



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 26 November 2014 at
6.30pm in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Geoff Barbour
Councillor Jackie Fristacky
Councillor Misha Coleman

- I. ATTENDANCE**
Danielle Connell (Co-ordinator Statutory Planning)
Laura Condon (Senior Statutory Planner)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.
Council acknowledges the Wurundjeri
community as the first owners of this
country.***

***Today, they are still the custodians of
the cultural heritage of this land.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the cultural
heritage of Yarra."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

1. Committee business reports

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1.2	30 Manton Street, Richmond - Planning Application PLN13/0688 - Development of the land for the construction of three, three-storey town houses.	68	90
1.3	58 Hunter Street, Richmond VIC 3121 - Planning Permit Application No. PLN14/0058	103	125
1.4	42 Kelso Street, Cremorne PLN14/0667 - Reduction in car parking requirements associated with an office use (no permit required) under Clause 52.06 of the Yarra Planning Scheme	145	156

137 Queens Parade, Clifton Hill - PLN14/0209

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 137 Queens Parade, Clifton Hill, which seeks approval for development of the land for buildings and works consisting of a four storey building, for the use of 18 dwellings and 3 food and drink premises (no permit required use for food and drink premises) and a reduction in the car parking requirement, including demolition of the existing building. The report recommends approval, subject to conditions.

Background

2. Planning application PLN12/1081 was refused by VCAT on 26 April 2012 for partial demolition and the construction of a four-storey building (plus basement) accommodating shops, dwellings and associated car parking on the subject site.
3. The application was lodged on the 18 March 2014 for a four storey building, for the use of 18 dwellings and 3 food and drink premises and a reduction in the car parking requirement, including demolition of the existing building. Following the submission of further information, the application was advertised and 18 objections were received, and 1 letter of support.
4. A consultation meeting was held on the 12 August 2014 and was attended by the applicant, objectors, and Council officers.

Key Planning Considerations

5. Key planning considerations include:
 - (a) Clause 22.02 – Development Guidelines for Site Subject to the Heritage Overlay;
 - (b) Clause 22.05 – Interface Uses Policy;
 - (c) Clause 22.07 – Development Abutting Laneways;
 - (d) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)
 - (e) Clause 34.01 – Commercial 1 Zone;
 - (f) Clause 43.01 – Heritage Overlay;
 - (g) Clause 45.03 – Environmental Audit Overlay;
 - (h) Clause 52.06 – Car Parking;
 - (i) Clause 52.07 – Loading and unloading of vehicles;
 - (j) Clause 55 – Two or more dwellings on a lot and residential buildings.

Key Issues

6. The key issues for Council in considering the proposal relate to:
 - (a) Use (Commercial 1 Zone and Interface uses policy);
 - (b) Buildings and works (Clause 15 and Commercial 1 Zone)
 - (c) Heritage;
 - (d) Development abutting laneways
 - (e) Car parking;
 - (f) ESD;
 - (g) Objector Concerns; and
 - (h) Other Matters.

Objector Concerns

7. Eighteen (18) objections were received to the application and one (1) letter of support. Issues of concern raised can be summarised as:

- (a) Heritage concerns (proposal inconsistent with streetscape);
- (b) Height of proposed building in relation to adjacent properties;
- (c) Design not responding to previous VCAT decision;
- (d) Overdevelopment of site;
- (e) Car parking (including reduction of spaces, proposed access to the site and noise);
- (f) Increased traffic generation;
- (g) Off-site amenity impacts (including overshadowing and overlooking);
- (h) Other concerns – waste management, building concerns.

Conclusion

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

CONTACT OFFICER: David Cameron
TITLE: Statutory Planner
TEL: 92055330

1.1 137 Queens Parade, Clifton Hill - PLN14/0209

Trim Record Number: D14/135375

Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for buildings and works consisting of a four storey building, for the use of 18 dwellings and 3 retail premises (no permit required use for retail premises) and a reduction in the car parking and loading requirements, including demolition of the existing building.
Existing use:	Vacant lot (previous building fire damaged)
Applicant:	Marjorie Kennedy (SJB Planning)
Zoning / Overlays:	Commercial 1 Zone Heritage Overlay (Schedule 330) Environment Audit Overlay
Date of Application:	17 June 2013
Application Number:	PLN14/0209

Planning History

1. Planning application PLN12/1081 was refused by Council and upheld by VCAT on 26 April 2012 for partial demolition and the construction of a four-storey building (plus basement) accommodating shops, dwellings and associated car parking on the subject site. In refusing the application, VCAT provided the following advice for any future application:
 - Any fourth level should be reduced in size and (further) setback from the Gold Street and Queens Parade frontages to minimise any impact on the streetscapes.
 - The gold street façade lowered to not exceed the height of corner hotel buildings eastern elevation.
 - The buildings Queens Parade façade should respond to the existing characteristics of heritage streetscape.
2. Previous permits have been granted to the site when it functioned as part of 139 Queens Parade (with the former Normanby Hotel, now Rubber Duck café), however, these permits are not applicable after the subdivision of the site.

Background

3. The application was lodged on 18 March 2014 and proposes a four storey building, for the use of 18 dwellings and 3 retail premises, a reduction in the car parking requirement, including demolition of the existing building. Following the submission of further information, the application was advertised and 18 objections were received, and one letter of support.
4. A consultation meeting was held on 12 August 2014 and was attended by the applicant, objectors, and Council officers and resulted in no agreed upon changes to the proposal.

Existing Conditions

Subject Site

5. The subject site is located in Clifton Hill on the southern side of Queens Parade, approximately 20m west of the intersection with Gold Street. The site has a dual frontage, with the site bordering Gold Street through an irregular shaped lot at the rear (east) boundary of the site. The site is also bordered by a laneway to the south.

6. The subject site has a frontage to Queens Parade of 17.53m, and has a rear (Gold Street) boundary length of 14.51m. The southern (side) boundary has a length of 19.78m running southeast adjacent to Queens Parade, before redirecting on an eastern course for 16.74m intersecting with Gold Street. The northern boundary proceeds south east from Queens Parade for a length of 10.6m, then proceeding northeast for 2.6m. The boundary then turns south for 8.6m, before proceeding east for 7m intersecting with Gold Street.
7. The total site area of the site is approximately 538sqm.
8. Currently the subject site is occupied by a single storey commercial building accessed via a main entrance on Queens Parade, which has been partially demolished and damaged by fire. The building (which has applied to have the demolition approved retrospectively) was situated adjacent to the front boundary and the building and had close to complete site coverage, apart from a 22.64sqm area of an open concreted area, adjacent to the west (side) boundary.
9. The building had a rear roller door accessed via Gold Street, accessed from a single width crossover opposite the rear (south) laneway.

Surrounding Land

10. The land surrounding the subject site is within a Commercial 1 Zone and a General Residential Zone to the east (excluding properties fronting Queens Parade) and to the south of the subject site beyond the immediately neighbouring property.
11. Abutting the site to the east is a double storey, former Victorian-era hotel (the Normanby Hotel), currently utilised as the rubber duck café. This building is constructed to the Queens Parade frontage, and the Gold Street frontage (as it is on the corner of these two streets) with the main entrance on the corner of the Gold Street and Queens Parade. The site has 100% site coverage and is built to the entirety of the western boundary adjoining the subject site.
12. Abutting the site to the west is a modern double storey building with a commercial frontage at ground floor. This building is constructed to Queens Parade frontage, with the front entrance at ground floor recessed below the first floor. The building is constructed to all four boundaries and has 100% site coverage, and is constructed with a double storey wall height along the eastern boundary for the length of the lot.
13. To the immediate south of the site, the subject site abuts a Right-of-Way (ROW), which provides access to the rear of the sites. Beyond the ROW is a side boundary wall and rear private open space of a single storey Victorian-era building fronting Gold Street to the east, with a double storey extension at the rear of the site.
14. To the north of the subject site is Queens Parade, a dual lane arterial road, with service lanes on either side of the road and a central tram line. On the northern side of Queens Parade, opposite the subject site, is a row of double-storey predominantly heritage buildings fronting Queens Parade with shopfronts at ground floor. The character of built form consists of limited (or no) front setbacks and high levels of on boundary development.
15. Generally, this section of Queens Parade (located in between Gold Street and Wellington Street) has an evident historical built form character, with buildings being predominantly double storey in height. There are examples of modern developments within the area (notably to the immediate west of the subject site), and larger developments (above two stories) along the extent of Queens Parade.
16. This section of Gold Street (between Queens Parade and Hodgkinson Street) has a variety of development, including side boundary development, and historical built form, generally at a single or double storey scale and varied between commercial and residential uses.

17. The site is located within the Queens Parade Neighbourhood Activity Centre. Queens Parade is also the closest public transport to the site with a centralised tram line.

The Proposal

18. The proposal is for a four storey building to be used as 18 dwellings, and 3 retail premises (no permit required for the retail premises) and a reduction in the car parking requirement, including demolition of the existing building. Specifically the application proposes:

19. Demolition

- (a) Demolition of the existing single storey building, and removal of all elements of existing built form from the site, including roofing and concrete.

20. Construction and Works

- (a) Construction of a four storey building, with details as follows.

Ground floor

- (i) The ground floor would feature three food and drink premises, a residential foyer, services room, bicycle and bin storage area (with 21 bicycle spaces), and five bay car stackers with capability to hold 14 vehicles.

The ground floor of the building would be built to the front (Queens Parade) boundary, with the three retail premises setback between 0.5m-0.8m with the front façade having a staggered setback and a canopy overhanging the Queens Parade footpath.

The ground floor is built along the entirety of the west (side) boundary, and is setback consistently 0.25m from the east (side) boundary. The ground floor is to be built partially along the Gold Street boundary, with a recessed residential entry, and an open area to be available for car parking movements from the undercroft car stackers, accessed via the southern ROW. The south boundary of the site, at ground floor is setback a minimum of 3.3m from the proposed car stackers and south pedestrian access.

Vehicle access will be via a rear (southern) ROW, accessed via Gold Street to the east. Vehicles will access the previously mentioned car stackers via a driveway, which extends the ROW width to 6.4m opposite the stackers to allow for vehicle turning movements. The new driveway will have a gradient between 3%-5% accessing the car park stackers.

First floor

- (ii) The first floor of the building will feature four one bedroom apartments and three two bedroom apartments, all with associated balcony areas.

The building is constructed with angled frontages constructed to the Queens Parade (front) boundary and setback up to 0.5m. The first floor is constructed to the west (side) boundary for its entire length. The building is also setback a consistent 0.25m from boundary. The first floor is constructed along the length of the south boundary, featuring a combination of walls and balcony screening. The first floor will be predominantly constructed to the Gold Street boundary, with a 3.5m section of the first floor on the north east rear corner having a setback between 1m-1.85m. Additionally, the Gold Street boundary development has a 1m setback, for a length of 0.4m, located 2m from the south boundary between two balcony areas.

Two bedrooms (1 each associated with units 102 and 103) have no direct access to daylight at first floor.

Second floor

- (iii) The second floor will also feature four one bedroom apartments and three two bedroom apartments. The second floor has a largely similar layout to the first floor, with angled frontages to Queens parade being constructed to the boundary and setback a maximum 0.5m from the boundary.

The second floor west wall is constructed to the boundary for the entire length of the lot, and the east wall is constructed with a consistent 0.25m setback. The Gold Street boundary has a setback between 1m-1.85m at its furthest northern extent, for a length of 3.5m, before being constructed to the boundary, with a 1m setback, 2m from the south boundary, for a length of 0.4m. The south wall will be constructed for its entire length on the boundary.

Two bedrooms (1 each associated with units 202 and 203) have no direct access to daylight on the second floor.

Third floor

- (iv) The third floor will feature two, two bedroom apartments and two one bedroom apartments has a 3m setback from proposed balcony areas from the Queens Parade boundary, and a 6m setback to the northern wall of the building.

The west boundary wall is constructed for a length of 17.4m on the boundary closest to Queens Parade, before being setback between 0m-0.8m from the boundary for a length of 2.5m. The west wall is to be constructed with a 0.25m setback from the boundary for 7.6m closest to Queens Parade. Due to the irregular shape of the lot, the wall then proceeds a further 1.5m setback between 1.5m-2.7m from the boundary. The wall is then constructed south for a length of 6m. The wall then proceeds east for a length of 3.7m setback between 0.25m-8.8m from the boundary. The third floor balcony areas are setback 4.5m from the Gold Street boundary, for a length of 13.2m. The wall of the third floor apartments is setback 6.95m for a length of 11.2m. The south balcony wall is setback 1m from the south boundary for a length of 12m. The third floor apartment wall is setback 3m, for a length of 9.7m.

Heights and Setbacks

- (v) The proposed building has a front façade (Queens Parade) that will have a façade height of 9.5m. The setback third storey will have a maximum height of 12.92m. The rear Gold Street façade has a maximum façade height of 9.96m, with the setback third floor having a maximum 13.46m height.
- (vi) The south wall of the building is constructed for a 16.74m length to a 9.96m height comprising the undercroft parking area, and the first and second floor. The wall is then constructed for a 13.95m length, to a height of 10.96m, which is setback comprising the third floor balustrade. The wall is then constructed to a 13.46m height for a 11.7m length, consisting of the third floor wall. A services screen sits above the roof to a height of 14.66m.
- (vii) The south west wall is constructed along the boundary for a 23.8m length consisting of the ground first and second floor (including balconies), the wall is then constructed to a 17.4m length to a 12.92m height comprising of the third storey.

- (viii) The eastern wall is generally setback from the boundary 0.25m for the ground, first and second floor to a height of 12.92m. The wall at the third storey is recess from the boundary, beginning 10.5m from the front boundary and is setback between 1.3m-2.7m.
- (ix) The height of the building from Gold Street would be 13.46m, and 12.92m from Queens Parade, with the maximum height of the built form above ground level would be 14.4m, with a lift overrun and services screen placed above the roofing of the third storey.

21. General

- (a) The building will have a flat roof form, with a services area placed centrally above the roof form. A canopy is placed above the ground floor Queens Parade frontage and external blinds are to be applied to the third floor apartments.
- (b) Areas of SPOS are provided in the form of balconies to dwellings, ranging in size between 5sqm-27sqm.
- (c) A five car stacker system is located opposite the rear ROW. The five ground level entries to the stacker system are 2.8m wide and 5.5m deep, which provide for storage of 14 cars.
- (d) Lift and stair access is provided to each level from ground floor.
- (e) Site coverage is proposed to be 100% given the setbacks along the eastern (side) boundary are currently occupied by the roofing of the neighbouring property to the east.

22. External Materials and Finishes

- (a) The new building will feature:
 - (i) Hit and miss white coloured brickwork to the front (Queens Parade) façade.
 - (ii) Selected brickwork to the separation between the existing hotel and the proposed building, the Gold Street façade and screening, and news walls.
 - (iii) Roughcast render to be applied to the Gold Street façade and south wall.
 - (iv) Clear and obscure glazing to the shopfront, windows, and balcony balustrades.
 - (v) Zinc cladding to the southern wall and southeast corner of the site.

23. Environmentally sustainable design features

- (a) Placement of an 8000L water tank, underneath the driveway entrance to the car stackers.
- (b) Planter boxes will be placed along the southern ROW boundary at the second floor.
- (c) Placement of external window blinds and canopies at ground floor facing Queens Parade.
- (d) Internal heating and cooling with low efficiency split systems.
- (e) A central gas hot water system.
- (f) No heat recovery ventilation systems will be utilised.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

- 24. Pursuant to Clause 34.01-1 of Yarra Planning Scheme (the Scheme), a planning permit is required for use of the site for accommodation (dwellings), as the proposal has a frontage at ground level that exceeds 2m along the Gold Street frontage.
- 25. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

Road Zone

26. Pursuant to clause 36.04-2 of the Scheme, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1 of the Scheme. The works shown protruding into the Road Zone (located adjacent to the Queens Parade frontage) are associated with the ground floor food and drinks premises, which is a Section 2 use, a permit is required for the front awnings which extend over the road reserve.

Overlays

Heritage Overlay

27. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, and to construct a building or to construct or carry out works. Pursuant to Schedule 330 (Queens Parade Precinct, North Fitzroy/Clifton Hill) to the Overlay, external paint controls also apply to the site.

Environmental Audit Overlay

28. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
29. As the proposal includes the use of dwellings, any permit issued will include a note that the requirements of the overlay are to be met.

Particular Provisions

Clause 52.06 – Car Parking

30. Pursuant to Clause 52.06-2 of the Scheme before a new use commences the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.
31. The proposal has provided 14 car spaces for the residential component of the proposal. The residential use, combined with the three food and drink premises have a 29 space requirement under Clause 52.06-5 of the Scheme. Therefore pursuant to clause 52.06-3 of the Scheme a technical reduction of 15 spaces is required and a permit is required reduce the number of car parking spaces required under Clause 52.06-5. The following table assists with explaining the reduction being sought:

Use	Car parking rate	Requirement	Provision
1 and 2 Bedroom dwellings	1 per dwelling	18 car spaces (for 18 dwellings)	14 spaces provided
Visitor spaces	1 for every 5 dwellings	3 spaces required	0 spaces provided
Café (food and drinks premises)	4 to each 100sqm leasable floor area	8 spaces required (combined total of 215sqm of leasable floor area at ground floor)	0 spaces provided
Total		29 car space reduction (reduced to 15 car space reduction with	14 spaces provided

		the provision of 14 car spaces on site).	
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32. Pursuant to Clause 52.07 of the Scheme no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless the minimum loading bay requirements are provided on site. No loading bay has been provided in association with the three food and drinks premises. There a waiver of the loading bay requirements is sought by the applicant.

Clause 52.34 – Bicycle facilities

33. Pursuant to clause 52.34-2 a permit is required to vary, reduce or waive the bicycle facilities requirement. The proposal has a bicycle space requirement of six spaces. The development proposes 21 bicycle spaces exceeding the requirement. Therefore no permit is required under the provision.

General Provisions

Clause 65 – Decision Guidelines

34. The Decision Guidelines outlined in Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

State Planning Policy Framework (SPPF)

35. The following clauses are of relevance to this application:

Clause 11.01-1 (Activity centre network)

36. The objective is *to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

37. The following (relevant) strategies are provided to achieve this:

Develop a network of activity centres that:

- (a) *Is a focus for business, shopping, working, leisure and community facilities.*
- (b) *Provides different types of housing, including forms of higher density housing.*
- (c) *Is connected by public transport and cycling networks.*
- (d) *Maximises choices in services, employment and social interaction.*

Clause 13.03-1 (Use of contaminated and potentially contaminated land)

38. The objective is *to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

39. The relevant strategy is to:

- (a) *Require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.*

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1 (Urban design)

40. The objective is *to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

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

Clause 15.01-2 (Urban design principles)

42. The policy objective is *to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
43. The strategy to achieve this is *to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.* Clause 55 is listed as a decision guideline to the Commercial 1 Zone (Decision guidelines for buildings and works).

Clause 15.01-4 (Design for safety)

44. It is an objective *to improve community safety and encourage neighbourhood design that makes people feel safe.* The Clause includes several strategies to achieve this objective.

Clause 15.01-5 (Cultural identity and neighbourhood character)

45. It is an objective *to recognise and protect cultural identity, neighbourhood character and sense of place.* The Clause includes several strategies to achieve this objective.

Clause 15.02-1 (Sustainable development: Energy and resource efficiency)

46. It is an objective *to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

47. The clause has the following strategies:

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

Clause 15.03 (Heritage)

48. Clause 15.03-1 (Heritage Conservation) of the Scheme seeks *to ensure the conservation of places of heritage significance.*

Clause 16.01-1 (Residential development: Integrated housing)

49. It is an objective *to promote a housing market that meets community needs.* The Clause has the following relevant strategies:
- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
 - (b) *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
 - (c) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
 - (d) *Encourage housing that is both water efficient and energy efficient.*

Clause 16.01-2 (Location of residential development)

50. It is an objective *to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport*. The Clause has the following relevant strategies:
- (a) *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
 - (b) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
 - (c) *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
 - (d) *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

Clause 16.01-3 (Strategic redevelopment sites)

51. It is an objective *to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne*. The following strategies are relevant:
- (a) *Identify strategic redevelopment sites that are:*
 - *In and around Central Activities Districts.*
 - *In or within easy walking distance of Principal or Major Activity Centres.*
 - *In or beside Neighbourhood Activity Centres that are served by public transport.*
 - *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.*
 - *In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
 - *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

Clause 16.01-4 (Housing diversity)

52. It is an objective *to provide for a range of housing types to meet increasingly diverse needs*. The Clause has the following strategies.
- (a) *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
 - (b) *Encourage the development of well-designed medium-density housing which:*
 - (i) *respects the neighbourhood character;*
 - (ii) *improves housing choice;*
 - (iii) *makes better use of existing infrastructure;*
 - (iv) *Improves energy efficiency of housing.*
 - (c) *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
 - (d) *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Clause 16.01-5 (Housing affordability)

53. It is an objective *to deliver more affordable housing closer to jobs, transport and services*. The following strategy is relevant:
- (a) *Improve housing affordability by:*
 - *Ensuring land supply continues to be sufficient to meet demand.*
 - *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*

- *Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.*
- *Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.*

Clause 17.01-1 (Business)

54. *It is an objective to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The Clause has the following strategies.*
- (a) Locate commercial facilities in existing or planned activity centres.*
 - (b) Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
 - (c) Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*
 - (d) Provide outlets of trade-related goods or services directly serving or ancillary to industry and which have adequate on-site car parking.*
 - (e) Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres. Such facilities should not require a permit for use within activity centres and are not encouraged on freestanding sites.*
 - (f) A five year time limit for commencement should be attached to the planning approval for all shopping centres or expansions of over 1,000 square metres in floorspace.*

Clause 18.01-1 (Land use and transport planning)

55. *It is an objective to create a safe and sustainable transport system by integrating land-use and transport.*

Clause 18.02-1 (Sustainable personal transport)

56. *It is an objective to promote the use of sustainable personal transport. The Clause has the following strategies.*
- (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 development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*
 - (d) Ensure cycling routes and infrastructure are constructed early in new developments.*

Clause 18.02-5 (Car parking)

57. *It is an objective to ensure an adequate supply of car parking that is appropriately designed and located. The Clause has the following strategies.*
- (a) Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.*
 - (b) Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
 - (c) Prepare plans for the design and location of local car parking to:*
 - *Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.*
 - *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*

- *Create a safe environment, particularly at night.*
 - *Facilitate the use of public transport.*
- (d) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*
- (e) *Plan adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

59. Clause 21.03 outlines strategic objectives for land use, built form, transport and environmental sustainability within the City.

Clause 21.04 – Accommodation and housing

60. Clause 21.04-1 has an objective to direct appropriate development towards strategic redevelopment sites to accommodate residential growth within Yarra. The following strategies are applicable:

Strategy 1.1: Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.

Strategy 1.2: Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

Strategy 1.3: Support residual population increases in established neighbourhoods.

Strategy 3.1: Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.

Strategy 3.2: Apply the Interface Uses policy at clause 22.05.

Clause 21.05-1 – Built Form: Heritage

61. The objective of this Clause is to *protect and enhance Yarra's heritage places*. Of particular relevance to this application are the following strategies:

Strategy 14.1: Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.

Strategy 14.3: Protect the heritage skyline of heritage precincts.

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.

Strategy 14.8: Apply the Development Guidelines for sites subject to a Heritage Overlay policy at Clause 22.02.

Clause 21.05-2 – Built Form: Urban Design

62. The relevant objectives of this Clause are:

(a) *To reinforce the existing urban framework of Yarra.*

(b) *To retain Yarra's identity of a low-rise urban form with pockets of higher development.*

(c) *To retain, enhance and extend Yarra's fine grain street pattern.*

(d) *To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.06 – Transport

63. 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 21.07-1 - Ecologically Sustainable Development

64. The relevant objective of this Clause is:
- (a) *To promote ecologically sustainable development.*

Clause 21.08 – Neighbourhoods

65. The subject site is located in the 'Clifton Hill' neighbourhood at Clause 21.08-4 of the Scheme and Figure 12 shows it within the Heritage Overlay. The Clause states:
- (a) *This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.*
 - (b) *Clifton Hill has two neighbourhood activity centres.*
 - (c) *The Spensely Street centre is a small convenience centre based around the intersection of Spensely and Berry streets. The centre has a village atmosphere and an attractive streetscape and landscaping. There is limited scope for more intense development of this centre.*
 - (d) *The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.*
 - (e) *A small industrial/ business precinct exists on the north side of Alexandra Parade between Smith Street and Wellington Street. The business focus of this precinct should remain, however flexibility should exist for residential development on the upper levels of buildings and on underutilised sites abutting residential properties.*

Relevant Local Policies

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

66. This Clause applies to all land covered within a Heritage Overlay. The relevant objectives of the policy to the application are as follows:
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To retain significant view lines to, and vistas of, heritage places.*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
 - (f) *To ensure that additions and new works to a heritage place respect the significance of the place.*
 - (g) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.02-5.4 Painting and Surface Treatments

67. The following guidelines are provided regarding painting and surface treatments
- (a) *Encourage the removal of paint from originally unpainted masonry surfaces.*
 - (b) *Encourage the retention of historic painted signs.*
 - (c) *Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.*

- (d) *Encourage paint colours to be consistent with the period of the heritage place.*

Clause 22.02-5.1 Demolition – Removal of Part of a Heritage Place or Contributory Elements

68. Under Clause 22.02-5.1 of the Scheme, the following guidelines are provided for the 'removal of part of a heritage place or contributory elements'.

Removal of Part of a Heritage Place or Contributory Elements

- (a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place;*
- (b) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
- (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s);*
- (ii) *For a contributory building:*
- *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
 - *the removal of the part would not adversely affect the contribution of the building to the heritage place.*
- (c) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

Clause 22.02-5.7 New Development, Alterations or Additions

69. *Clause 22.02-5.7.1 General*

- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
- (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- (iii) *Be visually recessive and not dominate the heritage place.*
- (iv) *Be distinguishable from the original historic fabric.*
- (v) *Not remove, cover, damage or change original historic fabric.*
- (vi) *Not obscure views of principle façades.*
- (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
- (b) *Minimise the visibility of new additions by:*
- (i) *Locating ground level additions and any higher elements towards the rear of the site.*
- (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)*
- (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).*
- (c) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

70. *Corner Sites and Sites with Dual Frontages*

- (a) *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
- (b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

71. *Ancillaries and Services*

- (a) *Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.*

72. Pursuant to the incorporated document 'City of Yarra Review of Heritage Overlay Areas, Graeme Butler and Associates 2007: Appendix 8 City of Yarra Heritage Database, the subject site is classified as 'individually significant' to the Queens Parade Precinct North Fitzroy/Clifton Hill (HO330).

Clause 22.05 – Interface uses

73. The objectives of this clause are as follows:

- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
- (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 – Development Abutting Laneways

74. The objectives of this Clause are as follows:

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

Clause 22.12 – Public open space contribution

75. This policy identifies *the need for new residential development to contribute to the provision of public open space*. The subject site is located in the sub precinct 3068C, which requires a cash contribution equal to the amount specified in clause 52.01 of the Scheme (4.5%).

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

76. This policy was introduced into the Scheme on 13 March 2014 and applies to (as relevant) extensions to existing buildings which are 50 square metres in floor area or greater. Consideration of this policy will be under taken in the buildings and works section of the report and the ESD section for the proposed stormwater measures highlighted in the submitted Sustainable Management Plan.

Amendment C133

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

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

The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):

- Energy efficiency;
- Water resources;
- Indoor environment quality;
- Stormwater management;
- Transport;
- Waste management;
- Innovation; and
- Urban ecology.

A Sustainable Design Assessment (SDA) is required for smaller developments as part of a planning permit application. Smaller developments include: 1-9 dwellings, non-residential development with a gross floor area of between 100m² and 1000m² and non-residential alterations and additions of between 100m² and 1000m².

Larger developments such as residential developments with 10 or more dwellings, or non-residential development greater than 1000m² gross floor area, will be required to submit a Sustainability Management Plan (SMP) and a Green Travel Plan (GTP).

In determining an application, the Responsible Authority will consider as appropriate:

- How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.
- How the development considers:
 - Best practice principles;
 - Innovation;
 - Use of emerging and proven technology; and
 - Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).
- Any relevant adopted policies.

As the proposal is for 18 new dwellings, an SMP has been submitted with the application and referral comments have been received from Council's ESD.

Advertising

78. The application was advertised in accordance with Section 52 of the Act by way of 88 letters sent to the surrounding property owners/occupiers and placement of an advertising sign along both the Queens Parade frontage and the Gold Street frontage.
79. A total of 18 objections were received, raising the following concerns which are summarised as:
 - (a) Heritage concerns (proposal inconsistent with streetscape);
 - (b) Height of proposed building in relation to adjacent properties;
 - (c) Design not responding to previous VCAT decision;

- (d) Overdevelopment of site;
- (e) Car parking (including reduction of spaces, proposed access to the site and noise);
- (f) Increased traffic generation;
- (g) Off-site amenity impacts (including overshadowing and overlooking);
- (h) Other concerns – waste management, building concerns.

80. A total of 1 letter of support was received regarding the proposal.
81. Following the advertising period, a consultation meeting was held on 12 August 2014 to which all objectors, Ward Councillors and the applicant were invited. The meeting was facilitated by Council planning officers, with the applicant as well as several objectors in attendance.

Referrals

External Referrals

82. The application was required by be referred to Vicroads under clause 36.04 of the Scheme. Vicroads advised in a letter dated 3 July, 2014, that it had no comments to make in relation to the proposal. As the decision guidelines under clause 36.04 apply to the road management authority, and Vicroads has no comments in relation to the proposal, no further assessment under the Road Zone is required.

Internal Referrals

83. The originally was referred to the following internal Council departments for comment.
- (a) Heritage
 - (b) Urban Design
 - (c) Engineering
 - (d) Environmentally Sustainable Development
 - (e) Waste management

Heritage

84. The following comments were received from Council's Heritage Advisor:

Demolition

85. *There is no issue with demolition of the additions along Gold Street and Queens Parade. I note that these areas have been damaged by fire and partially demolished.*

Proposed Works

Built Form (height/setbacks)

86. *The overall height is proposed to be 12.92 metres compared with the height of the hotel at 9.42 metres. Given the setbacks at the third floor and the alignment of the façade with the height of the ridge of the hotel this is acceptable along Queens Parade.*

The façade along Gold Street is aligned with the top of the parapet of the abutting building(9.894 metres) and this is acceptable. Given the extensive glazing at the fourth level, where visible, the built form will appear "lightweight" and unobtrusive.

87. *As drawn, the shopfronts along Queens Parade appear to be articulated. They are proposed to have a setback of 600 mm from the property line and with a further recession behind that. Shopfronts in Queens Parade all abut the property line and are all aligned in a single plane. As such the shopfronts are not respectful of "the pattern, rhythm, orientation to the street, spatial characteristics,... and heritage character of the surrounding historic streetscape". There does not appear to be any necessity for this articulated design. Further, shopfronts in Queens Parade overwhelmingly have a solid stallboard (plinth) beneath the window which, inter alia, serves to visually anchor and emphasize the building line. The shopfronts should have zero setback and be aligned in a single plane.*

The small setback of the planter is acceptable because it enables an alcove abutting the hotel building which serves to introduce a visual separation between the old and the new.

88. *There are no setbacks along Gold Street at the ground floor level other than for the pedestrian entrance (1.85 metres) and a driveway from an existing crossover and which abuts the south boundary.*
89. *At the first and second floors the façade is set back from the boundary by 1.85 metres on both street frontages. The balustrade/screen has a minimal undulating setback along Queens Parade and a zero setback along Gold Street. Between the second and third floors is an eave, 850 mm wide, and which is set back 1 metre from the Gold Street boundary. At the third floor the setbacks are 6 metres to the façade and 3 metres to the balustrade along Queens Parade and along Gold Street they are 6.95 metres to the façade and 4.5 metres to the balustrade. These setbacks are either the same or similar to the setbacks of the abutting hotel building or are acceptably increased from the previous proposal (third level). While the setback of the car stacker element is forward of the dwelling at No. 245 Gold Street this reflects the existing setback and in any event is not so far forward as to be detrimental to the setting of the dwelling or the pattern of the streetscape. It is also separated from the dwelling by a ROW.*
90. *The overall building envelope in terms of height and setbacks is acceptable.*
91. *The undulation of the Queens Parade façade at the first and second floors differs from the straight forms of the other buildings in Queens Parade however, it is acceptable because it is minimal and will not appear discordant. Having said that, a conventional straight façade alignment is preferred.*
92. *Rather than having a single composition, the façade at the first and second floors is broken up into four elements which reflects the typical Victorian streetscape pattern and of itself is acceptable. While the horizontally-oriented rectangular openings to the balconies differ from the typical fenestration pattern they are not so unacceptable as to require change.*
93. *The Gold Street façade is generally acceptable however, as drawn the depth of the lower brick balustrade seems out-of-proportion to the remainder of the façade and imparts an overly heavy appearance which is exacerbated by the brick column adjacent to the entrance. These details could be lightened through further resolution.*

Colour/materials

Queens Parade façade

94. *The undulation of the façade at the first and second floor is discussed above. However, the hit-and-miss/mesh brickwork (1b and 2) will be considerably at odds with the smooth render and solid brickwork elsewhere in Queens Parade and in comparison will still appear “busy”. The only example of this in Yarra which springs to mind is in Nicholson Street, Abbotsford where it is alien, jarring and which attracts undue attention. In Queens Parade the proposed façade will draw undue attention and stand out from its abutting neighbours. The façade should be a quiet and polite treatment which allows the heritage buildings to have the strongest, or at least equal voice, and not have a weaker voice as will be the result here.*
95. *The concrete band around the shopfronts and the planter (7A and 7B) are acceptable subject to clarification of the finish – is it to be painted, textured, off-form or something else?*
96. *A “feature canopy” is proposed above the shopfronts and “feature glazing” is proposed for the shopfronts. From the small illustration provided it is impossible to judge exactly what these elements might be and further detail is required.*

97. *Obscure glazing (12) is also proposed between the façade elements at the first and second floors. Similar glazing is proposed for the balustrades (See note on TP 3.11). Again it is impossible to judge the appearance of this glass exactly and further detail is required.*
98. *The external blinds will be minimally visible when extended but would be acceptable subject to colour. A pale neutral colour is preferred.*
99. *Samples of all materials (other than for conventional clear glazing) proposed for either façade are required as any reasonable judgement from small illustrations is impossible.*
100. *Subject to the provision of actual samples of materials proposed, the other materials proposed for this façade are accepted in principle.*

Gold Street façade

101. *The same comments apply to the proposed brickwork and glazing.*
102. *A translucent feature screen (11) is proposed at the ground floor level. From the small illustration provide it appears to be corrugated but it is impossible to judge exactly what its appearance might be and further detail is required.*
103. *Timber privacy screens (10) are proposed between the balconies. From the small illustrations provided this appears to be stained timber. There are numerous examples of originally-stained timber which has not been maintained and which has become unsightly. A different material is preferred but if timber is still proposed then it should be painted.*
104. *Subject to the provision of actual samples of materials proposed, the zinc (8) and roughcast render (9) are acceptable.*
105. *Crossover: existing and acceptable.*

Recommended changes / Comments:

106. *The building envelope is generally acceptable subject to the following changes and provision of information requested.*
107. *A conventional straight façade alignment is preferred to the undulation of the Queens Parade façade at the first and second floors however the proposed treatment is not necessarily unacceptable because it is minimal.*
108. *The shopfronts should have zero setback and be aligned in a single plane and have a stallboard (plinth) beneath the window glazing.*
109. *Delete the hit-and-miss/mesh brickwork and substitute a material which is quieter and a more sympathetic and subtle response to the typical render or exposed brickwork of the buildings in Queens Parade.*
110. *Provide further details of the concrete band around the shopfronts, the shopfront glazing and the canopy above, sufficient to be able to gain a clear understanding of their final appearance. Likewise all translucent and obscure glazing.*
111. *A pale neutral colour is preferred for the external blinds.*
112. *Further resolution of the brickworks to the lower balustrade and column is required on the Gold Street façade to lighten the overall appearance.*
113. *Either change the timber to the privacy screen to some other material or provide a paint colour.*

114. *Provide samples of all of the external materials.*

Urban Design

115. The following comments were received from Council Urban Design department:

Site built form context

116. *The site is located on the south side of Queens Parade, a neighbourhood activity centre and also has frontage to Gold Street. The subject site flanks the corner building formerly the two storey Normanby Hotel now the Rubber Duck café. The existing buildings on the site have been partially destroyed by fire.*
117. *The adjoining streets include some retail frontages with generally two storey Victorian facades fronting Queens Parade. The Gold Street streetscape includes single and double storey Victorian residences. Immediately to the south is a single storey terrace house.*
118. *The surrounding streetscape is predominately composed of heritage buildings including the adjacent buildings with the exception of the building to the west in Queens Parade.*

Development proposal

119. *The development proposal is for a four storey development which presents a three storey facades to Queens Parade and Gold Street. Active frontages (café uses) are provided to the Queens Parade frontage. The third floor is set back from the façades to both street frontages. Street facades are generally brick with varying treatments including an angled treatment to Queens Parade.*
120. *Internal layouts rely on light and ventilation from narrow three storey high light courts or have no access to external light.*

Building height, bulk and scale/streetscape response.

