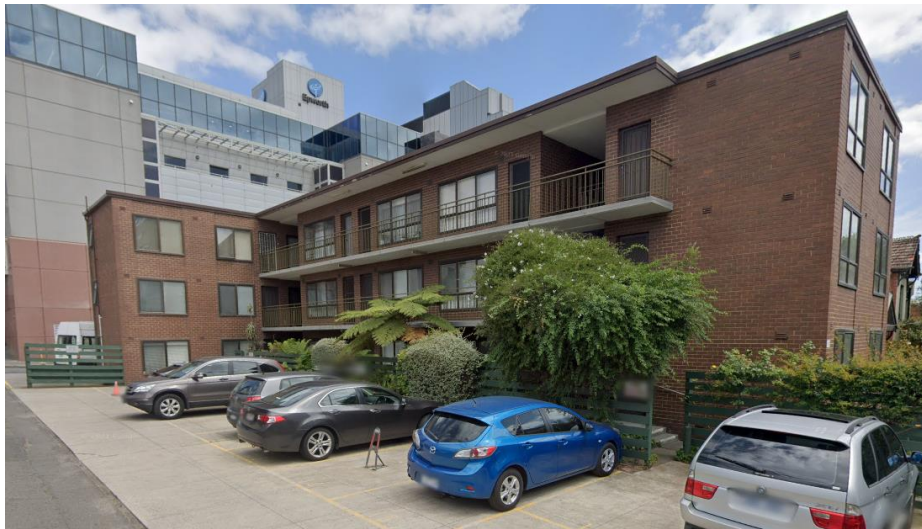
Subject Site and surrounding area

South – Bridge Road

24. To the south is Bridge Road, which spans approximately 20 metres in width and contains a tram line shared with vehicle traffic lanes. The opposite side of Bridge Road includes a mixture of single and double storey heritage shop fronts.

North - 164 Lennox Street

25. Opposite the rear of the Site and on the far side of Corns Place is land located within the General Residential Zone, Schedule 3. This land comprises a three-storey apartment building at No. 164 Lennox Street containing 18 apartments and is located along the Corns Place frontage and extends between Leigh Place to Lennox Street. A small section of the building is setback from Corns Place 2.5m adjacent the intersection with Leigh Place. The remainder of the building is setback 8.5m with an open car parking area located in this setback area.
26. The south and east-facing windows facing the car parking area are all habitable with the south-facing wall also containing external walkways and entries to access the apartments. The section of wall that is setback 2.5m from the Corns Place frontage contains three non-habitable bathroom windows. Refer to image below.



No 164 Lennox Street (immediately north of the Site)

East - 137-141 Bridge Road

27. To the east of the subject site and extending to Lennox Street are a row of three matching double storey heritage shopfronts that are 'Individually Significant' to the Heritage Overlay (No's 137-141 Bridge Road). The shop on the intersection with Lennox Street has a two storey wall returning along the Lennox Street frontage. This property also has a zero-lot setback to Corns Place. The remaining two properties have open car parking areas to the rear for approx. 50% the length of their sites.
28. The site adjoining the subject site (No.137 Bridge Road) has a double storey on-boundary wall measuring approx. 13m in length, with a rear double storey addition measuring approx. 7.5m in length being setback approx 1.9m from the shared boundary. The first floor is occupied by a dwelling accessed via an external stair on the rear of building.
29. Based on Council and real estate records, the stair also accesses a first floor landing/outdoor deck measuring 7.5m in length and 1.9m in width. Two windows face onto this deck, one north-facing and servicing a living room and west-facing French door servicing a kitchen. A fixed canvas awning is attached horizontally to the east wall above the kitchen windows and front door and then extends vertically to attach to the top of the existing double storey boundary wall.



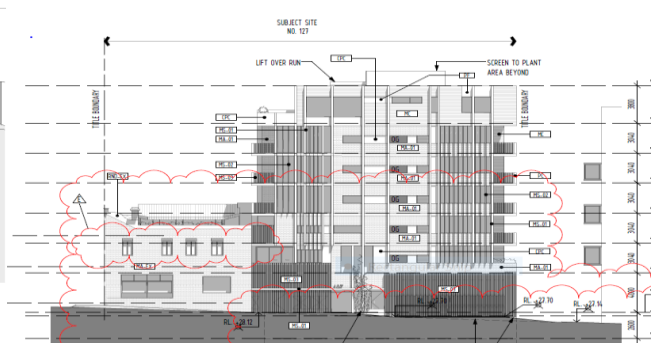
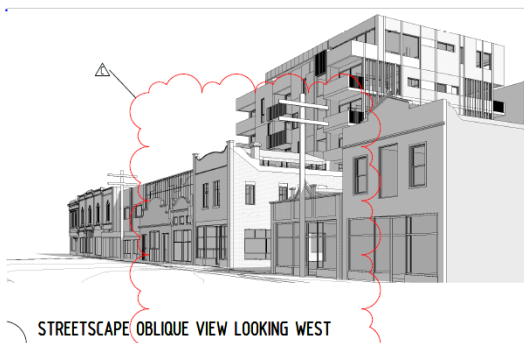
No's 137-141 Bridge Street



First floor dwelling to No. 137 Bridge Road and its rear stair access, terrace and windows.

West - 127 Bridge Road

30. To the immediate west of the site (beyond Leigh Place) is No.127 Bridge Road. The site contains a double storey, red brick building used as a shop with attached single storey lean-to structures and an open car park to the rear. The building is graded 'contributory' to the Bridge Road heritage precinct. Planning permit PLN17/0158 was issued on 18 September 2018 for the construction of a seven-storey apartment building with shop at ground floor and overall maximum height of 22m. This permit remains valid due to a recent extension of time issued to the permit.
31. The existing heritage building is to be retained with the existing roof removed and a new apartment with terrace to be constructed within this front setback/podium area. Level 2 façade is setback 2.63m from Bridge Road and 1.7m from Leigh Place for a depth of 11.5m from Bridge Road. Level 3- 5 are to be setback 11.4m from Bridge Road to a terrace and 12m to the façade. The floor 7 façade is to be setback 14.2m to Bridge Road with its terrace setback 11.4m and 12m.



Approved development at No 127 Lennox Street

123-125 Bridge Road (7m west)

32. To the immediate west of No. 127 Bridge Road is 123-125 Bridge Road, which contains a recently completed seven storey building, with an approx max height of 22m. The retained heritage shop fronts are graded 'contributory' to the Bridge Road heritage precincts. This building is three storey's to Bridge Road with floor 4 to 6 setback 12.6m and Level 7 being setback a further 4m with a terrace located in this setback. The building is constructed hard to the rear laneway, apart from the north-west and north east corners on floor 1 to 6 and all of floor 7 where an approx. 2m setback is provided.



Front and rear of No 123-125 Bridge Road

111-115 Bridge Road (30m west)

33. A 7 storey building has been recently constructed at 111-115 Bridge Road containing offices and shops (30m west of subject site) with a maximum height of approx. 25.5m. The retained heritage shop fronts are graded 'contributory' to the Bridge Road heritage precincts. Above the two storey street wall, Level 2 is setback 4.4m from the frontage, Levels 3-5 are setback 8m and Level 6 is setback 10m (with a terrace in the setback area).
34. The two shops to the east of No's 111-115 Bridge Road of this development are graded "non-contributory".



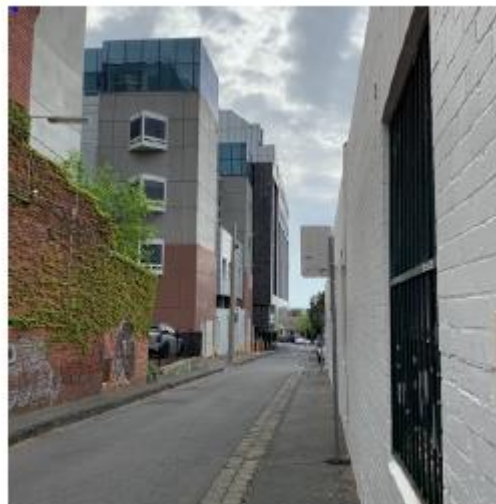
No 111-115 Bridge Road

North-west

35. To the rear of these sites and extending further west and north to Erin Street is the Epworth Hospital. The hospital is 9 storeys. The hospital contains a 5 storey sheer turret style corner feature located on the intersection of Leigh Place and Corns Places with an approx 2m setback provided for approximately 40% of the Epworth frontage to Leigh Place. The remainder of the Epworth frontage to Leigh Place has been recently redeveloped and is constructed 7 storeys sheer to Leigh Place with recessed upper two levels (max building height of 36.5m).
36. The Epworth has the following setbacks to Bridge Road, Level 3: 6m; Level 4: 12m; Levels 5-8: 18m approx.



Epworth Hospital & 111-115 Bridge Road



Epworth Hospital frontage to Leigh Place

Bridge Road – Other development on the north side

37. A 12 storey building has been recently constructed at No's 153-177 Bridge Road containing shops and dwellings (Thomas Dux site -70m east of the subject site). Above a part one and two storey street wall, level 1-3 is setback between 1.3m and 3.8m from the frontage, levels 4-7 are setback between 13m and 14m, level 8 is setback 21.5m and levels 9-11 setback 27.2m.



Thomas Dux Site

38. The north side of the Bridge Road has experienced and is continuing to experience significant redevelopment. Other than those mentioned above, the following developments are of relevance and all are constructed:
- (a) An 8 storey building at 79 Bridge Road containing a residential hotel (110m west of the site).
 - (b) A 10 storey building at 183-189 Bridge Road containing dwellings and shops located (160m east of the site).

- (c) An 8 storey building at 209-211 Bridge Road comprising shops and dwellings (250m east of the site).
 - (d) A 7 storey building at 231 Bridge Road comprising shops and dwellings (285m east of the site).
 - (e) A 10 storey building at 243 Bridge Road comprising shops and dwellings (ARC development 325m east of the subject site).
 - (f) Richmond Plaza redevelopment, maximum 11 storey development comprising shops dwellings- (370m east of the subject site - under construction).
39. Bridge Road provides an east-west connection linking the suburbs east of the City of Yarra with the CBD, intersecting with major arterials of Burnley Street, Church Street and Punt Road. The subject site is located within the Bridge Road Major Activity Centre (MAC), an important business, entertainment and retailing strip within the City of Yarra. The activity centre provides a range of business types, including offices, local convenience shops, restaurants and bars, interspersed with a number of dwellings (particularly larger apartment developments on the north side of Bridge Road).
40. The area is well serviced by a number of transport options, with tram routes No. 48 and 75 travelling in front of the subject site and tram route No. 78 travelling along Church Street approx. 400m east of the site.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

41. The site is located within the Commercial 1 Zone (C1Z). The purpose of the C1Z is as follows;
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework*
 - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
42. Pursuant to Clause 34.01-1 of the Scheme, a food and drinks premises and office are section 1 uses and therefore a planning permit is not required for these uses.
43. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required for buildings and works.

Overlays

Heritage Overlay (HO310 – Bridge Road Precinct, Richmond)

44. Pursuant to 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.
45. The buildings on the subject site are located within Schedule 310 and identified as 'Contributory' to the Bridge Road precinct as outlined in the incorporated document City of Yarra Review of Heritage Areas 2007 Appendix 8.

Design and Development Overlay (Schedule 21) – Bridge Road Activity Centre

46. Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. The buildings and works must be constructed in accordance with the requirements of the schedule.