121. *In considering the built form in the context of Queens Parade streetscape the proposed infill in terms of height and façade treatment is appropriate. The interface using a negative detail is also acceptable. Upper level setbacks to the fourth level are also appropriate to ensure the dominance of the street wall façade.*
122. *The infill to Gold Street also relates in respect to scale to the corner heritage building to the north. The one storey transition with the laneway break is also an appropriate transition to the single storey terrace house to the south.*

Façade and design detail, colour and materials

123. *The selection of materials and façade detailing are generally acceptable as it is not a large building in terms of the facades presented to the street, the variety of brick bonds and patterning could be reduced to simplify the facades.*

Internal amenity

124. *While the living spaces have a high level of amenity in respect to access to daylight the bedrooms often have poor amenity. In particular a number of them look out to narrow, multilevel light courts. Others (apartments 102,103,202,203) have a bedroom which is totally internal and with no borrowed light.*

Engineering

125. The following comments were received from Council's Engineering Services Unit:

Car Parking Provision – Residential and Food and Premises Uses

126. *The proposed development comprises the construction of a four-storey building containing 10 one-bedroom dwellings, eight two-bedroom dwellings and 215 square metres for a food and drinks premises. A total of 14 off-street car parking spaces will be provided in a stacker device and will be allocated only for residents. Six spaces will be allocated to the one-bedroom dwellings and eight spaces for the two-bedroom dwellings. Some 21 bicycle spaces will be provided. According to the submitted report, the development would have a total statutory car parking requirement of 29 spaces. The site is located on the south side of Queens Parade, west of Gold Street.*
127. *All residents and prospective property owners of the new dwellings will be ineligible to apply for on-street resident and visitor parking permits. On-street parking for residents is not a practical or viable option, and the local roads surrounding the site cannot sustain any resident parking.*
128. *When purchasing or intending to move into the dwellings, residents/occupants will know upfront whether dwellings have any parking or no on-site parking. Residences with no on-site parking would be appropriate for persons who are prepared to heavily rely on public transport, bicycles or other forms of sustainable transport for their transportation needs – and it is also highly likely that the new dwellings would be specifically marketed towards this group, particularly persons who wish to make a lifestyle choice centred around inner city living.*
129. *On-street parking spaces are located on both sides of the Queens Parade service road and on the south side of the outer separator. For customers who choose to drive, an on-street parking space should be found within a short walking distance of the site. Any unrestricted on-street parking is usually fully occupied during business hours, which is to be expected in areas of high commercial/retail activity.*
130. *Queens Parade experiences very high pedestrian volumes, and many shopfront businesses would heavily rely on walk-up trade for their primary source of customers. A sizeable proportion of customers to the shop would be pedestrians or persons already in the area engaged in other activities or business (multi-purpose trips). It is also possible that some customers could be residents who live within walking distance of the shopping strip.*
131. *The site has easy access to bus and tram routes, which provide residents, employees and customers some choices if they choose to use public transport.*
132. *From a traffic engineering perspective, the occupation of the dwellings and the operation of the food and drinks premises should not adversely impact on existing parking conditions in the area. The on-street parking in Queens Parade is time restricted, which ensures frequent turnover of parking.*

Access Arrangements

133. *Access to the development's car stacker device would be via a 3.0 metre wide Right of Way connected to Gold Street.*
134. *The distance between the front edge of the car stacker and the southern alignment of the Right of Way is 6.4 metres. The swept path diagrams prepared by Traffix Group for critical car spaces are considered satisfactory. Engineering Services is satisfied that 85th percentile vehicles can access and egress the individual stacker platforms adequately.*
135. *The finished floor levels along the edge of the concrete apron must be set 40 mm higher than the edge of the Right of Way's bluestone pavement – council infrastructure requirement.*

Public Lighting

136. The designer must ensure that light does not spill into any of the new dwellings' windows from any existing street/public lights. Any shielding or baffling that may be required for any existing street lights shall be supplied and installed by the developer and at their expense.

Capital Works Programme

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

Waterproofing of Building and Management of Rainfall Run-off

138. The designer and developer must ensure that the cavity for the stacker and any portions of the development at or below natural surface level are completely waterproofed to prevent any subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.
139. It is also the designer's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures must be in place to prevent backwash from entering the property.

Drainage – Legal Point of Discharge

140. The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services unit.
141. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.
142. 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.

Environmentally sustainable development

143. The following summary was included within the ESD referral comments:
144. *This application does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.*
145. *Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SMP report and are clearly shown on Condition 1 drawings.*
146. (1) *Application ESD Commitments:*
- (a) *A minimum average NatHERS rating of 7.2-Stars will be achieved for the apartments.*
 - (b) *A minimum 6.5kW solar photovoltaic system will be installed. All panels must be shown on the architectural drawings.*
 - (c) *A minimum 100% STORM score will be implemented for the development. This will be achieved through harvesting and reuse of rainwater for toilet flushing of at least 3 cafes. Should the use of the ground floor shops change (i.e. not be conditioned), the sufficiency of those toilet connections must be reassessed.*
 - (d) *A minimum of 21 secure bicycle parking spaces will be provided.*
 - (e) *A target-recycling rate of min. 80% of construction and demolition waste must be achieved.*
 - (f) *A building users guide will be provided to all residents and café tenants.*

147. (2) *Application ESD Deficiencies:*
- (a) *The proposed design demonstrates poor indoor environment qualities, especially due to the lack of natural daylight and ventilation to a large proportion of bedrooms and kitchen areas. It is strongly recommended to reconfigure floor plans to show:*
 - (b) *a maximum of 10% of internal bedrooms*
 - (c) *light courts with dimensions that require no overlooking screening and therefore improves access to natural daylight and ventilation*
 - (d) *apartment depth of no more than 8m, measured from the balcony*
 - (e) *no apartments that cannot provide any distant views.*
 - (f) *Council strongly recommends introducing an effective shading strategy to level 3 east- and north-west-facing apartment windows (apartments 301, 302, 304) and north-west-facing café frontages. The café façade should include a fixed awning (depth = 45% of window height), and the top floor apartment windows should be protected by retractable vertical blinds/louvers.*
148. (3) *Outstanding Information and ESD Improvement Opportunities:*
- (a) *Architectural drawings must be revised to show*
 - (b) *all services and areas related to the STORM rating (catchment area(s), rainwater tank and connected toilets),*
 - (c) *openable windows, including skylights*
 - (d) *Consider the use of rainwater for landscape irrigation.*
 - (e) *Consider the provision of showers for café staff.*

Waste Management

149. The following comments were received from Council's Engineering Operations Branch:
150. *The Waste Management Plan from Leigh Design, dated 17 January 2014, is satisfactory from the Engineering Operations Branch's perspective.*

OFFICER ASSESSMENT

151. In assessing this application, the primary planning considerations are:
- (a) Use (Commercial 1 Zone and Interface uses policy);
 - (b) Buildings and works (Clause 15 and Commercial 1 Zone, including the relevant clause 55 provisions)
 - (c) Heritage;
 - (d) Development abutting laneways
 - (e) Car parking;
 - (f) Loading and unloading of vehicles
 - (g) ESD;
 - (h) Objector Concerns; and
 - (i) Other Matters.

Use (Commercial 1 Zone and Interface uses policy)

152. Clause 34.01-8 of the Scheme includes decision guidelines directly applicable to the use of the land within a Commercial 1 Zone. The following decision guidelines are applicable:
- (a) *The interface with adjoining zones, especially the relationship with residential areas.*
 - (b) *The effect that existing uses may have on the proposed use.*
 - (c) *The drainage of the land.*
 - (d) *The availability of and connection to services.*
 - (e) *The effect of traffic to be generated on roads.*
 - (f) *The interim use of those parts of the land not required for the proposed use.*

153. While the neighbouring property to the south at 245 Gold Street is residential, it is located within a Commercial 1 Zone. The impact to this existing dwelling from the proposal would be limited to vehicle movements along the ROW between the dwelling and the subject site and pedestrian movement entering the site from the Gold Street frontage. It is not considered that the residential use of the site would overly affect the neighbouring property to the south.
154. The closest residentially zoned properties to the site are numbers 90-92 Hodgkinson Street. Number 90 Hodgkinson Street has no direct interface with the subject site, and is separated by an existing commercial property, and the dwelling at 245 Gold Street from the subject site. The site will therefore have limited amenity impacts from the use of the site as dwellings, with the movement of residents at the rear of the site the most relevant use concern, with the three food and drink premises fronting Queens Parade to the north, within the existing commercial strip, which are unlikely to affect properties situated to the south of the subject site.
155. Number 92 Hodgkinson Street, also has a frontage to the south, away from the subject site.
- The site will be unlikely to be affected by the proposed commercial uses, being separated from them by the existing rubber duck café (on the corner of Gold Street and Queens Parade). As previously mentioned the area already has an established commercial strip along Queens Parade it is further expected that the commercial uses in particular will have limited impact on surrounding residential properties.
156. The drainage of the land will be further assessed within the Rescode assessment of the report, and Council's ESD advisor provided comments that the proposed stormwater management measures are suitable for the site.
157. The connection to services cannot be adequately assessed under the planning permit. However, as the site previously functioned with a commercial function, it is expected the site will continue to be adequately provided with services.
158. The area is likely to be affected by increased traffic as a result of the proposal utilising the rear laneway for resident car parking, and the use of the site (both patrons and staff) for three cafes at the Queens Parade frontage. However, the three cafes will be within an existing commercial strip along Queens Parade, with traffic generation likely to be increased along Queens Parade as a result of the location of the food and drink premises, and surrounding restricted parking. This will be further assessed in the car parking section of the report.
159. Clause 22.05-6 of the Scheme (interface uses policy) includes decision guidelines for applications for residential and non-residential development, these include:
- (a) *Before deciding on an application for residential development, Council will consider as appropriate:*
 - (i) *The extent to which the proposed dwellings may be subject to unreasonable noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*
 - (ii) *Whether the dwellings are designed or incorporate appropriate measures to minimise the impact of noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*
 - (b) *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.*

160. The proposed dwellings are to be placed above the proposed food and drink premises within an existing commercial strip along Queens Parade. The strip contains within the immediate area, predominantly retail premises, food and drink premises, and offices. The proposed businesses would also most likely operate during regular business hours, and are not expected to cause excessive noise, or air emissions beyond that of traffic flow along Queens Parade being labelled as food and drinks premises, which technically operate without a permit requirement.

161. It is not expected that the Gold Street orientated apartments will experience substantial amenity impacts from commercial uses, as the only commercial interface is the former Normanby Hotel (now Rubber Duck café) on the corner of Queens Parade and Gold Street.

The uses are also not expected to impact the proposed dwellings significantly, given the dwellings at the rear of the site (towards Gold Street) are orientated away from the commercial strip along Queens Parade

162. The first and second floor apartments facing Queens Parade have also included brickwork at the site frontage which will assist in noise prevention. Additional conditional requirements (owing to heritage requirements) will present this as a solid brickwork structure (albeit with openings for balconies), rather than the hit and miss brickwork currently presented towards Queens Parade, further assisting in noise prevention to the most sensitive dwellings facing north-west.

163. Given that the dwellings are within a commercial strip that offers limited amenity impacts it is not necessary to utilise preventative measures for noise and emissions from buildings, particularly as none of the immediately neighbouring uses are light industrial or commercial properties that offer significant amenity impacts to dwellings.

164. However, with a tram line opposite the subject site, operating regular services to central Melbourne. This has the potential to affect the dwellings through regular noise for each tram arrival and departure opposite the site. As the noise from the tram stop is likely to be substantial, an acoustic report will be required to be submitted by the applicant, detailing what noise attenuation will be utilised to protect any future residents.

165. The proposed food and drinks premises' being ground floor and orientated towards Queens Parade are not expected to operate with excessive levels of noise, emissions or light spillage which would affect the dwellings at the first, second and third floors. And as previously mentioned, the commercial usage being food and drinks premises are expected to have limited operating hours (albeit without requiring a permit for the use) during the day, and the use relationship between the apartments and the food and drinks premises' is seen as acceptable.

Buildings and works (Clause 15 and Commercial 1 Zone, including the relevant clause 55 provisions)

166. The objective and strategies of clause 15.01-2 (Urban design principles) of the Scheme apply to the site, however the Commercial 1 decision guidelines (Clause 34.01-8 of the Scheme) are considered more relevant for assessment and incorporate design guidelines and a limited Clause 55 assessment, based on the decision guidelines of the Commercial 1 Zone is offered.

167. Clause 34.01-8 also includes decision guidelines for buildings and works within a Commercial 1 Zone. The following decision guidelines are applicable:

- (a) *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
 - (b) *The provision of car parking.*
 - (c) *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
 - (d) *The storage of rubbish and materials for recycling.*
 - (e) *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
 - (f) *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
 - (g) *The availability of and connection to services.*
 - (h) *The design of buildings to provide for solar access.*
 - (i) *The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.*
168. The movement of pedestrians and cyclists is expected to be unimpeded by the proposed development, with pedestrian pathways maintained along the Gold Street and Queens Parade frontage. Waste removal will occur from Gold Street and adequate space is available for bin collection at the rear of the site (from the proposed bin storage area), as shown in the submitted waste management plan. Emergency vehicles will continue to have suitable access from the site from Gold Street and Queens Parade, and public transport will be unaffected by the proposal.
169. Car parking has been shown as being provided at the rear of the site, accessed via the southern ROW. The placement of car stackers will be utilised combining a total of 14 spaces. Council's engineering department accepts the positioning of the stacker system as acceptable, and the access as suitable for an 85th percentile vehicle entering or existing from the laneway. This will be further assessed in the car parking section of the report.
170. The streetscape and the impact of the proposed building on the existing built form along Queens Parade and Gold Street (including canopies), and the treatment of the frontages to the building will be further assessed in the Heritage section of the report as it is more relevant to the existing heritage context of the area.
171. The active frontage of the building fronting Queens Parade will be protected through the introduction of the three food and drink premises along the main pedestrian thoroughfare along Queens Parade. The buildings are considered to be adequately illuminated given their commercial use, and glazed frontage, and no landscaping is proposed to adjoin either Gold Street or Queens Parade (apart from a small planter box separating the subject site from the existing hotel on the corner of Queens Parade and Gold Street).
172. An internal garbage and recycling area (along with bike spaces) is located on the ground floor opposite the west boundary wall, and is considered a suitable area for the storage of rubbish and recycling, with ease of access to the rear laneway for emptying on Gold Street.
173. There is no necessary requirement for defining the responsibility of landscaping, buildings and paved areas, owing to the lack of them in any common areas. It is rightfully assumed that responsibility of internal common areas will be allocated if a subdivision permit is sought.
174. The only residential property affected by overlooking and overshadowing from the proposal is the property opposite the rear (southern) ROW, which is zoned Commercial 1 and will be further assessed within the limited Rescode assessment within this report.
175. There are no issues with the connection of the services to the site, previously having a commercial only function.

176. The building has provided solar access to the new building including the ground floor commercial properties, and the first, second and third floor dwellings. The suitability of solar access to the new building will be considered in the ESD section of this report.

Rescode

177. The Commercial 1 Zone decision guidelines for buildings and works applications allow for the consideration of clause 55 (Rescode) of the Scheme where appropriate. Accordingly, the following assessment is offered:

Neighbourhood character

178. Notwithstanding heritage concerns (which will be addressed later in the report), the neighbourhood character in the immediate area consists of predominantly double storey buildings along Queens Parade, and a varied streetscape along Gold Street, between the double storey buildings on Queens Parade and the residential properties (single and double storey) to the south of the subject site along Gold Street and Hodgkinson Street.
179. The proposed built form is a four storey structure, which although higher than surrounding double storey premises has been articulated so that the top floor of the building will be recessed from both the Queens Parade and Gold Street frontages and have reduced visibility from either street. The three storey built form while technically an increase in the amount of floors (comparable to surrounding built form), has been sited as to be an equivalent height of the maximum height of buildings along Queens Parade (particularly the site at 139 Queens Parade) and Gold Street (249 Gold Street), which is typical given the significantly higher floor to ceiling heights of commercial heritage buildings.
180. The hit and miss brickwork along the Queens Parade frontage is distinctively different from the materials and finishes of the existing building and remains a concern in terms of heritage, however this will be further assessed in the Heritage section of the report.

Site layout and building massing

181. The building is predominantly constructed to the front and rear boundary, a consistent approach with the neighbouring northern property along Gold Street also constructed to the boundary, and the majority of properties along Queens Parade constructed to the boundary.
182. The proposal attempts to respond to the previous VCAT decision, which recommended that the façade height of the proposal be reduced to height to not exceed the hotel building on Queens Parade and Gold Street. The façade has been lowered to the maximum height of the hotel building neighbouring the subject site, on both the east façade (Gold Street) and along Queens Parade. The building has also been inset for 1.25m adjacent to the hotel building for additional separation from the neighbouring site on Queens Parade. The previous decision also recommended any future application have the upper floor further recessed, and placed further the southwest corner of the site. The third floor has increased the setbacks of 3m to the upper floor decks from Queens Parade (previously 2m), and 5.8m to the third floor wall (previously 4m). Additionally the upper floor decks from Gold Street have been setback 4.5m (previously 0.2m) and the third floor wall setback 6.75m (previously 3.5m).
183. The building height whilst taller than the neighbouring properties (considering the recessed top floor), is considered appropriate at a height of 12.92m plus an additional screen and plant (maximum height of 14.4m). The on boundary development of the front and rear facades have a height of 9.5m to Queens Parade and 9.96m to Gold Street, will be the most visible aspects of the proposal and are a comparable height to existing premises, particularly those within closer proximity to Queens Parade.
184. The site coverage is proposed to be 100%, and is the same as existing conditions. This is typical of the site coverages nearby and within the Commercial 1 Zone.

185. While permeable surfaces will not be changed through the proposal, with the site retaining 0% permeable surfaces, measures have been introduced such as an 8000L water tank underneath the proposed vehicle entrance to capture stormwater runoff. Additional conditions will require that the connection details of the stormwater treatment measures be labelled on plans as being connected to toilets.
186. The residential entry foyer is accessed from Gold Street, and is appropriately situated to have high visibility from the Street. The rear entrance (furthest along the rear ROW) to the bin storage and bike storage room, while recessed, is only for the removal and return of bins, with cyclists able to conveniently access the rear room from the main residential entrance.
187. Lighting to the residential entrance is however considered insufficient and a condition will require that all access points from Gold Street and the rear laneway be adequately illuminated to increase resident safety.
188. The rear car stacker access is considered suitable as being accessed from the ROW, reducing the visibility of the proposed rear driveway, as the entrance to the proposed car parking area will be viewed as a narrower crossover width than the actual width along the rear ROW. The proposed access from the rear ROW also ensures the retention of existing car spaces along Gold Street and is acceptable.
189. The location of the rear car parking spaces are suitably sited for convenient access to dwellings, and have nearby access to the rear residential entrance. The stacker system is also gated as to further secure vehicles once parked. As no dwellings front the ground floor rear laneway, the operation of the car park is not expected to affect potential residents.

Amenity impacts

190. The proposed development is located within a busy Commercial 1 Zone, as are immediately surrounding properties. The zoning of the land, and its location within a specified Activity Centre means that residential dwellings cannot be afforded the same amenity considerations were the site in a General Residential Zone.
191. The eastern and western boundary walls are constructed alongside existing commercial properties and are not considered to be of concern as they align closely with the heights of neighbouring boundary walls, and the setback fourth floor will not afford substantial amenity impacts to either neighbouring commercial premises to the east or west of the subject site.
192. The Gold Street boundary wall, while opposite a neighbouring residential property on the opposite side of the street, is in excess of 18m from this dwelling so amenity impacts (including overlooking, overshadowing and visual bulk) are unlikely.
193. The south boundary wall is separated from a residential property on the opposite side of the rear, 3m wide ROW. The wall does not comply with the minimum Rescode setback distance (were the wall constructed setback from the boundary) of 5.05m for a 9.96m high wall. However, the wall is placed opposite a side boundary wall of the neighbouring property, and a small services area at the rear of the site, and separated by the rear laneway. Overshadowing from the proposal will add additional shadowing to the rear services area during morning hours, and is to a relatively small area of private open space at the rear of the lot (as opposed to the main area of open space at the south of the site. As the wall is provided with a setback by association with the rear ROW and has limited amenity impacts, it is considered acceptable and typical of built form outcomes in more densely developed areas.
194. The only sensitive interface regarding overlooking is to the neighbouring southern residential property. The first and second floor rear (south-facing) balconies have been screened with obscure glass to a height of 1.7m and are suitable under the Rescode standard for overlooking (standard B22).

195. The upper most floor however, has a low glass balustrade, with an external planter box. Overlooking diagrams provided indicate that the south facing, upper balcony will not overlook, but appears to measure views across the top of potential landscaping. A condition will be placed on any permit issued that the rear south-facing balcony to apartment 304, be compliant with the overlooking Standard.
196. All internal views between windows to shared light-courts (between apartments 104-105, and apartments 204-205) have been screened to a height of 1.7m with obscure glass.
197. As mechanical plant for the dwellings (and food and drinks premises' at ground floor) are located centrally on the roof, and have a 1.2m high screen to prevent disturbance from the function of plant and equipment, it is unlikely any dwelling will be affected by noise from services. However, the split system heating/cooling units for each apartment are not shown on the exterior units on elevations and will be required via condition. Noise from these units will need to be considered as part of the conditioned acoustic report.
198. As previously mentioned in the report, an acoustic report will require to be submitted detailing noise attenuation methods regarding being opposite an arterial road with a tram line, that would potential disrupt any future residents.

On site amenity and facilities

199. The dwelling provides adequate accessibility to the dwellings via convenient lift and stair access. The residential entry from Gold Street is adequately recessed but identifiable from the Street, providing a generous foyer that will be easily accessed.
200. All new habitable room windows at the upper most floor face an outdoor space clear to the sky with a minimum area of 3sqm opposite. The first and second floors have limited light courts to rear bedrooms, contained within light courts along the eastern and western boundaries. However, this can be supported due to the orientation of the dwellings which front north-west (apartments 101,104 and 105 and apartments 201, 204 and 205) with substantial light to be gained from northwest facing windows.
201. The four apartments that have no windows to bedrooms (apartments 102, 103, 202 and 203), can be conditioned to have north-facing windows installed within the northern wall of each room to achieve an improved level of borrowed light from the living room windows further north. While not the best outcome, the apartments will receive improved amenity with this condition.
202. All dwellings have balconies directly accessible from living areas. While the balconies at the upper most floor are all in excess of 20sqm and acceptable, the main balcony areas to the first and second floors vary from 5sqm – 10sqm , with the predominant number of dwellings (10) featuring a 7sqm balcony. While the size of the balcony areas is less than the suggested minimum of 8sqm, the balconies are all highly usable. While some of the balconies face south, it would be impractical to locate all balconies to receive northern exposure, given the orientation of the lot. The proposed open space is considered acceptable.
203. As previously mentioned the majority of the private open space is located on the northern side of the building, but the orientation of the lot prevents all areas of private open space being aligned. The proposed solar access to the majority of the open space is considered acceptable, with the southern apartments (107 and 207) justified as a small number of the total apartments that will have poor access to daylight.

Heritage

204. The decision guidelines from Clause 43.01-4 (listed below) and policy from Clause 22.02 of the Scheme is used to assess the proposed demolition, construction and works.
205. Clause 43.01-4 Decision Guidelines

- (a) *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*
 - (i) *The State Planning Policy Framework and the Local Planning Policy Framework,*
 - (ii) *including the Municipal Strategic Statement and local planning policies.*
 - (iii) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
 - (iv) *Any applicable statement of significance, heritage study and any applicable conservation policy.*
 - (v) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
 - (vi) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
 - (vii) *Whether the proposed works will adversely affect the significance, character or*
 - (viii) *appearance of the heritage place.*

206. Assessing the proposed development and achieving consistency with the heritage values of the surrounding area is reliant upon the ability to meet the built form requirements of Clause 22.02 of the Scheme as set out below.

207. The Objectives of Clause 22.02 of the Scheme (Development guidelines for sites subject to the heritage overlay) are:

- (a) *To conserve Yarra's natural and cultural heritage.*
- (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
- (c) *To retain significant view lines to, and vistas of, heritage places.*
- (d) *To preserve the scale and pattern of streetscapes in heritage places.*
- (e) *To encourage the preservation, maintenance, restoration and where appropriate,*
- (f) *reconstruction of heritage places.*
- (g) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
- (h) *To ensure that additions and new works to a heritage place respect the significance of the place.*
- (i) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
- (j) *To protect archaeological sites of cultural heritage significance.*

208. Every building of cultural significance has been assessed and graded according to its heritage contribution. The level of significance categorising the subject site is:

- (a) *Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.*

209. The proposed demolition works are supported by policy as they are constrained to additions to the original heritage building on the corner of Queens Parade and Gold Street (the former Normanby Hotel, now rubber duck café), and are not significant to the site and its heritage significance. It is noted that Council's Heritage Advisor had no concerns regarding the proposed demolition, and that the structures to be demolished have previously been damaged by fire.

210. The proposed construction of the four storey building from Gold Street is also supported. While the new building will be constructed to the Gold Street boundary (albeit with setbacks from first and second floor balconies), and predominantly match the setbacks of the existing building on the corner of Gold Street and Queens Parade. The third floor setback will ensure a three storey dominant built form, with limited visibility to the upper floor. The solid appearance of the façade is supported only with a suitably light coloured finish which will be conditioned.

211. As previously mentioned in the Rescode assessment the setbacks are increased at the third storey from both the Queens Parade frontage and the Gold Street frontage, responding to the previous VCAT decision.
212. The proposed new building from the Queens Parade frontage features a staggered front façade at ground level with separated elements at first and second floor, representing the typical pattern of subdivision in existence along the street. While heritage advice notes a straight alignment of external finishes would be preferred (as the finishes and rectangular openings have been noted as angled along the first and second floor), they are considered acceptable in their current form.
213. The canopy above the ground floor façade, is a minimal variation to the streetscape, and when considered against the overall design will not impact the existing streetscape beyond the proposed four storey building. However, limited detail has been provided to the finishes of the canopy, which will be required via condition.
214. Regarding the materials of the proposed building, the Queens Parade frontage shows hit and miss brickwork, which is not suitable given the heritage context of the site and the dominance the large combined structure across the first and second floors will produce. It is considered that a more common approach may produce a better heritage outcome, rather than a structure that draws attention away from the heritage streetscape. The front façade will therefore be conditioned to be modified to remove the hit and miss bricks to be replaced with a more sympathetic material (ie. solid or rendered brickwork).
215. The brickwork can be conditioned to be solid brick work or an alternate suitable solid material, maintaining the separation of the materials shown on the front façade to better fit with the existing heritage character.
216. While not having a high level of visibility from Queens Parade, separating the proposed residential balconies has been shown with a stained timber finish, which heritage comments have recommended either painting or removal. The balcony screens will be conditioned to be painted.
217. A full schedule of materials, including colour samples of the actual materials (rather than pictures of proposed materials) will be required for the proposal via condition, as the current schedule provided is considered insufficient. This will include, amongst all the proposed materials, examples of the brickwork (front and rear facades), the concrete band around the shopfront and an accurate representation of the front canopy along with all glazing elements associated with the development.
218. The ground floor shopfronts, present a different front setback (staggered from the boundary) than the dominant street setback, which comprises shopfronts constructed to the boundary. The current proposal does not respect the existing heritage characteristics of the streetscape and would be a clear differentiation of built form that is not supported. The ground floor will be required to have a hard edge façade along the Queens Parade frontage, to respect the characteristics of the existing streetscape. Additionally a plinth beneath the window glazing will be conditioned to further respect the existing heritage shopfronts in existence.
219. The proposal is considered appropriately sited, as it would not cause limited further detriment to the existing heritage area, subject to conditions. The proposal is otherwise seen to have an appropriate level of compliance with Council's heritage policies. Therefore the proposal is considered appropriate from a heritage perspective and is consistent with the purpose statements and decision guidelines of Clause 43.01 of the Scheme and policy at Clause 22.02 of the Scheme.

Development Abutting Laneways

220. The objectives of Clause 22.07 of the Scheme (Development Abutting Laneways) are:

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

221. The proposed rear ROW development includes a five car stacker system, and rear boundary development of the first and second floors, and a recessed third floor. The laneway does not feature a predominant character other than side and rear boundary development of properties fronting Gold Street or Queens Parade, through the residential boundary development on the southern side of the laneway is considerably lower, and includes fencing to an area of rear private open space, than the double storey commercial built form in the north-west corner of the laneway. The two Queens Parade properties that front the laneway have high (double storey) development constructed to the laneway while the southern property has a single storey boundary wall and rear fencing.
222. Given the existing character of the laneway, it is unlikely that the proposal will affect the laneway in a character sense. While the development places further boundary development at the first and second floors, which is somewhat consistent with the existing character, the proposed vehicle access and stacker system, are different to the overall appearance of the laneway. However, it is considered suitable given the existing development along the laneway, the commercial zoning of the land and the location within a busy activity centre.
223. While the introduction of car stackers, introduces a further safety consideration of pedestrians from the laneway, Council's engineering department is satisfied with the movement of vehicles to and from the stacker system. Additionally, the design of the stacker system and car parking arrangement will allow for exiting vehicles to view the existing laneway, reducing potential safety concerns onto the rear laneway.

Car parking

224. The following guidelines are listed under clause 52.06-6 of the Scheme, as relevant for assessing a reduction in the car parking requirement. These guidelines will be used (as relevant) to assess the sites use for 18 dwellings and 3 café's. The following table explains the total car parking reduction sought pursuant to clause 52.06-5 of the Scheme:
- 225.

Use	Car parking rate	Requirement	Provision
1 and 2 Bedroom dwellings	1 per dwelling	18 car spaces (for 18 dwellings)	14 spaces provided
Visitor spaces	1 for every 5 dwellings	3 spaces required	0 spaces provided
Café (food and drinks premises)	4 to each 100sqm leasable floor area	8 spaces required (combined total of 215sqm of leasable floor area at ground floor)	0 spaces provided
Total		29 car space reduction (reduced to 15 car space reduction with the provision of 14 car spaces on site).	14 spaces provided

The relevant decision guidelines are as follows:

- (a) *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*

- (b) *The variation of car parking demand likely to be generated by the proposed use over time.*
- (c) *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- (d) *The availability of public transport in the locality of the land.*
- (e) *The convenience of pedestrian and cyclist access to the land.*
- (f) *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- (g) *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- (h) *Any empirical assessment or case study.*

226. *Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:*

- (a) *The availability of alternative car parking in the locality of the land, including:*
 - (i) *Efficiencies gained from the consolidation of shared car parking spaces.*
 - (ii) *Public car parks intended to serve the land.*
 - (iii) *On street parking in non residential zones.*
 - (iv) *Streets in residential zones specifically managed for non-residential parking.*
- (b) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- (c) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- (d) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- (e) *The need to create safe, functional and attractive parking areas.*
- (f) *Access to or provision of alternative transport modes to and from the land.*
- (g) *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- (h) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- (i) *Any other matter specified in a schedule to the Parking Overlay.*
- (j) *Any other relevant consideration.*

Car parking reduction

227. A traffic report was submitted with the application from Traffix Group and has identified the amount of car parking spaces available on the submitted survey dates (being a Wednesday, Thursday and Saturday), with the smallest amount of car spaces available during Saturday midday and afternoon hours, most likely owing to the proximity of the site to the Neighbourhood Activity Centre along Queens Parade, and weekend traffic to this area.

228. The report suggests that the surrounding car parking will be able to absorb patron and staff demand from the three ground floor cafes within the immediate area, along with the 7 residential car parking spaces (4 residential spaces and 3 visitor spaces) not being provided on site. The report in particular highlights vacancy rates of short-term spaces along Queens Parade as suitable for patrons of the food and drinks premises. The report concludes all parking demand will be able to be accommodated on site or within the surrounding parking area, with negligible impacts to the existing parking conditions.

229. The report also considers the existing use of the site as a retail premises (prior to being damaged by fire), had an applicable rate of 17 spaces, which would exceed the proposed rate by two spaces.

230. Council's Engineering Services Unit considered that residential use of on-street spaces is not a viable option for the site with surrounding streets already having a high parking demand.

The commercial uses at ground floor are also supported with referral advice suggesting that the parking on Queens Parade and surrounding streets would be able to accommodate this.

231. Additionally the Engineering Services Unit identified the proximity of the site to public transport options, offering choice to residents and patrons who choose not to drive to the site. The advice concluded that the dwellings and proposed food and drinks premises' (cafes) would not adversely impact the existing parking conditions, or the existing traffic conditions.
232. Given the availability of bicycle spaces within the development (21), and the accessibility of the site to public transport, being a centralised tram route along Queens Parade, on street parking would also be unattractive to potential residents given the restrictions to on-street parking and that new residents would have no access to Yarra parking permits.
233. The three proposed food and drinks premises would have no associated car spaces. However, the sites are situated within an established commercial area, where shopfront properties typically operate with minimal associated car spaces and the availability of Queens Parade and surrounding streets to absorb overflow has been highlighted by the applicant and Council's traffic engineers. The proposed cafes would most likely predominantly attract walk up trade and restricted parking would be available (from submitted survey results from the applicant) during business hours, with a high turnover within a commercial area. It is expected that patrons who visit any of the three establishments would be multi-use visitors conducting other business, or be residents from the local area.
234. The food and drinks premises proximity to public transport is also advantageous, with the sites located opposite the Queens Parade tram line and bus services enabling ease of access to the site through alternate transport methods.
235. The existing limitations to on street car parking, also does not anticipate that the occupation of the dwellings and operation of the food and drinks premises' would further impact the existing traffic conditions in the area.

Provision of car spaces – design and layout

236. Clause 52.06-8 states *Plans prepared in accordance with Clause 52.06-7 must meet the design standards of Clause 52.06-8, unless the responsible authority agrees otherwise.*
237. The five provided car stackers provided are accessed from a driveway in excess of a 3m width, which has been designed so that all vehicles can exit the site in a forward direction. The car parking spaces length and width (5.5m long and 2.8m-2.9m wide) comply with the design standard for 90 degree angle parking spaces. The gradient of the access ramp is no greater than 5%, which is less than the 25% allowable under the design standard.
238. The proposed car parking setup proposes a 14 space car stacker system, which will be accessed via five bays at ground level accessed via the rear laneway. The rear ROW (3m wide), combined with the setback of the spaces (a combined 6.4m) have provided a suitable access arrangement an 85th percentile vehicle which is supported by Council's engineering department as being able to provide sufficient vehicle movement to enter and exit the site.
239. The access from Gold Street is considered satisfactory, combined with the existing crossover to gain entry to the site. Vehicles will not exit directly onto the laneway, but exit the stacker system and have a 3.4m width crossover from which to view the existing ROW, providing increased safety for any pedestrian and vehicle uses of the lane.
240. Cyclists will have the option of either entering the premises via the front entrance, or via the rear entrance, directly to the bike storage/bin area over the crossover. No indication for lighting appears on the existing plans regarding safety of use of the rear car parking area and this will be provided via condition.

241. The impact to neighbouring properties is expected to be minimal, given the amount of traffic on nearby Queens Parade and Gold Street. The movement into the enclosed stacker system is considered appropriate given the surrounding context of the site.