47. The DDO21 is an interim control and is set to expire on 30 June 2021. Permanent controls are proposed to be introduced through the full amendment process, these controls are currently in the preliminary planning stage with an adopted position anticipated by the end of 2021. Council intends to seek an extension of the current interim control from the Planning Minister approx. end of April 2021.
48. Pursuant to clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.
49. DDO21 contains the following general design objectives;
- (a) *To support a midrise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.*
 - (b) *To ensure that new development respects the values of heritage buildings and maintains the prominence of the heritage streetscape, heritage buildings and land mark buildings in the streetscape;*
 - (c) *To maintain a prominent streetwall character along Bridge Road with new development at upper levels setback, visually recessive and clearly distinct;*
 - (d) *To provide a comfortable level of street enclosure, maintain solar access to key footpaths, and ensure a high quality built form interface to all streets and public spaces;*
 - (e) *To minimise amenity impacts on residential properties adjoining the Bridge Road Activity Centre including overlooking, overshadowing and visual bulk impacts.*
50. Under Schedule 21, the site is located within Precinct 1 – Bridge Road West. Schedule 21 comprises the following mandatory requirements for the site:
- (a) *The heritage frontage to Bridge Road must be retained;*
 - (b) *Development must not overshadow any part of the southern footpath of Bridge Road, measured at 3.0m from the kerb between 10am and 2pm at 22nd September.*
51. The subject site is located in Precinct 1- Bridge Road West-with the following requirements:
- (a) *A preferred maximum building height of 21 metres applies to the whole of subject site.*
 - (b) *A preferred 6m upper level setback behind retained heritage façades applies to Bridge Road Street.*
 - (c) *Setback requirements apply for all land that interfaces with residentially zoned land.*
- Clause 45.06 – Development Contributions Plan Overlay (Schedule 1)*
52. The Development Contributions Plan Overlay (DCPO) applies to the proposed additional office, retail and residential uses, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths, as well as community facilities.
53. Metering and monitoring 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.*
54. A planning permit is not required for works under the DCPO.

Particular Provisions

Clause 52.06 – Car Parking

55. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause.

Pursuant to Clause 52.06-5 of the Scheme, the car parking requirements for the proposed development are taken from column B of table 1 as the land is identified as being within the Principal Public Transport Network Area. The car parking requirements for the Section 57A amended plans are as follows:

Proposed Use	Quantity / Size	Statutory Parking Rate (Column B)	No. of Spaces Required	No. of Spaces Allocated
Office	2144sqm	3 spaces to each 100sqm net floor area	64	29
Food and drinks premises	303 sqm	3.5 spaces to each 100sqm leasable area	10	
Total			64	29

56. With a shortfall of 35 car parking spaces, this application therefore seeks a reduction in the car parking requirement of the Scheme.

Clause 52.34 – Bicycle Facilities

57. Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land or a permit is granted to vary this requirement. The bicycle parking requirements prescribed at Clause 52.34-3 of the Scheme are summarised in the table below (based on the section 57A amended plans, with the advertised plans also have the same required rates):

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	2,144 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces	
Food and Drink	303 sqm	1 employee space to each 300 sqm of net floor area	1 employee spaces	
		1 visitor space to each 500 sqm of net floor area	1 visitor spaces	
Bicycle Parking Spaces Total			8 employee spaces	25 employee spaces
			3 visitor spaces	4 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2 shower / change room	6 showers / change rooms

58. The proposal exceeds the employee requirements by 6 spaces. End of trip facilities (EOFT) and visitor spaces exceed the requirements.

[General Provisions](#)

Clause 65 – Decision Guidelines

59. 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 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)

60. The following PPF provisions of the Scheme are relevant:

Clause 11.02-1S – Supply of Urban land

61. The objective of this Clause is:

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

Clause 11.03-1S – Activity Centres

62. The objective of this Clause is:

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

Clause 11.03-1R – Activity Centres – Metropolitan Melbourne

63. The relevant strategy of this Clause is:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they are able to accommodate significant growth for a broad range of land uses.*

Clause 15.01-1S – Urban Design

64. The 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

65. The objective of this Clause is:

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

Clause 15.01-2S – Building Design

66. The objective of this Clause is:

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

Clause 15.01-5S – Neighbourhood Character

67. The objective of this Clause is:

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

Clause 15.02-1S – Energy and Resource Efficiency

68. 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 15.03-1S – Heritage Conservation

69. The objective of this Clause is:

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

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

Clause 17.01-1S – Diversified Economy

70. The objective of this Clause is:

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

Clause 17.02-1S – Business

71. The objective of this Clause is:

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

Clause 18.01-1S – Land Use and Transport Planning

72. The objective of this Clause is:

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

Clause 18.01-2S – Transport System

73. The objective of this Clause is:

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

Clause 18.02-1S – Sustainable Personal Transport

74. The objective of this Clause is:

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

Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne

75. The relevant strategy of this Clause is:

(a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*

Clause 18.02-2S – Public Transport

76. 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

77. The relevant strategy of this Clause is:

(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

78. The objective of this Clause is:

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

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

79. The following LPPF provisions of the Scheme are relevant:

Clause 21.03 – Vision

80. The relevant sections of this Clause are:

- (a) *Yarra will have increased opportunities for employment.*
- (b) *The complex land use mix characteristic of the inner city will provide for a range of activities to meet the needs of the community.*
- (c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.*
- (d) *Most people will walk, cycle and use public transport for the journey to work.*

Clause 21.04-2 – Activity Centres

81. The relevant objectives of this Clause are:

- (a) *To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
- (b) *To maintain the long term viability of activity centres.*

Clause 21.04-3 – Industry, Office and Commercial

82. The relevant objective of this Clause is:

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

Clause 21.05-1 Heritage

83. This clause acknowledges that new development can still proceed in parallel with 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.

84. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
- (b) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
- (c) *Strategy 14.2 Support the restoration of heritage places.*
- (d) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
- (e) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
- (f) *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.*
- (g) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02.*

Clause 21.05-2 – Urban Design

85. The relevant objectives of this Clause are:

- (a) *To reinforce the existing urban framework of Yarra.*
- (b) *To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
- (c) *To ensure that new development contributes positively to Yarra's urban fabric.*
- (d) *To enhance the built form character of Yarra's activity centres.*

Clause 21.05-3 – Built Form Character

86. The relevant objectives of this Clause are:

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

Clause 21.05-4 – Public Environment

87. The relevant objectives of this Clause are:

- (a) *To provide a public environment that encourages community interaction and activity.*

Clause 21.06 – Transport

88. The relevant objectives of this Clause are:

- (a) To provide safe and convenient pedestrian and bicycle environments.*
- (b) To facilitate public transport usage.*
- (c) To reduce the reliance on the private motor car.*
- (d) To reduce the impact of traffic.*

Clause 21.07 – Environmentally Sustainable Development

89. The relevant objectives of this Clause are:

- (a) To promote environmentally sustainable development.*
- (b) To improve the water quality and flow characteristics of storm water run-off.*

Clause 21.08-10 – Central Richmond (Area between Bridge Road and Swan Street)

90. Clause 21.08-10 describes the Central Richmond area in the following way:

- (a) The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

Within Figure 23 of Clause 21.08-10, the subject site is located within the Bridge Road major activity centre.

[Relevant Local Policies](#)

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

Clause 22.02-5.1 – Demolition

Full demolition or removal of a building

91. Generally encourage the retention of a building in a heritage place, unless

- (a) The building is identified as being not contributory.*

Clause 22.02-5.7 – New Development, Alterations or Additions

92. The relevant policies of Clause 22.02-5.7.1 of the Scheme encourages the design of new development to a heritage place or a contributory element to:

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

Clause 22.03 – Landmarks and tall structures

93. The policy applies to all development. The relevant objective of this policy is to maintain the prominence of Yarra's valued landmarks and landmark signs. Amongst other things, the policy requires development to protect views to landmark signs, including the Pelaco Sign at 21-31 Goodwood Street, Richmond.

Clause 22.05 – Interface Uses Policy

94. This policy applies to applications for use or development within the Commercial 1 Zone (amongst others). The relevant objective of this clause is to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity. It is policy that:

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

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

95. 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 Development

96. 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.

Advertising

97. The application was advertised between December 2019 and January 2020 under the provisions of Section 52 of the Planning and Environment Act (1987) by way of 375 letters and 2 signs displayed on site, one facing Bridge Road and one facing Waltham Street. A total of 42 objections to the application were received.
98. The grounds of objection are summarised as follows:
- (a) Visual bulk, insufficient upper level setbacks and height issues;
 - (b) Proposal not respectful of heritage place and neighbourhood character;
 - (c) Lack of on-site car parking;
 - (d) Increased traffic generation;
 - (e) Increased demand for on-street parking spaces;
 - (f) Noise, shadowing and overlooking to residential properties;
 - (g) Oversupply in office and food and drinks premises spaces;
 - (h) Blocking views; and
 - (i) Impacts to property values.

Referrals

External Referrals

99. The application was not required to be referred to any external authorities.

Internal Referrals

100. The application was referred to the following units within Council and external consultants:
- (a) Engineering services.
 - (b) ESD Advisor.
 - (c) Heritage Advisor (advertised plans and without prejudice plans).
 - (d) Strategic Planning (advertised plans and section 57A amended plans).
 - (e) Strategic Transport.
 - (f) Urban Design.

- (g) Contracts Services (City Works Unit).
- (h) Open Space Unit.
- (i) Transport Engineers.

External Consultants

- (j) Urban Design (advertised plans and section 57A amended plans)
- (k) Wind.

101. All referral comments are based on the advertised plans, however, supplementary advice was received on the without prejudice plans from Council's Heritage Advisor and the Section 57a plans from the Urban Design Unit and Strategic Planning Unit. The supplementary advice is included as attachments to the report.

OFFICER ASSESSMENT

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

- (a) Strategic justification;
- (b) Heritage, Urban design and Built Form;
- (c) Off-site amenity impacts;
- (d) Environmentally Sustainable design;
- (e) Parking layout, traffic, waste management and bicycle parking;
- (f) Development Contributions; and
- (g) Objector concerns.

Strategic Justification

103. The proposal satisfies the various land use and development objectives within the 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. The proposal has strong strategic planning policy support at both State and local levels. The subject site is within the C1Z and forms part of the Bridge Road AC (BRAC). The key purpose of the C1Z is:

- (a) *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*

104. The PPF and LPPF at Clause 11.03-1S and at Clause 21.04-2 encourage the concentration of retail, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community and support the long-term viability of activity centres.

105. The 303 sqm food and drinks tenancy will provide an active interface along the Bridge Road commercial strip and will help to support the retail focus of the BRAC. The development provides for improved office supply within the well serviced Bridge Road MAC, and the overall development will help to support the long term viability of the BRAC, particularly with the provision of offices above generating custom for the retail, dining, community, health and business services along Bridge Road.

106. Clause 17.02-1S of the PPF *encourages development that meets the community's needs for retail, entertainment, office and other commercial services*. The proposed food and drinks and offices tenancies will provide for this.

107. Clause 17.01-1S of the PPF encourages *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*. Clause 21.04-3 of the LPPF aims to *increase the number and diversity of local employment opportunities*. The food and drinks and offices tenancies will provide an employment source for the community and is in accordance with the PPF and LPPF.
108. In addition to this, Clause 11 states that planning is to *facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services*. The site has immediate access to the BRAC, the Bridge Road tram services, is within close proximity to tram services along Church Street and is within reasonable walking distance to bus services along Punt Road and the West Richmond Railway Station.
- The proposed mixed-use development benefits from the established settlement pattern and the existing transport, utility, social and commercial infrastructure and services available in the area, in accordance with the PPF.
109. Overall, the mixed-use development has strong strategic planning policy support. However, policy support for more intensive development on this site must be balanced with other planning considerations, including the local built form context (including streetscape, heritage values, landmarks), the proposed architectural response, equitable development opportunities, public realm, pedestrian spaces, light and shade requirements, including on-site amenity and ESD considerations, off-site amenity considerations, car and bicycle space provision and car park design.
110. Overall, and in a strategic sense, the proposed construction of a multi-storey mixed use building is consistent with the relevant State and local policies (Clauses 11.03-1S, 17.02-1S, 21.04-2, 21.04-3 and 21.04-4 of the Scheme) and the purpose of the Commercial 1 Zone which supports a vibrant mixed-use commercial centre. That said, any policy support for more intensive development needs to be balanced with built form guidance at Clauses 15.01, 21.05-2, 22.02 and 43.02 of the Scheme which call for development that appropriately responds to the surrounding context and heritage character.

Heritage, Urban design and Built Form

111. In considering the design of the proposed development, the most relevant Scheme policy is at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*), Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*) and Clause 43.02 (*Design and Development Overlay Schedule 21*) of the Yarra Planning Scheme. All of these provisions and guidelines support a development outcome that responds to the existing or preferred urban character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationships to nearby buildings.

Built form context

112. The existing character of the surrounding area is somewhat varied, with the majority of built form along Bridge Road being double storey in height on the south side and with a significant emerging character of taller development behind double storey frontages on the northern side of Bridge Road. To the east of the site are three double storey 'individually significant' graded heritage buildings. To the west and across Leigh Place between No's 113 and 127 Bridge Road are a number of 'contributory' graded heritage buildings, with 2 having 7 storey developments to the rear and 1 further approved 7 storey rear addition. On the opposite side of Bridge Road are two to three storey commercial shop frontages.
113. In this context, the proposed development at seven storeys will not appear as an incongruous element, particularly given the proposed upper level setbacks to Bridge Road exceed the preferred 6m setback requirements of DDO21. The previous *Surrounding Land* section provides a detailed list of other large scale developments approved and /or constructed along the north side of Bridge Road.

When compared against the second tier of recent development constructed behind heritage buildings along this section of Bridge Road (to the west of the site), overall it is considered the proposed development is complementary to emerging pattern of development. Height and setbacks will be discussed in further detail later in this assessment.

Demolition

114. Council's Heritage Advisor is supportive of the extent of demolition to the rear service wings, as they are not clearly visible from Bridge Road and do not form part of the significant heritage fabric. Of concern for the Heritage Advisor was the extent of demolition to the existing roofs. In requesting level 1 to 4 to be setback 12m in both the original advice to the advertised plans and the without prejudice plans, the Heritage Advisor's preference is for the original roof to be retained for a depth of 12m from the facades. It is proposed to retain the extent of the existing roofs for a distance of 5.3m.

While the Heritage Advisor has not supported this extent of demolition, planning officers consider that the increase area of roof to be retained from the 3m depth shown on the advertised plans to the 5.3m shown on the section 57A amended plans is acceptable and in line with the objectives of DDO21. This position will be discussed further in the following *Setbacks* assessments.

115. The advisor also noted the Site Analysis Plan TP001 contains an error and implies that No's 133-135 Bridge Road (easternmost single storey building) is to be demolished entirely. This plan provides general detail of the site and surrounds and does not depict information that would be endorsed to form part of the approved development plans (should a permit issue). As such a condition is not required to correct this error. Further to this, the proposed demolition plans correctly shows all demolition and does not contain this error.

Conservation/restoration works

116. The Heritage Advisor requested clarification on why the central window to the facade of the double storey shop front is to be replaced (No.131 Bridge Road). The applicant has clarified the existing large central widow is a modern addition which is evident by its appearance. Given this involves the removal of a non-original window and its replacement with a more sympathetic window, this change is considered acceptable. To ensure this outcome is sensitively undertaken, a condition could require appropriate detail of the replacement window is provided.
117. Council's heritage advisor also requested the three existing historic plaques detailing the past occupants of each building and the interpretative sign detailing tram laying works on Bridge Road be retained. A condition could require this. The heritage advisor did not request that any further conservation works be carried out. The applicant has also agreed to a condition requiring a structural engineers report be provided to demonstrate the retained building facades and roofs will be adequately supported and protected during the construction of the basement and the new building.

Heritage, Urban design and DDO21 assessment of the proposed addition.

118. The design principles of DDO21, along with policy at Clause 22.02 (*Development Guidelines Subject to the Heritage Overlay*) provide most guidance on the issues relating to heritage and urban design. DDO21 provides significant heritage-based design guidance that aligns with policy objectives at clause 22.02 and provides site/precinct specific heritage objectives that are not found in clause 22.02. For this reason, this policy will be used to also frame heritage considerations and analysis. This built form control also provides urban design guidance on non-heritage built form outcomes including impacts on view lines to landmarks, wind effects, equitable development, amenity impacts on residential land and street activation issues (issues relating to off-site amenity will be discussed in a further section below). The guidance provided with this policy is also supplemented by a number of State and Local polices, with reference provided to them where relevant.

Precinct specific DDO21 requirements.

119. The subject site is located in Precinct 1- Bridge Road West Precinct of DDO21. The following principal requirements are specified:
- (a) A preferred maximum building height of 21 metres.
 - (b) A preferred 6m upper level setback to Bridge Road.
 - (c) A mandatory requirement that development would not overshadow any part of the southern footpath of Bridge Road, measured as 3.0m from the kerb between 10am and 2pm at 22nd September. A preferred requirement not overshadow the eastern part the Lennox Street to a distance of 2m from the kerb between 11am and 2pm on 22nd September.
120. The proposed section 57A amended plans satisfy the above public realm shadow requirements to Bridge Road and Lennox Street. The height of the proposed building (excluding Level 7) is 24.4m above the Bridge Road footpath and 26.4m to Corns Place and therefore do not comply with the preferred 21m height limit stipulated by DDO21. It is noted roof terrace access structure height and associated ancillaries at Level 7 are exempt from 'building height' defined under DDO21.

Height

121. Council's Heritage Advisor indicated that the height would be generally acceptable should level 1-6 be setback a minimum of 12m from the frontage. Council's Strategic Planning unit noted the proposal was not compliant with the DDO21 preferred height requirement and met some but not all criterion that support height above this requirement. It is noted that Council's Strategic Planning Unit were more supportive of the Section 57a plans from a heritage and massing (upper level setback) perspective. Council's External Urban Design advice is supportive of the proposed building height detailed in the Section 57a plans based on the increased Level 1 setbacks from 3m to 5.3m, increased mid-level setbacks from 6m to 8m and more simplified architectural composition of upper levels.
122. The view on the height being generally acceptable presented by the Heritage Advisor (subject to increased setbacks) and the External Urban Design Advisor is based on the presence of the 2 existing 7 storey buildings in the immediate vicinity of comparable height (as detailed in the *Surrounding Land* section). This view is also consistent with the *Precinct Design Requirements* at subsection 2.3 of the DDO which states upper level additions should be consistent in form, massing and façade treatment as existing upper level development in the area.
123. This is a critical policy direction when considering buildings that exceed the preferred 21m height limit. Given the immediate context with 7 storey buildings of directly comparable height all within 60m of the subject site, and that the DDO21 allows for consideration of exceedances in height in contexts where built form of comparable height exists nearby, the proposed 7 storey height limit is considered acceptable. Given the 21m height limit is 'preferred' and not 'mandatory' and given this DDO21 policy guidance which implies exceeding the height limit can be considered where taller or comparable buildings already exist; it is considered that the proposed building height is acceptable in this location. This height issue and its relationship to the proposed front setbacks will be discussed further in the following assessment.

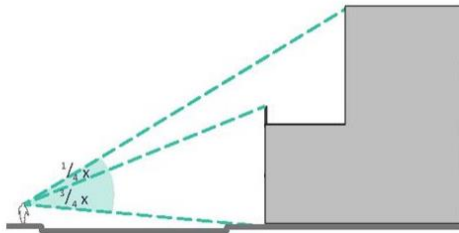
Setbacks to Bridge Road and the relationship to height

124. When considering the relationship between height and setbacks, the height exceedance can be further justified given the 8.9m front setback to level 2, the 8m setbacks for level 3 and 4 and the 12m setback to level 5 and 6, all greatly exceed the preferred 6m setback stipulated by DDO21 and so help to diminish bulk when the building is viewed along Bridge Road. This is also acknowledged by Council's Strategic Planning Unit and Council's external Urban Design Consultant.

Further to this, DDO21 also provides other design criteria against which the relationship between height and setback must be considered. The following assessment will show that while the proposal does not achieve full compliance with these other design criterion; the proposed setbacks and associated height is an acceptable outcome on balance based on the particular constraints of the site.

125. In addition to the preferred 6m setback, the interim DDO21 requires new development along Bridge Road within Precinct 1 be in accordance with Figure 2 requirements, that is *development must occupy no more than one quarter of the vertical angle defined by the whole building in the view from a sightline at a height of 1.7m above the footpath on the opposite side of the street, as seen below.*

Figure 2 – Setback for Upper Level Development



DDO21 Figure 2 setback requirement

126. The intention of this policy is to ensure that upper level additions do not proportionally overwhelm the retained heritage forms. Section A on Drawing TP300 shows the proportion of the proposed building visible above the single and two storey street wall elements. The proposal does not comply with this requirement with the existing double storey building occupying a 27 degree angle with the new built form above occupying a 15 degree angle (based on the section 57A amended plans). Council's External Urban Design advice acknowledges that it is particularly difficult to achieve full compliance with the Figure 2 setback requirement, given the presence of two single storey buildings on the site. This difficulty is reflected in Council's Strategic Planning Unit comments who states that compliance with the Figure 2 requirement would result in only two storey development to the single storey buildings. Given this, it is clear that strict application of these policy guidelines is not reasonable for the Site, particularly when State and Local Policy strong direct higher density developments within well serviced activity centres such as this.
127. Further to this, DDO21 also encourages proposals to *adopt the same setback for at least 75% of the height of the proposed built form above the front street wall to avoid repetitive stepped form.* In this regard, Council Strategic Planning Unit states the setback to the mid-level equates to approx. 56% with the two upper levels being further setback. Rigidly applying the 75% height requirement would result in a 5 storey sheer wall setback 6m with a recessed top level behind the single storey shops. Such sheer height would result in an overwhelming presence behind the retained single storey buildings, particularly when viewed from the Leigh Place intersection.
128. It is also important to acknowledge the Figure 2 requirement and the requirement that 75% of upper level setbacks be in the same plane are based on the assumption that the retained heritage facades will be double storey heritage façade of approx. 11m in height, as are typically found along the Bridge Road frontage (and indeed shown in Figure 2). The subject Site is a significant anomaly in the Bridge Road streetscape with two single storey buildings present and with the double storey building also being significantly lower than the typical heritage street wall at approximately 8.6m in height. Given these particular constraints, it is not reasonable to require strict adherence to all of the DDO21 preferred requirements in relation to height and setbacks. Given the significant constraints presented by the single storey buildings, determining the appropriate height to setback ratios that should be employed at the subject is best served by analysing the existing context and ensuring the built form will sit comfortably within this.

129. Significantly and as mentioned earlier, Precinct 1 of DDO21 allows for this context-based assessment approach when it stipulates that new development should *be consistent in form, massing and façade treatment as existing upper level development*. Thus, while the proposal comfortably exceeds the 6m preferred setback requirements which is to be commended, it remains that it does not comply with the Figure 2 and 75% upper plane setback requirement. This context-based analysis offered by the DDO21 provides a useful additional assessment criterion in instances such as this; where proposals do not fully comply with all of the height and setbacks design assessment criterion provided in the DDO21.