Loading and unloading of vehicles

242. The application includes a waiver of the loading provisions, which under clause 52.07 of the Scheme, a loading bay for the 3 ground floor cafes must be provided in accordance with the minimum loading bay requirements. No loading bay is proposed, accordingly pursuant to clause 52.07 *a permit may be granted to reduce or waive these requirements if either:*
- *The land area is insufficient.*
 - *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*
243. The applicant has submitted within a traffic report by Traffix Group, that the loading requirements of the 3 cafes will predominantly be associated with smaller loading vehicles, which are expected to be accommodated by the existing 3 loading zone spaces directly opposite the site on the Queens Parade frontage.
244. This loading bay requirement is considered appropriate to be waived, owing to the placement of the 3 existing loading spaces opposite the frontage of the site, where delivery vehicles can be easily unloaded. As the subject site is the closest property to these loading spaces, the use to unload goods is considered acceptable within the existing commercial setting on Queens Parade

ESD

245. Policy at clause 22.16, includes the following (as relevant) decision guidelines for Water Sensitive Urban Design:
- *The extent to which the development meets the objectives and requirements of this policy*
 - *The Water Sensitive Urban Design Response*
 - *Whether the application meets the best practice performance objective and treatment measures.*
 - *Whether the proposal is designed and incorporates works to maintain, or improve, the quality of stormwater within or exiting the site.*
 - *Whether the proposal will significantly add to the stormwater discharge or adversely affect water quality entering the drainage system.*
 - *Opportunities for water conservation and reuse that influence the use of water sensitive urban design.*
 - *The level of ongoing management required to achieve and maintain the desired stormwater quality measures that will be used during the construction phase to prevent a loss of stormwater quality as a result of building activities, such as silt traps.*
246. Additionally, amendment C133 to the Scheme proposes the introduction of a new policy that requires applications to be considered against the following objectives (where applicable):
- *Energy efficiency;*
 - *Water resources;*
 - *Indoor environment quality;*
 - *Stormwater management;*
 - *Transport;*
 - *Waste management;*
 - *Innovation; and*
 - *Urban ecology.*
247. *In determining an application, the Responsible Authority will consider as appropriate:*

- *How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.*
- *How the development considers:*
 - *Best practice principles;*
 - *Innovation;*
 - *Use of emerging and proven technology; and*
 - *Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).*
- *Any relevant adopted policies.*

248. The proposal includes the following ESD commitments, deficiencies and opportunities:

(a) Application ESD Commitments:

- A minimum average NatHERS rating of 7.2-Stars will be achieved for the apartments.
- A minimum 6.5kW solar photovoltaic system will be installed. All panels must be shown on the architectural drawings.
- A minimum 100% STORM score will be implemented for the development. This will be achieved through harvesting and reuse of rainwater for toilet flushing of at least 3 cafes. Should the use of the ground floor shops change (i.e. not be conditioned), the sufficiency of those toilet connections must be reassessed.
- A minimum of 21 secure bicycle parking spaces will be provided.
- A target-recycling rate of min. 80% of construction and demolition waste must be achieved.
- A building users guide will be provided to all residents and café tenants.

(b) Application ESD Deficiencies:

- The proposed design demonstrates poor indoor environment qualities, especially due to the lack of natural daylight and ventilation to a large proportion of bedrooms and kitchen areas. It is strongly recommended to reconfigure floor plans to show:
 - o a maximum of 10% of internal bedrooms
 - o light courts with dimensions that require no overlooking screening and therefore improves access to natural daylight and ventilation
 - o apartment depth of no more than 8m, measured from the balcony
 - o no apartments that cannot provide any distant views.
- Council strongly recommends introducing an effective shading strategy to level 3 east- and north-west-facing apartment windows (apartments 301, 302, 304) and north-west-facing café frontages. The cafe façade should include a fixed awning (depth = 45% of window height), and the top floor apartment windows should be protected by retractable vertical blinds/louvers.

(c) Outstanding Information and ESD Improvement Opportunities:

- Architectural drawings must be revised to show:
 - o all services and areas related to the STORM rating (catchment area(s), rainwater tank and connected toilets),
 - o openable windows, including skylights
- Consider the use of rainwater for landscape irrigation.
- Consider the provision of showers for café staff.

249. The internal bedrooms located within apartments 102, 103, 202 and 203, will be conditioned to have a highlight window facing to the north-west, to at least provide these areas with improved or borrowed light. As previously mentioned in the report these rooms do not have any direct access to daylight, and this change will result in a level of borrowed light being provided to these bedrooms that are situated within one bedroom apartments.

250. While a rearrangement of the light courts was recommended by Council's ESD advisor, to allow for no overlooking, the windows have been screened to 1.7m to prevent cross views between apartments, and will be operable above these heights to allow for natural ventilation and are considered acceptable.
251. While the residential building will continue to feature apartments that have a depth beyond 8m, the use of heat recovery ventilation will be conditioned and applicable to the residential use, so as to improve ventilation to all apartments within the building. This is to ensure adequate air flow around apartments that have a substantial depth, without providing for equivalent cross ventilation of the dwelling.
252. The third floor east and north-west facing apartments will be required to have an external shading device, required via condition. This structure will either be a retractable canopy or verandah to prevent excessive heat gain from the orientation of the apartments. Additionally the applicant has agreed to install Low E treatment to the glazing of all upper storey apartments to assist in preventing heat gain.
253. The food and drinks premises will require clarification of the depth of the awning via condition, to meet the 45% depth requirement, and will be required to be extended as appropriate.
254. As previously mentioned earlier in the report, all areas related to connection of water tanks and the recommendations of the STORM report to be included on plans.
255. Operable windows and all skylights to be operable will be required as a permit condition.

Objector Concerns

- 256.
- (a) Heritage concerns (proposal inconsistent with streetscape);
 - Heritage concerns were assessed under the Heritage section of the report.
 - (b) Height of proposed building in relation to adjacent properties;
 - The height of the proposal was addressed under the Buildings and works and Heritage assessment sections of the report.
 - (c) Design not responding to previous VCAT decision;
 - The relation of the design to the previous VCAT decision is dealt with below, under the Other Matters section.
 - (d) Overdevelopment of site;
 - The development of the site was assessed under the Buildings and works section of the report.
 - (e) Car parking (including reduction of spaces, proposed access to the site and noise);
 - The provision of car parking and the car parking reduction were assessed as part of the car parking section of the report.
 - (f) Increased traffic generation;
 - Traffic generation was dealt with as part of the car parking assessment section.
 - (g) Off-site amenity impacts (including overshadowing and overlooking);

- Off-site amenity impacts were addressed as part of the buildings and works section of the report.

(h) Other concerns – waste management, building concerns.

- A waste management plan was submitted with the application, and referred to Council's Engineering Operations Branch who had no objection to the plan, which is will be conditioned to be complied with. Building concerns, are separate to the planning permit process and cannot be further assessed as part of this report.

Other Matters

257. A previous VCAT order, for a proposal similar in scope to the current application, and addressed as 139 Queens Parade, Clifton Hill as Intellect Projects Pty vs Yarra City Council and others (P3053/2011) is relevant. The hearing addressed certain considerations that are relevant to the current application and are addressed as follows:
258. The positioning of the proposed fourth floor was questioned and direction provided for any subsequent application. The order for the previously mentioned VCAT decision stated in paragraph 22: *If a fourth level is to be accommodated on the land, it should be positioned towards the south-west portion of the site, where it will be well set back from the streets and from the hotel. It needs to have a meaningful recessive appearance and be a genuine minor element of the overall development.*
259. It is considered that the new development achieves this, as the fourth floor has now been positioned away from the Gold Street and Queens Parade frontage in order to recess the upper most floor from view. The glazing to the fourth floor is also a softer element setback behind the more solid facades fronting both streets and is considered acceptable.
260. Regarding the height of the Queens Parade façade the order for the VCAT decision P3053/2011 stated in paragraph 31: *Provided the development is sufficiently separated from the hotel at the frontage, I consider that the proposed height can be acceptable given the variations in the streetscape.*
261. The separation of the former hotel to the new residences is considered adequate given the spacing of the new building and clear separation of built form owing to the treatment of the front façade.
262. The order also made reference to the four storey façade not responding to its context, and that the prevailing double storey character of the streetscape should be referenced in the design along Queens Parade. As the new design has limited the height of the front (Queens Parade) façade to the height of the roof form above the neighbouring former hotel, this is considered acceptable.
263. Additionally Council's Heritage Advisor also did not recommend significant alteration (or deletion) of the fourth floor.
264. The previous VCAT order (P3053/2011) also had no concern regarding amenity impacts to the neighbouring southern property, or the car parking stating in paragraph 41: *I do not believe there is sufficient basis for me to refuse the grant of a permit based on car parking considerations.*

Conclusion

265. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions. The proposal is an acceptable planning outcome for the following reasons:

- (a) The proposal has provided a four storey building, comparable to the surrounding streetscape in height and form from a three storey facade. The recessed upper floor, will not be imposing from Queens Parade or Gold Street or substantially affect the heritage of the existing area.
- (b) The use of the building as dwellings and food and drinks premises, provides acceptable uses given the proximity of the site and its location within Activity Centre.
- (c) The loading and car parking requirements can be absorbed within the immediate area of the site.
- (d) The demolition of the existing site is of no consequence to the existing heritage of the area.

RECOMMENDATION

266. That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0209 for development of the land for a four storey building, use for dwellings and 3 food and drinks premises/café (no permit required use), a waiver of the loading requirement, and a reduction in the car parking requirement, including demolition of the existing building at 137 Queens Parade, Clifton Hill, subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the decision plans received by Council on 2 June 2014 but modified to show:
 - (a) Removal of the hit and miss brickwork along the Queens Parade façade, replaced with solid brickwork or alternate solid material.
 - (b) Ground floor shopfronts to Queens Parade to be constructed to the boundary, with a minimum 300mm high plinth below the window glazing.
 - (c) The Gold Street façade brickwork to have a lighter colour.
 - (d) The external blinds to have a pale, neutral colour.
 - (e) The connection details of the proposed water tank shown as being connected to toilets.
 - (f) The enclosed bedrooms to apartments 102, 103, 202, and 203 to include a northwest facing internal highlight window.
 - (g) The details of a heat recovery ventilation system shown on floor plans.
 - (h) The provision of external shading and Low E treatment to the northwest and east facing balcony windows for the fourth storey apartments.
 - (i) The location of the external air conditioning units to be shown on plans, all screened from external views.
 - (j) The finished floor levels along the edge of the concrete apron must be set 40 mm higher than the edge of the Right of Way's bluestone pavement – council infrastructure requirement.
 - (k) The internal timber balcony screens to have a painted finish.
 - (l) Any modifications as a result of conditions 3 and 12 to be shown on plans.
 - (m) A full colour materials schedule, including samples of all materials and finishes including all brickwork styles, canopies, blinds, brick banding, glazing and colours.
- 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 use and 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 Sustainable Development Consultants and dated 10 March, 2014, but modified to include or show:
 - (a) The provision of shading and window treatment to the fourth storey apartments;
 - (b) The details of heat recovery ventilation; and
 - (c) The highlight windows to the first and second storey apartments.
4. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
6. 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.
7. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the laneway, car park area and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.

10. 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.
11. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
12. Before the use and development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the noise impact resulting from the proposed use and development, and from surrounding noise sources affecting the approved dwellings, and must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
13. 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.
14. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
15. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
16. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (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; and
 - (v) other relevant considerations.

17. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

Engineering notes

The designer and developer must ensure that the cavity for the stacker and any portions of the development at or below natural surface level are completely waterproofed.

It is also the designer's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures must be in place to prevent backwash from entering the property.

The designer must that ensure light does not spill into any of the new dwellings' windows from any existing street/public lights. Any shielding or baffling that may be required for any existing street lights shall be supplied and installed by the developer and at their expense.

CONTACT OFFICER: David Cameron
TITLE: Statutory Planner
TEL: 92055330

Attachments

- 1 PLN14/0209 - 137 Queens Parade, Clifton Hill - Site locality plan
- 2 PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans

TOWN PLANNING DRAWING LIST

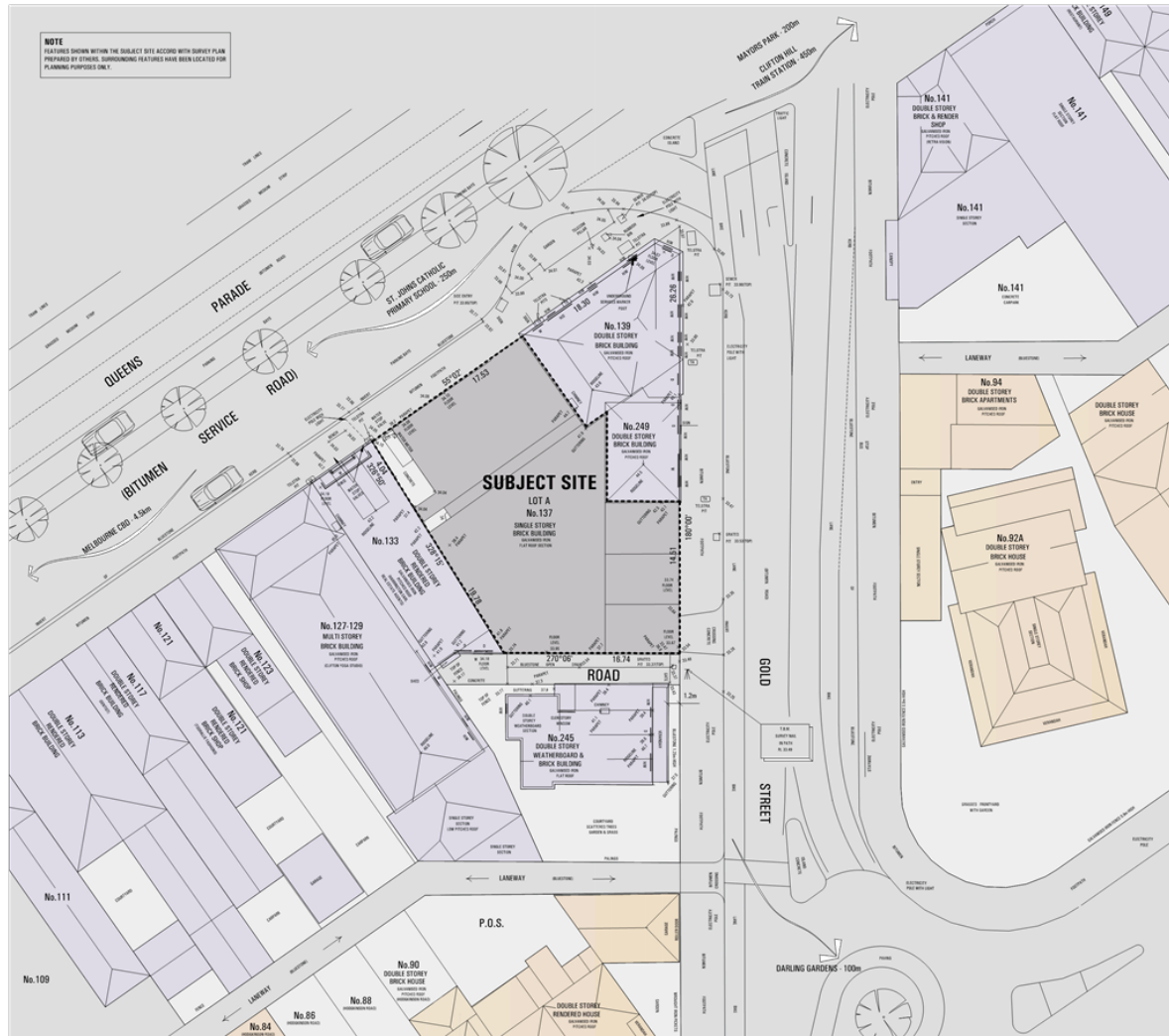
DRAWING TITLE	DRAWING NUMBER
· Cover page	TP 0.01
· Existing Site Plan: Site Analysis & Design Response	TP 1.01
· Demolition Plan	TP 1.02
· Existing & Proposed Shadow Diagrams 9AM	TP 1.11
· Existing & Proposed Shadow Diagrams 12PM	TP 1.12
· Existing & Proposed Shadow Diagrams 3PM	TP 1.13
· Proposed Ground Floor Plan	TP 2.01
· Proposed First Floor Plan	TP 2.02
· Proposed Second Floor Plan	TP 2.03
· Proposed Third Floor Plan	TP 2.04
· Proposed Roof Plan	TP 2.05
· Existing and proposed streetscape elevations, Queens Parade (North)	TP 3.01
· Existing and proposed streetscape elevations, Gold Street (East)	TP 3.02
· Existing and proposed rear elevation, Laneway (South)	TP 3.03
· Existing and proposed side elevations (North-East)	TP 3.04
· Existing and proposed side elevations (South-West)	TP 3.05
· Perspective view and materials palette, Queens Parade	TP 3.11
· Proposed Sections	TP 4.01

A	2014.14	TOWN PLANNING (01)	01	General Notes 1. All drawings are to be read in conjunction with the project brief and the relevant planning scheme. 2. The client is responsible for ensuring that all necessary approvals are obtained from the relevant authorities. 3. The client is responsible for ensuring that all necessary approvals are obtained from the relevant authorities. 4. The client is responsible for ensuring that all necessary approvals are obtained from the relevant authorities. 5. The client is responsible for ensuring that all necessary approvals are obtained from the relevant authorities.
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cleararchitecturestudio
 20/21 Nicholson Street, Melbourne VIC 3000
 Tel: (03) 9412 1234 Fax: (03) 9412 1234 www.cleararchitecturestudio.com.au

Cover page	SCALE	NTS	Project No.	13_03
Queens Pde, Apartments	1:50	1:50	0000000000	TP001
Elite Architects Holdings 1 Pty Ltd	1:50	1:50	13_03	Rev A

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



LEGEND / SITE ANALYSIS

B1Z ZONING

R1Z ZONING

No. 137 QUEENS PARADE - EXISTING SUBJECT SITE, SINGLE STOREY BRICK BUILDING WITH A GALVANISED IRON FLAT ROOF SECTION, LOCATED IN A BUSINESS 1 ZONING.

1 LOCATION
THE SUBJECT SITE IS LOCATED WITHIN A MIXED USED COMMERCIAL AREA, QUEENS PARADE SHOPPING STREET OFFERS FULL RANGE OF RETAIL OUTLETS AND SERVICES

THE AREA IS WELL SERVED BY RETAIL, SCHOOL, PUBLIC TRANSPORT, COMMUNITY, OPEN SPACE PARK LAND AND SPORTS FACILITIES.
ST. JOHN'S CATHOLIC PRIMARY SCHOOL (250m SOUTH OF THE SITE).
MAYORS PARK: WALKING PATH, PLAY EQUIPMENT, TENNIS, LEISURE CENTRE, OPEN PARK LAND (200m EAST OF THE SITE)
DARLING GARDENS (100m SOUTH OF THE SITE).

TYPICALLY THE NEARBY AREA INCLUDES RESIDENTIAL USE IN THE LOCAL STREETS TO THE SOUTH OF THE SITE.

2 TRANSPORT
THE SUBJECT SITE HAS EXCELLENT ACCESS TO PUBLIC TRANSPORT WITH TRAM, BUSES AND TRAM AVAILABLE IN THE NEARBY AREA. CLIFTON HILL RAILWAY STATION IS SITUATED 450m EAST OF THE SITE.
BUS ROUTE No. 245, 250, 251 AND 504 OPERATE ALONG QUEENS PARADE, APPROX 400m NORTH EAST OF THE SITE.
BUS ROUTE No. 548 OPERATES ALONG QUEENS PARADE, ADJACENT TO THE SITE.
TRAM ROUTE 86 OPERATES ALONG QUEENS PARADE, ADJACENT TO THE SITE.

THE SUBJECT SITE HAS EXCELLENT ACCESS TO ON AND OFF-ROAD BICYCLE INFRASTRUCTURE INCLUDING BICYCLE LANES ALONG GOLD STREET AND WELLINGTON STREET.
THERE IS A GOOD BICYCLE CONNECTIVITY TO LOCATIONS WITHIN THE SURROUNDINGS, WHERE OTHER NEARBY ROADS PROVIDE A DENSE NETWORK OF INFORMAL BICYCLE ROUTES.

3 NEIGHBORHOOD SUBDIVISION
NORTH SOUTH EAST AND WEST GRID WITH SOME DIAGONAL DISTORTION, GENTLE TO FLAT LAND FORM. NO VARIATION IN LEVELS BETWEEN SITE AND ADJACENT PROPERTIES. VARIOUS LOT SIZES AND FRONTAGES TYPICALLY 7-14m. MINIMUM DWELLING SETBACK: ON TO 0m.

4 STREET SCAPE
60m ROAD RESERVATION, 7m WIDE BITUMEN CARRIAGEWAY, BLUESTONE KERB - CHANNEL, CONCRETE VEHICLE CROSSING - FOOTPATH 6m WIDE, NATURE STRIP 6m WIDE. VARIOUS STREETSCAPE STREET TREE PLANTING ALONG QUEENS PARADE, CLIFTON HILL. MINIMUM PUBLIC SIGNAGE ON STREET. PARKING BOTH ON & IN OFF THE STREET.

5 STREET INTERFACE
VARIOUS FRONTAGES TO STREET INCLUDING BRICK, AND GLASS. OVERHEAD AWNING COVERING FOOTPATH FOR PEDESTRIAN CONVIENIENCE. ADVERTISING SIGNAGE AND BILLBOARDS ARE MODEST IN SIZE AND COLOUR. ENTER'S VISIBLE FROM THE STREET.

VARIOUS ARCHITECTURAL STYLES. TYPICALLY DOUBLE STOREY, RESIDENTIAL, COMMERCIAL & RETAIL USES. BRICK MATERIAL, CONCRETE, GLASS AND ROOFING OF LOW PITCH, RP CONSTRUCTION, LIGHT EARTH TONES, GARAGE/CAR PORTS ACCESS TYPICALLY LOCATED TO THE REAR.
DUAL STREET FRONTAGES OF SITE ALLOW FOR VARIOUS CAR PARKING, DEVELOPMENT AND ACCESS OPTIONS.

DESIGN RESPONSE

1 PROPOSED DEVELOPMENT
THE PROPOSED MIXED USE DESIGN CONSISTS OF THE FOLLOWING 2 COMPONENTS:
- No. 18 APARTMENTS (No. 8 x 2BEDROOM AND No.10 x 1BEDROOM)
- No. 3 CAFE TENANCIES (TOTAL OF 215 m² NET LETTABLE AREA)
THE CAFES ARE LOCATED ON THE GROUND FLOOR AND PROVIDE AN ACTIVE FRONTAGE TO QUEENS PARADE. THE APARTMENTS OF VARIOUS SIZES AND FLOOR PLANS ARE LOCATED ON THE FIRST, SECOND & THIRD FLOORS. THE APARTMENTS ARE SERVED BY A PUBLIC FOYER, LIFT AND STAIRWELL ACCESSIBLE FROM THE ROAD STREETSIDE ENTRANCE & ON SITE CARPARKING.

2 BUILDING FORM
THE PROPOSED BUILDING FORM IS CONTEMPORARY AND INTRODUCES DYNAMIC VISUAL AMENITY TO THE AREA. THE FACADES ARE WELL ARTICULATED WITH SETBACKS & BALCONIES, WHILE VARIOUS MATERIALS ENSURE THE DESIGN RESULTS IN A HIGH QUALITY BUILDING THAT ADDRESSES THE STREET & ADJUTING INTERFACES. THE MIXED USE PROPOSAL WILL ENHANCE QUEENS PARADE AND GOLD STREET STREETSCAPES, INCORPORATING A HIGH STANDARD OF MATERIAL FINISH AND PROVIDING A POSITIVE CONTRIBUTION TO THE NEIGHBOURING BUSINESS AND RESIDENTIAL PROPERTIES.

3 BUILDING ENVELOPE AND SETBACK
THE STREET FRONTAGE IS ALIGNED AND CONSISTENT WITH THAT OF BUILDINGS WITHIN THE LOCALITY. ALONG THE EAST AND NORTH BOUNDARY, A BREAK IN THE BUILDING FORM IS PROPOSED TO INTERLACE WITH NORMANBY HOTEL. THE FACADES HAVE BEEN SET BACK PROVIDING A VISUAL & PHYSICAL BUFFER BETWEEN THE NEIGHBOURING PROPERTY. ALONG QUEENS PARADE THE TRANSITION IS ALSO SOFTENED BY THE PROPOSED LANDSCAPING. ON THE THIRD LEVEL THE FACADES HAVE BEEN SUBSTANTIALLY SET BACK FROM QUEENS PARADE, FROM GOLD STREET AND FROM REAR LANEWAY TO PROVIDE A BETTER ARTICULATION OF THE BUILDING ENVELOPE.

4 PEDESTRIAN AND VEHICULAR ACCESS
1 x ENTRY POINT IS PROPOSED FOR EACH CAFE/ PEDESTRIAN ACCESS FROM QUEENS PARADE.
1 x ENTRY POINT IS PROPOSED FOR THE APARTMENTS PEDESTRIAN ACCESS TO RESIDENTIAL FOYER FROM GOLD STREET AND 1 x ENTRY POINT FOR THE GARAGE PEDESTRIAN AND VEHICULAR ACCESS FROM REAR OF THE SITE.
ON SITE CARPARKING HAS BEEN PROVIDED IN ACCORDANCE WITH THE RELEVANT STANDARDS:
TOTAL CARPARKS PROVIDED - 14 (ON SITE).
A TOTAL OF 21 SECURE BICYCLE PARKING SPACES HAVE BEEN PROVIDED WITHIN THE GARAGE, FOR SHARED USE BY RESIDENTS AND STAFF (AT LEAST 1 SPACE PER DWELLING/TENANCY).

5 SOLAR ACCESS
DEEP BALCONIES PROVIDE AN OPEN SPACE TO EACH APARTMENT. THE HABITABLE ROOM WINDOWS AND THE PRIVATE OPEN SPACE PROVIDE GOOD LIGHTING AND SOLAR ACCESS. SCREENINGS HAVE BEEN PROPOSED TO ALLOW PRIVACY AND PREVENT OVERLOOKING, PARTICULARLY ON THE SOUTHERN BOUNDARY.

6 ENVIRONMENTALLY SUSTAINABLE DESIGN
ESD FEATURES INCORPORATED IN THE PROPOSED DEVELOPMENT INCLUDE:
MANAGEMENT, INDOOR ENVIRONMENT QUALITY, ENERGY, TRANSPORT, WATER, MATERIALS, LAND USE AND ECOLOGY, EMISSIONS, INNOVATION.
Please refer to the Sustainable Management Plan for details.

No.	Date	REVISION	By

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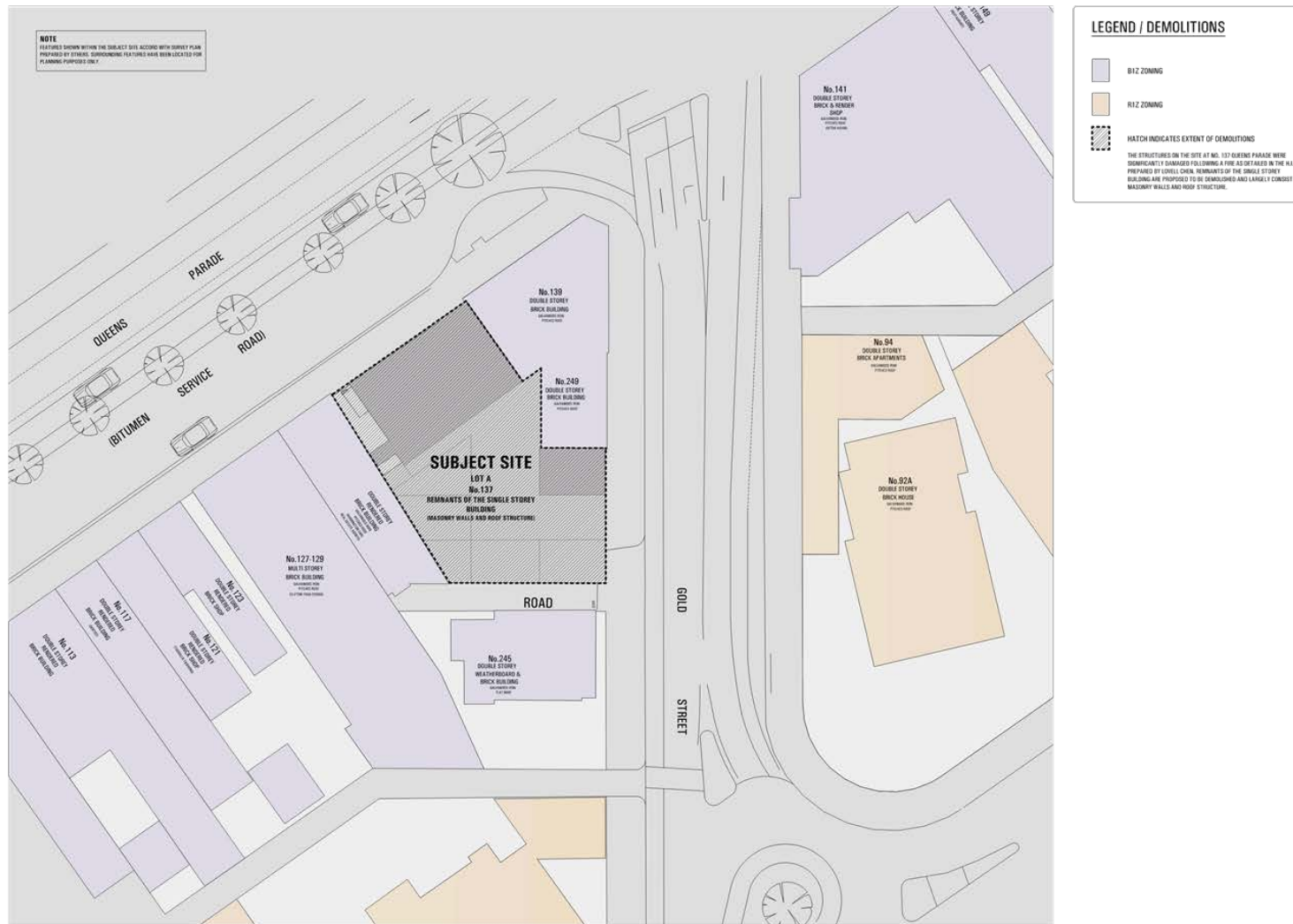
DRAWING TITLE | Site analysis and design response

PROJECT | Queens Pkcs. Apartments

CLIENT | Elite Investors Holdings 1 Pty Ltd

SCALE 1:200 @ A1	PROJECT 13_03
ISSUE TOWN PLANNING	DATE January 2014
DRAWN BY PP	PLAT DATE 28/14
CHECKED MS	CAR FILE 14_01
	REV -

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



NOTE
 FEATURES SHOWN WITHIN THE SUBJECT SITE ACCORD WITH SURVEY PLAN PREPARED BY STAFF. SURROUNDING FEATURES HAVE BEEN LOCATED FOR PLANNING PURPOSES ONLY.

LEGEND / DEMOLITIONS

- B1Z ZONING
- R1Z ZONING
- HATCH INDICATES EXTENT OF DEMOLITIONS

THE STRUCTURES ON THE SITE AT NO. 137 QUEENS PARADE WERE SIGNIFICANTLY DAMAGED FOLLOWING A FIRE AS DETAILLED IN THE N.L.S. PREPARED BY CIVIL CHIEF. REMNANTS OF THE SINGLE STOREY BUILDING ARE PROPOSED TO BE DEMOLISHED AND LARGELY CONCRETE MASONRY WALLS AND ROOF STRUCTURE.