Context-based assessment of upper level setbacks

130. Returning to consideration of the setback precedence offered by the existing built form context, Council's Heritage Advisor requested floor 1-4 be setback in the region of 12m based on the mid-levels setbacks of 11.4m approved at No.127 Bridge Road and the constructed building at 123-125 Bridge Road mid-level setbacks of 12.6m. The advisor was accepting of the 12m setbacks proposed to level 5 and 6. While it is acknowledged that this existing context of No's 123-125 Bridge Road is a significant consideration, it is equally important to note these permits were granted before the introduction of DDO21 which specifies a preferred 6m setback. No. 127 Bridge Road is not a significant consideration as this building has not been constructed and this permit can still be modified.
131. The Heritage Advisor refers to a 2007 VCAT case that formed the basis of applying an average 12m setback to the north side of Bridge Road, with a large number of approvals since that time being based on the guidance offered by this case. However, in the 14 years since this case established this precedence, the policy context effecting this part of Bridge Road has significantly altered with the introduction of DDO21. It is appropriate and anticipated that Council officers would assess development based on current policy guidance and significant weight would not be given to a VCAT decision that was based on an entirely different policy framework and a built form context that did not display the extent of change present today.
132. It is also acknowledged that the DDO21 surrounding context design criterion quoted earlier (requiring consideration be given to the massing and height of constructed buildings), gives weight to the Heritage Advisors preference for a 12m setback as per 123-125 Bridge Road. However, of greater significance is that the existing 7 storey building at 111-115 Bridge Road has setbacks of 8m to level 3-5 and 10m to level 6. Therefore, there is an existing building within the immediate context with setbacks that is significantly less than that suggested by the Heritage Advisor.
133. When considering this conflict between the existing neighbouring buildings mid-level 8m and 12m setbacks, it is appropriate to rely on guidance offered by DDO21 which indicates a preferred 6m setback for the upper levels. Given the proposed minimum 8m upper level setbacks already exceed the preferred 6m setback, it is clear based on the current policy context, it is not reasonable to require the 12m setbacks as requested by Council's Heritage Advisor.
134. This proposed exceedance of the required 6m setback also serves to ameliorate some of the bulk issues associated with the non-compliant overall height and partially compensates for the non-compliance with the Figure 2 requirement and the variation from the requirement that 75% of the upper levels be setback in the same plane to avoid an overly stepped appearance. However, based on the previous context-based assessment, this 75% requirement is already reflected in the existing built form where only the top levels of the two buildings to the west are recessed from the levels below. This context raises a further conflict in relation to whether non-compliance with the 75% setback requirements should be supported.

Design that responds to the single storey building on site.

135. In this regard it is important to note the design purposely does not meet the 75% of the upper levels to be setback in the same plane in order to respond to the retention of the existing single storey buildings on-site. As mentioned earlier, rigidly applying the 75% height requirement would result in a 5 storey sheer wall setback 6m with a recessed top level behind the single storey shops. Such a sheer height would result in an overwhelming presence behind the retained single storey buildings, particularly when viewed from the Leigh Place intersection.
136. The combination of the significantly recessed upper two levels and the recession of level 2 behind level 3 and 4 allows for the mid-levels of 3 and 4 to be the most apparent when viewed above the retained single storey buildings on Bridge Road. This technique, along with the visually interesting architectural finish to the level 3 and 4 façade would draw pedestrian views predominantly to their 2 storey presentation behind the retained facades and direct focus away from the upper levels which would be significantly recessed and only partially visible. This is a thoughtful and architecturally interesting response to the particular constraints presented by this site and is considered to be a much more appropriate response than requiring only the recession of the upper levels as suggested by the '75%' requirements. For these reason support for the non-compliance with '75%' requirement is recommended.
137. Overall, the combination of all these techniques, particularly the generous recesses to the upper two levels and the 8m mid-level setback being 2m in excess of the 6m setback required by the DDO, allows the proposal respond appropriately to the existing 7 storey context while also successfully diminishing bulk to a reasonable level behind the existing single storey buildings on site. On this basis, support is recommended for the proposed building height and front setbacks to Bridge Road.
138. Finally in relation to height, Council's Heritage Advisor raised concerns with the impression of height generated by the 900mm high level 5 terrace wind screens above Bridge Road parapet. However, given its clear glass material, it is not considered to be a prominent element and is considered acceptable for this reason.

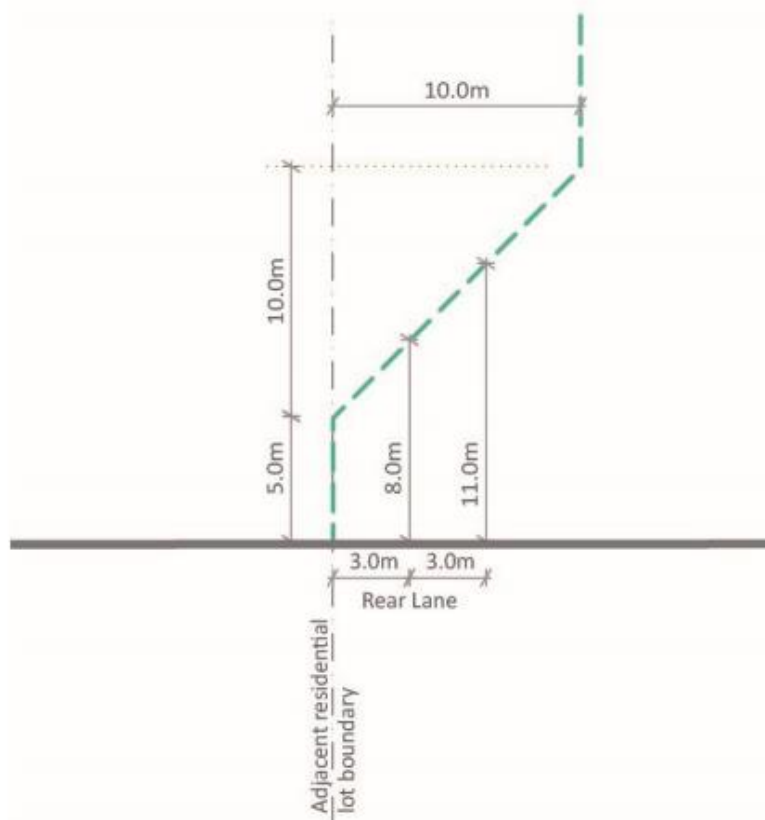
Side and rear setbacks

139. Council's Heritage Advisor, Council's Strategic Planning Unit and External Urban Design advisor were supportive of the 1.5m upper levels setbacks to Leigh Place. This setback is considered sufficient to prevent unreasonable visual bulk to Leigh Place, along with the variation of external materials articulating the facades and the recessed shadow line of level 2 also facilitating to ameliorate bulk. This coupled with the generous setbacks of level 1 to 4 to Bridge Road allow for a sense of space and openness to Leigh Place, with views to the sky available over the roof of the retained single storey building available on the approach to and from Bridge Road along Leigh Place.
140. Pursuant to sub-clause 2.2 of the DDO21 the 'Building Separation Requirements' require a minimum setback of 3m be provided to commercial windows adjacent to shared boundaries. The level 6 windows achieve this with a 3.5m setback proposed. It is also noted Council's Strategic Planning Unit advice applied this same setback requirement to Leigh Place and Corns Place. However, this policy point relates to setbacks along common boundaries with private property and so are not applicable to the Leigh Place and Corns Place road frontages (with other policy within the DDO dealing with setbacks to the rear (Figure 1) and required setbacks above street walls to side roads (detailed in Precinct Maps).
141. The 'Building Separation Requirements' also requires building in excess of the 21m height limit be setback one-sixth of the lot width on the shared boundary with other properties, to allow for views between buildings in the event the adjoining sites are developed. This 3.5m eastern setback to level 5 and 6 equates to approx. 50% the width of 133-135 Bridge Road, in compliance with this policy objective.

142. Council's Strategic Planning Unit reading of the 'Building Separation Requirements' states the one-sixth site width setback requirement should be applied in addition to the 3m setback required to commercial windows along the east boundary above a height of 21m. However, it is considered this is not a practical reading of this policy point. The intention of this policy point is the one-sixth of site width setback is required on parts of the buildings above 21m in height where windows are not proposed, to ensure these upper setbacks and views between buildings are achieved in areas where windows are absent. All of the eastern walls above the 21m in height comply with this one-sixth setback even where windows are not proposed.

Figure 1 setbacks (rear interface with residentially zoned land)

143. Finally, in relation to rear setbacks, pursuant to sub-clause 2.2 to the interim DDO21 control, buildings should be setback from residentially zoned land as shown in Figure 1 to the DDO21, shown below.



DDO21 Figure 1 - setback requirement from residentially zoned land

144. The land on the opposite side of Corns Place is zoned General Residential Zone, Schedule 3. As detailed in the Surrounding Land section, a three storey apartment building is located along the Corns Place frontage that extends between Leigh Place to Lennox Street. A small section of the building is setback from Corns Place 2.5m at the Leigh Place end with the remainder setback 8.5m with an open car parking area located in this setback area. The south and east-facing windows facing the car parking area are all habitable with the south-facing wall also containing external walkways to access the apartments. The section of wall that is setback 2.5m from the Corns Place frontage contains three non-habitable bathroom windows.
145. As outlined by Council's Strategic Planning Unit, to satisfy Figure 1 the maximum building height on property boundary should be around 9.5m. Above this the building should be set back at a 45 degree angle for a depth of 5.5m to a height of 15m.

Council's Strategic Planning unit was not supportive of this non-compliance citing unreasonable visual bulk as the principal concern. Council's Heritage Advisor and External Urban Design Advisor were supportive of this proposed interface, given the context of much higher boundary walls associated with the Epworth and the apartments fronting onto Corns Place on the far side of Leigh Place.

146. It is considered that this non-compliance is acceptable in this instance as the Figure 1 setback requirements anticipate the presence of single dwellings, fine grain residential character and secluded private open spaces located on the opposite side of laneways to the rear of Commercial 1 Zones. However, in this instance, car parking areas are predominately located opposite with only a small section of the apartment building located 2.5m from Corns Place and the remainder of the building setback 8.5m. The proposed variation from the Figure 1 setbacks is considered reasonable in this instance for the following reasons:
- (a) No overshadowing from the proposed building will be experienced on the residential land to the north,
 - (b) The closest windows to the Site are 3 non-habitable windows located on the wall that are setback 2.5m from Corn Places (or 7m from the subject site),
 - (c) No secluded private open space is orientated toward the Site,
 - (d) The habitable room windows facing the Site are setback 8.5m from Corns Place (or 15m from the subject site) and behind the car parking area accessed via Corns Place. Such a separation distance from the Site would comfortably comply with the daylight to habitable room windows requirements under Res Code provisions had they applied, and
 - (e) A number of nearby buildings on the northern side of Bridge Road (west of the Site) have similar rear interface setbacks.
147. The apartment building at 164 Lennox Street is therefore considered to provide a relatively robust interface to the Site, particularly when compared with more fine grain residential neighbourhoods that adjoin land affected by DDO21.
148. Had small private open space areas of individual dwellings been located opposite, it would be considered appropriate to stringently apply the preferred requirements of Figure 1. However, given the requirement is not mandatory and that the context opposite is car parking area and not private open space, it is considered unreasonable to require strict compliance with the Figure 1 setbacks, particularly given Council's Heritage Advisor and External Urban Design Advisor are supportive of the presentation of this interface.

Proposed architectural design

149. DDO21 provides the following guidance in relation to architectural design, with similar sentiments expressed in decision guidelines and policies contained in clauses 43.02 and 22.02:
- (a) *Be expressed in the round and provide detail on facades when viewed from all directions;*
 - (b) *Incorporate an architectural expression at upper levels that is distinct from but complimentary to the street wall.*
 - (c) *Maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.*
 - (d) *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;*
 - (e) *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape;*
 - (f) *be articulated to reflect the fine-grained character of the streetscape.*

150. In relation to the proposed upper levels, the proposal successfully responds to these policy objectives through using lightweight materials (glazing) that juxtapose with the masonry of the heritage buildings and the use of simple architectural details. In compliance, the new floor plates do not intersect the retained heritage windows. In accordance with the policy that encourages articulation to reflect the fine-grained character of the streetscape, the mid-level sections on level 3 and 4 to Bridge Road incorporates three different architectural expressions to respond to the subdivision pattern of the three retained heritage buildings. Council's Heritage Advisor and External Urban Design advisor were supportive of this division to the new mid-level building façade.
151. Further to this, Council's Heritage and External Urban Design advice on the advertised plans indicated this part of the building was somewhat busy particularly in relation to the fins applied to the curved sections and the dark grey colour of the metal cladding to be somewhat overwhelming. To address this the Section 57A plans remove the fins and applied a lighter bronze satin finish cladding.