A	2014	TOWN PLANNING - 001	PP	
No.	Date	REVISION	By	

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DRAWING TITLE Demolition plan	SCALE 1:200 (B-1)	PROJECT Queens Pk. Apartments	DATE April 2014	DRAWING 1.02	PROJECT 13_03
CLIENT Elite Investors Holdings 1 Pty Ltd	ISSUE TOWN PLANNING	DRAWN BY PP	DATE 28/14	CHECKED GSS	REV A

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



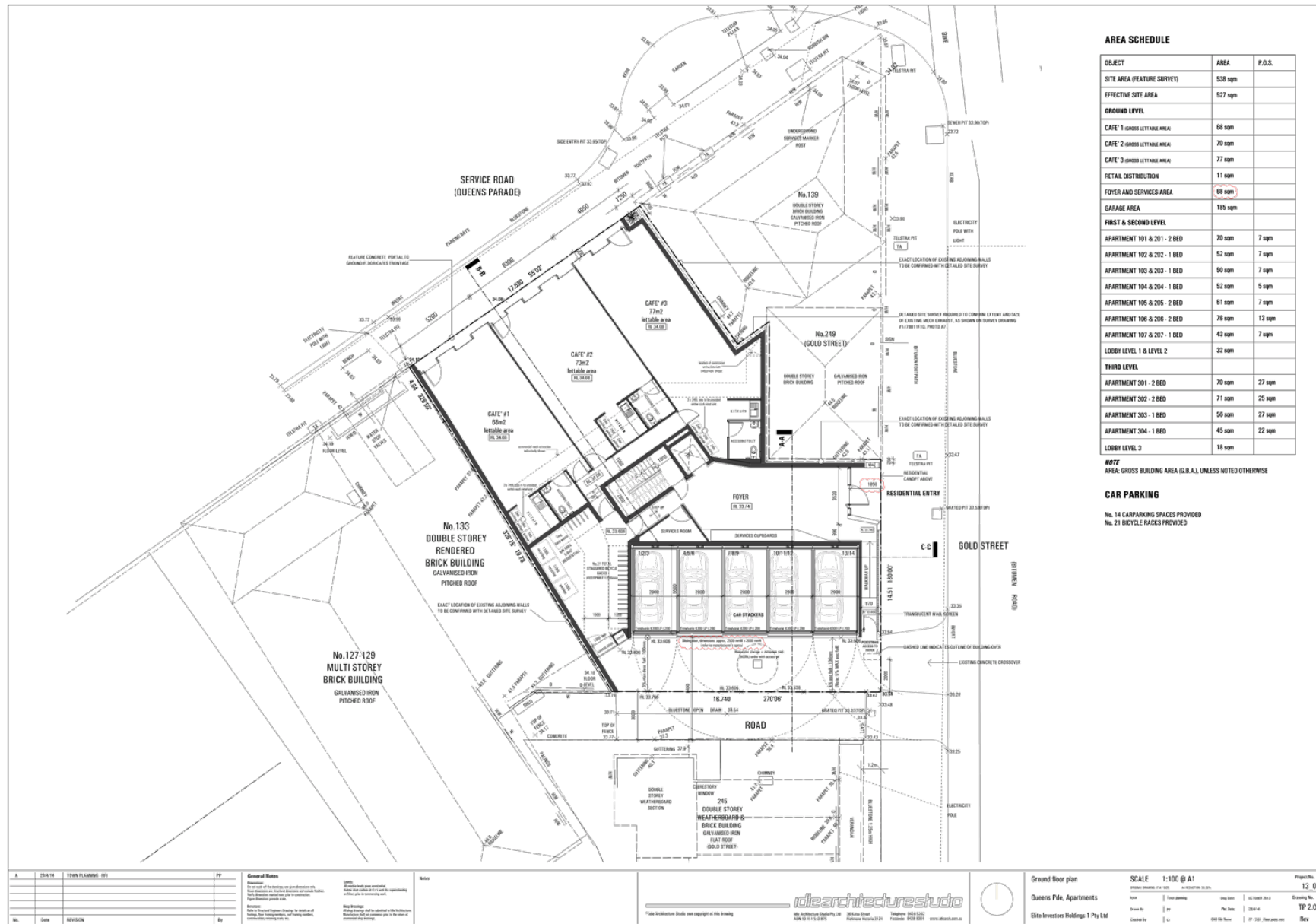
Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



AREA SCHEDULE

OBJECT	AREA	P.O.S.
SITE AREA (FEATURE SURVEY)	538 sqm	
EFFECTIVE SITE AREA	527 sqm	
GROUND LEVEL		
CAFE #1 GROSS LETTABLE AREA	68 sqm	
CAFE #2 GROSS LETTABLE AREA	70 sqm	
CAFE #3 GROSS LETTABLE AREA	77 sqm	
RETAIL DISTRIBUTION	11 sqm	
FOYER AND SERVICES AREA	68 sqm	
GARAGE AREA	185 sqm	
FIRST & SECOND LEVEL		
APARTMENT 101 & 201 - 2 BED	70 sqm	7 sqm
APARTMENT 102 & 202 - 1 BED	52 sqm	7 sqm
APARTMENT 103 & 203 - 1 BED	50 sqm	7 sqm
APARTMENT 104 & 204 - 1 BED	52 sqm	5 sqm
APARTMENT 105 & 205 - 2 BED	61 sqm	7 sqm
APARTMENT 106 & 206 - 2 BED	78 sqm	13 sqm
APARTMENT 107 & 207 - 1 BED	43 sqm	7 sqm
LOBBY LEVEL 1 & LEVEL 2	32 sqm	
THIRD LEVEL		
APARTMENT 301 - 2 BED	70 sqm	27 sqm
APARTMENT 302 - 2 BED	71 sqm	25 sqm
APARTMENT 303 - 1 BED	56 sqm	27 sqm
APARTMENT 304 - 1 BED	45 sqm	22 sqm
LOBBY LEVEL 3	18 sqm	

NOTE
AREA: GROSS BUILDING AREA (G.B.A.), UNLESS NOTED OTHERWISE

CAR PARKING
No. 14 CARPARKING SPACES PROVIDED
No. 21 BICYCLE RACKS PROVIDED

No.	Date	REVISION	By

General Notes

1. All dimensions are in millimetres unless otherwise stated.

2. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

3. All materials to be used shall be of the highest quality and shall be approved by the Council.

4. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

5. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

6. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

7. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

8. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

9. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

10. All work to be done in accordance with the Australian Standards (AS) and New Zealand Standards (NZS) as applicable.

idb architecture studio

1400-1401 Sturt Street, Melbourne VIC 3000
 Tel: 03 9412 1400
 Fax: 03 9412 1401
 Email: info@idbarch.com.au
 Website: www.idbarch.com.au

Ground floor plan SCALE 1:100 @ A1
 Project No. 13 03
 Drawing No. TP 2.01
 Date: 13/11/2014
 Drawn by: [Signature]
 Checked by: [Signature]

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



AREA SCHEDULE

OBJECT	AREA	P.O.S.
SITE AREA (FEATURE SURVEY)	530 sqm	
EFFECTIVE SITE AREA	527 sqm	
GROUND LEVEL		
CAFE 1 GROSS LETTABLE AREA	68 sqm	
CAFE 2 GROSS LETTABLE AREA	70 sqm	
CAFE 3 GROSS LETTABLE AREA	77 sqm	
RETAIL DISTRIBUTION	11 sqm	
FOYER AND SERVICES AREA	68 sqm	
GARAGE AREA	185 sqm	
FIRST & SECOND LEVEL		
APARTMENT 101 & 201 - 2 BED	70 sqm	7 sqm
APARTMENT 102 & 202 - 1 BED	52 sqm	7 sqm
APARTMENT 103 & 203 - 1 BED	50 sqm	7 sqm
APARTMENT 104 & 204 - 1 BED	52 sqm	5 sqm
APARTMENT 105 & 205 - 2 BED	61 sqm	7 sqm
APARTMENT 106 & 206 - 2 BED	78 sqm	13 sqm
APARTMENT 107 & 207 - 1 BED	43 sqm	7 sqm
LOBBY LEVEL 1 & LEVEL 2	32 sqm	
THIRD LEVEL		
APARTMENT 301 - 2 BED	70 sqm	27 sqm
APARTMENT 302 - 2 BED	71 sqm	25 sqm
APARTMENT 303 - 1 BED	58 sqm	27 sqm
APARTMENT 304 - 1 BED	45 sqm	22 sqm
LOBBY LEVEL 3	18 sqm	

NOTE
AREA: GROSS BUILDING AREA (G.B.A.), UNLESS NOTED OTHERWISE

CAR PARKING

No. 14 CARPARKING SPACES PROVIDED
No. 21 BICYCLE RACKS PROVIDED

No.	Date	REVISION	By

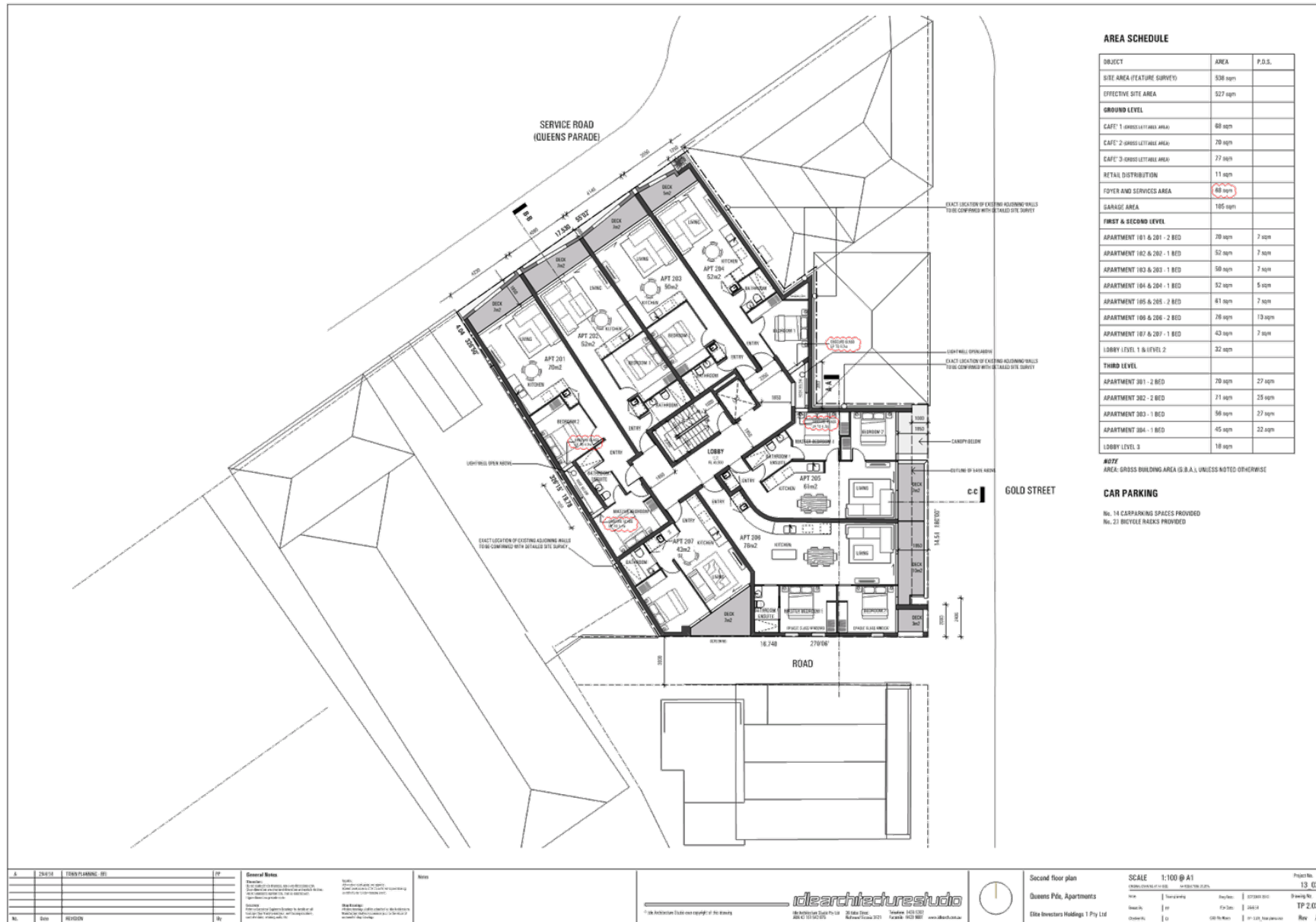
General Notes
 1. All work shall be in accordance with the relevant Australian Standards and the relevant Victorian Building Regulations.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
 3. The contractor shall be responsible for ensuring that all work is completed in accordance with the relevant Australian Standards and the relevant Victorian Building Regulations.
 4. The contractor shall be responsible for ensuring that all work is completed in accordance with the relevant Australian Standards and the relevant Victorian Building Regulations.

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 10/100 Collins St, Melbourne VIC 3000
 Tel: 03 9412 1234
 Fax: 03 9412 1235
 Email: info@idearchitecturestudio.com.au
 Website: www.idearchitecturestudio.com.au

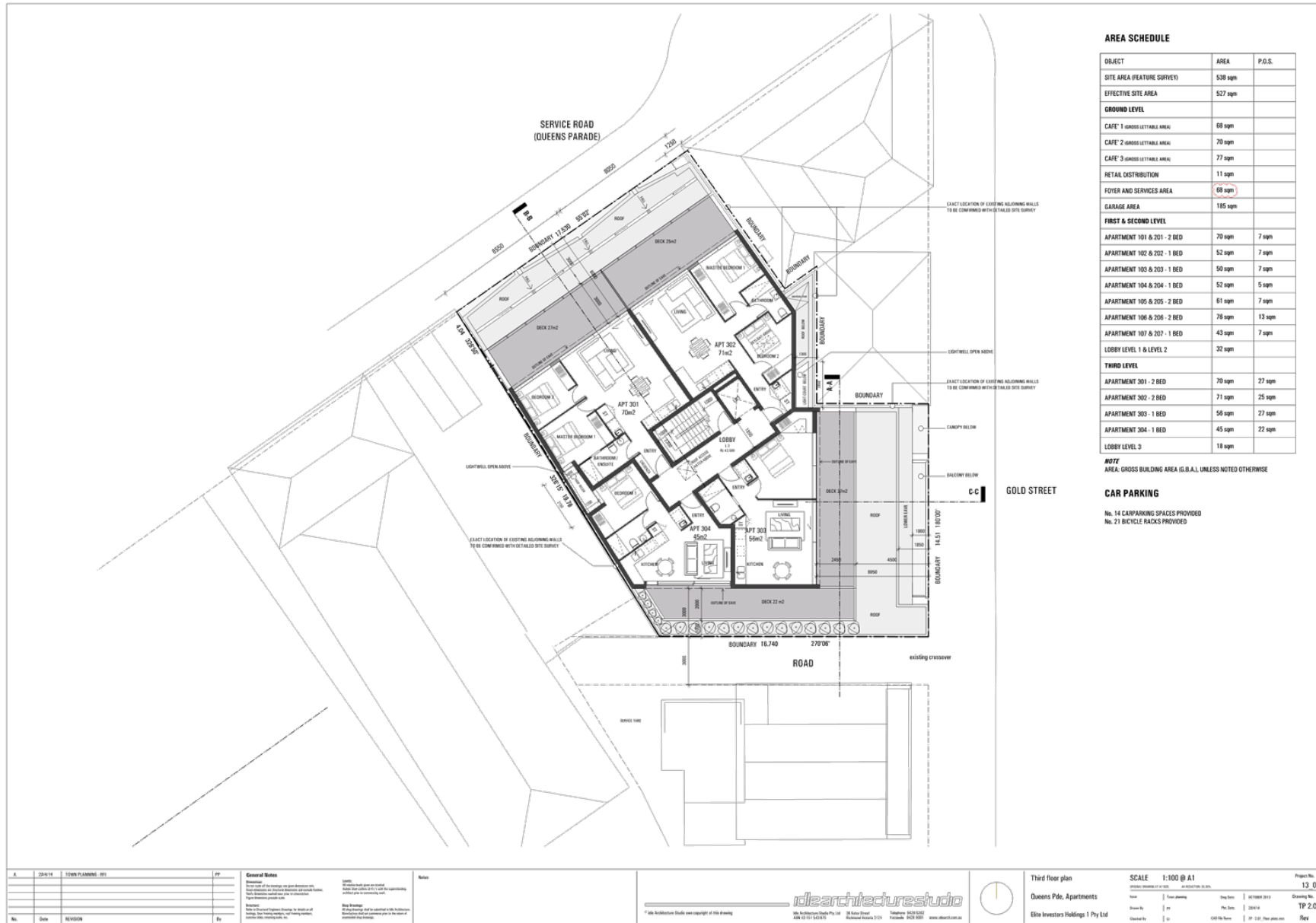
First floor plan
 Queens Pde, Apartments
 Elite Investors Holdings 1 Pty Ltd

SCALE 1:100 @ A1
 Project No. 13 03
 Drawing No. TP 2.02
 Rev A

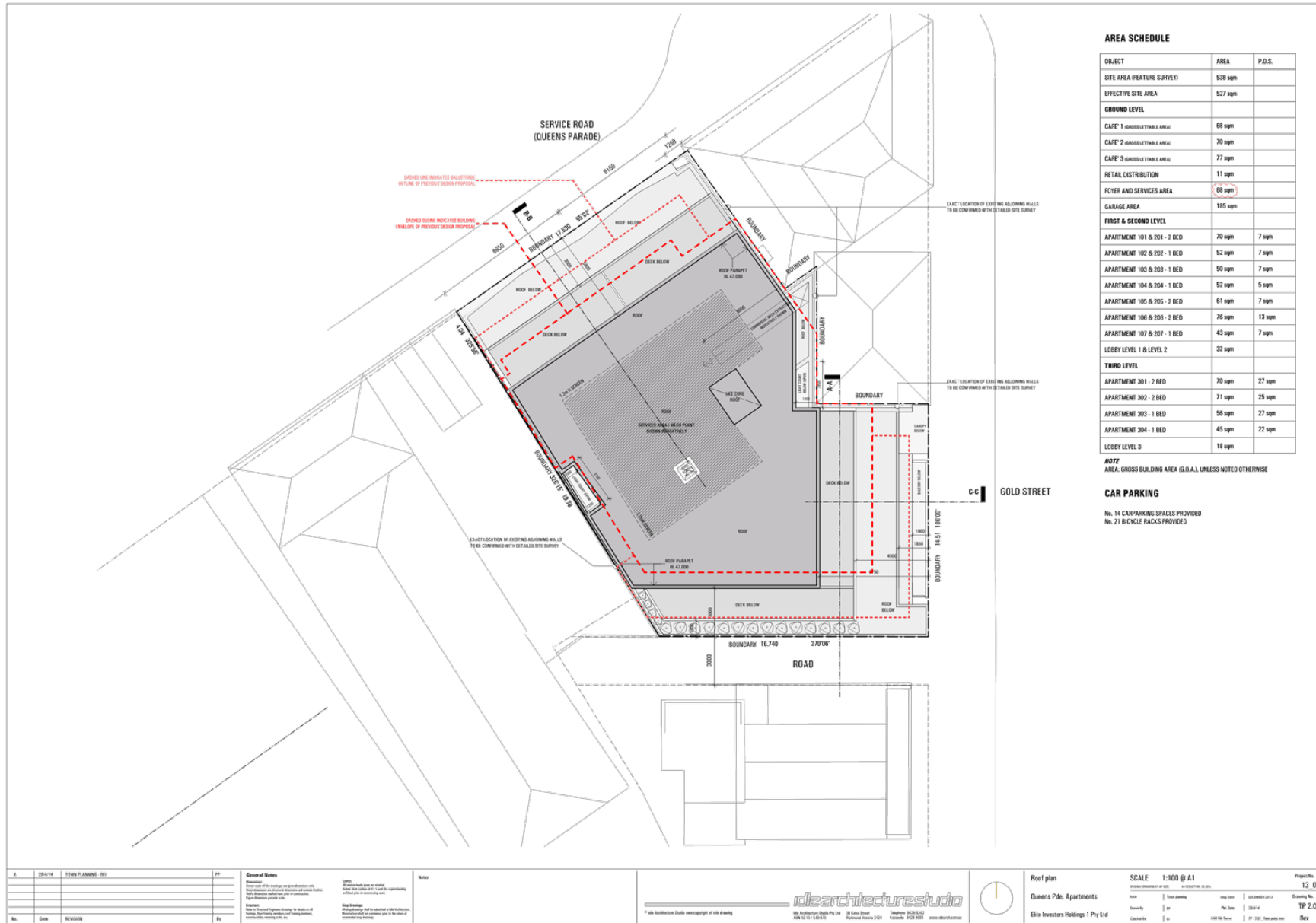
Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



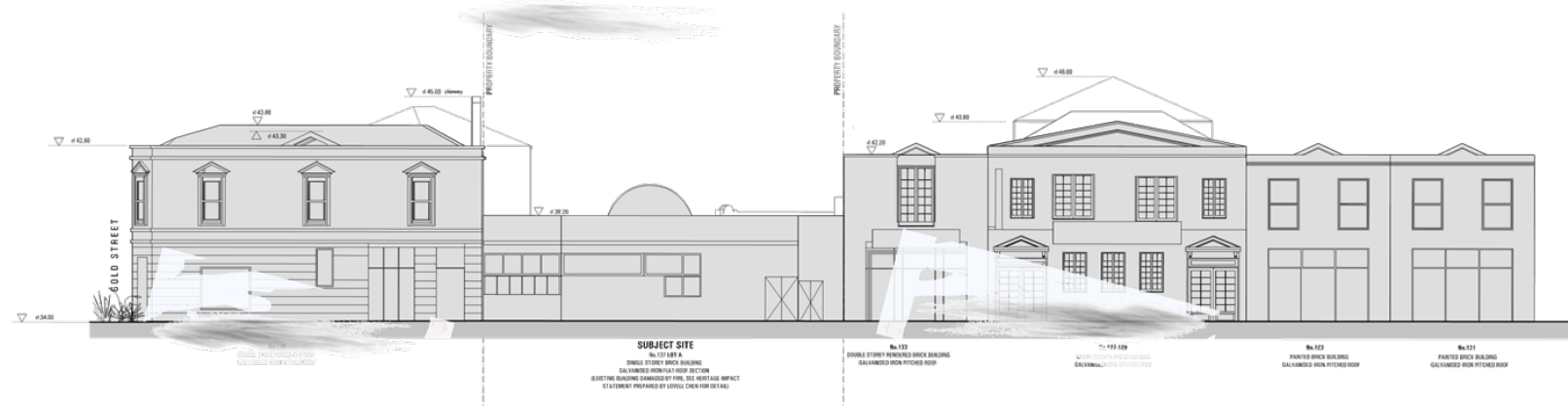
Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



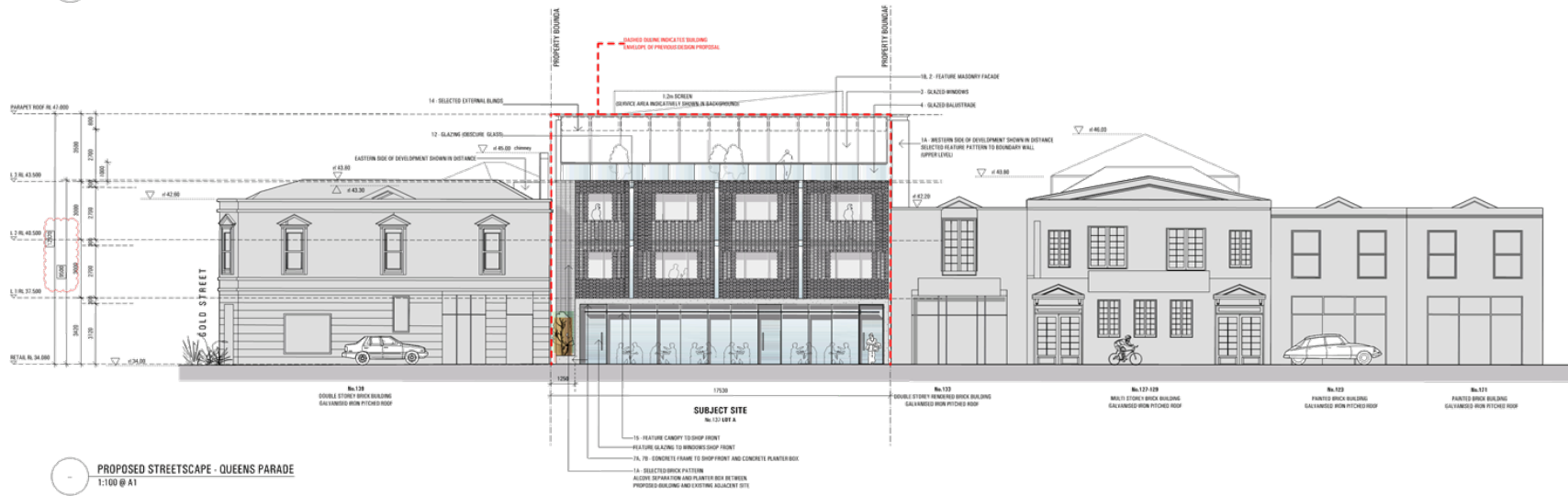
Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



EXISTING STREETSCAPE - QUEENS PARADE
1:100 @ A1



PROPOSED STREETSCAPE - QUEENS PARADE
1:100 @ A1

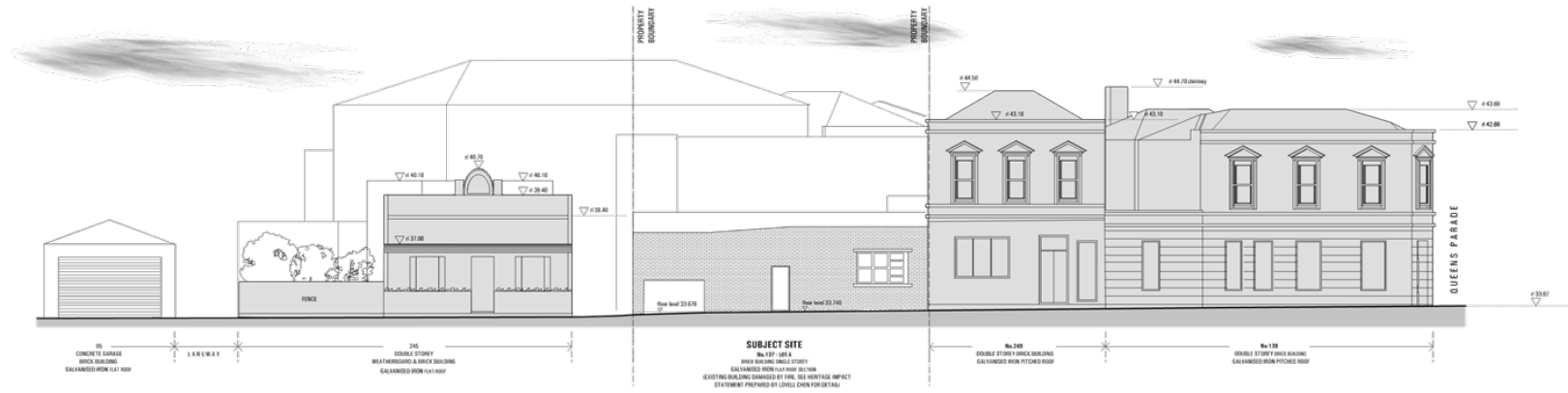
No.	Date	REVISION	By



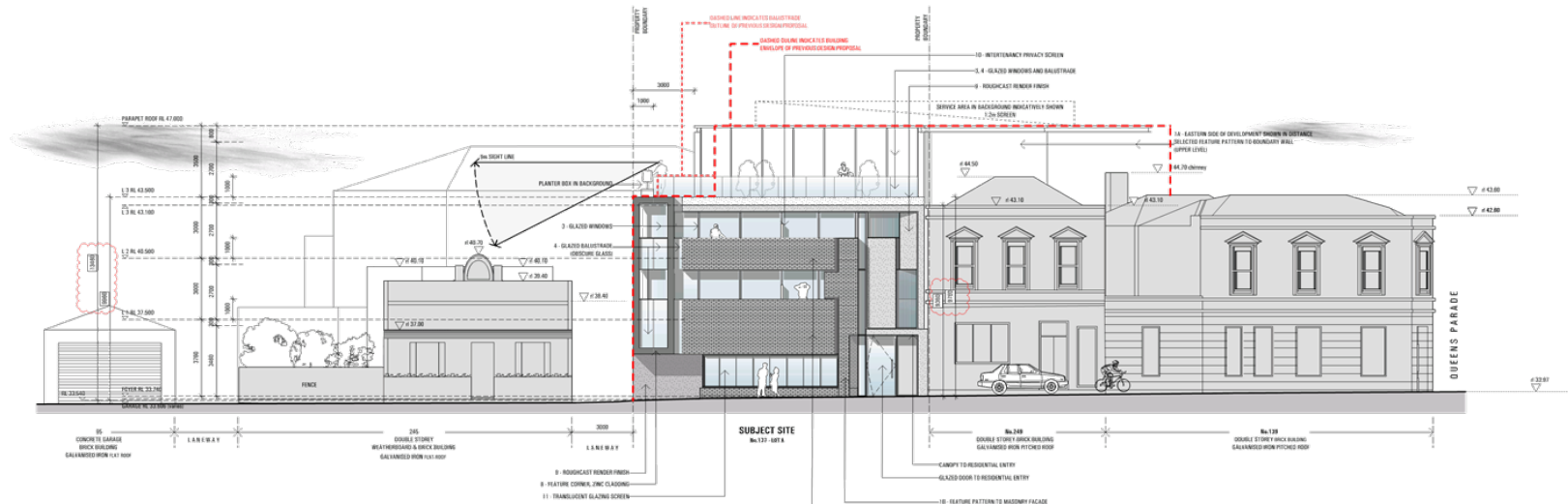
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DRAWING TITLE Streetscape elevations, Queens Parade (North)		SCALE 1:100 @ A1	PROJECT 13_03
PROJECT Queens Pk. Apartments		ISSUE TOWN PLANNING	DATE DECEMBER 2013
CLIENT Elite Investors Holdings 1 Pty Ltd		DRAWN BY PP/IC	PLAT DATE 24/01/14
		CHECKED CS	CAD FILE 14_01_13 Streetscape Elevations.dwg
			DRAWING 3.01
			REV A

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



EXISTING STREETScape - GOLD STREET
1:100 @ A1



PROPOSED STREETScape - GOLD STREET
1:100 @ A1

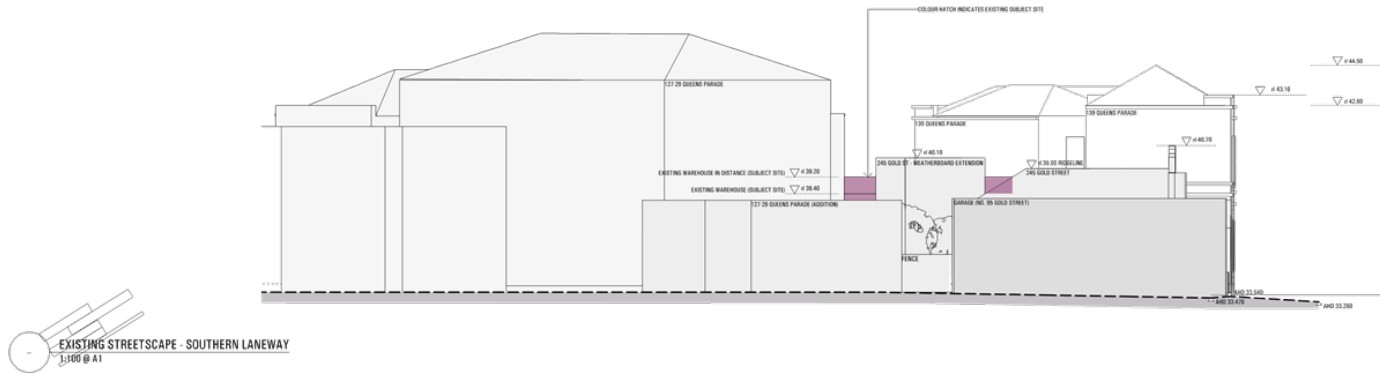
No.	Date	REVISION	By



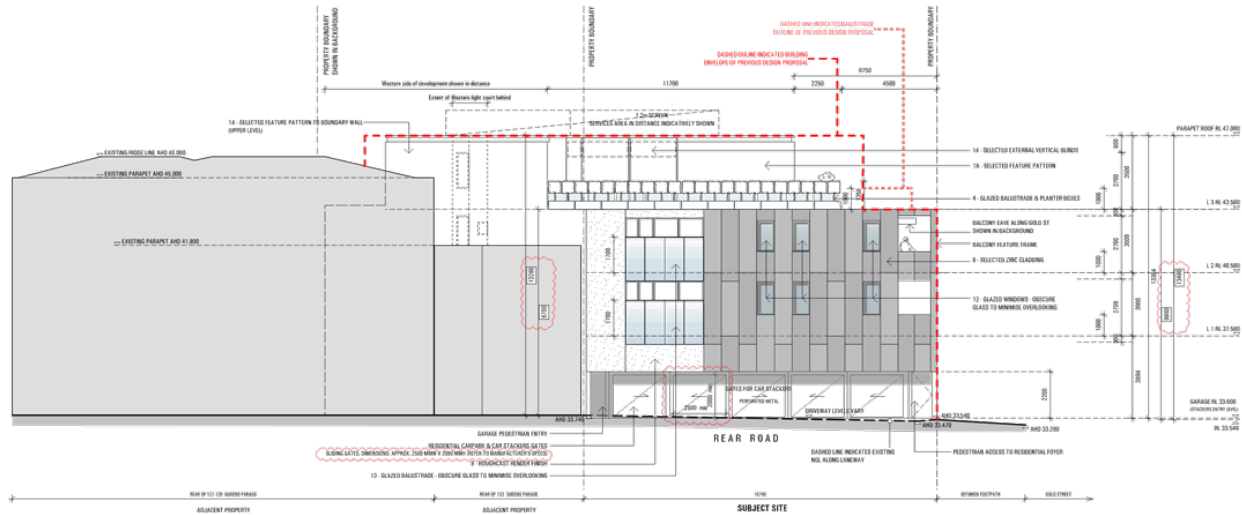
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DRAWING TITLE Streetscape elevations, Gold Street (East)		SCALE 1:100 @ A1	PROJECT 13_03
PROJECT Queens Pk. Apartments		ISSUE TOWN PLANNING	DATE DECEMBER 2013
CLIENT Elite Investors Holdings 1 Pty Ltd		DRAWN BY PPLC	PLAT DATE 28/14
		CHECKED GJ	CAD FILE 14_101_01.dwg
			REV A

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EXISTING STREETSCAPE - SOUTHERN LANEWAY
1:100 @ A1



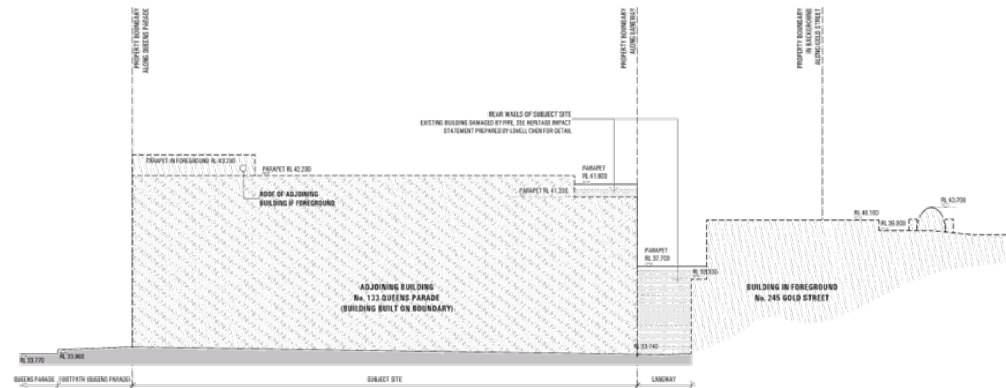
PROPOSED STREETSCAPE - SOUTHERN LANEWAY
1:100 @ A1

No.	Date	REVISION	By
A	28/6/14	TOWN PLANNING - 001	PP

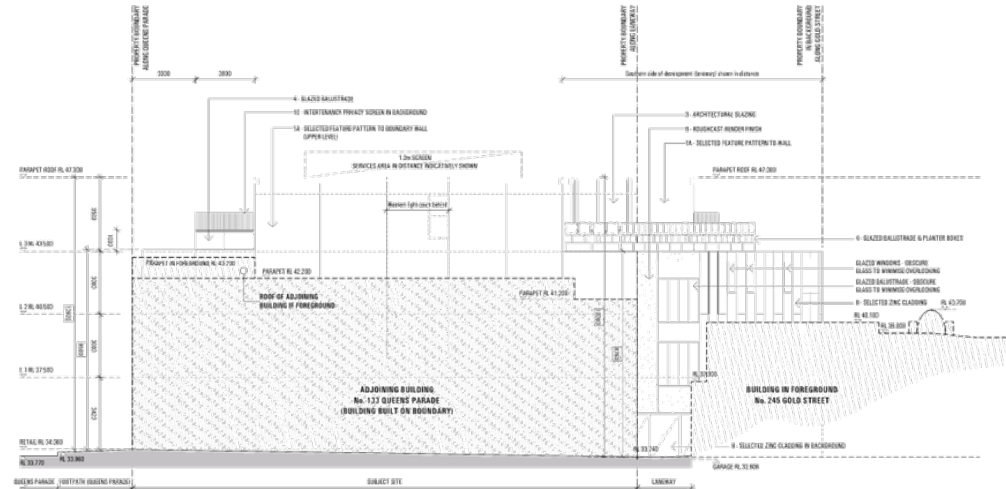
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 Telephone 9428 5252 Facsimile 9428 9001
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DRAWING TITLE Streetscape elevations, Laneway (South)		SCALE 1:100 @ A1	PROJECT 13_03
PROJECT Queens Pk. Apartments		ISSUE TOWN PLANNING	DATE DECEMBER 2013
CLIENT Elite Investors Holdings 1 Pty Ltd		DRAWN BY PPLC	PLAT DATE 24/6/14
		CHECKED CL	CAD FILE 14_11_13.dwg
			REV A

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EXISTING ELEVATION - SOUTH-WEST
1:100 @ A1



PROPOSED ELEVATION - SOUTH-WEST
1:100 @ A1

A	2015/14	TOWN PLANNING 001	PP
No.	Date	REVISION	By



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DRAWING TITLE Existing and proposed side elevation (South West)		SCALE 1:100 @ A1	PROJECT 13_03
PROJECT Osmos Pk, Apartments	DATE APRIL 2015	DRAWING 3.05	
CLIENT Elba Investors Holdings 1 Pty Ltd	DESIGNED	DATE PLOTTED 26/11/14	REV A

Attachment 2 - PLN14/0209 - 137 Queens Parade, Clifton Hill - decision plans



PERSPECTIVE VIEW - Queens parade, looking West

MATERIAL PALETTE AND REFERENCES



No.	Date	REVISION	By

100 Endeavouron Road, Moorabool VIC 3207
 100 Endeavouron Road, Moorabool VIC 3207
 Telephone 9428 5353 Fax 9428 6991
www.idlearch.com.au

DRAWING TITLE | Perspective view & Material palette

PROJECT | Queens Pk. Apartments

CLIENT | Elba Investors Holdings 1 Pty Ltd

SCALE | NTS

DATE | NOVEMBER 2014

PROJECT DATE | 28/10/14

DATE PLOTTED | 28/10/14

SCALE | 1:100

PROJECT | Queens Pk. Apartments

DATE | NOVEMBER 2014

PROJECT DATE | 28/10/14

SCALE | 1:100

DATE PLOTTED | 28/10/14

PROJECT | Queens Pk. Apartments

DATE | NOVEMBER 2014

PROJECT DATE | 28/10/14

SCALE | 1:100

DATE PLOTTED | 28/10/14

REV | A

30 Manton Street, Richmond - Planning Application PLN13/0688 - Development of the land for the construction of three, three-storey town houses.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning PLN13/0688 at 30 Manton Street, Richmond, and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 22.10 – Built Form and Design Policy;
 - (b) clause 22.13 - Residential Built Form Policy; and
 - (c) clause 55 – Two or more dwellings on a lot (Rescode).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Height and Scale;
 - (b) Off – site amenity impacts;
 - (c) Car parking.

Objector Concerns

4. Fifteen (15) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment (too high and bulky, lack of setbacks, high site coverage and low site permeability)
 - (b) Fails to fit in with the neighbourhood character
 - (c) Off-site amenity impacts (overshadowing, overlooking, noise)
 - (d) Construction on the boundary and associated structural damage to adjoining properties
 - (e) Reduction of car parking is not appropriate
 - (f) Plan discrepancies

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: Ally Huynh
TITLE: Principal Planner
TEL: 92055040

1.2 30 Manton Street, Richmond - Planning Application PLN13/0688 - Development of the land for the construction of three, three-storey town houses.

Trim Record Number: D14/130568

Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for the construction of three, three-storey town houses.

Existing use: Two storey dwelling

Applicant: CS Town Planning

Zoning / Overlays: General Residential Zone

Date of Application: 26 August 2013

Application Number: PLN13/0688

Planning History

6. Planning Permit No. 8140 was issued by Council on 31/07/1995 for the construction of a two-storey addition. This permit was acted on and is the existing condition on site.

Background

7. A consultation meeting was held on 25 February 2014 and was attended by a number of objectors, the Applicant and Council Officers.
8. There was no resolution at the meeting, however the Applicant did commit to reviewing the proposal in light of the concerns raised by Council and objectors.
9. Two sets of amended plans were subsequently submitted to Council under Section 57(A) of the *Planning and Environment Act 1987* [the Act]. The first set submitted on 29 July 2014 proposes the following key changes:
- (a) The introduction of a one metre setback at ground floor from the Manton Street frontage and introduction of a sliding door to the lounge room;
 - (b) Reduction in size of terrace to T3 at the first floor;
 - (c) Deletion of the terrace adjacent to the west boundary at the second floor;
 - (d) An increase of one square metre in area of the balcony at first floor facing Manton Street;
 - (e) The introduction of a three metre setback at the upper level from Manton Street;
 - (f) T1 is now constructed flush with the floor below on the Stawell Street frontage;
 - (g) The north elevation now includes a metal palisade fence across the Manton Street frontage;
 - (h) Appropriate notations on the plans that all chimneys constructed along the common boundary with 28 Manton Street are to be retained;
 - (i) Appropriate screening added on the west elevation from the balcony of T1; and
 - (j) Increased glazing to the uppermost storey to reduce visual impact.
10. A second set of amended plans was submitted on 11 November 2014, with the following key changes and form the basis of this assessment:
- (a) Reduction in the overall height by 300mm, from 8.6m to 8.3m;
 - (b) Deletion of first floor balcony fronting Manton St and reconfiguration of windows;
 - (c) Reduced size of T1 terrace at the second floor;
 - (d) Setback of east wall of T1 at the second floor by 620mm;

- (e) Increased setback of west wall to T3 to 1.5m from 1.3m;
 - (f) Modification to the configuration of the east-facing windows and deletion of weather hoods;
 - (g) Deletion of storage shed to T3; and
 - (h) Various cosmetic changes to the materials and finishes of the building, including change to material of garage doors and external walls at the first and second floors, and squaring-off of walls at the first floor.
11. These plans were not re-advertised on the basis that the variations proposed reduced the size of the development; however the plans have been circulated to all objectors.

Existing Conditions

Subject Site

12. The subject site is located at the south-west intersection of Manton and Stawell Streets, in Richmond. Swan Street is approximately 300m to the south, and Burnley Street is located to west, approximately 200m.
13. The site is rectangular in shape, with frontages of 8.09m and 23.34m to Manton and Stawell Streets respectively. The total site area is approximately 189sqm. The site is formally known as Lot 1 on Title Plan 694525Y, Volume 04989 and Folio 635.
14. Developed on site is a single storey Victorian-era dwelling, with a two storey addition at the rear. The building is entirely constructed on the west boundary and is marginally set back from the north and east boundaries, where soft landscaping is provided. A flat roofed verandah extends over the entire rear area, connecting the dwelling to the southern boundary, and extending along half of the site's frontage to Stawell Street. It appears this area is used for dual purposes, secluded private open space and car parking. A single width crossover currently exists on this part of Stawell Street.
15. Timber picket fencing is provided along the site's frontage to Manton and Stawell Streets at varying heights.
16. There are no restrictive covenants on the certificate of title submitted with the application.

Surrounding Land

17. The surrounding area is predominantly residential. Built form includes single, double and triple storey dwellings with traditional period and contemporary designs. Other built form characteristics of the area include construction on the boundaries, high site coverage, flat and pitched roof forms, timber weatherboards, face brick work and masonry construction are all commonly used materials.
18. To the north, on the opposite side of Manton Street is a mixture of single and double storey built forms, including both recent in-fill developments and older housing stock.
19. To the south land is developed with a single dwelling with a steep gable roof. The dwelling appears be detached from all boundaries, with a 3.0m setback from Stawell Street. The dwelling is the only one with this deeper setback from Stawell Street, in the section of Stawell Street between the subject site and a row of 6 properties to the south. The dwelling is also setback 2.0m from the common boundary with the subject site, where there is one habitable room window opposite the subject site.
20. On the opposite side of Stawell Street (to the east) is a row of recently constructed two and three storey townhouses, extending from Wertheim Street to Khartoum Street. These townhouses form the perimeter of the former Channel 9 site redevelopment, which includes a number of apartment buildings ranging between 4-7 storeys, located central to the site.

The townhouses are addressed to Stawell Street, with small gardens provided within the front setbacks. The upper levels also have varying setbacks to Stawell Street. These townhouses are typical of the emerging character of newer infill developments in the area.

21. Land to the immediate west of the subject site contains a semi-detached single storey weatherboard dwelling which shares a common party wall with the subject site. The dwelling setback 2.0m from Manton Street and is constructed on the common boundary for the large part, save for the rear section where it is setback 3.6m and accommodates a secluded private open space area.
22. Swan Street and Bridge Road are both within walking distance from the subject site, and are Major Activity Centres (MACs) within the municipality consisting of a variety of shops, restaurants and cafes, and community facilities. Both of these MACs provide tram access to the CBD.

The Proposal

23. The application is for the construction of three, three-storey town houses and a reduction in the car parking requirement.
24. The details of the proposal are summarised as follows:

Demolition

- (a) Demolition of all structure on site, save for the party wall along the western boundary and a section of the existing 1.9m high paling fence on the south boundary.
- (b) No permit is required for demolition.

Construction

- (c) 3 three-storey townhouses, one sited to Manton Street (T1) and two to Stawell Street (T2 and T3).
- (d) Each townhouse comprises two bedrooms, open-plan living and kitchen areas, an ensuite, bathroom and laundry. T1 is proposed with a second living area, and T2 with a separate study.
- (e) Ground level –
 - (i) a car space with vehicular access from Stawell Street and one habitable room is proposed to each townhouse.
 - (ii) the townhouses would be constructed on the western and southern boundaries, and setback 1.0 – 1.8m from the north boundary. A combination of hard-edged construction and varying setbacks between 500mm – 1.4m is proposed from the east boundary (Stawell St).
 - (iii) a 1.2 m by 3.6m light court is proposed in the south-west corner of T3.
 - (iv) a 1m wide setback is proposed from Manton Street to accommodate a small front garden.
 - (v) A new double width crossover is proposed to Stawell Street; servicing T1 and T2.
- (f) Level 1 –
 - (i) A combination of bedrooms and open-plan living and kitchen areas are proposed at this level.
 - (ii) Construction on the east, west and south boundaries are proposed, save for the light court in the south-west corner, and small recesses in the east wall to separate each townhouse.
 - (iii) A balcony is proposed on the southern boundary for T3.
- (g) Level 2 –
 - (i) Open-plan living and kitchen area is proposed to T1 and T2. A bedroom with ensuite is proposed to T3.

- (ii) Construction is proposed on the western boundary, with a large terrace constructed flush to Manton Street. The face of this level would be setback 3m from north boundary.
 - (iii) Varying setbacks between 620mm – 1.8m is proposed to Stawell Street, with 2 terraces constructed to the boundary. A setback between 2.7m - 4.7m to proposed from the south boundary.
- (h) Design details-
- (i) Overall height from natural ground level is to be 8.3m.
 - (ii) The townhouses have a 'boxy' design with a flat roof proposed. The building is to be articulated with a variety of materials including blockwork, smooth and textured cladding, glass, and metal fencing.
 - (iii) 1.2m high fencing is proposed along parts of Manton and Stawell Street.
- (i) Environmentally Sustainable Design (ESD)-
- (i) Air conditioning and solar hot water units are to be located on the roof.
 - (ii) 1x 2,500lt in-ground rainwater tank.
 - (iii) Cross-ventilation to all dwellings.

Planning Scheme Provisions

Zoning

25. The State Government has introduced three new residential zones for Victoria. On the 29 April 2014, Council adopted its position on the new zones and outlined where it preferred to locate the new Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ). Council has since submitted an amendment to the Minister for Planning to introduce these two zones (Amendment C176). Also at that meeting Council identified potential sites for the Residential Growth Zone (RGZ) (Amendment C179).
26. On 1 July 2014, the default General Residential Zone (clause 32.08) was introduced into the Yarra Planning Scheme, until a decision is made on Council's preferred zoning as outlined in Amendment C176. Clause 32.08 contains no transitional arrangements, therefore current applications must be considered against the new General Residential Zone, not the Residential 1 Zone which was in place when the planning application was lodged.

General Residential Zone (GRZ)

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

Overlays

29. The subject site is not affected by any overlays.

Particular Provisions

Clause 52.06 – Car Parking

30. As per Table 1 of Clause 52.06-5, a new two-bedroom dwelling requires 1 car spaces to be provided.
31. The development includes 3, 2-bedroom townhouses and a total of 3 car spaces are required to be provided.
32. The development meets this requirement with three spaces provided on site.

Clause 55 – Rescode

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

General Provisions

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

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

35. The objective of this clause is *'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'. Planning for urban growth should consider (where relevant):*
 - (a) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - (b) *Neighbourhood character and landscape considerations.*

Clause 11.04-2 Housing choice and affordability

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

Clause 15.01-1 Urban design

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

Clause 15.01-2 Urban design principles

38. The objective of this clause is:
 - (a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.01-5 Cultural identity and neighbourhood character

39. The objective of this Clause is:

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

Clause 15.02-1 Energy and resource efficiency

40. The relevant objective of this Clause is:

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

Clause 15.03 Heritage

41. The objective of this clause is:

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

Clause 16.01-1 Residential development: Integrated housing

42. The objective of this clause is:

- (a) *to promote a housing market that meets community needs.*

Clause 16.01-2 Location of residential development

43. The objective of this clause is:

- (a) *to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

Clause 16.01-4 Housing diversity

44. The objective of this clause is:

- (a) *to provide for a range of housing types to meet increasingly diverse needs.*

Clause 18.02-1 Sustainable personal transport

45. The objective of this clause is:

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

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and housing

46. The relevant objectives and strategies within this Clause are as follows:

- (a) *Objective 1 – To accommodate forecast increases in population.*
(i) *Strategy 1.3 – Support residual population increases in established neighbourhoods.*

Clause 21.05 Built Form

Clause 21.05-2 Urban Design

47. The relevant objectives of this clause are:

- (a) *Objective 16 – To reinforce the existing urban framework of Yarra.*
(b) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric.*
(c) *to retain, enhance and extend Yarra's fine grain street pattern.*
(d) *to create an inner city environment with landscaped beauty.*
(e) *to ensure that new development contributes positively to Yarra's urban fabric.*
(f) *to encourage the provision of universal access in new development.*

Clause 21.06 Transport

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

- (a) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
- (b) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks*

Clause 21.07 Environmental Sustainability

49. The relative objective of this clause is:
- (a) *Objective 34 To promote ecologically sustainable development*
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

50. Clause 21.08-10 Central Richmond:
- (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.*
51. The map at Figure 24: Built-form character Map: Central Richmond shows that the subject site is located in the Inner Suburban Residential area. The strategies for this area are:
- (a) *Maintain the existing pattern of front setbacks.*
 - (b) *Limit variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites in areas with generally consistent building heights.*

Clause 22.10 – Built Form and Design

52. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

Clause 22.13 Residential Built Form Policy

53. It is policy that development within each of the character types responds positively to the location of the development.
54. The policy objectives are:
- (a) *to limit the impact of new development on surrounding land, particularly on low rise residential areas; and*
 - (b) *to respond to and strengthen the distinct character of different parts of Yarra.*
55. As noted above at clause 21.08, this site is located within the 'Central Richmond' neighbourhood and is categorised as an Inner Suburban Residential built form type.
56. Within Clause 22.13, the subject site would be categorized as *Inner Suburban - Urban Residential Mix*. Urban Residential is characterised by '*built form dominated residential areas with mostly no front and side setbacks.*' Inner Suburban is characterised by '*built form dominated residential areas with small gardens (if any) and minimal front and side setbacks*'.
57. Clause 22.13-3.2 applies specifically to these built form character types and the preferred design response for this type is:

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

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

Other Policies

Amendment C133

59. Council has prepared a new local policy to consider environmentally sustainable design. Amendment C133 proposes to introduce Clause 22.17 – Environmentally Efficient Design into the Scheme.
60. The Amendment will also update Clause 21.07-1 – Ecologically sustainable development by introducing a new strategy. An Advisory Committee and Panel Report was released on 7 April 2014 and recommended adoption of the amendment subject to minor changes.
61. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the SPPF and the MSS. The policy requires applications to be considered against the following objectives (where applicable):
- (a) *Energy efficiency;*
 - (b) *Water resources;*
 - (c) *Indoor environment quality;*
 - (d) *Stormwater management;*
 - (e) *Transport;*
 - (f) *Waste management;*
 - (g) *Innovation; and*
 - (h) *Urban ecology.*
62. In determining an application, the Responsible Authority will consider as appropriate:

- (a) *How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.*
- (b) *How the development considers:*
 - (i) *Best practice principles;*
 - (ii) *Innovation;*
 - (iii) *Use of emerging and proven technology; and*
 - (iv) *Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).*
- (c) *Any relevant adopted policies.*

Advertising

63. The application was originally advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 25 letters sent to surrounding property owners and occupiers and the display of two signs on the site.
64. Council received a total of 14 objections to the application. The grounds of objection are summarised as follows:
- (a) Overdevelopment (too high and bulky, lack of setbacks, high site coverage and low site permeability)
 - (b) Fails to fit in with the neighbourhood character
 - (c) Off-site amenity impacts (overshadowing, overlooking, noise)
 - (d) Construction on the boundary and associated structural damage to adjoining properties
 - (e) Reduction of car parking is not appropriate
 - (f) Plan discrepancies
65. A consultation meeting was held on 25 February 2014 and was attended by a number of objectors, the Applicant and Council Officers. There was no resolution at the meeting, however the Applicant did commit to reviewing the proposal in light of the concerns raised by Council officers and objectors.
66. Amended plans were formally submitted to Council under Section 57(A) of Act on 29 July 2014. The changes have been summarised earlier in the report.
67. The first set of amended plans was re-advertised, with one new objection received. The total number of objections is therefore 15.
68. The second set of amended plans was not re-advertised on the basis that the variations proposed reduced the size of the development; however the plans have been circulated to all objectors.

Referrals

69. The application was referred the following units within Council:

- (a) Urban Design; and
- (b) Engineering Services Unit

Urban Design

70. The following advice was provided based on the original proposal:

- (a) *The current design is not supported in regard to the streetscape response. The design should be modified to:*
 - (i) *Reduce the development to two storeys or design the upper level in a more recessive manner.*

- (ii) *Provide a setback to the Manton Street frontage.*
- (iii) *Provide greater visual overlooking to Manton Street.*
- (iv) *Provide a greater setback to the garage to town house 3.*
- (v) *Modify and simplify material selection and design detailing.*

71. The amended plans were re-referred, with the following comments provided:

- (a) *In respect to the previous comments the revised application has responded to these comments as follows:*
 - (i) *Reduce the development to two storeys or design the upper level in a more recessive manner.* Removal of the large spreading roof has reduced the visual presence of the upper level. However the three level façade to T1 is a dominating element in Stawell Street and a setback to this level would ensure that the east elevation read as a two storey façade.
 - (ii) *Provide a setback to the Manton Street frontage:* A minimal ground level setback of 1040mm has been provided. It does not match the property to the west but improves the situation.
 - (iii) *Provide a greater setback to the garage to town house 3:* No change
 - (iv) *Provide greater visual overlooking to Manton Street:* This has been redesigned to provide greater street overlooking in an appropriate way.
 - (v) *Modify and simplify material selection and design detailing as outlined below:* The number of materials have been reduced and colour and materials variation used distinguish the three town houses elevations to Stawell Street
- (b) *In summary the concerns about the number of materials and street surveillance have been met, the concern about the upper level has been partially met as have the setback comments.*

72. The second set of amended plans were also re-referred to Council's Urban Design Unit, who commented the following:

- (a) *The setback to the upper level from the Stawell Street boundary has improved the streetscape appearance in Stawell Street particularly when viewed from the north.*
- (b) *The articulation of the three town houses fronting Stawell Street will enhance the streetscape fit. Simplifying the elevations and providing the horizontal first level element to the Manton Street elevation is a design improvement from the original angled element. The reduction in the number of materials used is also an improvement.*

Engineering services

73. The following comments were provided based on the original plans:

Access Arrangements – Stawell Street Frontage

- (a) *A site inspection of Stawell Street revealed there is a road hump directly in front of the area of the proposed double vehicle crossing. The designer's drawings do not show this road hump. The road hump is a platform/flat-top type road hump, which commences at a point 4.86 metres from the south alignment of Manton Street and extends for 6.1 metres further south across the property frontage. The footpath measures 2.0 metres in width and is edged with a bluestone kerb.*

- (b) *To provide the vehicle crossing in front of the existing road hump, the applicant must engage a suitably qualified civil engineer to design the new vehicle crossing with the following parameters:*
 - (i) *The road hump must remain in place;*
 - (ii) *The footpath cross-fall must be DDA compliant;*
 - (iii) *The footpath along the property's Stawell Street frontage must be re-graded, commencing from the northern boundary to the new crossing and continuing to the existing vehicle crossing;*
 - (iv) *To construct the new vehicle crossing, the finished floor levels along the edges of the two single garage concrete slabs may need to be altered or lowered;*
 - (v) *A bull-nose may be permitted;*
 - (vi) *A 1 in 20 cross-sectional drawing must be prepared showing the existing footpath profile, kerb and channel and the road hump, and is to be fully dimensioned. All reduced levels of existing features and design levels are to be included. The applicant's engineer must demonstrate that the vehicle crossing will work with an 85th percentile vehicle or other suitable vehicle profile.*
- (c) *The drawings must not be approved or endorsed until the applicant has satisfied all of the above engineering requirements. The road hump must be accurately shown on the drawings.*
- (d) *Vehicle turning movements into and out of each garage, as shown in the swept path diagrams prepared by Ratio Consultants are considered satisfactory.*

Internal Layout

- (e) *The dimensions of the three single garages satisfy the Yarra Planning Scheme's off-street parking requirements as per Clause 52.06.*

Drainage – Legal Point of Discharge

- (f) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.*
- (g) *Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- (h) *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.*

74. The following comments were provided for the amended plans:

- (a) *The building setback for T1 provides improved visibility at Manton Street and Stawell Street intersection.*
- (b) *The road hump has not been shown on the drawings as previously requested in engineering comments of 25 January 2014.*
- (c) *Vehicle crossing requirements are also to be in accordance with engineering requirements as per memo of 23 January 2014.*

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

OFFICER ASSESSMENT

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

- (a) State and Local Planning Policy Framework;
- (b) Clause 55 – Rescode
- (c) Clause 22.10 – Design and Built Form;
- (d) Clause 22.13 - Residential Built Form; and
- (e) Objector Concerns.

State and Local Policy Frameworks (SPPF and LPPF)

77. In relation to the SPPF and LPPF it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.
78. The proposed density of the development is consistent with both State and Local Policies such as clause 16.01-2, which encourages concentration of development around activity centres and intensifying development on sites well connected to public transport. This ensures efficient use of infrastructure and supports Council's preference within clause 21.04-1, Strategy 1.3 that established residential areas experience residual increase in population and density. The proposed density is also consistent with the emerging character of recent infill developments in Richmond, such as the townhouses (former Channel 9 site) on the opposite side of Stawell Street.
79. A concentration of residential development is encouraged within clause 18.01-1 around Major Activity Centres (MACs) such as the nearby Swan Street and Bridge Road MACs. The location of this site in proximity to these MACs allows future occupiers to be close to tram routes, Burnley Train Station, as well as the business, shopping, working, leisure and community facilities which are located within these activity centres. Both streets are well known as entertainment destinations of regional and metropolitan significance (particularly Swan Street due to its proximity to the nearby sports and entertainment precinct), as well as a convenience shopping, community, cultural and service centre for the local community in Richmond.
80. The importance of urban consolidation, which clauses 16.0-2 and 21.04-1 (amongst others) encourage, was raised in the Tribunal decision *NJJJKT v Whitehouse CC* [2008] VCAT 1410, where Senior Member Liston stated:
- [14] I think there needs to be a greater emphasis on the importance of metropolitan policies in relation to urban consolidation, housing diversity, and affordability. I do not say that neighbourhood character is of less importance, rather I say that in each decision consolidation diversity and affordability need to be at the forefront of our thinking, and not merely a background hum.
81. In summary, the subject site is considered to be appropriate for a residential development of the nature proposed. The proposal is also compliant with built form policies at Clauses 22.10 and 55 (Rescode), which will be discussed below.

Clause 55 – Rescode

82. This particular provision comprises 34 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following standards are either not applicable to the consideration of this application or are met through existing conditions:
- (a) *Standard B3 - Dwelling diversity – (this application is for less than ten dwellings)*

- (b) *Standard B11- Open space – (this application does not include any public or communal open space).*
- (c) *Standard B33 - Common property - (no common property is proposed)*

Standard B1 - Neighbourhood character

- 83. Complies with the objective. As detailed in the site and surrounding section of the report, the built form character of the area is varied with a mix of single storey period dwellings, and contemporary two and three storey townhouses. Specifically, the Manton Street streetscape is broken up into fragments, with small pockets of dwellings having a consistent character interspersed with infill development. The section of Stawell Street closest to the subject site, starting from Wertheim Street and extending south to just before Swan Street, have two distinct built form character. The eastern side is largely constructed with or will be constructed with a mix of two and three storey townhouses, forming part of the large redevelopment of the former Channel 9 site. These dwellings are contemporary in design and are setback from Stawell St at the upper levels. The western side of the street (same side as the subject site) consists of predominantly single storey weatherboard cottages, some with prominent two-storey additions. Roof forms in the area include gable, pitched, flat and skillion.
- 84. With the above in mind, the proposed development is considered to be more in line with the emerging character of the area, than the existing. This is not to say that the development is unacceptable.
- 85. The proposal appropriately picks up a number of elements visible in the street such as window proportions, and wall heights and framing element at the first floor to represent verandah/eave, whilst presenting itself as a modern development. The proposed soft landscaping within the front setbacks and 1.2m high metal palisade fence to both street frontages further seeks to reflect the traditional front garden and low picket fencing character of the area, and is considered appropriate. This design response is also in line with the recommendations made by the Council's Urban Designer in their review of the two earlier schemes submitted.
- 86. To Stawell Street, the proposal appropriately responds to the corner location with a robust first floor constructed to the street frontage and a recessed ground and second floor. This is reflective of the single storey housing stock to the immediate south, while being in-keeping with the contemporary townhouses on the opposite side of the street.
- 87. In terms of materials, the combination of timber cladding, block work, glazing, and aluminium framed windows and metal palisade fencing is entirely consistent with materials commonly found in the neighbourhood.

Standard B2 - Residential policy

- 88. Complies with the objective. The proposed development meets the relevant SPPF and LPPF objectives with regard to:
 - (a) providing increased housing diversity and housing choice;
 - (b) meeting forecast increases in resident and household numbers;
 - (c) providing higher density housing within proximity to public transport (Swan Street tram line and Burnley Train Station) and retail / activity centres (Swan Street and Bridge Rd Shopping Strip);
 - (d) taking advantage of and maximising the existing local infrastructure associated with the nearby Swan Street Major Activity Centre; and
 - (e) Compliance with policies within Clauses 22.10 and 22.13 as outlined later in this report.

Standard B4 – Infrastructure

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

Standard B5 - Integration with the street

90. Complies with the standard. The proposal integrates within the streetscape by providing clear and delineated pedestrian and vehicle entries. An entry to Manton St is retained under the proposal, while the two new entries to Stawell Street would be in keeping with other existing properties in the street. At the suggestion of Council's Urban Designer, the revised scheme sees significant improvement in street activation at ground level with the solid dark brick wall replaced with windows and small front gardens to both Manton and Stawell Streets. The larger windows and terraces at the upper levels would also add to the human presence in the street and promotes passive surveillance.
91. The proposed 1.2m high metal palisade fence along the site's frontage to Manton Street and part of Stawell St is considered appropriate in height and style, and in keeping with the low timber picket fence evident in the streetscapes.

Standard B6 - Street setback

92. Complies with the standard. The subject site is on a corner, and the following setbacks are suggested:
- (a) *Front street- If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.*
 - (b) *Side street - Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.*
93. The proposed development with a 1m -1.8m setback to Manton St is only partly compliant with the standard, in that only part of the building would be setback in line with the adjoining property to the west. The proposed setback is however, considered acceptable as the deeper setback is provided to the side abutting the adjoining property, while the lesser setback is sited to the corner location, and away from the neighbouring property. This design response would be similar to front verandah protruding slightly beyond the face of the dwelling evident in the period dwellings to the west, and appropriate for the corner location.
94. To Stawell Street, the proposed setback at ground level also does not comply with the standard, which requires a setback of approximately 3m to the wall and 2m to the verandah to be in line with the property to the south. As highlighted earlier, the property at 70 Stawell St is an anomaly within the streetscape, against the weatherboard cottages with verandahs constructed hard-edge to the street. The proposed combination of zero lot-line construction and setback between 0.5m – 1.4m is considered an acceptable response to the corner location of the site, and the varied setback of the properties to the south.
95. Whilst the ground floor would be cantilevered by the first floor on Stawell Street, this element provides a visual reference to the horizontal verandah/eave line evident in the surrounding properties. Similarly, this configuration would not be dissimilar the verandahs constructed on hard-edge to the street.

Standard B7- Building height

96. Complies with the standard. The overall maximum building height would be 8.3m which complies with the 9m suggestion under the Standard. It is noted that the building height has been reduced from 8.6m, in an attempt to keep the building height as low as possible.

Standard B8 - Site coverage

97. Complies with the objective. The proposal has a site coverage of approximately 94 percent which is well above the 60 percent maximum suggested by the standard. Whilst this level of site coverage is high, it is noted that the existing site coverage is already at 86% and without any sustainable design initiatives incorporated into the existing dwelling. The proposed development, on the contrary, is proposed with a number of ESD initiatives including solar hot water units, and one 2,500lt rainwater tank to assist with storm water runoff, and the energy efficiency of the building.
98. It should be noted that adjacent sites and others in the surrounding area also have high levels of site coverage. It is a characteristic of inner city suburbs such as Richmond to have high levels of site coverage and the planning scheme recognises this through the classification of the site as '*Inner Suburban Residential*' within clause 21.08-2. Clause 22.13-3.2 describes '*Inner Suburban Residential*' as a built form dominated residential area with small gardens (if any) and minimal front and side setbacks.
99. In light of all of the above, the proposed site coverage is considered acceptable.

Standard B9 – Site permeability

100. Complies with the objective. The proposed level of permeable surfaces is 9 percent which is well below the 20 percent minimum, but same as the existing permeability level. Whilst the development proposes one 2,500lt rain water tank, no information has been provided of its use. In order to assist with reducing the impact of increased stormwater run-off on the drainage system, a condition should be included to requiring the water tank to be connected with toilets for toilet flushing and/or landscape irrigation.
101. A variation to the standard is considered acceptable on this basis.

Standard B10 - Energy efficiency protection

102. Complies with the standard subject to conditions. The proposal includes a number of windows for all dwellings which allow for cross-ventilation and for daylight access. In particular, there are a number of north and east-facing windows which allow for direct solar access. These windows are also appropriately protected with external louvres. Further to this, solar hotwater systems are proposed, also helping to improve the building's en

Standard B12- Safety

103. Complies with the standard. The proposed entrances are setback from the street, however they are not obscured or isolated from the street. Ample windows and terraces with outlooks onto the entrances and street and proposed to increase passive surveillance opportunities.

Standard B13 – Landscaping

104. Complies with the standard. As indicated earlier in the report, the subject site is located in the area classified by Council as '*Inner Suburban Residential*' within clause 21.08-2, which describes the built form as a residential area with small gardens (if any) and minimal front and side setbacks. The proposal is consistent with this character with a small front garden proposed along the Manton Street frontage. There is limited opportunity to provide a true garden on the Stawell Street frontage, instead three smaller landscaped areas are proposed within the ground floor setback. A standard condition will be included on any permit to issue to ensure the landscaping is maintained to Council's satisfaction.

Standard B14 – Access

105. Complies with the standard. The existing crossover to Stawell Street is retained with one new double-width crossover proposed at the northern end of the site to service two of the townhouses. The application was referred to Council’s Traffic Engineer on three separate occasions, with the comments provided in the referral section. In summary, the proposed crossover is considered acceptable subject to the following conditions:

- (a) *The new vehicle crossing must be constructed within the following parameters:*
 - (i) *The road hump must remain in place;*
 - (ii) *The footpath cross-fall must be DDA compliant;*
 - (iii) *The footpath along the property’s Stawell Street frontage must be re-graded, commencing from the northern boundary to the new crossing and continuing to the existing vehicle crossing;*
 - (iv) *To construct the new vehicle crossing, the finished floor levels along the edges of the two single garage concrete slabs may need to be altered or lowered;*
 - (v) *A bull-nose may be permitted;*
 - (vi) *A 1 in 20 cross-sectional drawing must be prepared showing the existing footpath profile, kerb and channel and the road hump, and is to be fully dimensioned. All reduced levels of existing features and design levels are to be included. The applicant’s engineer must demonstrate that the vehicle crossing will work with an 85th percentile vehicle or other suitable vehicle profile.*

106. A specific concern was raised by objectors regarding the reduced level of visibility for motorists at the intersection of Manton and Stawell Streets as a result of the proposed development. Council’s Traffic Engineer reviewed this specific issue, and advised that the increased setback of the building at all levels from Manton Street has significantly improved the level of visibility and is acceptable.

Standard B15 - Parking location

107. Complies with the standard. The car spaces for the new dwelling are in a convenient location for the residents as they are near the entrance area with a door also adjacent to the internal areas.

Standard B17 - Side and rear setbacks

108. Complies with the objective. The following side and rear setbacks proposed.

Boundary	Height of wall	Minimum setback required	Setback provided
East	2.5m to 8.3m	1m to 3.4m	0.5m – 1.8
West -ground level -1 st level - 2 nd level	3.6m 5.91m 8.21m	1m 1.69 3.3m	1.25m 1.5m 3.25m
South	6.1m to 8.4	1.7m to 3.5m	1.6m and 2.7m – 4.7m

109. A variation to the suggested setback requirements are acceptable on the following basis:

- (a) The eastern boundary of the subject site is Stawell Street, and accordingly the reduced setbacks do not result in amenity impacts.

- (b) On the western boundary, it is clear from the table above that there is only marginal non-compliances at the first and second floors in the order of 19mm and 5mm respectively. These marginal shortfalls would not have a noticeable impact, and considered acceptable given the small lot size and inner city location of the site, and its abuttal with existing built form.
- (c) The southern interface of the development is to a blank wall and side setback of the adjoining property, and not a sensitive area. The shortfall in setback at the first floor is marginal being 1.6m instead of 1.7m, a difference which would not be noticeable by the naked eye. At the second level, the proposed setbacks partly exceed the minimum requirement, with the half closest to Stawell Street being short of the suggested 3.5m setback. This varied setback creates depth and visual interest for the building, whilst keeping the lesser setback closet to the street and away from any habitable room windows.

Standard B 18- Walls on boundaries

- 110. The proposal incorporates walls on the south boundary at the ground and first floors, and on the west boundary at all three levels as follows:
 - (a) South – 4.3m – 4.5m high (inclusive of the balustrade to the first floor terrace) for 6.2m in length; and
 - (b) West – 8.21m high for a maximum length of 13.6m at the second level, and 15m long at the first level.
- 111. Under the standard, the maximum allowable length of wall allowed on the boundary would be 13.3m. The proposal exceeds this with a maximum 15m long wall proposed on the west boundary at the first floor. A variation to the standard is considered acceptable in this instance given the wall largely abuts the adjoining single storey dwelling, and would not result in adverse amenity impact on the adjoining property to the west given the minuscule increase in overshadowing to the neighbour's private open space. It is noted that this interface has been improved under the amended plans with the length of the all reduced, and setback increased to 1.5m. A permit condition will ensure the first floor plan is to be amended with the correct setback dimension, as per the second floor.
- 112. Regarding the new wall on the south boundary it would be constructed largely opposite a blank wall along the side setback of the adjoining property, and not a sensitive area. It is noted that there is a north-facing window on the adjoining property located further to west of the new wall proposed. The on boundary construction is therefore considered acceptable and consistent with the character to the area, whilst not resulting in adverse amenity impacts.

Standard B19 - Daylight to existing windows

- 113. Not applicable as there is no existing habitable room windows opposite the proposed development, save for one north-facing window on the property to the south, which will be discussed in the following section.

Standard B20 – North-facing windows

- 114. Complies with the objective. As highlighted earlier, the proposed development is located within 3m of one north-facing habitable room window on the adjoining property to the south, and a setback in the order of 3.7m would be required under the standard. The development does not comply with the requirement with a wall constructed on the boundary at ground level, and setback 2.7m and 4.7m at the first and second floor respectively.

115. The applicant has submitted cross-sectional diagrams to illustrate that this window would only be fully in shadow at 9am and 10am. By 11am, half of the window would receive direct solar access; and full solar access thereafter. This outcome is considered acceptable given the narrow width of properties in an inner city location and the orientation of the site.

Standard B21- Overshadowing open space

116. Complies with the objective. Given the orientation of the site, overshadowing would affect the properties to the south and west. Based on the shadow diagrams submitted, there would be no increase in overshadowing to the private open space [POS] of the property to the west at 9am and 10am, as the area is already in complete shadow at these times. At 11am, there would be a small increase in the order of 1sqm of additional overshadowing, albeit, the area free of any overshadowing at this time is only a slither of land approximately 3.3sqm. From 12 noon and onwards, there would be no additional overshadowing from proposed development onto this POS area. Given the limited solar access to this area in the morning hours, an additional 1sqm of overshadowing at one hour of the day would not be detrimental to the enjoyment of this area considering the existing conditions.
117. As for the property to the south, the development would not affect its POS area given its location to the west and furthest away from the subject site. Additional overshadowing is limited to the side setback of the property, and not POS.

Standard B22- Overlooking

118. Complies with the standard subject to condition. There is no potential for overlooking to the north or east as the proposal faces Manton and Stawell Streets. To the west, the terrace at the first floor to townhouse T3 is appropriately screened to 1.7m high above finished floor level. Similarly, to the south the first floor terrace and habitable room windows have been appropriately treated.

Standard B23 - Internal views

119. Complies with the standard. There will be no overlooking between the dwellings within the development as there are no habitable rooms or terrace which face each other.

Standard B24 - Noise impacts

120. Complies with the standard. The proposal is within a residential area with no potential non-residential noise sources which the habitable rooms must be protected from.

Standard B25 - Accessibility

121. Complies with the standard. All three townhouses are proposed with an individual entry at ground level from the street.

Standard B26 - Dwelling entry

122. Complies with the standard. The proposal complies with Standard B26 as the proposed dwellings are provided with clear and delineated entrances from the street which creates a strong sense of address. The dwellings are provided with a prominent entry and path leading up to the front door.

Standard B27- Daylight to new windows

123. Complies with the standard. All habitable room windows have at least 1m clear to the sky and 3sqm in area and therefore comply with the condition.

Standard B28- Private open space

124. Complies with the standard. All townhouses are proposed with more than the minimum 8sqm of private open space and with direct access to a living area.

Standard B29- Solar access to open space

125. Complies with the objective. Given the orientation of the site it would not be possible to provide direct solar access to the POS of all three townhouses. Under the proposal only townhouse T1 would have direct solar access to its terrace; townhouses T2 and T3 would have an east and/or west orientation/outlook and therefore have some solar access. This is considered acceptable having regard to the useability and accessibility of the space, orientation of the site, and the objectives of urban consolidation.

Standard B30- Storage

126. Complies with the objective. Each townhouse is proposed with 5 cubic metres of storage within the garage, which is short of the suggested 6 cubic metres under the standard.
127. A variation to the standard is considered acceptable for dwellings within an inner suburban setting and without the need for a lawnmower, etc., residents of these townhouses would not have the same storage needs as residents in detached dwellings.