Council's Heritage Advisor and External Urban Design Adviser were generally supportive of this change subject to clarification the bronze metal cladding would not be highly reflective and be matte in finish. Further, the material schedule shows the bronze cladding to be a metal mesh and this does not conform with its appearance shown on the plans or render images. A condition would address these items to ensure a high-quality finish is achieved.

Curved building corner

152. Council's Heritage advisor was not supportive of the curved corner on the mid-section to Leigh Place and requested an angular corner. However, this is not considered justified in this instance. The curved corner is considered appropriate as it provides a softer and more recessive finish on the corner above the retained single storey building. Had the existing building on the corner been two storey it may be justified to require the established pattern of angled corners be maintained, as the corner would not be such a prominent feature being partially obscured at footpath level by a hypothetical 2 storey street wall.
153. In this instance however, the corner will be heavily exposed behind the single storey building. Requiring the curve be squared off will result in more built form coming closer to the Leigh Place boundary and so making it much more prominent and bulkier. Further, this curve on the building is perhaps the most significant architectural feature of the mid-level sections of the building and removing it will result in a more bland and utilitarian appearance to the building façade. Council's urban design consultant supported the curved element noting that that the architectural expression as a whole was competent and well resolved. Given the significant impact the removal of the curve would have on the architectural expression of the building and that it will make this part of the building appear much more prominent behind the single storey shop, it is recommended that the curve be retained. It is important to note
154. Further to above, in response to the Heritage advice, the section 57A amended plans removed the curve proposed to the Leigh Place corner at level 1 and replaced it with an angular corner. This is considered sufficient to respond to this concern, particularly given the proximity of this corner to existing angled corner of the retained heritage facades.

Other concerns relating to finishes

155. The original advertised plans showed arched first-floor windows with cowl structures applied around their edges. Both Council's Heritage Advisor and External Urban Design Advisor were not supportive of this, stating they unduly competed with the retained heritage buildings and were overly busy. In response the section 57A amend plans provided rectangular window forms and removed the cowls to Leigh Place and Bridge Road.
156. The External Urban Design Advisor also expressed concern that the face brick should be real brick as opposed to brick 'snaps' on pre-cast concrete panels to ensure a quality finish comparable to the retained heritage brick. The Heritage Advisor raised concern based on the appearance of the render images, as a mismatched recycled brick was being proposed and requested the brick to have a more uniform appearance and requested minimal pointing be used between bricks.

157. The definition of face brick is that they are real bricks with a smooth/ finished appearance on the outside and so it is not considered necessary that the face brick notation on the plans be further modified to demonstrate they are not recycled or brick veneer. A condition could require minimal pointing between bricks as requested by the heritage advisor. A façade strategy condition is also recommended to ensure that all external finishes for the facades are executed to Council's satisfaction, including the provision of detailed images/samples of materials/finishes to ensure a high quality finish is achieved.
158. In further response to the advisors concerns that the building materials finishes were overly busy, the cladding to the upper levels at the rear have been changed from a metal deck cladding (expressed seams with narrow gauge between seams) with metal interlocking cassette panels (recessed seams/shadow lines with wider gauge between seams). This is also thought to successfully address this concern through the wider gauge significantly reducing the number of vertical lines forming part of the cladding.



Advertised plans



Section 57A amended plans



Advertised plans



Section 57A amended plans

Streetscape interface/Active frontages

159. DDO21 encourages the streetscape interface to provide for active street frontages that improve the pedestrian environment and 4m floor to ceiling heights for commercial frontages. With the existing 4m shop floor to ceiling heights and shop entrances retained, the proposal is compliant in this regard. The additional windows proposed to Leigh Place at ground floor also improve activation to this frontage.
160. Of concern is that the fin screens to ground and first floor of Leigh and Corns Place and ground and first floor may reduce passive surveillance to the street. A notation has been added to the plans stating the fins will be angled downwards to improve passive surveillance to the street. A condition could require further section detail of the fin spacing and placement this to ensure passive surveillance is maximised. Subject to conditions to this effect, the proposal is considered acceptable in terms of securing active frontages with adequate passive surveillance while also prevent unreasonable overlooking to the properties opposite.

Site Coverage

161. The level of site coverage proposed is 100 percent. However, as the existing level of site coverage in the surrounding (and immediate) area is similar (including the subject site at approx. 95% coverage), it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout the Bridge Road Activity Centre.

Landscape architecture

162. While landscaping is not a typical feature of commercial developments in the area, the proposal does include a degree of visible landscaping in the form of planters on terraces. The application was referred to Council's Open Space Unit, who supported the proposed landscaping, subject to operable windows being provided to the level 2 northern terrace. The Section 57a plans now show windows to be operable allowing for the maintenance of the planters on Level 2.

Internal amenity

163. 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, with large expanses of glazing provided at all levels and generous floor to ceiling heights. The building will also receive adequate ventilation opportunities with west, south and north-facing operable windows provided. The shading devices provided to the west and north-facing windows will also provide for excellent protection from western and northern solar impacts, which will support more comfortable internal environmental conditions. The end-of trip facilities will also offer staff a high level of amenity for those visiting the Site via active transport modes.

Circulation Spaces

164. The main pedestrian entrance from Bridge Road provides access to the lift core and stair well, with clearly defined entrances also provided to the food and drinks premises. The entrance and lift lobby area are provided with adequate sightlines from the street so people can see both in and out when entering or leaving. The circulation spaces are generously dimensioned to afford a good level of amenity to future building occupants.

Offsite Amenity Impacts

Remaining DDO21 Design Objectives relating to offsite impacts.

Impact on view lines to the Pelaco Sign and St. Ignatius Church and Clause 22.03 (Landmarks and Tall Structures)

165. The proposal does not impact on the specified view lines to the Pelaco Sign and St. Ignatius Church Spire outlined in the 'General Requirements' of the DDO and clause 22.03. The "Decision Guidelines" also require consideration of broader views to the Pelaco Sign and the tower belfry and spire of St. Ignatius Church. There is sufficient distance from the St. Ignatius church on Church Street to ensure no broad views are impacted.
166. With the proposed building located 160 metres north-west of the Pelaco Sign, the only views that could be possibly impacted would be from the rear of the site from Erin Street, Corns Place and Leigh Place. With views not currently available from these roads/footpaths due to the distance from the sign and due to intervening built form preventing any existing views, the proposal will not alter this outcome.

Impacts of vehicles access arrangements on the operation of trams along Bridge Road, appearance of garages and efficiency of vehicle arrangements.

167. With only 29 car spaces proposed, the proposal would not have a negative impact on tram services, particularly as vehicles have the option to exit and enter the site via Lennox Street reducing the number of cars accessing Bridge Road via Leigh Place. Council's Traffic Engineers are also satisfied the stacker and egress arrangement will operate in a safe and efficient manner.

The garage door is a high quality design and so satisfies the DDO21 policy objective to ensure a high quality built form interface is provided to all streets and public spaces.

Wind effects

168. The submitted Wind report by Windtech Consultants was peer reviewed by Council's External Wind consultant. Council's consultant while generally satisfied, did raise some concerns that future wind impacts were not fully rationalised and recommended wind tunnel testing be conducted to demonstrate the effectiveness of proposed wind protection measures. A condition can require this.

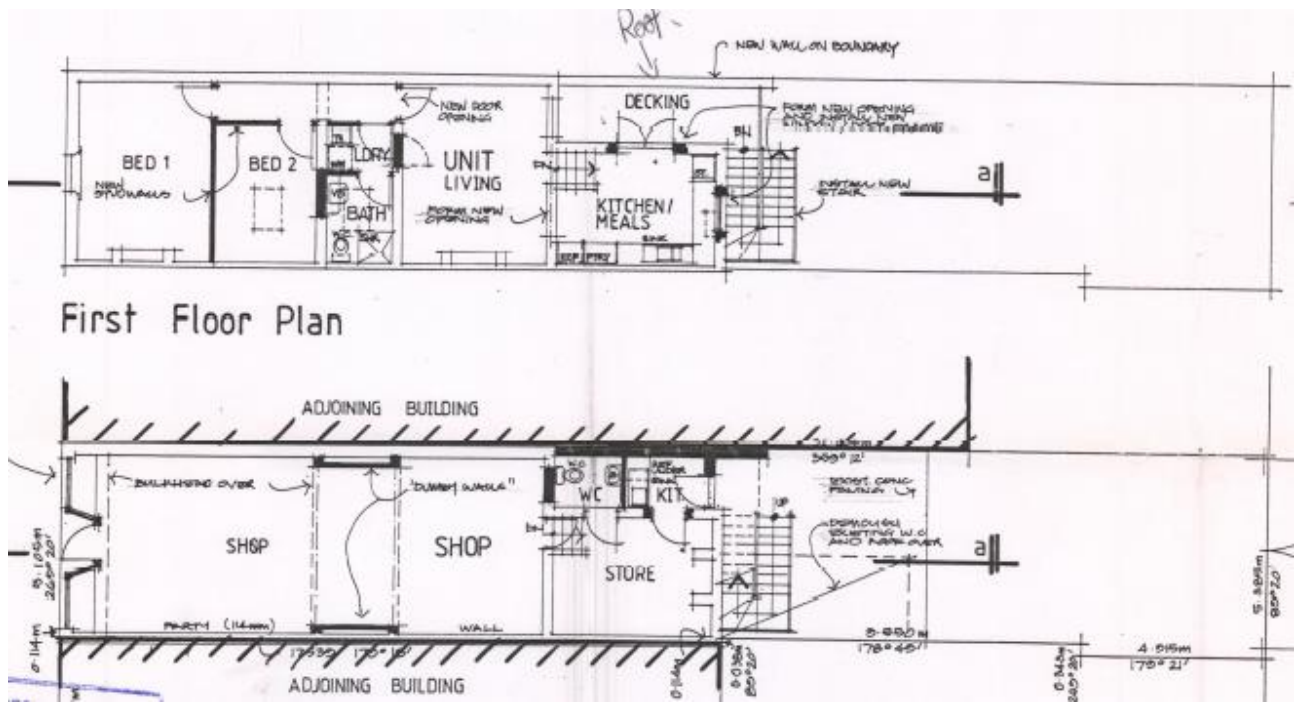
Equitable Development

169. The relevant 'Building Separation Requirements' of DDO21 require a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk. This policy aims to facilitate equitable development opportunities for neighbouring properties within the context of the site's location.
170. In relation to the apartment building to the north across Corns Place (no 164 Lennox Street), the separation offered by the road, the raking of the proposed upper levels, along with no shadowing generated by the proposal to this site, all allow for equitable development opportunities. Similarly, the separation offered by Leigh Place (6m) and the 1.5m setback of the upper levels allow for reasonable equitable development opportunities for the site on the opposite side of Leigh Place (127 Bridge Road). Importantly, the proposal would not result in any unreasonable loss of amenity to the potential future apartments approved under PLN17/0158.
171. The lot immediately to the east is approx. 180sqm area and would not be able to accommodate a large scale development where equitable development setbacks could be considered. As a result, the most likely future development scenario on this lot will involve boundary walls adjacent the common boundary and a reliance of Bridge Road and Corns Place interfaces for daylight access. Notwithstanding this, the proposed setback of levels 5 and 6 (above 21m building height) from the eastern boundary will facilitate some daylight access for a future development to the east if required for levels above 21m.
172. It is also expected that any future development at 137 Bridge Road would likely seek building height at least in accordance with the preferred maximum building height of DDO21. Such a height would likely require the development to respond to the front and rear upper level setbacks proposed by the subject building to ensure the built form massing along the northern side of Bridge Road remains consistent. These setbacks would also offer good daylight access opportunities.