Standard B31 - Design detail

128. Complies with the standard. The proposal is a clearly modern design using a number of materials such as timber looking cladding, render, and corrugated steel. The proposal incorporates a rectilinear form with a flat roof, with a robust design response for the corner location. The terraces have a single form surrounding them which creates a simple yet visually interesting element to the street frontages. The Stawell Street elevation would benefit from having a larger window to the first floor bedroom of T2, to improve the solid to void ratio. This can be easily facilitated via a permit condition. As detailed in the referral section, Council's Urban Design Unit also supported the amended plans, commenting the following:

The articulation of the three town houses fronting Stawell Street will enhance the streetscape fit. Simplifying the elevations and providing the horizontal first level element to the Manton Street elevation is a design improvement from the original angled element. The reduction in the number of materials used is also an improvement.

Standard B32 - Front fence

129. Complies with the standard. As stipulated in Table 2 under Clause 54.06-2, a front fence within 3m of a street should not exceed a height of 1.5m. The proposed fence has a height of 1.2m along Manton Street, and part of Stawell Street, complying with the standard.

Standard B34- Site services objective

130. Complies with the standard. The proposed dwellings are within an established area with the ability for mailboxes and bins to be sited fronting their corresponding street frontages. Garbage and recycling collection are also able to take place from either street frontage.

Clause 22.10 – Built form and design policy

131. The policy applies to all new development not included in a heritage overlay and comprises ten design elements. Notably, Clauses 22.10-3.6 to 22.10-3.11 do not apply for applications required to be assessed against Clause 55.
132. An assessment against the relevant design elements is provided below:

Clause 22.10-3.2 Urban form and character

133. The proposal will continue with the existing pattern of the surrounding area in terms of building design, massing, modulation and façade articulation. The proposal responds to the wider surrounding character, particularly the contemporary dwellings which have been built recently to the east of the site. This development will contribute to the ever changing and modernisation of this segment of Richmond.

Clause 22.10-3.3 Setbacks & building heights

134. The maximum building height of the building would be 8.3m and is acceptable as there are other similarly sized buildings within Manton and Stawell Streets and the wider area. As previously stated in the assessment of Standards B17 and B18, the proposal does not strictly comply with the setback requirement on the south and west sides. However the variations are considered acceptable given the limited off-site amenity impacts on the adjoining properties and the small lot size.

Clause 22.10-3.4 Street and Public Space Quality

135. The proposal is to be orientated to both Manton and Stawell Streets and is of a simple, yet contemporary design, which will contribute to the quality of public space. As previously stated, the proposal picks up on elements visible in both Manton and Stawell Streets and the wider area to incorporate into the design such as a rectilinear built form, window proportions and the use of modern materials. The variance in materials to the front façades and fenestration provide for visual interest. The proposal incorporates front balconies which will allow for a greater pedestrian experience through passive surveillance. The development does not include any high fences to obstruct views to and from the site.

Clause 22.10-3.5 Environmental sustainability

136. Overall the proposal is acceptable in terms of environmental sustainability there are a number of windows at all floors facing all directions which will allow for solar access and cross-ventilation. The proposal incorporates light courts and various setbacks to allow for daylight access at all levels. The proposal includes a number of east and west-facing windows and balconies which can cause excessive heat gain. However as they all have either overlooking screening or balconies to shade them, the level of heat gain is reduced. Further, a 2,500lt rain water tank is proposed to assist with storm water retention in accordance with Clause 22.16. As discussed earlier, a permit condition will require the water tank to be connected to toilets for toilet flushing or for irrigation to the landscaping.

Clause 22.13 Residential Built Form Policy

137. As previously stated, the existing pattern of minimal side and front setbacks and on-boundary walls has been maintained. The townhouses will have an orientation to either Manton or Stawell streets and is consistent with the existing pattern. As highlighted earlier, whilst the proposal is three storeys in height, and therefore would be more than one storey higher than the two adjoining properties, the overall 8.3m height is comparable to the existing two-storey dwelling on site at 7.6m. Further to this, there are other examples of three storey dwellings in the immediate area, including ones adjacent to single storey dwellings. As highlighted earlier, the built form character of Manton and Stawell is highly varied, with the proposal clearly responding to the emerging character of the area. Accordingly, the non-compliance with this aspect of the policy is not fatal to the proposal.
138. Further, the uppermost level is made recessive through the use of setbacks and materials to allow for a 'stepping up' affect with the lower adjoining properties, thus reducing the overall visual impact of the different in overall height. This treatment is considered acceptable.

Objector Concerns

139. The majority of the issues which have been raised by the objectors have been addressed within this report.

- (a) Overdevelopment (too high and bulky, lack of setbacks, high site coverage and low site permeability)

The construction of three, three-storey townhouses is not considered to be an overdevelopment of a site located within the inner-city and within an area designated for residences. Both State and Local policies encourage urban consolidation and hence an increase in density of people. The limited off-site amenity impact further consolidates this position. It is considered that existing infrastructure can accommodate this increase. The increase in residents would be a small percentage of the overall population in the area.

Refer to paragraphs 96 to 101 for an assessment on height, setbacks, site coverage and permeability.

- (b) Fails to fit in with the neighbourhood character

Refer to the assessment on neighbourhood character at paragraphs 83 to 87.

- (c) Off-site amenity impacts (overshadowing, overlooking, noise)

Issues relating to overlooking and overshadowing have been discussed at paragraphs 116 to 118.

Regarding the noise concern, it is not considered that the proposed development will generate a noise level above that which is acceptable in a residential area. Any noise levels as a result of the use of the dwellings would be typical of a residence.

- (d) Construction on the boundary and associated structural damage to adjoining properties

The issues associated with the construction of the development would be controlled by the building permit issued for the site. The relevant Building Surveyor would be required to ensure compliance with the relevant building regulations. In the event damage occurred to the southern adjoining property, the property owner/s would need to explore their civil options.

- (e) Reduction of car parking is not appropriate

The development proposes three spaces on site, one for each townhouse; meeting the requirement of clause 52.06. A concern was raised regarding the potential use of the study in T2 and lounge room in T1 as bedrooms, and therefore should be treated as bedrooms and additional car parking should be provided.

Clause 52.06 stipulates that a study which is in a separate room be counted as a bedroom under the provision. The study in T2 is not a separate room as it part of the entrance, and therefore should not be treated as a bedroom. Regarding, the lounge in T1, this room has been nominated as a lounge room and not study, and therefore the requirement at clause 52.06 does not apply.

The development has met its requirement under clause 52.06, with three spaces provided on site, and the reduction is not required. It is noted that the application was incorrectly advertised, and should not have included a car parking reduction for the above reasons.

- (f) Plan discrepancies

This concern was raised in relation to the original set of plans, which failed to show the location of the chimneys abutting the adjoining property to the west. The amended plans have rectified this issue, and show the chimneys to be retained.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN13/0688 for the development of the land for the construction of three, three-storey town houses at 30 Manton Street, Richmond, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans received by Council on 11 November 2014 TP07C, TP08C, TP10C, TP11C, TP12C, TP13C, and TP14C, but modified to show:
 - (a) a larger and/or additional window to the first floor east elevation of T2;
 - (b) the first floor plan to correctly show the western wall of T3 setback 1.5m from the west boundary;
 - (c) the rain water tank noted as being connected to toilets for toilet flushing and/or for landscape irrigation; and
 - (d) a 1 in 20 cross-sectional drawing must be prepared showing the existing footpath profile, kerb and channel and the road hump, and is to be fully dimensioned. All reduced levels of existing features and design levels are to be included. The applicant's engineer must demonstrate that the vehicle crossing will work with an 85th percentile vehicle or other suitable vehicle profile.
2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Prior to the completion of development, any wall on the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
4. All privacy screens must be installed prior to the occupation of the building and maintained thereafter to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the plans must be carried out and completed to the satisfaction of the Responsible Authority.

The landscaping shown on the endorsed plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

6. Any damaged road(s) and footpath(s) or other Council infrastructure adjacent to the development site as a result of the proposed development must be reinstated at the cost of the developer to the satisfaction of the Responsible Authority prior to the occupation of the building.

7. The new vehicle crossing must be constructed within the following parameters:
 - (a) The road hump must remain in place;
 - (b) The footpath cross-fall must be DDA compliant;
 - (c) The footpath along the property's Stawell Street frontage must be re-graded, commencing from the northern boundary to the new crossing and continuing to the existing vehicle crossing;
 - (d) To construct the new vehicle crossing, the finished floor levels along the edges of the two single garage concrete slabs may need to be altered or lowered; and
 - (e) A bull-nose may be permitted.
8. The car parking area must be used for no other purpose to the satisfaction of the Responsible Authority.
9. Existing kerb and channel, and road pavement surface levels must not be altered, unless with the prior written consent of the Responsible Authority.
10. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
11. This permit will expire if any of the following occur:
 - (a) The development is not commenced within two (2) years from the date of this permit; or
 - (b) The development is not completed within four (4) years from the date of this permit.

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

NOTE: The new vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications.

NOTE: The vehicle crossing must be designed and constructed to satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: 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.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

NOTE: All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

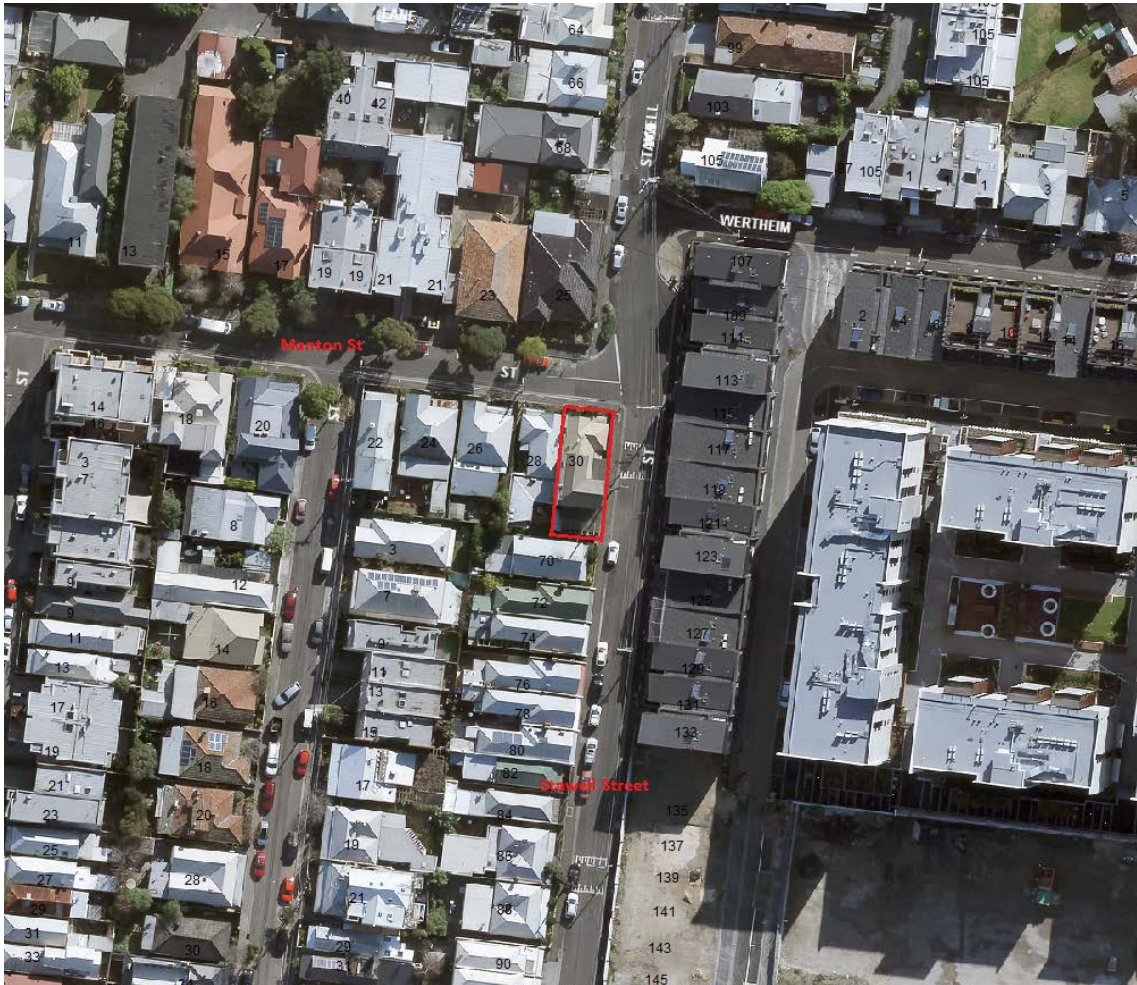
CONTACT OFFICER: Ally Huynh
TITLE: Principal Planner
TEL: 92055040

Attachments

- 1 Subject site aerial
- 2 Existing Context & Site Plans
- 3 Floor plans, Elevations, Shadow plans & 3D renders

Attachment 1 - Subject site aerial

Subject Site: 30 Manton Street, Richmond



↑North

Attachment 2 - Existing Context & Site Plans



ark8
architects

16 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

SUBJECT SITE + CONTEXT 1

DATE: 2014
DRAWN: [Name]
CHECKED: [Name]
TP-01

Attachment 2 - Existing Context & Site Plans

1 **2** **3** **4**

5 INTENSIVE THREE-STORY TOWNHOUSE DEVELOPMENT WITH HARD-EDGE TREATMENT TO JAGO ST.

6 NEW TOWNHOUSE DEVELOPMENT WITH BUILDING ON BOUNDARY AND RECESSIVE LOWER FLOOR

7 CONTEMPORARY RESIDENTIAL DEVELOPMENT

8 RESIDENTIAL DEVELOPMENT WITH BUILDING ON BOUNDARY AT STREET JUNCTION

9 RESIDENTIAL DEVELOPMENT WITH BUILDING ON BOUNDARY AT STREET JUNCTION; EXAMPLE OF 'COVERED' COURT ENTRIES

10 RESIDENTIAL DEVELOPMENT WITH BUILDING ON BOUNDARY AT STREET JUNCTION

SUBJECT SITE

KEY MAP

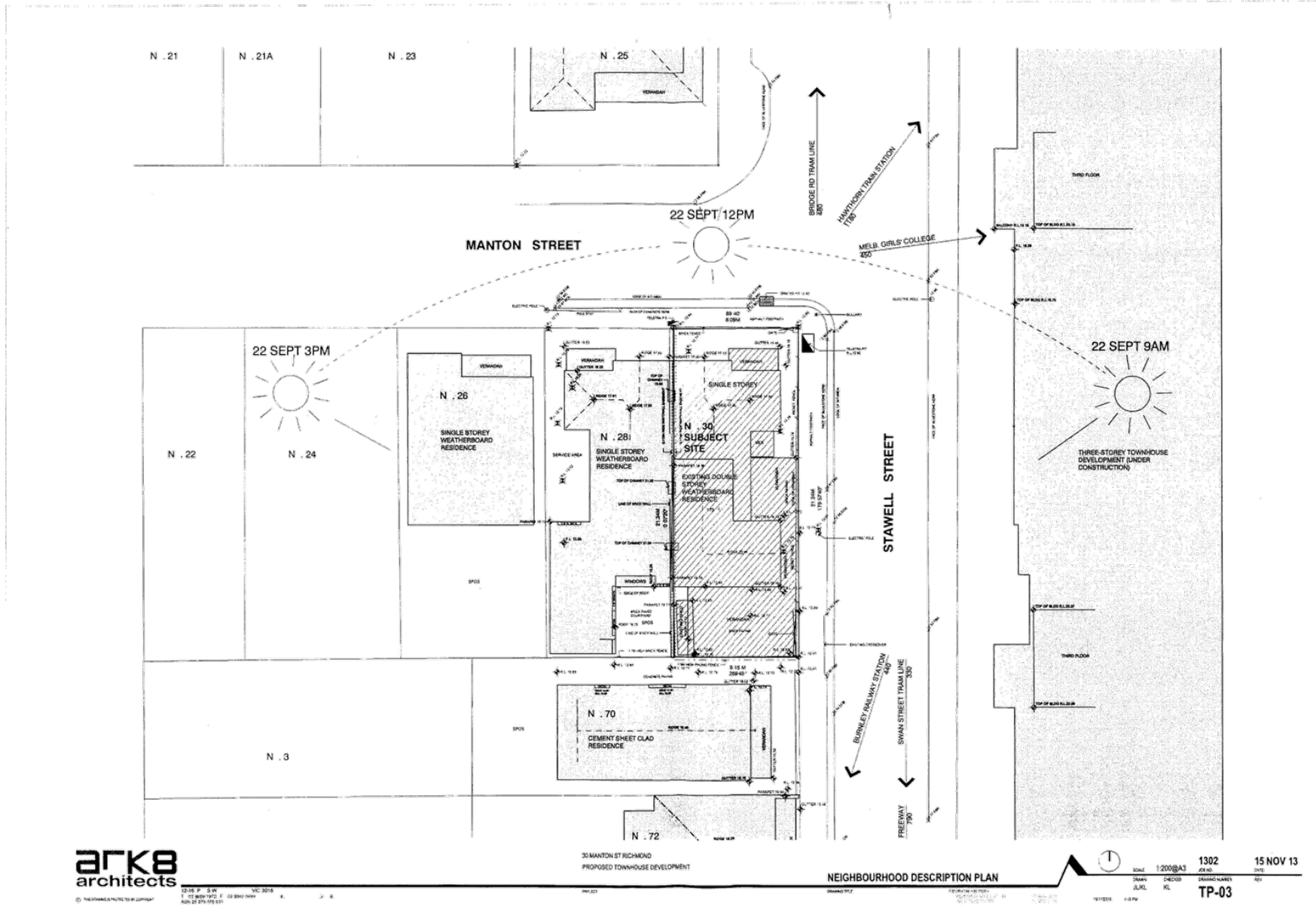
ark8 architects

30 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

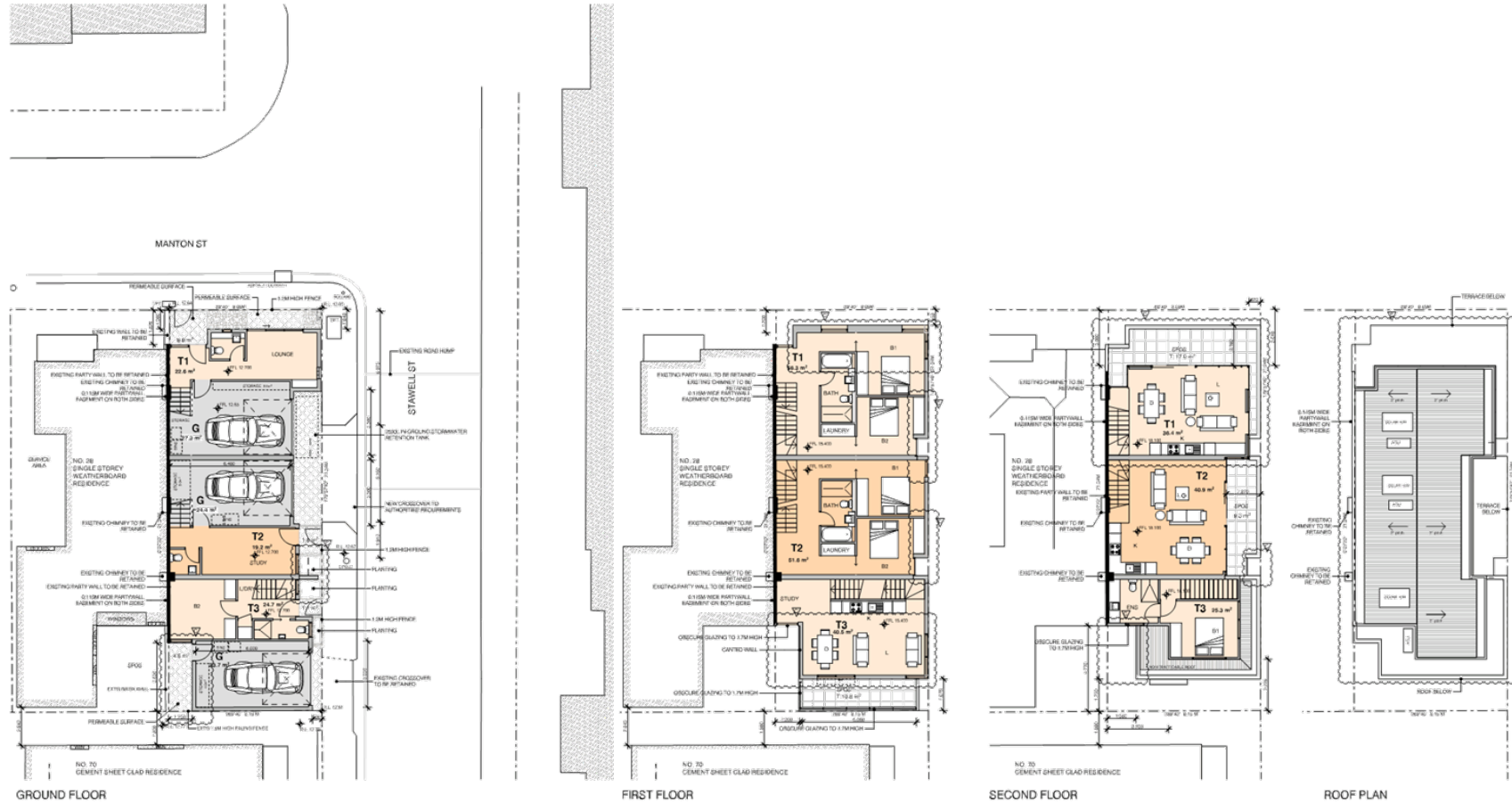
SUBJECT SITE + CONTEXT 2

1302
15 NOV 13
TP-02

Attachment 2 - Existing Context & Site Plans



Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



DEVELOPMENT SCHEDULE

SITE AREA	=	172 m ²
EXISTING SITE COVERAGE	=	86%
EXISTING SITE PERMEABILITY	=	9%
PROPOSED SITE COVERAGE	=	91%
PROPOSED SITE PERMEABILITY	=	9%

	NETT	GARAGE	T/POS	TOTAL	SPOS	CAR
TOWNHOUSE 1	115.3 m ²	27.3 m ²	26.9 m ²	169.5 m ²	17.0 m ²	1
TOWNHOUSE 2	111.7 m ²	25.3 m ²	11.1 m ²	148.1 m ²	8.3 m ²	1
TOWNHOUSE 3	99.5 m ²	23.7 m ²	18.4 m ²	130.6 m ²	10.8 m ²	1
	317.5 m ²	76.3 m ²	54.4 m ²			



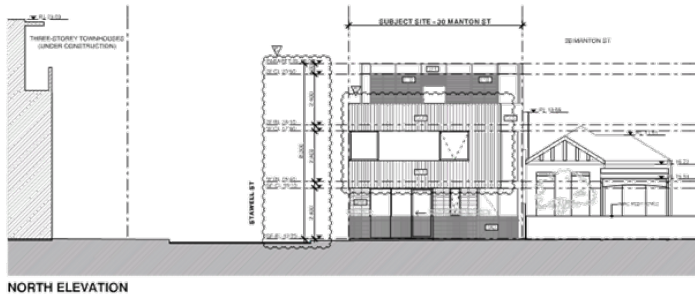
30 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

FLOOR PLANS

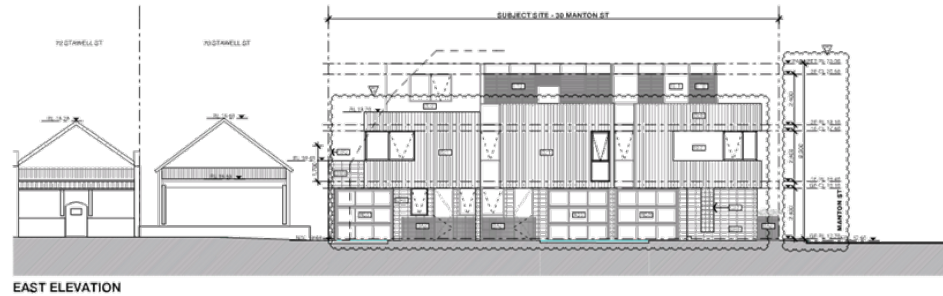
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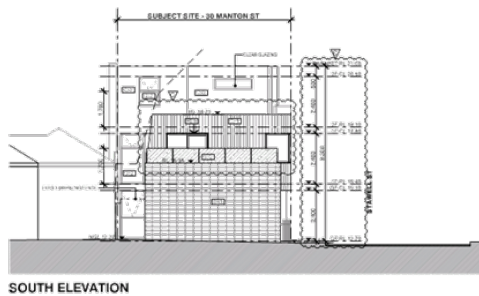
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



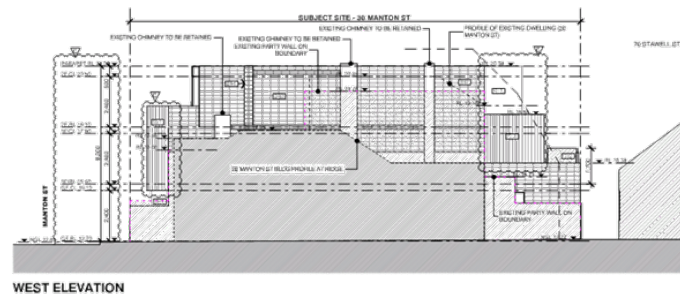
NORTH ELEVATION



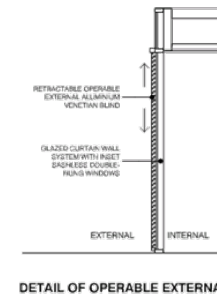
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



DETAIL OF OPERABLE EXTERNAL BLINDS

Legend	
	FACE BLOCKWORK - JASPER GREY
	FACE BLOCKWORK - WHITE ALABASTER
	CLADDING TYPE 1 - VERTICALLY EXPOSED TIMBER-LOOK CLADDING
	CLADDING TYPE 2 - 'HARD WHITE' TEXTURE PAINT FINISH
	FOLDED STEEL - GALVANIZED FINISH
	PERFORATED METAL GARAGE DOOR - POWDERCOATED FINISH - SILVER - 50% OPENINGS
	GLAZED WALL
	GLAZED BLOCK WALL - BLACK
	OBSCURE GLAZED WINDOW/ALU-STRAGE
	METAL HAIRCANE FENCE - POWDERCOAT FINISH
	OPERABLE EXTERNAL BLINDS

30 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

ELEVATIONS



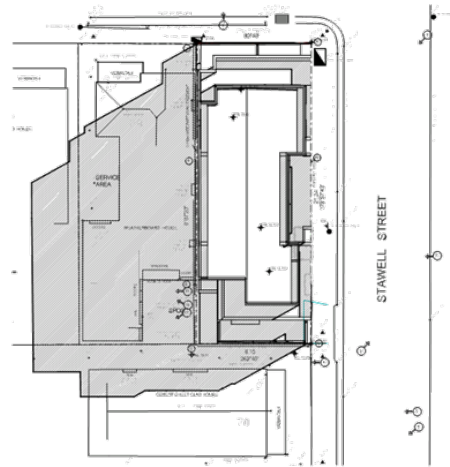
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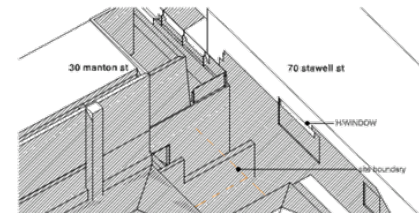
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



9 AM - EXISTING CONDITIONS



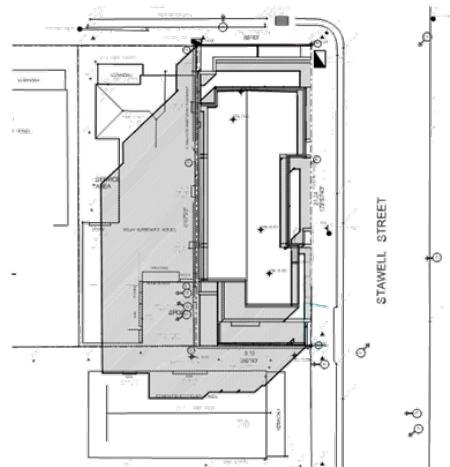
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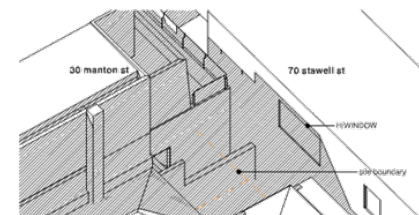
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10 AM - EXISTING CONDITIONS



10 AM - PROPOSED CONDITIONS



3D SHADOW STUDY OF H/WIN OF 70 STAWELL ST



30 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

SHADOW DIAGRAMS 22 SEPT: 9-10AM

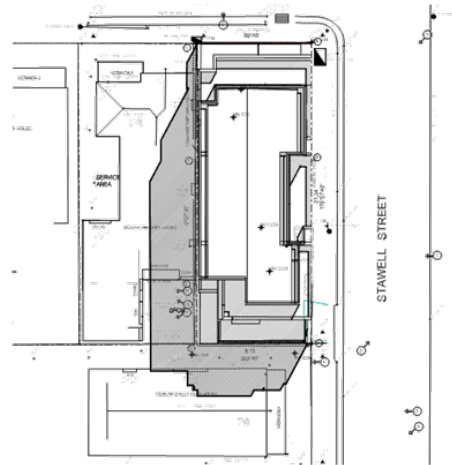
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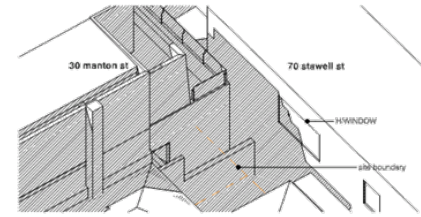
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



11 AM - EXISTING CONDITIONS



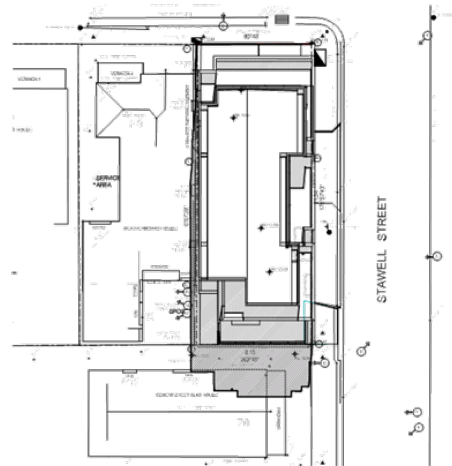
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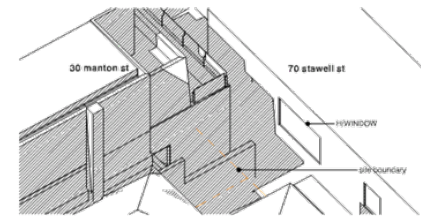
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12 PM - EXISTING CONDITIONS



12 PM - PROPOSED CONDITIONS



3D SHADOW STUDY OF H/WIN OF 70 STAWELL ST



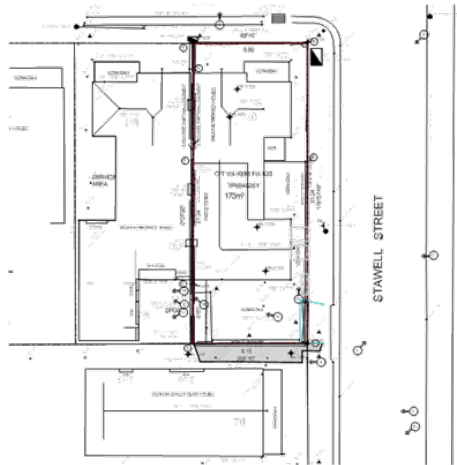
30 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

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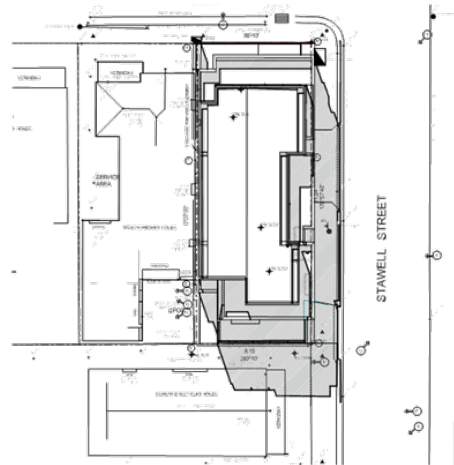
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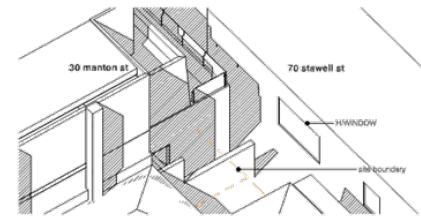
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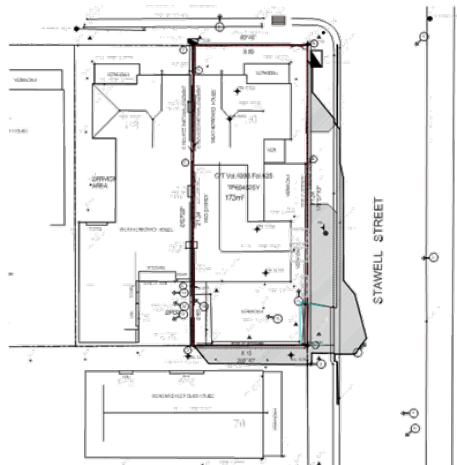
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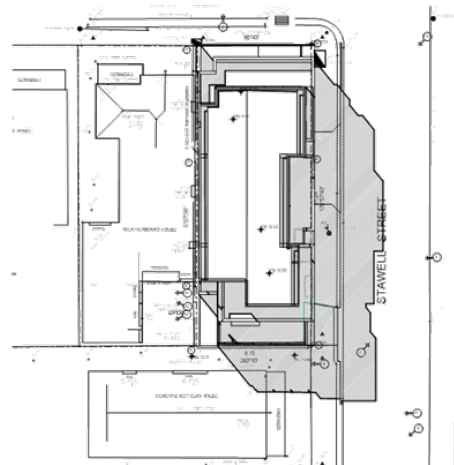
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2 PM - EXISTING CONDITIONS



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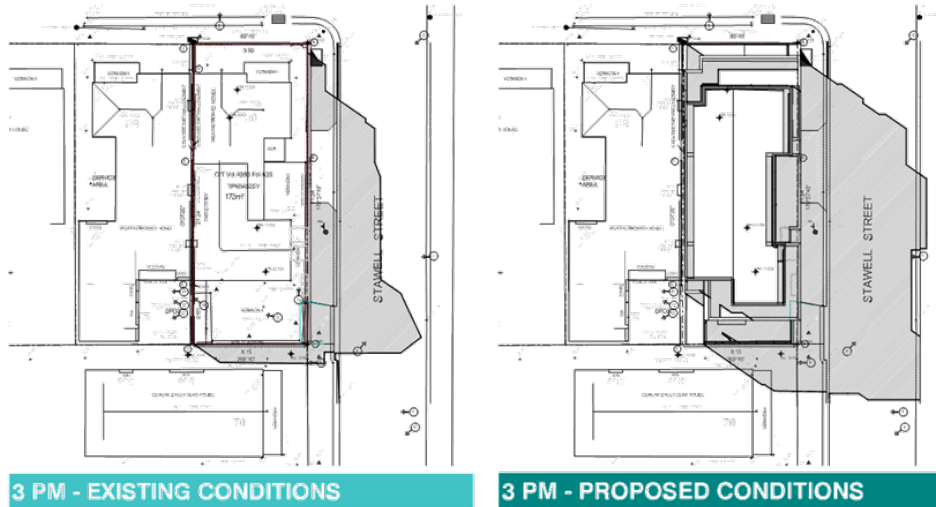
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PROPOSED TOWNHOUSE DEVELOPMENT

SHADOW DIAGRAMS 22 SEPT:1-2PM

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Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



3 PM - EXISTING CONDITIONS

3 PM - PROPOSED CONDITIONS

Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



VIEW 01: MANTON ST LOOKING SOUTHEAST



VIEW 02: MANTON ST LOOKING SOUTH



VIEW 03: STAWELL ST LOOKING NORTHWEST



VIEW 04: STAWELL ST LOOKING SOUTHWEST

ark8
architects
170 MANTON ST RICHMOND VIC 3121
P 03 9488 1072 F 03 9488 1070
www.ark8.com.au

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58 Hunter Street, Richmond VIC 3121 - Planning Permit Application No. PLN14/0058 (Development of the land for the construction of two dwellings and a reduction of the car parking requirement of the Yarra Planning Scheme)

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks approval for the construction of two dwellings and a reduction of the dwelling car parking requirement of Clause 52.06 of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.10 – Built form and design;
 - (b) Clause 22.13 – Residential built form policy;
 - (c) Clause 52.06 – Car parking; and
 - (d) Clause 55 – Two or more dwellings on a lot and residential buildings.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic policy;
 - (b) Clause 55 – ResCode (incorporating the policy guidelines of Clause 22.13 and the design objectives and guidelines of Clause 22.10 where relevant);
 - (c) Car parking; and
 - (d) Objector concerns.