Residential amenity

173. The DDO21 "Design objectives" encourages development to minimise amenity impacts on residential properties 'adjoining' the activity centre. Significantly the policy does not require consideration of impacts on dwellings within the activity centre, reflecting that commercial activity and associated higher density built form outcomes take precedence over the residential amenity of existing dwellings within the C1Z. Similarly, the C1Z Decision Guidelines at 34.01-8 directs consideration of impact of development on residential properties in residential zones 'adjoining' the C1Z and does not require this same consideration be given to existing dwellings within the C1Z. Council's local policy at clause 22.05 (*Interface Uses policy*) does, however, direct consideration of amenity impacts to dwellings located within the commercial area.
174. As outlined in detail in the previous *Surrounding Land* section there is an existing dwelling located at first floor of the building to the east. This site (No. 137 Bridge Road) has a double storey on-boundary wall measuring approx. 13m in length, with a rear double storey addition measuring approx. 7.5m in length being setback approx 1.9m from the shared boundary. The first-floor dwelling is accessed via an external stair on the rear of building. An open car park area is located to the rear of the building.

175. Based on Council's and Real Estate records, the stair accesses a first landing/outdoor deck measuring 7.5m in length and 1.9m in width. Two windows face onto this deck, with one north-facing that services a living room and one west-facing set of French doors servicing a kitchen. A fixed canvas awning extends horizontally from the east wall above the kitchen French doors and extends vertically to attach to the top of the existing double storey boundary wall.
176. While this property does have some west and north-facing windows to the rear, the commercial zoning of this land and policy goals that higher density developments be directed to Activity Centres, the shadow impact and visual bulk impact of the proposed east wall is considered acceptable. Significantly the outlook for the living room window will not be severely impacted given it faces the north with no proposed wall located opposite. As the window facing the subject site services a kitchen and not the principal living area, the outlook onto the proposed eastern wall is acceptable. Refer to an extract of floor plans of this dwelling below.



Approved Ground Floor (bottom) and First Floor (top) of 137 Bridge Road – Source: Council records.

177. It is acknowledged the proposed east wall will impact on the outlook and sunlight access of the outdoor deck area. However, given the location of this site in a Commercial 1 Zone where high density development is specifically encouraged, this outcome is considered acceptable. It is important to note that this site is not currently developed in accordance with the DDO21 development aspirations. Further the proposed setbacks to level 5 and 6 result in a three storey wall height above the terrace rather than 5 storeys had these upper level setbacks not been proposed. This 3 storey height differentiation is considered reasonable in a Commercial 1 Zone, particularly as the Level 5 and 6 walls will not be visible behind the proposed boundary wall from the terrace and from the window opposite.
178. Finally, the east-facing level 6 windows will not overlook this dwelling with the proposed boundary wall preventing downward views. The presence of the level 4 roof will also prevent downwards views from the roof terrace and level 5 terrace to this adjoining private open space.
179. As discussed, in the previous *Equitable Development* discussion and *Side and Rear Setbacks* assessments, the visual bulk impact to the residential apartment development across Corns Place is considered acceptable.

This is due to the design, layout and setbacks of the apartment building at 164 Lennox Street providing a relatively robust interface to the Site. The southern position of the subject site will also ensure this property will not be affected by additional shadowing as a result of the proposal.

180. A notation on the plans states that the rear boundary windows between the Ground Floor and Level 4 will have fixed screening with 25% maximum openings. However, the elevation plans do not detail these screens on level 2-4. It is considered that no screening of rear windows is required as there will be a minimum separation distance of 13.3 metres from the habitable room windows at 164 Lennox Street. This distance exceeds the requirements of the Overlooking Standard (9m) set out in Clause 55. Accordingly, a condition will be included to update this note to only relate to the Ground Floor and Level 1 windows as shown on the elevations.
181. In relation to the property on the opposite side of Leigh Place, as this property is currently a commercial building, there are no residential amenity considerations applicable to this site. However as discussed earlier, a planning permit for a 7 storey residential building has been approved at this site. As this development may not proceed, it is not appropriate to give significant consideration to the impact of the proposal on the residential amenity of these approved dwellings.
182. Regardless of this, with shadow as a result of the proposed development moving off this site by 11am, the proposal will not unreasonably overshadow this property. Both properties are located in a Commercial 1 Zone where the Rescode overlooking standard is not strictly applicable. Regardless of this, the 6m separation provided by Leigh Place and the 1.5m upper setbacks allows a 7.5m setback, which is near compliant with the Res Code separation requirements to the approved habitable windows opposite. The first floor office windows to Leigh Place are separated approximately 6 metres but these windows are treated for overlooking with metal fin screens with a maximum 25% openings.
183. Waste storage areas are located inside the building and so will not be a nuisance to nearby residential properties. Roof plant equipment is also located at sufficient distance from residential properties to ensure reasonable amenity is maintained. Regardless of this, a condition will require that the plant and the food and drinks premises achieve compliance with relevant SEPP N requirements to ensure adjacent residential amenity is not unreasonably compromised.

Environmentally Sustainable Design

184. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce occupants and visitors from relying on private vehicles. 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 officer has reviewed and supported the submitted SMP and outlined the following application ESD commitments and application ESD Deficiencies/Outstanding information.
185. ESD Commitments:
 - (a) Equivalent 5-star Green Star Design & As-Built rating: targeting 63 credits, including 7 for innovation.
 - (b) Services maintainability, metering and monitoring review to be conducted and applied, commissioning and air-permeability test to be conducted, and a Building Users Guide (BUG), an Environmental Management Plan (EMP) and operations & Maintenance (O&M) manual to be prepared.
 - (c) Daylight Factor >2.0 for 40% of nominated floor area.
 - (d) Low VOC, PVC and formaldehyde products specified.

- (e) Green Star Energy Modelling to illustrate a 10% improvement over benchmark design; including 5% reduction in energy consumption (fabric only), and a 30% reduction in GHG emissions (fabric and services) with 8.1 kW rooftop solar photovoltaic system.
- (f) Bicycle parking spaces and EoT facilities provided.
- (g) Water efficient fixtures and tap – and water efficient fire systems and heat rejection.
- (h) A STORM report with a 168% STORM score has been submitted that demonstrates best practice and relies on ~666 m² of roof connected to a 30,000-litre rainwater tank connected to toilet flushing and landscape irrigation.
- (i) Strategies to increase sustainability of concrete and steel components and a 2.6% improvement in ecological value calculated through the provision of 35 m² of native vegetation.

186. ESD Deficiencies/Outstanding information:

- (a) Clarify operable windows on ground floor to create effective cross-ventilation (particularly along the western façade),
- (b) Please provide Daylight Modelling report (including VLT) to support relevant figures provide in the SMP,
- (c) Clarify external shading treatment for north façade similar to the detailed illustrations for south, east and west on TP200),
- (d) Provide modelling to support energy efficiency and greenhouse claims, including comparisons against reference building for the building fabric, fabric with services, and entire proposal,
- (e) Clarify external shading strategy for the north façade, particularly for levels 3-7,
- (f) Clarify basement CO ventilation strategy,
- (g) Clarify lighting improvement (NCC 2016 or NCC 2019),
- (h) Provide modelling from solar to illustrate kWh produced annually and % of buildings energy requirements met on-site,
- (i) Clarify metering for individual tenants,
- (j) Provide more details regarding 'suitable' stormwater filtration strategy,
- (k) Clarify and consider additional materials to include recycled components (i.e. insulation),
- (l) The SMP claims 2x bicycle hoops already existing on bridge Road. (SMP, p. 18). Update to clarify this detail, and
- (m) Consider Head contractor to be accredited with ISO14001.

187. Planning officers sought the further advice of Council's ESD Officer in relation to the significant components of the listed "Outstanding item/Deficiencies" that would warrant permit conditions. The ESD Officer requested that should no operable windows be proposed to the ground floor west walls, a condition should be imposed that a mechanical fresh air supply be provided that achieves a minimum of 50% above the Australian Standard. The Officer also considered it was ultimately not necessary to require daylight modelling to confirm the daylight factor figures provided in the SMP. Given windows are proposed on three sides of the building to all levels, Council's ESD Officer acknowledged the compliant daylight levels stated in the SMP are likely to be accurate and do not need to be further qualified.

188. It was also indicated it was no longer considered necessary to require detailed perspective views of the shading devices to the north wall similar to the detail provided for the Leigh Place elevations. The plans show the shroud screens to be 0.5m wide and surround all edges of effected windows and fin screens to be a max 25% which is sufficient to demonstrate adequate shading will be achieved.

The Officer also indicated given the smaller size of the windows to level 5 and 6 and their location on an angled wall, they are unlikely to result in significant heat gains for the building. As such a shading strategy for these windows is not necessary.

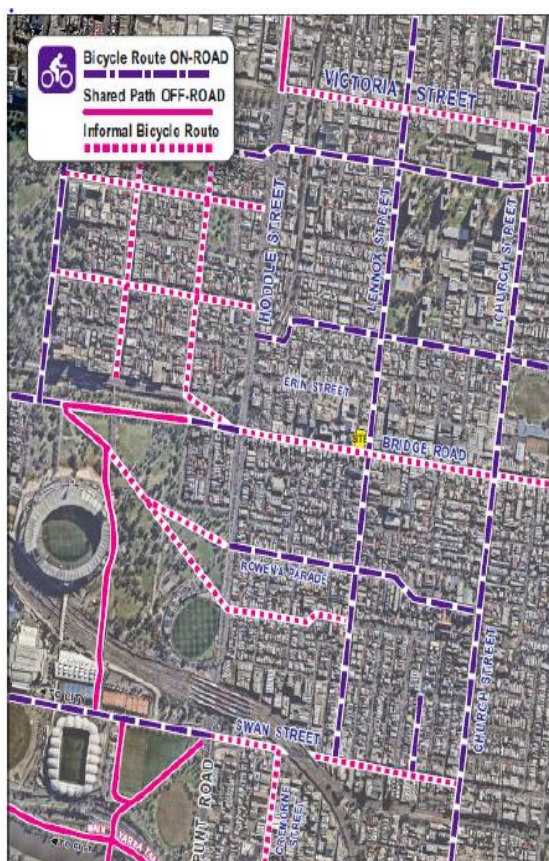
189. The Officer indicated the requirement for the JVC modelling to include comparisons against reference building for the proposal is justified. It was also indicated that it was justified to require clarification on the CO2 ventilation strategy for the basement, solar modelling to illustrate the kilowatt hours produced annually by the building, the percentage of buildings energy requirements met on-site and to clarify internal lighting improvements. It was also indicated that it is justified to require that the SMP clarify that metering will be provided for individual tenancies, provide more detail on the stormwater filtration strategy, to require increasing the use of recycled building components and to require the head contractor be ISO 14001 accredited.
190. Finally, Council's ESD officer raised concerns with the applicant claiming credits the existing bike hoops to the Bridge Road along with the provision of two additional bike hoops. As will be discussed later, Council's Urban Design Unit and Strategic Transport Unit requested the two new bike hoops be removed as they will result in extensive cluttering on the footpath with a total of 4 bicycles hoops proposed. Further Council's Urban Design Unit requested that as part of the footpath relaying works, the existing surface attached bike hoops be replaced underground mounted hoops. As such, it is considered reasonable that the applicant be permitted to claim credits in their SMP due to the costs associated with replacing the existing hoops, but the condition will also require the SMP claim credits for only 2 bicycle hoops to reflect that the overall number of visitor hoops is being reduced from 4 to 2.
191. Based on the above analysis and subject to the suite of conditions addressing Council's ESD officers, the proposal is considered acceptable from an ESD perspective.

Parking layout, traffic, waste management and bicycle parking

Traffic and car parking reduction

192. In relation to traffic considerations, this area has strong strategic justification to support buildings of this scale, along with associated car parking reductions. With tram services along Bridge Road and Church Street and within a 550m walking distance of West Richmond Station, the site is ideally located to take advantage of multiple modes of existing public transport infrastructure within the immediate vicinity.
193. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking is contrary towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.
194. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion. Further, Council's traffic engineers are supportive of the proposed reduction of 38 car spaces (35 under the Section 57A amended plans scheme). Council's Engineering Unit supports the car parking reduction as it is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
195. Objectors have raised concerns that staff and visitors may increase pressure on existing on-street car parking. However, the development will not be eligible for on-street staff or visitor parking permits which will minimise the impact the development will have on existing on-street car spaces. A permit note could detail this. To facilitate further analysis of this issue, the applicant has provided information of available on-street car parking spaces.