Objector Concerns

4. Council received a total of nine objections to the application, summarised as follows:
 - (a) The density and the height of the proposed development is out of character with the streetscape and neighbourhood character;
 - (b) Off-site amenity impacts including overlooking and overshadowing;
 - (c) There should be a heritage study on the area; and
 - (d) The car parking reduction will exacerbate existing parking shortages in 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.

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

1.3 58 Hunter Street, Richmond VIC 3121 - Planning Permit Application No. PLN14/0058

Trim Record Number: D14/152571

Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for the construction of two dwellings and a reduction of the car parking requirement of the Yarra Planning Scheme.
Existing use:	Residential (one dwelling)
Applicant:	Justin Giannikos of MC ² Architects Pty. Ltd.
Zoning / Overlays:	General Residential Zone / No Overlays
Date of Application:	30 January 2014
Application Number:	PLN14/0058

Planning History

6. There is no planning permit history of any relevance to the current application.

Background

7. Planning Permit Application No. PLN14/0058 was received by Council on 30 January 2014. Following the submission of further information on 03 March 2014, the application was advertised on 28 March 2014. A total of nine objections were received.
8. A planning consultation meeting was held on 01 July 2014, attended by planning officers, the permit applicant, and two objectors. A Section 57A amendment was received by Council on 02 September 2014. The Section 57A amendment responded to the concerns by the objectors relating to overlooking. Specifically, the Section 57A amendment changes are summarised as follows:
- (a) The provision of 1.7m high, angled aluminium louvered screens to the west-facing windows at the first and second floors of dwelling 2 (labelled on the plan as Unit 2).
9. The Section 57A amendment was not re-advertised as there would be no increase in detriment, but the amended plans were circulated to all objectors with the IDAC invitations. This report also relies on the originally advertised application plans for the assessment.

Existing Conditions

Subject Site

10. The subject site is located on the western side of Hunter Street, south of Bridge Road, in Richmond. The site is formally known as Lot 1 on Title Plan 430151R. The site has no appreciable fall and is rectangular in shape, with a frontage to Hunter Street of 3.4m (eastern boundary), a frontage to Lord Street of 3.86m (western boundary) and a depth of 30.31m, yielding an overall site area of 114sq.m.
11. The subject site is developed with a single storey dwelling with a pitched corrugated iron roof and a small front yard with a tall front fence. The dwelling is comprised of a sitting room, a bedroom with a walk-in-robe and bathroom, a kitchen and meals areas and a private open space area to the west of the dwelling of approximately 38sq.m. The dwelling is setback approximately 3m from Hunter Street.

12. The dwelling is constructed to the southern side boundary for a length of approximately 17m, and is constructed to the northern boundary for a length of 9.7m (i.e. the combined length of the bedroom and the kitchen and meals area) with the exception of the walls to the sitting area, the walk-in-robe and bathroom that are setback between 200mm and 400mm.
13. There are no restrictive covenants or encumbrances detailed on the certificate of title submitted with the application. However, two 110mm wide eave easements occupy the northern and southern boundaries for a length of 13.74m and 16.34m, respectively.

Surrounding Land

14. The surrounding area is characterised as primarily residential, and has a mixed built form character generally consisting of single storey, semi-detached and attached Victorian and Edwardian-era dwellings, and an emerging character of contemporary double-storey townhouses and a small number of triple-storey dwellings. The site is located approximately 185m south of the Bridge Road Major Activity Centre [MAC] and approximately 600m north of the Swan Street MAC, and enjoys good access to public transport and community facilities.
15. Immediately to the north of the subject site is a contemporary, double-storey dwelling. The adjacent dwelling is setback 3m from the Hunter Street boundary and is constructed to the shared boundary for a length of approximately 19m. The rear of the site contains an area of secluded private open space. Further north are two, three-storey dwellings (approved under planning permit PLN12/1069 that are currently under construction.
16. Immediately to the south of the subject site is a single-storey, dwelling of weatherboard construction with a metal pitched roof. The dwelling is setback 2.7m from the Hunter Street boundary with the exception of a front verandah that encroaches into the setback by approximately 1.1m. The dwelling is constructed for its full length across the shared boundary (i.e. approximately 18.2m). The rear of the site contains an area of secluded private open space and a shed adjacent to the shared boundary. Further south, is a double-storey, contemporary dwelling.
17. To the east of the subject site (across Hunter Street) is a double storey townhouse development. Further north and south are single and double-storey dwellings of various eras.
18. To the west of the subject site (across Lord Street) is a three-storey residential building at the corner of Lord and Abinger Streets. On the northern side of Abinger Street is a three and four storey residential building.

The Proposal

19. The planning permit application is for development of the land for the construction of two dwellings and a reduction of the car parking requirement of the Yarra Planning Scheme. The existing dwelling is to be demolished; however no planning permit is required for the demolition. Specifically, the application proposes:

Construction of two dwellings

Demolition (no permit required)

- (a) Demolition of the existing dwelling;

Ground floor

- (b) The Hunter Street dwelling (labelled on the plans as Unit 1) would provide a study, bathroom and laundry, a bedroom and a light court area to the north;

- (c) The Lord Street dwelling (labelled on the plans as Unit 2) would provide an open plan, kitchen, meals and living area with a courtyard area of 19.7sq.m.;
- (d) The dwellings would be attached and would be constructed for a length of 17.55m to the north and a length of 22m to the south;
- (e) Unit 1 would be setback 5.5m from the Hunter Street boundary (eastern boundary) with a car space located within the front setback and a pedestrian path;
- (f) Unit 2 would be setback 4.87m from the Lord Street boundary (western boundary) with a pedestrian path located within the setback, including the provision of a 2.5m high pedestrian gate and bi-fold gate to Lord Street that would allow for motorbike access into the site;

First floor

- (g) At the first floor, Unit 1 would provide a meals area, an open plan, living and kitchen area and a balcony with an area of 3.5sq.m. that would cantilever over the ground floor;
- (h) At the first floor, Unit 2 would provide a bedroom with an ensuite;
- (i) The first floor would extend along the northern boundary for a length of 18.37m and to the south, for a length of 18.25m;
- (j) Unit 1 would be setback 2.67m from the Hunter Street boundary (eastern boundary) with the exception of the balcony that would extend into this setback by 1.19m;
- (k) Unit 2 would be setback 7.4m from the Lord Street boundary (western boundary);

Second floor

- (l) At the second floor, Unit 1 would provide a bedroom, a bathroom, a retreat and a terrace area of 10sq.m.;
- (m) At the second floor, Unit 2 would provide a bedroom and an ensuite;
- (n) The second floor would extend along the northern boundary for a length of 16.61m and to the south, for a length of 16.29m;
- (o) Unit 1 would be setback 4.63m from the Hunter Street boundary (eastern boundary) with the exception of the terrace that would extend into this setback by 3.15m;
- (p) Unit 2 would be setback 7.4m from the Lord Street boundary (western boundary);

Elevations

- (q) The development would produce a maximum building height of 10m above the natural ground level;
- (r) The dwellings would have a contemporary design with a combination of materials ranging of cement, timber, and corrugated cladding for the walls, aluminium-framed windows and doors and flat metal roofing;
- (s) The Hunter Street (eastern) elevation would include vertically positioned decorative timber battens that would extend from the first to the second floor, including a green wall, mesh screen that would be located at the south-east corner and would extend 7.2m above the natural ground level;

ESD features

- (t) A minimum FirstRate energy rating of 6 stars;
- (u) Solar hot water systems to each dwelling;
- (v) Water efficient fixtures to each dwelling; and
- (w) Rain gardens to filter all stormwater.

Planning Scheme Provisions

Zoning

General Residential Zone

20. Pursuant to Clause 32.08-4 of the Yarra Planning Scheme (the 'Scheme'), a planning permit is required to construct two or more dwellings on a lot.
21. The development must meet the requirements of clause 55 of the Scheme.

Overlays

22. The site is not covered by any overlays.

Particular Provisions

Clause 52.06 – Car Parking

23. As per Table 1 of Clause 52.06-5 of the Scheme, a one or two-bedroom dwelling requires one car space to be provided, and a three or more bedroom dwelling requires two car spaces to be provided. For the purpose of this assessment, the study and retreat to Unit 1 are counted as bedrooms. With this in mind, the development requires three car spaces (i.e. two car spaces associated with Unit 1 and one car space associated with Unit 2). As one space has been provided, a car parking reduction of two car spaces is required. However, as will be detailed within the report, the car space at the front of Unit 1 will be deleted, which will subsequently result in a full reduction in the car parking requirement.

Clause 55 – Two or more dwellings on a lot

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

General Provisions

Clause 65 – Decision Guidelines

25. Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate (and relevant):
 - (a) *the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
 - (b) *the purpose of the zone, overlay or other provision;*
 - (c) *any matter required to be considered in the zone, overlay or other provision;*
 - (d) *the orderly planning of the area;*
 - (e) *the effect on the amenity of the area;*
 - (f) *the proximity of the land to any public land; and*
 - (g) *whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

State Planning Policy Framework (SPPF)

Clause 11.02-1 - Supply of urban land

26. The objective of this clause is 'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'.
27. The following (relevant) strategies are provided to achieve this:

Planning for urban growth should consider:

- (a) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- (b) *Neighbourhood character and landscape considerations.*

- (c) *The limits of land capability and natural hazards and environmental quality.*
- (d) *Service limitations and the costs of providing infrastructure.*

Clause 15.01 - Built Environment and Heritage: Urban environment

28. The objective of Clause 15.01-1 (Urban design) of the Scheme is *“to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”*.
- (a) *promote good urban design to make the environment more liveable and attractive.*
 - (b) *ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
 - (c) *require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.01-2 - Urban design principles

29. The objective of this clause is *“to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties”*.

Clause 15.01-4 - Design for safety

30. It is an objective *“to improve community safety and encourage neighbourhood design that makes people feel safe”*. The clause includes several strategies to achieve this objective.

Clause 15.01-5 - Cultural identity and neighbourhood character

31. It is an objective *“to recognise and protect cultural identity, neighbourhood character and sense of place”*.
32. The clause includes several strategies to achieve this objective.

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

33. It is an objective *“to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions”*.
34. The clause has the following strategies:
- (a) *Ensure that buildings and subdivision design improves efficiency in energy use.*
 - (b) *Promote consolidation of urban development and integration of land use and transport.*
 - (c) *Improve efficiency in energy use through greater use of renewable energy.*
 - (d) *Support low energy forms of transport such as walking and cycling.*

Clause 16.01-1 - Residential development: Integrated housing

35. It is an objective *“to promote a housing market that meets community needs”*. The clause has the following strategies.
- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
 - (b) *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
 - (c) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
 - (d) *Encourage housing that is both water efficient and energy efficient.*

Clause 16.01-2 - Residential development: Location of residential development

36. It is an objective “to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport”. The clause includes several strategies to achieve this objective, they include:
- (a) *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
 - (b) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
 - (c) *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
 - (d) *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
 - (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-4 - Housing diversity

37. It is an objective “to provide for a range of housing types to meet increasingly diverse needs”. The clause has the following strategies:
- (a) *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
 - (b) *Encourage the development of well-designed medium-density housing which:*
 - (i) *respects the neighbourhood character;*
 - (ii) *improves housing choice; and*
 - (iii) *makes better use of existing infrastructure.*
 - (c) *Improves energy efficiency of housing.*
 - (d) *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
 - (e) *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Clause 18.01-1 - Integrated Transport: Land use and transport planning

38. It is an objective “to create a safe and sustainable transport system by integrating land-use and transport”. The clause includes several (relevant) strategies to achieve this objective.
- (a) *Plan urban development to make jobs and community services more accessible by:*
 - (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; and*
 - (ii) *Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.*

Clause 18.02-1 - Movement networks: Sustainable personal transport

39. It is an objective “to promote the use of sustainable personal transport”. The clause includes several (relevant) strategies to achieve this objective.

- (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 development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*

Clause 18.02-5 - Car parking

40. It is an objective “to ensure an adequate supply of car parking that is appropriately designed and located”. The clause includes the following (relevant) strategies to achieve this objective:
- (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
 - (b) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

42. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04-1 – Accommodation and housing

43. In accommodating new development, amenity impacts must be managed and high levels of amenity must be provided for existing and future residents. Housing choice and diversity must also be protected. Strategies aimed at delivering this vision that are relevant to this application include:

Strategy 1.1: Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in Clause 21.08.

Strategy 1.3: Support residual population increases in established neighbourhoods.

Strategy 2.1: Support the provision of affordable housing for people of all abilities, particularly in larger residential developments and on Strategic Redevelopment Sites.

Strategy 2.2: Encourage residential development which allows people to age in their existing homes and communities by supporting a range of housing types.

Clause 21.05-2 – Built Form: Urban Design

44. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities.

In managing the City’s built form, development that builds upon Yarra’s existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This clause incorporates the following objectives to achieve this:

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

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

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

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

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

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

Clause 21.05-4 – Public environment

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

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

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

Strategy 27.3 Require buildings and public spaces to provide a safe and attractive public environment; and

Strategy 27.5 Require new development to make a clear distinction between public and private spaces.

Clause 21.06 – Transport

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

Clause 21.07.1 – Environmental Sustainability: Ecological Sustainable Development

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

Clause 21.08-10 Neighbourhoods

48. The subject site is located in the *‘Central Richmond’* neighbourhood. The clause identifies the land use character as being: *“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”*.
49. Figure 24 of this clause identifies this site as *‘Inner Suburban Residential’* and defines the subject site as being in an area where the existing pattern of front setbacks should be maintained and where there is a focus on limiting *“variations in height to a maximum of one storey compared to the adjacent properties on single houses / small development sites in area with generally consistent building heights”*.

Relevant Local Policies

Clause 22.10 Built Form and Design Policy

50. The 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.*

51. The relevant components of this policy include:

- (a) *Urban form and character at Clause 22.10-3.2*
- (b) *Setbacks and building heights at Clause 22.10-3.3*
- (c) *Street and public space quality at Clause 22.10-3.4*
- (d) *Environmental sustainability at Clause 22.10-3.5*

Clause 22.13 Residential Built Form Policy

52. It is policy that development within each of the character types responds positively to the location of the development. The policy objectives are:

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

53. As noted above at clause 21.08, this site is located within the 'Central Richmond' neighbourhood and is categorised as an "Inner Suburban Residential" built form type.

54. Within Clause 22.13, "Inner Suburban Residential" is characterised by '*built form dominated residential areas with small gardens (if any) and minimal front and side setbacks*'.

55. Clause 22.13-3.2 applies specifically to these built form character types and the preferred design response for this type is:

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

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

56. This policy was introduced into the Scheme on 13 March 2014 and applies to (as relevant) *extensions to existing buildings which are 50 square metres in floor area or greater.*

57. The proposal is for the development of the land with two new dwellings and therefore the policy applies. A Sustainable Management Plan (SMP) was provided as part of the application. It is anticipated that the design features included in the STORM assessment (i.e. the provision of a rain garden with low water maintenance and water efficient fixtures) will produce stormwater treatment to 102% of Melbourne Water's best practice water quality objectives.

Other documents

Amendment C133

58. Council has prepared a new local policy to consider environmentally sustainable design.
59. Amendment C133 has finished exhibition, proceeded through a panel hearing, and is currently with the Minister of Planning for review. The amendment proposes to introduce Clause 22.17 Environmentally Efficient Design (EED) into the Yarra Planning Scheme. The Amendment will also update Clause 21.07-1 Ecologically Sustainable Development by introducing a new strategy.
60. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):
 - (a) Energy efficiency;
 - (b) Water resources;
 - (c) Indoor environment quality;
 - (d) Stormwater management;
 - (e) Transport;
 - (f) Waste management;
 - (g) Innovation; and
 - (h) Urban ecology.
61. The SMP addresses much of the above criteria and as such, this amendment does not need to be further considered as it does not form part of the Yarra Planning Scheme.

Advertising

62. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act* (1987) by 57 letters sent to surrounding owners and occupiers, and by two signs displayed, one to each street interface.
63. Council received a total of nine objections to the application, summarised as follows:
 - (a) The density and the height of the proposed development is out of character with the streetscape and neighbourhood character;
 - (b) Off-site amenity impacts including overlooking and overshadowing;
 - (c) There should be a heritage study on the area; and
 - (d) The car parking reduction will exacerbate existing parking shortages in the area.
64. A planning consultation meeting was held on 01 July 2014 and was attended by planning officers, the permit applicant and two objectors.
65. As a result of the planning consultation meeting, amended plans were submitted on 02 September 2014 under Section 57A of the *Planning and Environment Act* 1987. The changes have been outlined earlier in this report. The plans were not re-advertised and were subject to a discretionary exemption from notice at Council's internal Development Assessment Panel on 14 November 2014 given there would be less detriment. However, the amended plans have been circulated to all objector parties.

Referrals

External Referrals

66. The application was not required to be referred to any external authorities under the provisions of the Yarra Planning Scheme.

Internal Referrals

Engineering Services Unit

67. The application was referred to Council's Engineering Services Unit who raised no concerns with the reduction in the associated car parking requirement. The following comments were provided specific to both frontage:

Hunter Street Road Frontage

- (a) *A site inspection of Hunter Street revealed that a parallel on-street disabled parking bay is located across the frontage of 56 Hunter Street and partially across the subject site. The sign for the disabled parking space is located 1.08 metres south of the site's northern boundary. Immediately to the north of the disabled parking bay is a flat top road hump. With the exception of the disabled parking bay, the west side of Hunter Street contains Permit Zone parking restrictions.*
- (b) *The matter of the disabled parking space was discussed with engineers from Council's Parking Services unit, who advise that the disabled parking bay was installed following a resident request as per Council procedure. The bay cannot be positioned further north since it will be partially on top of the road hump, which would cause a parked vehicle's front axle to be higher than the rear axle, creating accessibility difficulties for a person with disabilities to enter or alight from the vehicle. Council is reluctant to relocate the disabled parking bay slightly to the north.*
- (c) *At this time, Engineering Services cannot consent to the construction of a new vehicle crossing outside the Hunter Street frontage of the subject site.*

Lord Street Road Frontage

- (d) *The Lord Street frontage of the site contains an electrical pole. The proposed doorway servicing unit 2 would accommodate a motor cycle or scooter.*

Urban Design

68. The application was referred to Council's Urban Design Unit who were generally supportive of the development. The following comments were provided in relation to the original advertised plans date stamped 30 January 2014:

Building height, bulk and scale

- (a) *As previously stated the overall Hunter Street streetscape is predominately single storey the immediate streetscape has been redeveloped with several two storey infill terrace houses. The proposed development presents a two storey façade to Hunter Street with a second floor (third level) set back behind an upper level terrace. The ground floor has an under-croft to provide the front entry and a car parking space. While the third level is acceptable, the angled eaves with the deep fascia will have a strong visual presence when viewed from Hunter Street and should be setback, aligned with the street frontage and given a slimmer profile.*
- (b) *In respect to the Lord Street streetscape and the building envelope the streetscape context has a varied scale with many two storey town houses as well as original single storey cottages as described above. To the immediate north is a two storey townhouse while to the south is a single storey residence. The proposed three storey façade will be imposing.*

It would be preferred if the third level were set back a minimum of two metres to provide a two storey street façade to Lord Street. The faceted splay wall element is not considered necessary.

Street Interface

- (c) *Generally the design of the street interface is supported. However the Hunter Street interface would be enhanced if the on-site car park was deleted and on the on street car parking maintained.*

Façade and design detail, colour and materials

- (d) *Generally the design detailing and choice of materials is supported. However the south elevation rising above the single storey existing residence will be dominant in the streetscape. The choice of fibre cement may also weather in a poor manner and if this material is used should be detailed with expressed joints to avoid a cracked appearance of the side wall. Some visual interest should also be provided to this wall.*

OFFICER ASSESSMENT

69. The key planning considerations for Council in considering the proposal relate to:

- (a) Strategic policy;
- (b) Clause 55 – ResCode (incorporating Clauses 22.13 and 22.10 of the Scheme);
- (c) Car parking; and
- (d) Objector concerns.

Strategic policy

70. In relation to relevant objectives and strategies of the State and Local Planning Policy Frameworks, it is considered that the proposed development of two dwellings on the lot is afforded a high level of strategic policy support.
71. The proposal will deliver new housing opportunities in an established urban area with good access to infrastructure and services, consistent with Clause 16.01-2 which seeks to encourage new housing in and around activity centres and other areas with good access to services and transport. The subject site is located between the Bridge Road and Swan Street Major Activity Centres, located close to tram and rail services, and enjoys good access to public open space assets including the Yarra River corridor. The proposal will result in the efficient use of existing infrastructure and will support an increase in population in established areas, consistent with Clause 21.04-1 of Council's MSS.
72. Clause 21.04-4 encourages new development to provide for a diversity of housing types. This proposal will deliver two new dwellings (a net increase of one additional dwelling) in an inner city location, contributing to the diversity and affordability of housing in the area.

Clause 55 – ResCode (incorporating Clauses 22.13 and 22.10 of the Scheme)

73. The following is a detailed assessment of the proposal against the relevant provisions of ResCode (Clause 55), incorporating an assessment against the policy guidelines for sites within the 'Inner Suburban Residential' area at Clause 22.13 – Residential Built Form Policy and the provisions of Clause 22.10 – Built Form and Design Policy.

55.01 – Neighbourhood and Site Description and Design response

74. A neighbourhood and site description has been completed, comprising a written statement accompanied by a site context plan. A design response has been provided, in the form of a written response to relevant ResCode objectives. The plans submitted with the application and the assessment against the provisions of Clause 55 are deemed appropriate to satisfy this requirement.

B1 – Neighbourhood character objectives

75. It is considered that the proposed development will adequately respect the existing neighbourhood character subject to conditions addressing the Hunter Street frontage. This is demonstrated in the following assessment against the relevant Clause 22.13 design response guidelines and the relevant Clause 22.10 design objectives and guidelines.
76. In accordance with the Clause 22.13-3.2 design response guidelines:
- (a) One dwelling will be provided at the Hunter Street frontage (Unit 1), at a right angle to the street frontage. This is considered to be generally consistent with the subdivision pattern, orientation and front setbacks along Hunter Street, consistent with Clause 22.13-2, 22.10-3.2, 22.10-3.3 and 22.10-3.4;
 - (b) The front setback to Hunter Street (associated with Unit 1) will allow for minor landscaping opportunities and will incorporate a car space which is not supported by either Council's Engineering Services or Urban Design Units. A condition will require deletion of the car space. A further condition will require the study and the front entry infill to be pushed forward into alignment with the east-facing walls associated with the living area at the first floor so that there is no overhanging built form. A further condition will also require the provision of a front fence, to be no higher than 1.5m which would bring the development into consistency with the streetscape in accordance with policy at Clause 22.13-2 and 22.10-3.4;
 - (c) The dwellings are for their most part, constructed to both side boundaries, which is generally consistent with the built form character of Hunter and Lord Streets;
 - (d) Both dwellings will be designed to appropriately address their respective frontages, and will have good levels of transparency with large windows /balconies on the eastern and western elevations to allow for passive surveillance of the Hunter and Lord Street public realms, in accordance with policy at Clause 22.10-3.4;
 - (e) Subject to conditions, the pedestrian entrances to both dwellings will be well defined and will provide for a good level of legibility at the street frontages; and
 - (f) The flat roof forms are consistent with the emerging pattern of new development in the area, and a mix of finishes has been used to add visual interest and assist in breaking up the mass and bulk of the new development.
77. The development will provide a recessive three-storey built form at the Hunter Street frontage with the exception of a terrace that would extend into the setback. It is considered that this references the existing two-storey built form immediately to the north of the site and in the surrounding streetscape in that it would provide an appropriate one-storey transition.
78. While the third level of the Hunter Street dwelling (Unit 1) graduates in height by two storeys compared to the adjacent single-storey dwelling to the south, the overall height of the development is acceptable as this would only measure 500mm more than that permitted by Standard B7 (Building Height). The third level of Unit 1 is setback 4.63m from Hunter Street with the exception of a terrace that would extend into this setback, and sightline diagrams demonstrate that only the eastern edge of the roof would be immediately visible from the opposite side from the street and will therefore not be a dominant built form element. In addition, the third level will reflect the emerging three-storey built form evident in the area which is a characteristic of the streetscape. A condition will also require the southern wall to be appropriately finished and treated with varied materials for visual interest (as suggested by Council's Urban Design Unit).

79. The green wall at the south-east corner of the site is also justified in this context as this would provide an opportunity to enhance the landscaping of the development through the provision of a creeper. This would soften the appearance of the development and is supported by the 'Inner Suburban Residential' built form provisions of Clause 22.13-3.2, which seek to maintain the existing pattern of minimal front setbacks and small front yards with landscaping. A condition will require the submission of a landscape plan seeking all measures in relation to the maintenance methods for all planting (including the green wall) and confirming use of recycled water (where possible).
80. The Lord Street dwelling (Unit 2) comprises a three-storey built form. As noted earlier, the character of Lord Street differs from Hunter Street due to the presence of higher built form elements, including a three-four storey residential building immediately to the west of the subject site at the corner of Abinger Street. The three storey dwelling responds to this character, but maintains the primarily low scale, horizontal form of the streetscape. The front wall of Unit 2 is setback between 5.56m and 7.4m from the Lord Street boundary, generally in line with the adjacent dwellings to the north and south. Furthermore, the first and second floors of Unit 2 rake back at the south-west corner to provide a setback of up to one metre to reduce the visual massing of this portion of wall that extends 1.76m beyond the building envelope of the adjoining dwelling to the south. These setbacks together with the overall height of the dwelling, whilst clearly higher than the adjacent single and double-storey dwellings, will not be a dominant built form element in Lord Street.
81. Based on the above assessment and subject to conditions, it is considered that the proposed development will adequately respect the existing neighbourhood character and is in accordance with the objectives and standard at Clause 55.02-1.

B2 – Residential policy objectives

82. In relation to the residential policy objectives of Standard B2, it is considered that the development is consistent with the relevant objectives of the State and local planning policy frameworks, which encourage inner city areas with good access to public transport, infrastructure and services to accommodate a substantial portion of the new housing that will be required across Melbourne. The construction of two dwellings on the lot will contribute to housing provision and housing diversity within Yarra, in an area well that is served by public transport and community infrastructure.
83. The objectives of the standards are met.

B3 – Dwelling diversity objective

84. Not applicable as this standard only applies to developments of 10 or more dwellings.

B4 – Infrastructure objectives

85. The construction of two dwellings on the lot will not unreasonably overload the capacity of utility services and infrastructure. The site is already connected to appropriate utility services and infrastructure, and this can be readily extended to accommodate the new dwellings. The objectives of the standard are met.

B5 – Integration with the street objective

86. Unit 1 is oriented to Hunter Street and Unit 2 is oriented towards Lord Street, consistent with the objectives of this standard. The pedestrian entrance to the Hunter Street dwelling will be improved with the deletion of the car space in the front setback and the alignment of the ground floor with the first floor, including the provision of a front fence with a pedestrian gate in accordance with Standard B32 (Front Fences objective). These modifications will enable active surveillance of the public realm in accordance with the standard.

87. While Unit 2 has incorporated a 2.5m high pedestrian gate and bi-fold gate to allow for scooter access into the site on the Lord Street elevation, the height and style of these elements is consistent with the character of rear fencing and roller doors already seen along Lord Street. Importantly, the pedestrian gate and bi-fold gate would be replacing an existing high timber fence and gate and are considered to be acceptable within this context. However, these are solid elements and will not allow for any passive surveillance of the public realm. While the western boundary is the rear boundary of the subject site, it is the front boundary of Unit 2, and a condition will require the gate to be modified to be at least 30% transparent and to appropriately address the Lord Street frontage. This will be consistent with Council's condition to the front Lord Street fence of the three-storey development approved under planning permit no. PLN12/1069 (ie. to the north of the immediate adjoining double-storey dwelling).
88. The condition will ensure that the objective of this standard is met.

B6 – Street setback objective

Hunter Street

89. The front wall of the adjacent dwelling to the north has a setback of 3m from Hunter Street, while the adjacent dwelling to the south is setback 2.7m. Both adjacent dwellings incorporate front verandahs which encroach one metre (approximate) into the setbacks. The standard requires Unit 1 to be setback a minimum 2.8m from Hunter Street. As the proposed development will be setback 5.5m at the ground floor, 2.67m at the first floor and 4.63m at the second floor (with the encroachments of a balcony and terrace, respectively), a variation to the standard is required.
90. The incorporated setbacks at the upper levels are considered acceptable in the context of the streetscape and neighbourhood character, where front setbacks along Hunter Street are generally between 2m and 4m. However, a reduction in the ground floor setback would provide a better design outcome in that it would reference the setbacks of the adjoining dwellings to the immediate north and south which also have encroaching elements into their setbacks. The removal of the car space from the front setback of Unit 1 will also bring this dwelling into compliance with the 'Inner Suburban Residential' built form provisions of Clause 22.13-3.2, which seek to maintain the existing pattern of minimal front setbacks and small front yards. The projecting balcony at the first floor and terrace at the second floor of Unit 1 are acceptable and commensurate with the encroaching balconies and terraces of surrounding dwellings.

Lord Street

91. The standard requires the front wall of Unit 2 to be setback 4m from Lord Street. As the proposed development is setback between 4.8m and 7.4m at the ground, first and second floors, a variation to the standard is required. The relevant decision guidelines include whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
92. In this instance, the greater setback to Lord Street is considered acceptable. The rear wall of the adjacent dwelling to the north is setback 8.4m (with a verandah at the ground floor encroaching one metre) from Lord Street, while the adjacent dwelling to the south is setback 9.4m. The average of these setbacks is in the order of 8.9m, and the proposed setbacks of Unit 2 at the ground, first and second floors are generally consistent with the prevailing setbacks along this side of Lord Street and are acceptable.
93. The proposed setbacks are considered to meet the objective of the standard, which is to respect the existing neighbourhood character and make efficient use of the site. The objective of the standard is met.

B7 – Building height objective

94. The maximum height of the development is 10m above the natural ground level and therefore requires a variation from the standard. The difference of one metre is a marginal departure from the standard, and is justified in the context of other surrounding three and four-storey building heights in this inner city context. The objective of this standard is considered to be met.

B8 – Site coverage objective

95. Complies with the objective. The proposal has a site coverage of approximately 68 percent which is above the 60 percent maximum as stipulated by the standard. However, adjacent sites and others in the surrounding area also have high levels of site coverage. This is a characteristic of inner city suburbs. The planning scheme also recognises this through the classification of the site as 'Inner Suburban Residential' within clause 21.08-2. Clause 22.13-3.2 describes 'Inner Suburban Residential' as a built form dominated residential area with small gardens (if any) and minimal front and side setbacks.

B9 – Permeability objectives

96. The proposed development will result in approximately 22% site permeability. This complies with the minimum 20% recommended by the standard. This will also be further improved with the deletion of the car space within the front setback of Unit 1.
97. In relation to water efficiency and stormwater management, the SMP submitted with the application notes that the proposal will achieve a STORM rating of 102% which is an excellent score.

B10 – Energy efficiency objectives

98. The proposed development will achieve a good level of energy efficiency. The SMP provided with the application outlines the ESD initiatives and commitments reflected in the proposal.
99. All habitable rooms will receive solar access from north, west or east-facing windows, and there are opportunities for good cross-ventilation opportunities for the dwellings via windows/doors on the all elevations.
100. The applicant has also committed to a minimum FirstRate energy rating of 6 stars. The proposed development also satisfies the requirements of the draft local policy Clause 22.17 – Environmentally Efficient Design proposed under Amendment C133.

B12 – Safety objective

101. Subject to conditions mentioned earlier in the report, it is considered that the entrances to the proposed development will meet the requirements of the standard in terms of visibility, safe access and security. The deletion of the car space to the front of the Hunter Street entrance of Unit 1 will improve the pedestrian access and visibility of the front door to the dwelling.
102. The entrance to Unit 2 via Lord Street consists of a recessed pedestrian gate and bi-fold gates of 2.5m in height. The surrounding context supports the arrangement proposed in that this would be commensurate with the height of surrounding fencing and outbuildings. However, measures to improve the safety of the entrance will include the provision of lighting. Furthermore, the pedestrian gate and bi-fold gates will be required to be modified to be at least 30% transparent, which will improve the legibility of the entrance. These changes will be addressed by way of conditions.

103. The plans do not identify the provision of any external lighting within the front setbacks of the dwellings. This will be addressed by way of a condition. The conditions will ensure that the objective of the standard is met.

B13 – Landscaping objectives

104. A condition will require the deletion of the car space at the front of Unit 1. This will provide for landscaping opportunities, consistent with the general landscaped character of Hunter Street. The majority of dwellings along Hunter Street have small front yards or have on-site car spaces fronting the street and the proposal will provide a front yard commensurate with the small sized front yards of other dwellings. A green wall will also be included within the front setback and as discussed earlier a condition will require a landscape plan detailing all proposed maintenance and watering methods.

B14 – Access objectives and B15 Parking location objectives

105. Standard B14 requires the width of an accessway or car parking space not to exceed 33% of the street frontage, with no more than a single-width crossover provided for each dwelling fronting a street, and encourages the retention of on-street car parking spaces. The proposal does not comply with the standard. Furthermore, if left untreated this will result in the removal of the on-street, disabled parking bay to Hunter Street which is not supported by Council's engineer. As already outlined, conditions will require the removal of the car space associated with Unit 1 and the front yard to be appropriately treated to reflect the front yards of other dwellings in the street.
106. A motorcycle parking bay would be provided within the front setback of Unit 2. This is considered to be worthy of support, particularly as this arrangement is commensurate with the arrangement of other dwellings fronting onto Lord Street and would not result in the removal of, on-street car parking.

B17 – Side and rear setbacks objective

107. The development is proposed to be constructed fully to the southern side boundary with only the south-west corner (associated with Unit 2) angled away from the boundary to one metre at the corner; and for its most part to the northern boundary with the exception of a light court (associated with Unit 1) that would provide a setback of 1.5m from the boundary. The courtyard has a length of 2.16m and extends for the full height of the development.
108. The incorporated setback at the south-west corner of Unit 2 does not comply with the standard. However, the angled wall has been incorporated into the design as a means of reducing the visual mass of the development when seen from the secluded private open space of the adjoining dwelling. Given that the western wall extends only 1.78m west of the adjoining dwelling to the south, the angled wall at the south-west corner would provide some visual relief.
109. The north-facing, light court to Unit 1 would be located opposite the two-storey, on-boundary wall associated with the adjoining dwelling and complies with the standard.

110. The objective of the standard is met.

B18 – Walls on boundaries objective

111. The development is proposed to be constructed on the northern side boundary for the following lengths:
- (a) 17.55m at the ground floor;
 - (b) 18.39m at the first floor; and
 - (c) 16.61m at the second floor.