196. As part of the applicants Traffic Engineering Report, Ratio Group conducted an inventory and spot survey of the car parking within an approx. 150m radius of the subject site between the hours of 8.00am and 6.00pm. The inventory survey shows there was 268-362 short-term parking spaces available (numbers dependant on car parking restrictions) and no long-term parking spaces in the vicinity of the subject site. Of these, 299 were two-hour restricted spaces. The occupancy rates ranged from 56% to 92% (at a noon peak).
197. While the peak times are shown to have a very high occupancy rates, the non-peak times shows capacity to accommodate visitors to the site. Visitors also have the option to use the public car park located at Hull Street. Given the proximity of public transport options servicing the site and multiple commercial uses along Bridge Road, it is considered likely that a large proportion of visitors (particularly to the food and drinks premises) will be in the area for more than one purpose and will be short term stays. As advised by Council's Engineering Unit, customers and visitors to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area. On this basis, the overall demand for visitor parking is expected to be less than the sum of individual demands for each premises in the activity centre. The provision of 4 bicycle spaces (2 bicycle hoops) on the Bridge Street footpath will further facilitate visitors to the site. As such the car parking reduction is considered acceptable, when considered in relation to visitor demand.
198. In relation to staff generating demand for on-street car parking, typically in office settings, the 29 on site spaces would be allocated to senior staff members with the vast majority of staff not being allocated car spaces. Given this and that on-street car parking restrictions are limited to predominately 2 hours, it is considered unlikely that staff would drive to work as they would be aware of these restrictions. Given the proximity of the site to public transport and the provision of 25 on-site bicycle spaces and EOTF to facilitate staff, staff are considered very likely to use these services to access works. The following information provided by the applicant demonstrates the large number of available transport options and high quality on street bike path services facilitating staff that are not allocated on site car-spaces.



Service	Route	Route Description	Nearest Stop	Walking Distance and Time
Train		Hurstbridge and Mernda Lines	West Richmond	550 metres 8 minutes
		Sandringham, Frankston, Cranbourne, Pakenham, Glen Waverley, Alamein, Belgrave and Lilydale Lines	Richmond	1 kilometre 14 minutes
Tram	48	North Balwyn – Victoria Harbour Docklands	Epworth Hospital/Bridge Road	50 metres 1 minute
	75	Vermont South – Etihad Stadium Docklands	Epworth Hospital/Bridge Road	50 metres 1 minute

	78	North Richmond-Balaclava	Bridge Road/Church Street	450 metres 7 minutes
	70	Wattle Park – Waterfront City Docklands	Lennox Street/Swan Street	850 metres 13 minutes
	12	Victoria Gardens – St Kilda	Lennox Street	1.0 kilometres 13 minutes
	109	Box Hill – Port Melbourne	Lennox Street	1.0 kilometres 13 minutes
Bus	246	Elsternwick–Clifton Hill	Bridge Road	400 metres 5 minutes

Bicycle routes and Train and Tram services in area

199. Following on from this, within the Tribunal decision *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [2017] VCAT 753) regarding the office development at No. 2–16 Northumberland Street, Collingwood which was referenced in the table below, the Member supported a significantly reduced office car parking rate (405 spaces reduction) and made the following comments:

[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.

200. For all of these reasons outlined above, and in light of Council's Traffic Engineers support, the proposed car parking reduction is considered acceptable. Council's Traffic Engineers also note that proposed rates of 1.14car spaces per 100sqm of office area is higher than an number of approved development in the area (see table below) and so the proposed rate is not an anomaly but instead is typical and even higher than a number of recent approvals.

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

Approved office car parking rates

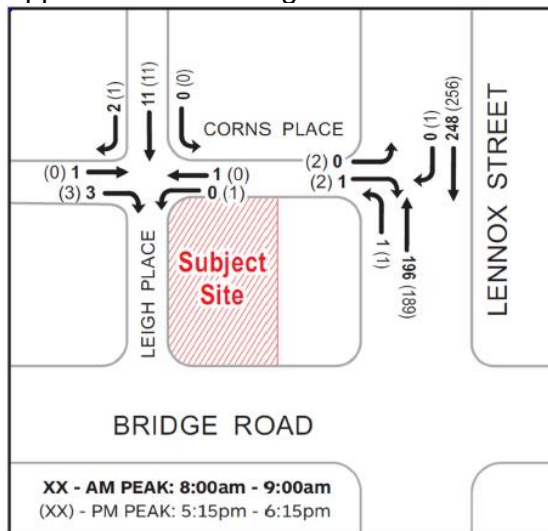
201. Objectors raised concerns with the impact of traffic movements generated by the proposal in Corns Place. The following traffic generation for the site was adopted by the Applicant's Traffic Engineers and reviewed by Council Engineers.

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Office (26 spaces)	0.5 trips per space during the AM and PM peak period.	13	13

Food and drink (3 spaces)	1 vehicle movement per space during the AM and PM peak period.	3	3
Total		16	16

Traffic generation rates***Traffic***

202. The peak hour volumes generated by the site are not unduly high and equates to an average of one vehicle movement every one and half minutes, with the applicant's Traffic Engineer stating this is a low frequency in transport engineering terms. Council's Traffic Engineers agree these figures should not have a detrimental impact on the traffic operation of the surrounding road network. The applicant also provided the following peak hour turning analysis which shows that Corns Place and Leigh Place currently have very low peak time vehicle activity and so are likely to easily accommodate the predicted increase of 16 inbound movements and 16 outbound movements during a one hour period each over the am and pm peaks. Objectors raised concerns with the impact of traffic movements generated by the proposal in Corns Place. The following traffic generation for the site was adopted by the Applicant's Traffic Engineers and reviewed by Council Engineers.

***Peak Hour Turning Analysis******Parking layout/access***

203. The 28 car parking spaces will be provided within car stacker systems and 1 additional at grade DHA space, accessed via a ramp from Corns Place. The layout of the car stackers and accessways was assessed by Council's Traffic Engineers, who were supportive of the design. Council's Traffic Engineers were also satisfied that waste vehicles can safely and efficiently access the site for on-site private collection. Council's Traffic Engineers were also satisfied with the proposed car stackers operation and pit depths. The doorway, ramp (section 57A amended plans detailing the ram widths) and internal aisle widths were also assessed and considered satisfactory to accommodate vehicle movements (apart from requesting a condition requiring the width of doorways be noted on plan).
204. Concerns were raised that the ramp grades did not satisfy relevant standards along with a request that this item be addressed. The applicant explained that requiring full compliance would result in a longer ramp that would significantly compromise the operation of vehicle movements in the basement and likely result in the loss of on-site car parking spaces. The applicants Traffic Engineers report also requested that a dispensation be considered in this instance, given the ramp directly accesses onto Corns Place rather than onto a pedestrian footpath.

Given the ramp does not need to negotiate a footpath, a flat area inside the garage door does not necessarily need to be provided to allow for an area for vehicles waiting on passing pedestrians. Council's Traffic Engineers reconsidered this request and provided the following advice:

- (a) *The Design standard 3 – Gradients in the Planning Scheme requires the ramp grade for the first 5 metres inside the property line to be a maximum of 1 in 10. The 1 in 10 gradient ensures that full visibility of pedestrians and vehicles are maintained.*
- (b) *To consider the applicant's request for a variation, the proposed ramp grades and the 1 in 10 required grade have both been compared using AutoCAD.*
- (c) *The assessment shows that the proposed 1 in 8 and 1 in 4 grades would be acceptable (although slightly steeper than required) given the absence of a footpath in Corn Place.*
- (d) *As a precautionary measure, it is recommended for the applicant to install a convex mirror on both sides of the car park entrance to improve safety.*

205. Subject to a condition requiring the convex mirrors be provide to both sides of the ramp in lieu of the one currently proposed, this item is considered to be satisfactorily addressed.

206. Council's Traffic Engineers also required the applicant re-sheet and regrade the full width of Leigh Place, Corns Place and the half width of Bridge Road for the length of the subject site. The applicant argued that this condition was onerous should the roads not be damaged during construction, resurfacing may not be warranted. They were particularly worried in relation to Bridge Road given the significant administrative complexities of re-sheeting and grading a VicRoads controlled major arterial road, including negotiating tram line closures and preventing damage the tram lines and their overhead power lines. Council's Traffic Engineers reconsidered this request in light of the applicants concerns and indicated they were satisfied to allow some flexibility in the re sheeting of Leigh Place and Corns Place allowing for it to be replaced should Council consider that any damage during construction warranted this. Thus relevant conditions will allow for this flexibility.

207. In relation to the re-sheeting of Bridge Road, Council's Traffic Engineers provided the following advice:

- (a) *The road pavement of Bridge Road is located some distance from the construction site. The probability of damage caused on Bridge Road would be less compared to the footpath. On that basis we are happy to not include this item as a Condition. However, should the road pavement of Bridge Road be damaged the developer would be responsible to resurface the Bridge Road road pavement to the relevant authority's satisfaction and at the Permit Holder's cost.*

208. Based on this advice and subject to conditions outlined above, these items are considered to be satisfactorily addressed.

209. The engineers in subsequent advice (along with Council's Internal Urban Design Unit) also requested that the existing bluestone kerbing to the footpaths be retained or replaced to match existing (ie not replaced with concrete kerb). They also provided further detail on the maximum permitted protrusions under the Building Regulations of the overlooking screens to Corns Places (of a minimum height clearance of 2.7m and maximum permitted protrusion of 240mm from the building line); to facilitate their request that these protrusions be nominated on the plan by way of condition.

210. Council's Internal Urban Design Unit indicated the existing surface mounted hoops are problematic from a maintenance perspective and requested they be replaced with in ground mounted hoops. A condition could address this. They further requested a different pavement material be used to the building external entry ways from Bridge Road within the property boundary to differentiate between public and private space and that this area have no steps / a seamless transition to the footpath. Conditions can address these items.

211. Remaining outstanding issues raised by the Engineers include providing detail of a 40mm lip to the basement entrance (to prevent flooding issues) along with a cross section to demonstrate vehicles access can be gained without bottoming out. The applicant and Council's Traffic Engineers have agreed these can be required by way of condition.
212. Along with Council's Urban Design Unit, the engineers requested the number of sign poles (4) and associated signs (7) be consolidated and repositioned on the Bridge Road and Leigh Place footpaths to improve clear paths of travel for pedestrians. They provided subsequent advice that Council's Transport Engineers would be best positioned to provide this advice. They indicated that all 7 signs were necessary and so the number of signs could not be practically consolidated. They also indicated 3 of the sign poles were already appropriately located to maximise clear paths of travel.
213. Only one sign post was of concern to them. The post contains a 'Stop', '40 Ahead' and 'No Entry' signs, with the post currently located in the middle of the Leigh Place footpath close to the Bridge Road intersection and does restrict a clear path of travel at this point. To improve this and to maximise the available clear path area, it was recommended this sign is repositioned to be as close as practicable to the south-west corner of the building at No. 129 Bridge Road. A condition could require this.
214. In addition, a number of standard conditions and notes were outlined by Council's Engineers. These include matters relating to protection of Council's assets, allowing for service doors to be appropriately latched to the building when in an open position, construction of the crossover, re-sheeting the footpath post development, drainage, the submission of a Construction Management Plan, adjustment of car parking sensors and road line marking to be approved by relevant council departments and liaising with the relevant service authorities regarding adjustments to their assets.

Loading/unloading

215. Given the small scale of the food and drink premises, deliveries of goods would be undertaken by small vans or small commercial vehicles. These can utilise the on-site loading bay proposed to the rear of the site. As such, the proposed development will have little or no impact on the movement of traffic or on-street car parking around the site, with deliveries able to be undertaken wholly inside title boundaries.

Waste management

216. The basement waste storage room is to be serviced by private collection with waste management vehicles accessing the basement for collection. Council's Traffic Engineers are satisfied that truck ingress and egress to and from the building can be achieved. Council's Contracts Services Unit reviewed the submitted waste management plan and indicated it was satisfactory. A condition will require that waste management operations are carried out in accordance with the procedures outlined in the submitted Waste Management Plan.

Bicycle parking

217. A double height/mezzanine end of trip bicycle facilities (EOTF) is proposed measuring 60sqm on the lower level and 54sqm on the upper level. The EOTF contain a male and female change room on the lower level. The male facilities contain 2 toilets, 2 showers and 8 lockers. The female facilities contain 2 toilets, 3 showers and 14 lockers. The upper level EOTF contain 25 bicycle spaces, a DDA bathroom with shower and 9 lockers. A lift and stairs provide access between the lower and upper levels of the EOTF. Four visitor spaces are proposed in the form of two new bike hoops to the bridge road frontage, with a further two existing bike hoops to be retained.

218. The application was referred to Council's Strategic Transport Unit who indicated the provision of bicycle spaces significantly exceed Best Practice Standards and so was acceptable. As discussed in detail earlier and in line with Council's Engineers and Urban Design comments, the Strategic Transport Unit also requested 2 of the 4 bicycle hoops to the Bridge Road footpath be removed to reduce clutter/obstacles on the footpath. While this results in visitor spaces falling short of the requirements by 1 space, the 17 additional staff spaces beyond the 8 required appropriately justify the short fall for visitor spaces.
219. The Strategic Transport Unit also recommended that car parking areas should be electrically wired to be 'EV ready' to enable future installation of Electric Vehicle charging stations. They also reviewed the submitted Green travel Plan and indicated it was acceptable save for a requirement it will be reviewed and updated every five years. The applicant is agreeable to conditions to this effect.

Development Contributions

220. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 8 (North Richmond) and the development infrastructure levy is applicable to the two additional dwellings as well as the additional retail and office floor space.
221. A condition will be included outlining the requirements for the payment of the development infrastructure levy whilst a note will be included outlining the requirements for the payment of the community infrastructure levy, in accordance with the relevant statutory requirements for each levy type.

Objector concerns

222. The majority of the issues which have been raised by the objectors have been addressed within this report, the following section provides a recap of the issues raised by objectors.
- (a) Visual bulk, insufficient upper level setbacks and height issues.
 - (i) This issue has been discussed extensively within the *Heritage, Urban design and Built Form* assessment between paragraphs 111-164.
 - (b) Proposal not respectful of heritage place and neighbourhood character.
 - (i) This issue has been discussed within the *Heritage, Urban design and Built Form* assessment between paragraphs 111-164.
 - (c) Lack of on-site car parking.
 - (d) Increased traffic generation impacting the operation of Corns Place.
 - (e) Increased demand for on-street parking spaces.
 - (i) Related traffic issues have been discussed extensively between paragraphs 192 and 202.
 - (f) Noise, shadowing and overlooking to residential properties.
 - (i) These issue have been discussed extensively between paragraphs 175 and 183.
 - (g) Over supply in office and food and drinks premises space.
 - (h) Blocking views.
 - (i) Impacts to property values
 - (i) The Yarra Planning Scheme does not include any policy objectives in relation to the protection of property values, blocking of long-range views from private dwellings. Nor does it offer specific controls to prevent applicants applying for office and food and drinks premises uses in a Commercial 1 Zone. As such these issues are not relevant planning considerations.

Conclusion

223. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported, subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN20/0084 for the development of the land for partial demolition, construction of a multi-storey extension to the existing building and a reduction of car parking requirements of the Yarra Planning Scheme at No 129-135 Bridge Road 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 BG Architects, dated 15 February 2021 and plan numbers TP003, TP004, TP100-108, TP200-205, TP300-302 and TP500 all issue D but amended to include:
 - (a) Detail at a scale of 1:50 of the replacement central first floor window at No.131 Bridge Road and with evidence provided to show it will match the size, materials and general appearance of the retained first floor windows,
 - (b) The 3 existing historic plaques detailing the past occupants of each building and the interpretative sign detailing tram laying works on Bridge Road to be retained,
 - (c) A plan notation stating car parking areas will be electrically wired to be 'Electric Vehicle ready' to enable future installation of Electric Vehicle charging points;
 - (d) Confirm a total of two new bicycle hoops will be provided to the Bridge Road frontage through the replacement of the two existing hoops,
 - (e) Section detail of the angled fin screens to Leigh Place and Corns Place and to demonstrate no reasonable overlooking to properties opposite while maximising downwards passive surveillance to the adjoining public footpaths and roadways,
 - (f) The width of the vehicle accessway doorway,
 - (g) A convex mirror provided either side of the vehicle entrance,
 - (h) The dimensions of accessible car space and adjacent shared area,
 - (i) Notation stating any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened,
 - (j) The metal louver screens to Corns Place windows to protrude a maximum of 0.24m from the building line and be installed a minimum of 2.7m above the road pavement,

- (k) Corrected notations for screening to Corns Place to refer to screening of Ground Floor and Level 1 windows only,
 - (l) The pole to the 'Stop', '40 Ahead' and 'No Entry' signs, located in the middle of the Leigh Place footpath close to the Bridge Road intersection to be repositioned to be as close as practicable to the south-west corner of the building at No.129 Bridge Road,
 - (m) A 1:20 vehicle crossing ground clearance check for a B99 design vehicle with appropriate levels provided in accordance with Council's 'Vehicle Crossing – Cross Section' information sheet and to demonstrate the following:
 - (i) access into and out of the development can be achieved without bottoming out,
 - (ii) show the reduced level of the north and south edge of Corns Place, the centreline of Corns Place, the edges and invert of the bluestone drain and the finished floor level of the slab, and
 - (iii) provided with a 40mm lip from the edge of Corns Place to the finished floor level of the front edge of the slab at ground level.
 - (n) Further detail of materials as follows:
 - (i) Detail of the bronze MC4 cladding to conform between the material schedule and plans, and
 - (ii) A plan notation stating the minimum necessary extent of pointing will be used to the proposed red face brick facades.
 - (o) Any requirement of the amended Sustainable Management Plan required by condition 5 of this planning permit (where relevant to show on plans), and
 - (p) Any requirement of the amended Wind Assessment required by condition 9 of this planning permit (where relevant to show on plans).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, BG Architecture 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.

Structural Report Requirement

4. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works (including basement construction) to ensure their retention.

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 GIW Environmental Solutions and dated 30 January 2020, but modified to include:

- (a) Clarify operable windows on ground floor west wall to create effective cross-ventilation or a mechanical fresh air supply be provided that achieves a minimum of 50% above the Australian Standard,
 - (b) Provide JVC modelling to support energy efficiency and greenhouse claims, including comparisons against reference building for the building fabric, fabric of services, and entire proposal,
 - (c) Clarify basement CO2 ventilation strategy,
 - (d) Clarify internal lighting improvement using NCC 2016 or NCC 2019,
 - (e) Provide modelling from solar panels to illustrate kWh produced annually and the percentage of buildings energy requirements met on-site,
 - (f) Clarify metering for individual tenants,
 - (g) Provide more details regarding stormwater filtration strategy,
 - (h) Clarify and consider additional materials to include recycled components (i.e. insulation),
 - (i) The SMP and associated credits claimed updated to show a maximum of two visitor bicycle hoops to Bridge Road, and
 - (j) Confirm Head contractor to be accredited with ISO14001.
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.

Façade Strategy

7. 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 facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; and
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
 - (i) Detail of the bronze MC4 cladding confirming a matt finish and particulars of the product chosen; and
 - (ii) Detail of the red face brick demonstrating a high-quality external finish with uniform/not-recycled brick appearance without the use of brick 'snap' technique.

Waste Management Plan

8. The provisions, recommendations and requirements of the endorsed Waste Management Plan by Ratio Consultants and dated 4 August 2020 must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Wind Assessment

9. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 13 January 2020, but modified to include:
- (a) The wind criteria to be used for the assessment should be defined and industry recognised, such as the wind comfort and safety criteria defined in the Victorian Better Apartments Design Standards,
 - (b) The wind effects must be assessed on the surrounding streetscapes and on private terraces within the development and must satisfy the following criteria:
 - (i) Walking comfort for streetscapes and roof terrace,
 - (ii) Standing comfort for building entrances, and
 - (iii) Sitting comfort for level 2 and 5 terraces.
 - (c) The provision of wind tunnel testing to quantify the wind conditions and the effectiveness of the proposed wind mitigation strategies.
10. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by management by Ratio Consultants dated 30 January 2020, but modified to include:
- (a) Provisions for the Green Travel Plan to be updated not less than every five years.
12. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

13. 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 by John Patrick Landscape Architects dated February 2020 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.

Civil Works

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the entire width of the Leigh Place and Corns Place road pavement must re-sheeted and profiled (grounded by 50mm) for the entire width of the property frontage if required by the Responsible Authority:
 - (a) at the permit holder's cost, and
 - (b) to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the entire footpath frontage to the Leigh Place and Bridge Road must be demolished and re-instated as standard footpath with a maximum 1-40 cross-fall and with bluestone kerb and channel retained/reinstated. A different pavement material is to be used to the building external entry ways from Bridge Road within the property boundary, with a seamless transition / no steps provided within these setback areas:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing and drain outlets 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.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, The two existing surface mounted bicycle hoops to the Bridge Road frontage must be removed and replaced with a total of two brushed stainless steel bicycle hoops with in ground footings and must be installed as per Technical Notes : City of Yarra Public Domain Manual and be setback a minimum of 600m from existing service poles:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,
 - (c) to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
19. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
20. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

21. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of street signs, pits, drainage infrastructure, power/service poles and car parking spaces (including car space line markings and footpath parking sensors) necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
- 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 car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

23. 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.

General

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity, and
 - (e) 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. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
28. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
29. 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.

30. 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.
31. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
32. 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.
33. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

Provision must be made for drainage of the site to a legal point of discharge.

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch on 9205 5585 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 business owners and employees within the development approved under this permit will not be permitted to obtain business or visitor car parking permits.

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.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5585 for further information.

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

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.

Attachments

- 1 PLN20/0084-129-135 Bridge Road-Subject Site Map
- 2 PLN20/0084-129-135 Bridge Road, Richmond-Decision plans (Section 57A amended)
- 3 PLN20/0084-129-135 Bridge Road-Landscape plan
- 4 PLN20/0084-129-135 Bridge Road- External urban design advice (Advertised plans)
- 5 PLN20/0084-129-135 Bridge Road-External urban design advice (Section 57A amended plans)
- 6 PLN20/0084-129-135 Bridge Road Richmond-Heritage advice (Advertised plans)
- 7 PLN20/0084-129-135 Bridge Road,Richmond-Heritage comments (without prejudice plans)
- 8 PLN20/0084-129-135 Bridge Road-Strategic Planning comments
- 9 PLN20/0084-129-135 Bridge Road-ESD comments
- 10 PLN20/0084-129-135 Bridge Road-ESD further clarification memo
- 11 PLN20/0084-129-135 Bridge Road-Engineering comments (Advertised plans)
- 12 PLN20/0084-129-135 Bridge Road-Traffic Engineering comments (Section 57A amended plans)
- 13 PLN20/0084-129-135 Bridge Road, Richmond-Transport Engineers comments
- 14 PLN20/0084-129-135 Bridge Road, Richmond-Strategic Transport comments
- 15 PLN20/0084-129-135 Bridge Road-Wind comments
- 16 PLN20/0084-129-135 Bridge Road-Contracts Services comments
- 17 PLN20/0084-129-135 Bridge Road-Landscape comments