112. The proposed northern boundary walls, for their most part, are aligned with the existing boundary walls of the adjacent two-storey dwelling to the north. In this instance, the on-boundary wall at the ground floor of Unit 2 would measure 3.2m in height above the natural ground level with a length of 2.5m-2.6m that would extend further west of the edge of the ground floor verandah of the adjoining dwelling. Given the location of this wall to the south of the adjoining area of secluded private open space, and its height and encroachment of 2.5m-2.6m beyond the adjoining verandah line, a variation to the standard is supported as this would not present a visually dominating built form.
113. The walls at the first and second floors of Unit 2 that are not constructed to abut the on-boundary wall of the adjoining dwelling, would extend one metre west of the building line of this adjoining dwelling, however would be brought into line with the western edge of the ground floor verandah and would be located to the south of this adjoining site. This would ameliorate any immediate concerns relating to visual bulk and overshadowing, and on this basis a variation to the standard is further supported.
114. The relevant decision guidelines include the impact on the amenity of existing dwellings and the extent to which walls on boundaries is a part of the neighbourhood character. In this instance, it is considered that the non-compliances of the northern boundary wall are acceptable.
115. The objective of the standard is met.
116. The development is proposed to be constructed on the southern side boundary for the following lengths:
 - (a) 22m at ground floor;
 - (b) 18.25m at the first floor; and
 - (c) 16.29m at the second floor.
117. The proposed southern boundary walls are primarily aligned with the existing boundary wall of the adjacent single-storey dwelling to the south, with the exception of a 3.8m length of ground floor wall (associated with the living area to Unit 2) that extends past the rear wall of the adjacent dwelling.
118. With a wall height of 3.2m above the natural ground level this wall is compliant with the standard in relation to its height.
119. The relevant decision guidelines include the impact on the amenity of existing dwellings and the extent to which walls on-boundaries are a part of the neighbourhood character. In this instance, it is considered that the non-compliance of the southern boundary wall is acceptable. This wall would be constructed between the western side of the adjoining dwelling and the eastern side of an existing shed and it will not result in unreasonable amenity impacts given that it's a ground floor wall. The first and second levels are fully aligned with the existing boundary wall of the adjacent dwelling, and will not impact any habitable room windows. While the proposed built form will be substantially higher than the adjacent single storey dwelling, the alignment of the walls at the first and second floors, particularly, ensure that the proposal will not create unreasonable visual bulk.
120. The objective of the standard is met. Shadow impacts will be considered under Standard B21.

B19 – Daylight to existing windows objective

121. Complies with the standard and the objective. Given the east-west orientation of the subject site and those immediately abutting to the north and south, the west and east-facing windows of surrounding dwellings would not be affected. This is due to their location and separation distance from the respective front and rear boundaries which provides them with a minimum of 1m clear to the sky and at least 3sq.m. of area.

B20 – North-facing windows objective

122. This standard is not applicable as there are no north-facing windows within 3m of the subject site.

B21 – Overshadowing open space objective

123. The existing conditions currently result in some overshadowing of the SPOS to the rear of the adjacent dwelling to the south throughout the day. Given the west-east orientation of the subject site, the proposed development will result in some additional overshadowing of the adjacent dwelling throughout the morning.
124. At 9.00 am, the impact on the SPOS of the adjacent dwelling to the south is most significant, such that it is in full shadow. However, the majority of new shadows fall within the existing overshadowing created by built form and boundary fencing. The most significant increase in the shadow impact is limited to the early hours of the morning, with this substantially decreasing by approximately 18sq.m. between 11.00am and 12.00pm, midday, with only a marginal impact evident between 1.00pm and 3.00pm (increase of approximately 1.1sq.m). In any instance, an impact in the shadows in the SPOS is unavoidable due to the orientation and location of the adjoining site to the south of the subject site.
125. Standard B21 requires that where sunlight to SPOS is reduced, at least 75% of the SPOS should receive a minimum of 5 hours of sunlight between 9.00 am and 3.00 pm at the September equinox. As the proposal will achieve less sunlight to the adjacent SPOS than required under the standard, a variation is required. On balance, it is considered that the adjacent SPOS will continue to receive an acceptable level of sunlight. Given the inner-city context of the site and existing neighbourhood character which is dominated by built form and boundary wall construction, the overshadowing impacts of the proposal are not considered to be unreasonable within this context.
126. The objective of the standard is met.

B22 – Overlooking objective

127. The west-facing, first and second floor habitable room windows of Unit 2 are proposed to be obscured with angled, louvered screens to a height of 1.7m above their respective floor levels, complying with the standard. A condition will require these screens to be fixed. There are no other windows within the development that require screening.

B23 – Internal views objective

128. There is no internal overlooking within the development, complying with the standard.

B24 – Noise impacts objective

129. The proposed development is residential. Any noise generated on the site would only be residential in nature without causing any unreasonable impacts on neighbouring properties.
130. The proposed dwellings are not located within close proximity to busy roads, railway lines or industries, thus no particular internal noise reduction techniques are considered necessary.

B25 – Accessibility objective

131. The entrances for both dwellings are located at the ground floor, and will be generally accessible for those with limited mobility in accordance with the standard. The objective of the standard is met.

B26 – Dwelling entry objective

132. As discussed in Standards B5 and B12 above, subject to a condition requiring the deletion of the car space, to allow Unit 1 to be more readily identifiable, it is considered that the entrances to the development will be clearly visible and easily identifiable and will provide a sense of personal address. The condition will ensure that the objective of the standard is met.

B27 – Daylight to new windows

133. All new habitable room windows will receive adequate daylight in accordance with the standard. The objective of the standard is met.

B28 – Private open space objective

134. The dwellings will be provided with private open space [POS] as follows:

- (a) Unit 1:
 - (i) A first floor balcony of 3.5sq.m;
 - (ii) A second floor terrace of 10sq.m; and
- (b) Unit 2:
 - (i) A ground floor courtyard of 19.7sq.m.

135. Each proposed dwelling complies with the standard and whilst the private open space to Unit 1 would not be completely secluded, these areas meet the objective which is to provide *adequate private open space for the reasonable recreation and service needs of residents.*

B29 – Solar access to open space objective

136. The first floor balcony and second floor terrace associated with Unit 1 will enjoy good solar access in the morning hours and the courtyard at the ground floor of Unit 2 will enjoy good solar access in the afternoon. It is considered that each dwelling will enjoy adequate solar access to the open space areas and the objective of the standard is met.

B30 – Storage objective

137. The capacity of the external storage areas has not been annotated on the plans. This will be addressed by way of a condition requiring the storage areas to have a 6m³ capacity as required by the standard. This condition will ensure that the objective of the standard is met.

B31 – Design detail objective

138. The proposed development is contemporary in design, with a flat roof form that references the emerging development in the streetscape and surrounding area. The design is generally respectful of the existing neighbourhood character, and employs a variety of materials and finishes including cement cladding, timber cladding, corrugated colorbond cladding, recycled timber battens to the Hunter Street elevation, aluminium and glass which are generally sympathetic to the surrounding area.
139. Council's Urban Design Unit state that the fibre cement wall to the south should be detailed with expressed joints to avoid a cracked appearance of the side wall, with some further visual interest added. As such a condition will require this.
140. The flat roof forms, and the dimensions and proportions of new windows and doors, are generally complementary to the quite diverse streetscape character. The objective of the standard is met.

B32 – Front fences objective

- 141. As discussed earlier, the car space in the front setback of Unit 1 will be deleted. A condition will require the provision of front fencing in accordance with this standard (i.e. less than 1.5m in height). This will improve the streetscape presentation of the development to Hunter Street.
- 142. The gate and the fence to Unit 2 will be required to be modified to be at least 30% transparent. This will meet the objective of the standard and respect the existing character of Lord Street.

B33 – Common property objective

- 143. This standard is not applicable as there will be no common property created.

B34 – Site services objectives

- 144. Mailboxes have been identified within the front setbacks of the dwellings and adequate space can be provided within the site for bins.

Car parking

- 145. Under Clause 52.06, the proposed development requires the provision of three car parking. As a condition will require the deletion of the car space within the front setback of Unit 1, a reduction of three car parking spaces is required.

Dwelling	Rate	Car Spaces required	Reduction
Unit 1	Two to each, three or more bedroom dwelling.	2	2
Unit 2	One to each one or two bedroom dwelling	1	1
Total		3	3

- 146. Clause 52.06-6 outlines the relevant factors that must be taken into account when considering any reduction of the car parking requirement. An assessment against these decision guidelines is provided as follows:
 - (a) The subject site enjoys excellent access to public transport, including the Bridge Road and Swan Street tram services and rail services from the Burnley train station;
 - (b) Pedestrian and cyclist access to the site is highly convenient, as it is located within an inner-city area where walking and cycling are popular modes of travel. On and off-street bicycle lanes are found within the surrounding street network;
 - (c) Council’s engineering services unit did not raise any concerns with a reduction in the car parking requirement;
 - (d) Prospective occupant and property owners will be ineligible to apply for parking permits, and hence, parking on-street is not an option. A note on the planning permit will confirm that residents and visitors will not be eligible to apply for parking permits;
 - (e) As all future occupants will be aware of the inability to obtain parking permits, the proposed dwellings will be attractive to persons who own a limited number of vehicles (in this instance tailoring to those who own a motorcycle, or bicycles) and are willing to use sustainable transport alternatives rather than face the difficulties associated with having to move vehicles on a regular basis due to time restrictions, or risk parking fines; and

- (f) Census data confirms that a substantial proportion of residents of inner-city suburbs including areas of Yarra do not own cars. The proposed reduction is supported by policy at Clause 21.06 of Council's MSS which seeks to reduce the reliance on the car and promote sustainable transport alternatives.

147. Overall, a reduction in the car parking requirement is supported.

Objector concerns

148. The majority of concerns raised by the objectors have been addressed in the above assessment. A summary of the response to objector concerns is provided as follows:

- (a) *Density and height of proposed development is out of character with the streetscape and neighbourhood character.*

149. As discussed in paragraphs 75 to 80 and 86 to 94, it is considered that the proposal has appropriately referenced the existing built form in the surrounding area. The setback of the second floor of the Unit 1 (Hunter Street dwelling) will ensure that the new dwelling reads as a primarily two storey building.

150. The three-storey built form of Unit 2 (Lord Street dwelling) appropriately references the height of development in the immediate area. It is considered that the proposed construction of two dwellings on the lot in the form proposed is consistent with the existing and emerging character of development in the surrounding area. Refer to paragraphs 75 to 80 for an assessment of the proposal from a neighbourhood character perspective.

- (b) *Off-site amenity impacts including overlooking and overshadowing;*

151. Refer to the Clause 55.04 (ResCode – Amenity impacts) assessment at paragraphs 123 to 130 for a discussion regarding off-site amenity impacts, including overlooking and overshadowing.

- (c) *There should be a heritage study on the area; and*

152. A heritage study has commenced but has not been considered or approved by Council. However early assessment shows that no properties along Hunter Street are to be included.

- (d) *The car parking reduction will exacerbate existing parking shortages in the area.*

153. Refer to paragraphs 145 to 147 for an assessment of the proposal against the relevant provisions of Clause 52.06, and the comments of Council's engineering services unit at paragraph 67. It is considered that the net increase of one dwelling on the lot will not unreasonably impact parking conditions in the area.

Conclusion

154. The proposal demonstrates a good level of compliance with the policy requirements outlined in the Yarra Planning Scheme, and is supported subject to conditions.

RECOMMENDATION

That a Notice of Decision to Grant a Permit (PLN14/0058) be issued to develop the land with the construction of two dwellings, including a reduction in the car parking requirement of the Yarra Planning Scheme at 58 Hunter Street, Richmond subject to the following conditions.

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 30 January 2014 and 2 September 2014 which show:

- (a) The provision of 1.7m high, angled aluminium louvered screens to the west-facing windows at the first and second floors of the Lord Street dwelling (Unit 2);

but further modified to show:

- (b) The deletion of the car space within the front setback of the Hunter Street dwelling (Unit 1);
 - (c) The ground floor setback of the Hunter Street dwelling (Unit 1) reduced by shifting the study and the front entry forward so that it is flush with the east-facing wall of the first floor;
 - (d) The provision of front fencing to be no higher than 1.5m above the natural ground level to the Hunter Street dwelling (Unit 1);
 - (e) A plan notation confirming that the west-facing screens to the first and second floor windows of the Lord Street dwelling (Unit 2) would be fixed;
 - (f) The front pedestrian gate and fence to the Lord Street dwelling (Unit 2) modified to be at least 30% transparent;
 - (g) The southern wall textured / treated to break the visual mass (e.g. expressed joints or similar);
 - (h) Lighting to the front entrances of each dwelling that is appropriately baffled and shielded to avoid light spillage into adjoining properties; and
 - (i) 6m³ of storage to each dwelling.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
 4. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
 5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must show the following:
 - (a) key materials and construction details of the green wall;
 - (b) the location, quantity and maturity of all plants;
 - (c) the botanical name of all new planting; and
 - (d) details of proposed irrigation drainage and maintenance methods for all proposed planting specifically in relation to the green wall, confirming use of recycled water (where possible).
 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
9. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

NOTES:

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

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

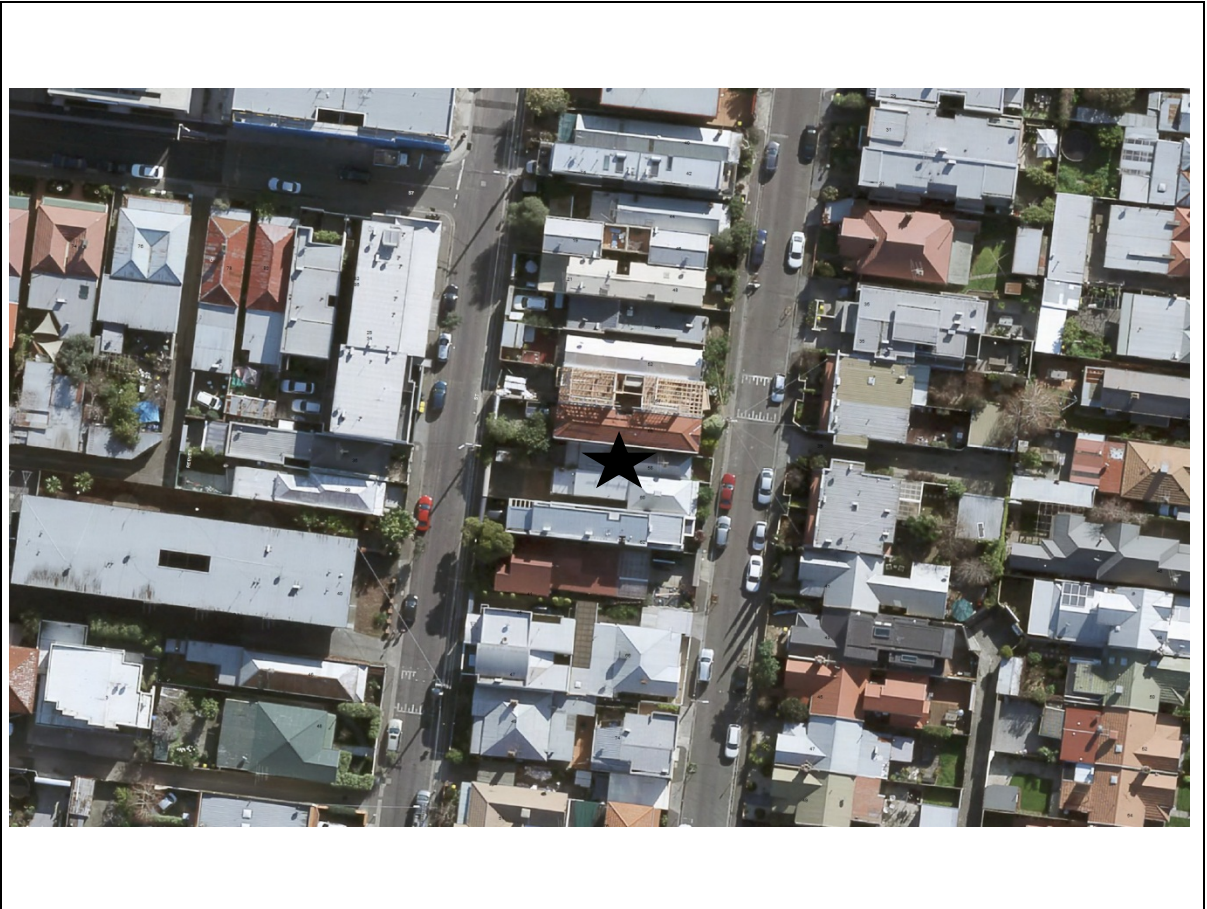
CONTACT OFFICER: John Theodosakis
TITLE: Senior Statutory Planner
TEL: 9205 5307

Attachments

- 1 Site Location - 58 Hunter Street, Richmond
- 2 PLN14/0058 - 58 Hunter Street - Advertised Plans
- 3 PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans
- 4 PLN14/0058 - 58 Hunter Street Richmond - Amendment Under Section 57

Attachment 1 - Site Location - 58 Hunter Street, Richmond

SUBJECT LAND: 58 Hunter Street, Richmond



↑ North

★ Subject Site

Attachment 2 - PLN14/0058 - 58 Hunter Street - Advertised Plans

PROJECT MANAGEMENT + ARCHITECTURE
CONTEMPORARY BUILT ENVIRONMENTS

ARCHITECTS



hunter st, looking south west from opposite footpath

(approved neighbouring development at no. 44 hunter st shown in this representation)

TOWN PLANNING APPLICATION (ISSUE "TP1")

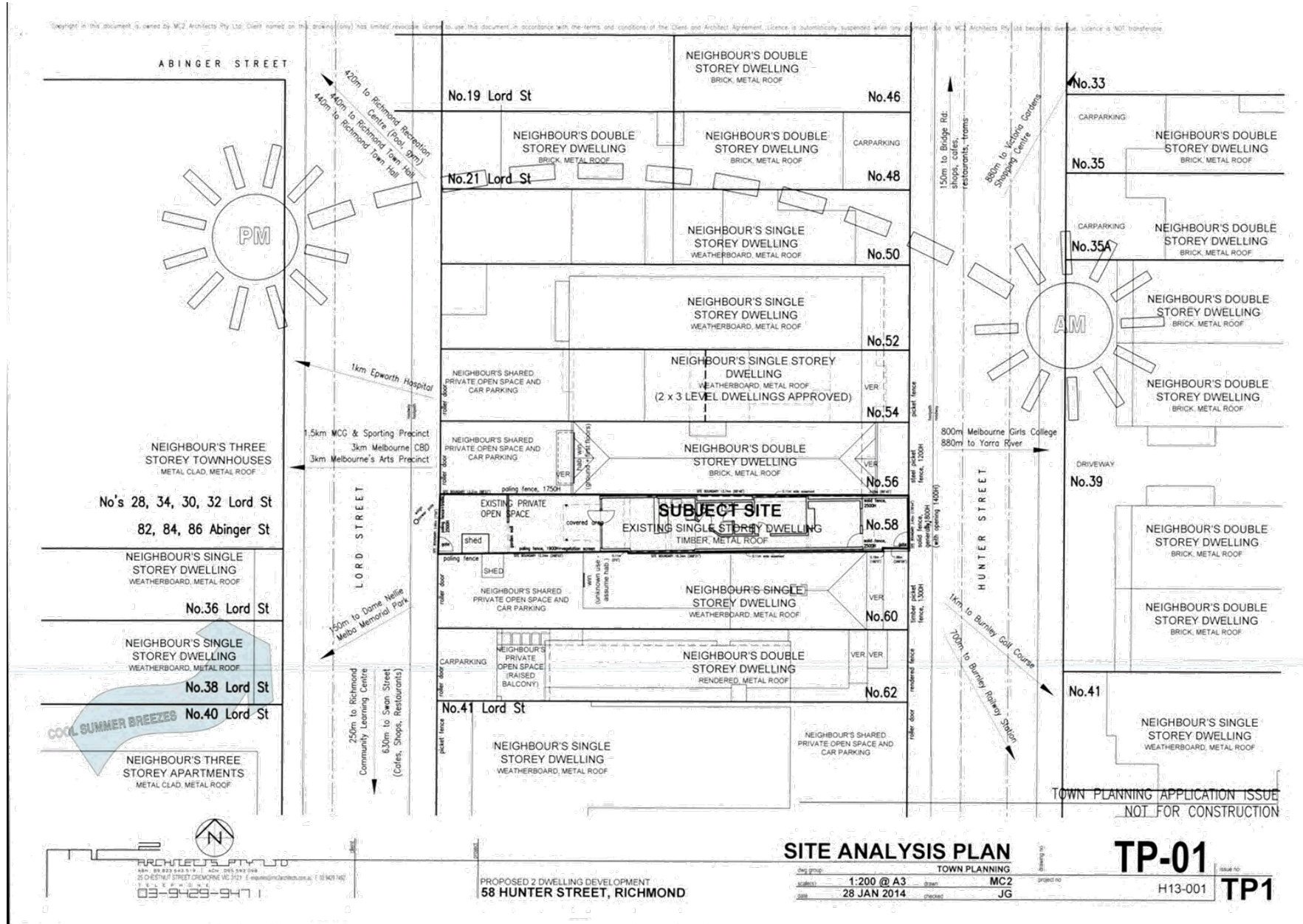
28 JAN 2014

**PROPOSED TWO DWELLING DEVELOPMENT
AT 58 HUNTER STREET, RICHMOND**

MC² ARCHITECTS PTY LTD ACN 095 593 098 ABN 89 823 643 519

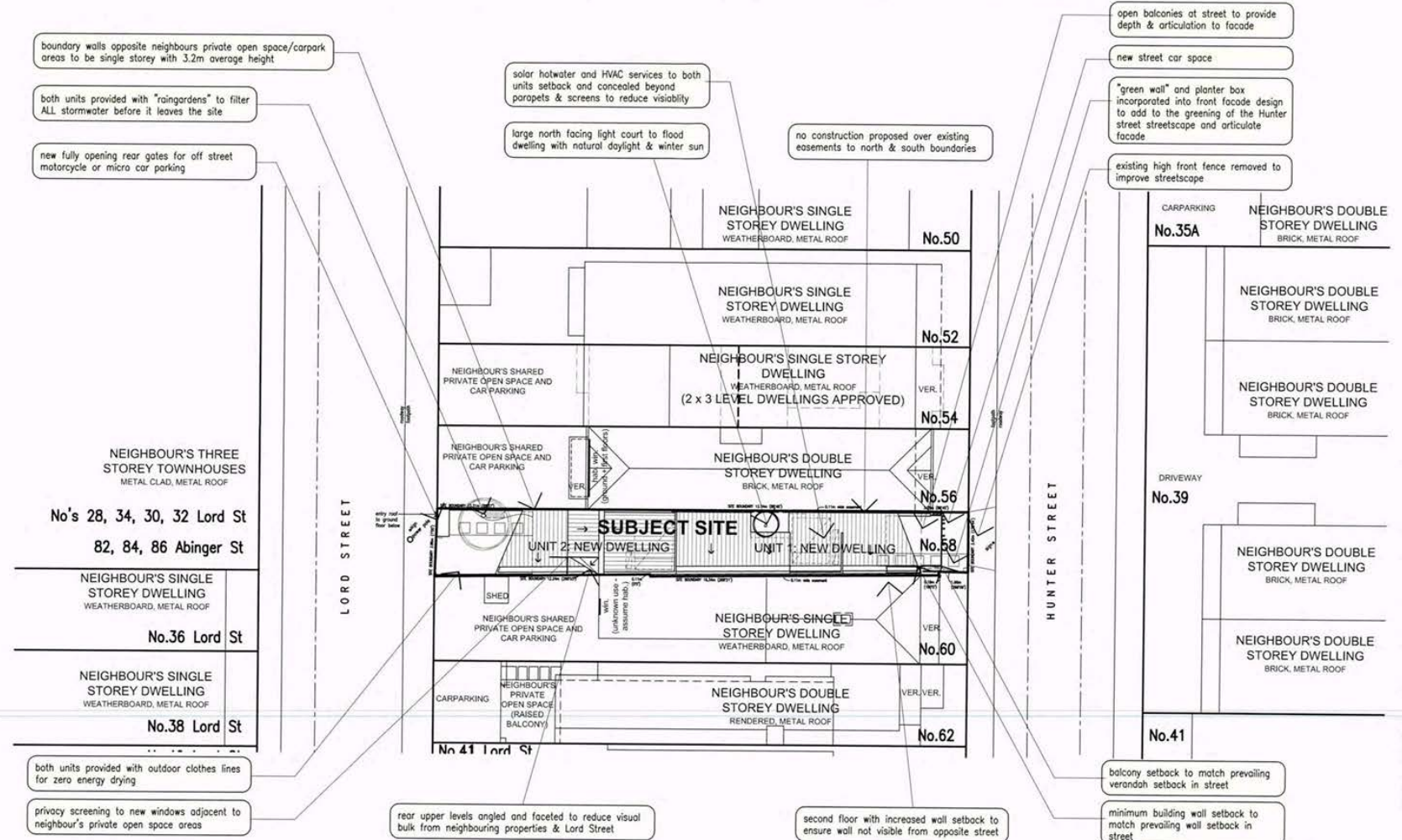
25 CHESTNUT STREET, CREMORNE, VICTORIA 3121 E: ENQUIRIES@MC2ARCHITECTS.COM.AU M: 0433 122 332 F: (03) 9429 7492 T: (03) 9429 9471

Attachment 2 - PLN14/0058 - 58 Hunter Street - Advertised Plans



Attachment 2 - PLN14/0058 - 58 Hunter Street - Advertised Plans

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ARCHITECTS PTY LTD
 25 CHESTNUT STREET CREMAORNE VIC 3121
 T 03 9429 9471

PROPOSED 2 DWELLING DEVELOPMENT
 58 HUNTER STREET, RICHMOND

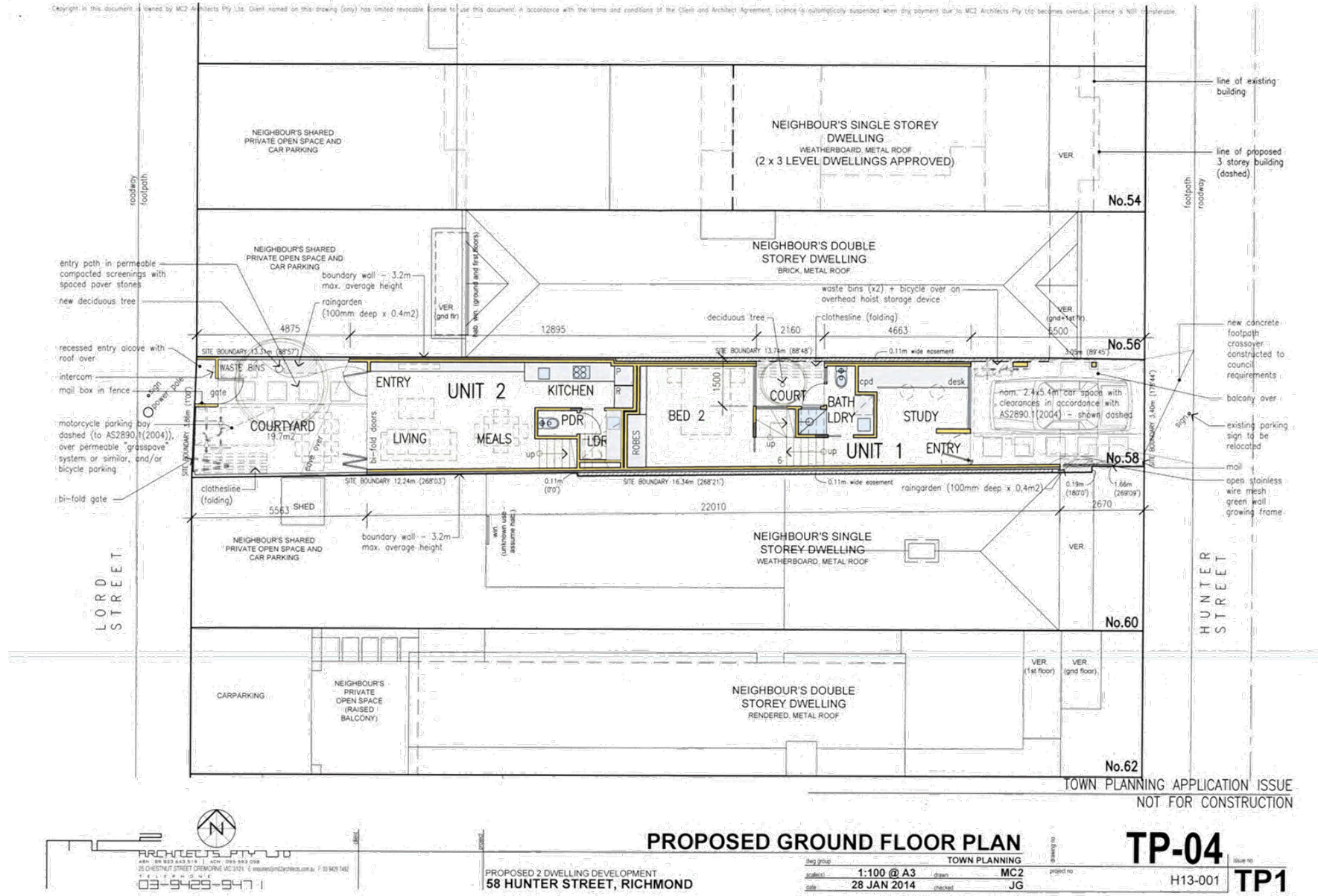
DESIGN RESPONSE PLAN

des group	TOWN PLANNING
scale(s)	1:200 @ A3
date	28 JAN 2014
drawn	MC2
checked	JG

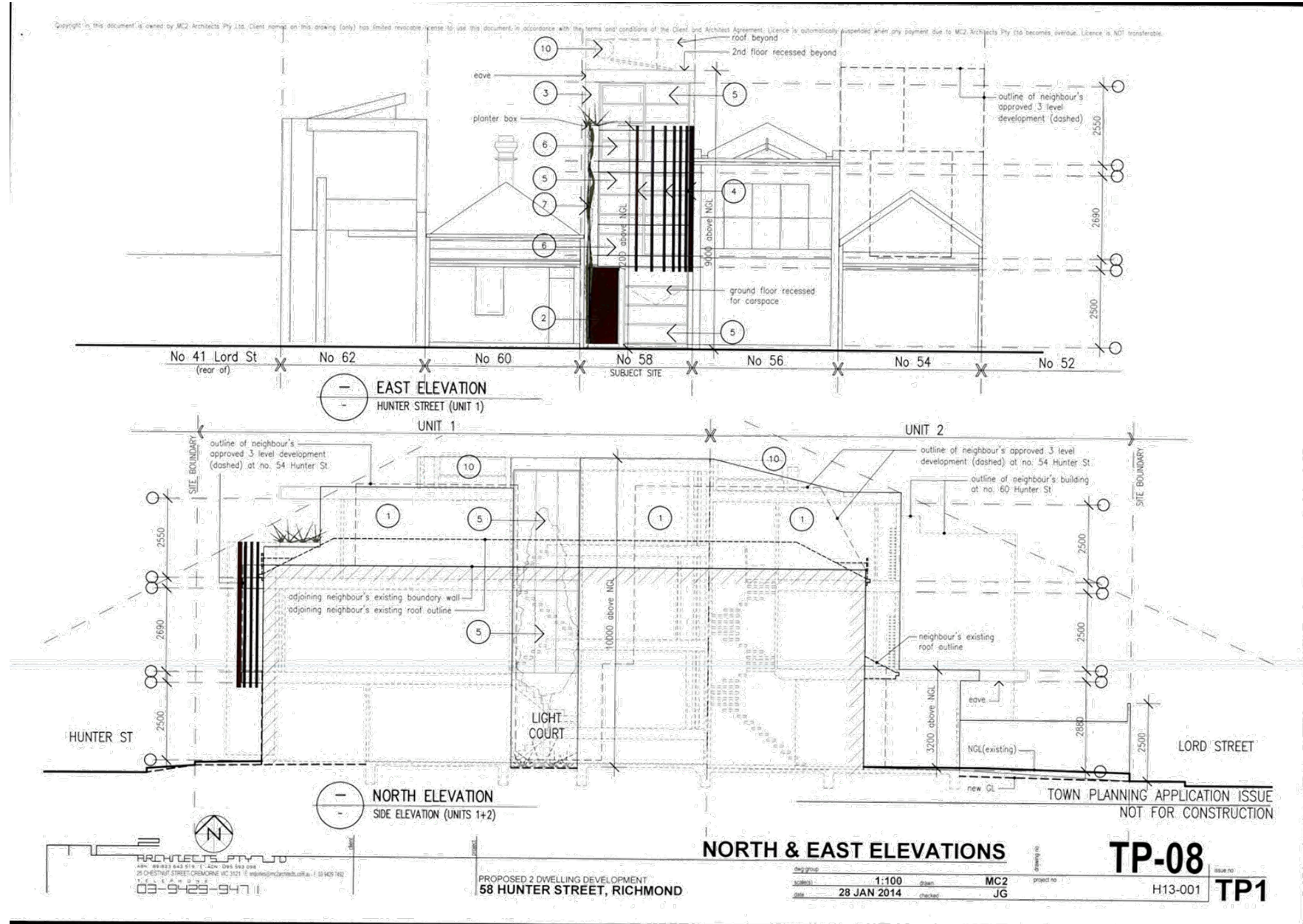
TP-02
 H13-001
 TP1

TOWN PLANNING APPLICATION ISSUE
 NOT FOR CONSTRUCTION

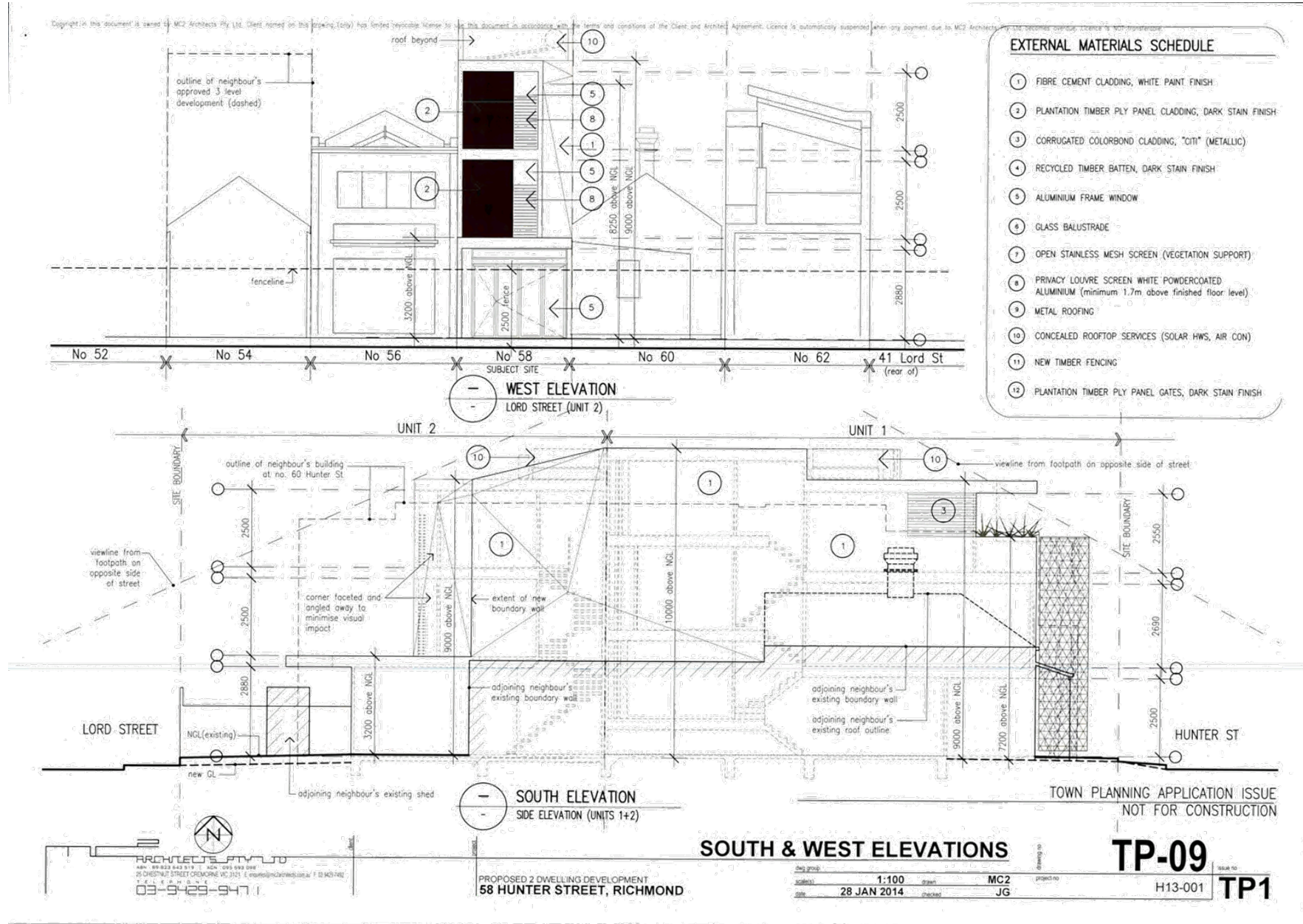
Attachment 2 - PLN14/0058 - 58 Hunter Street - Advertised Plans



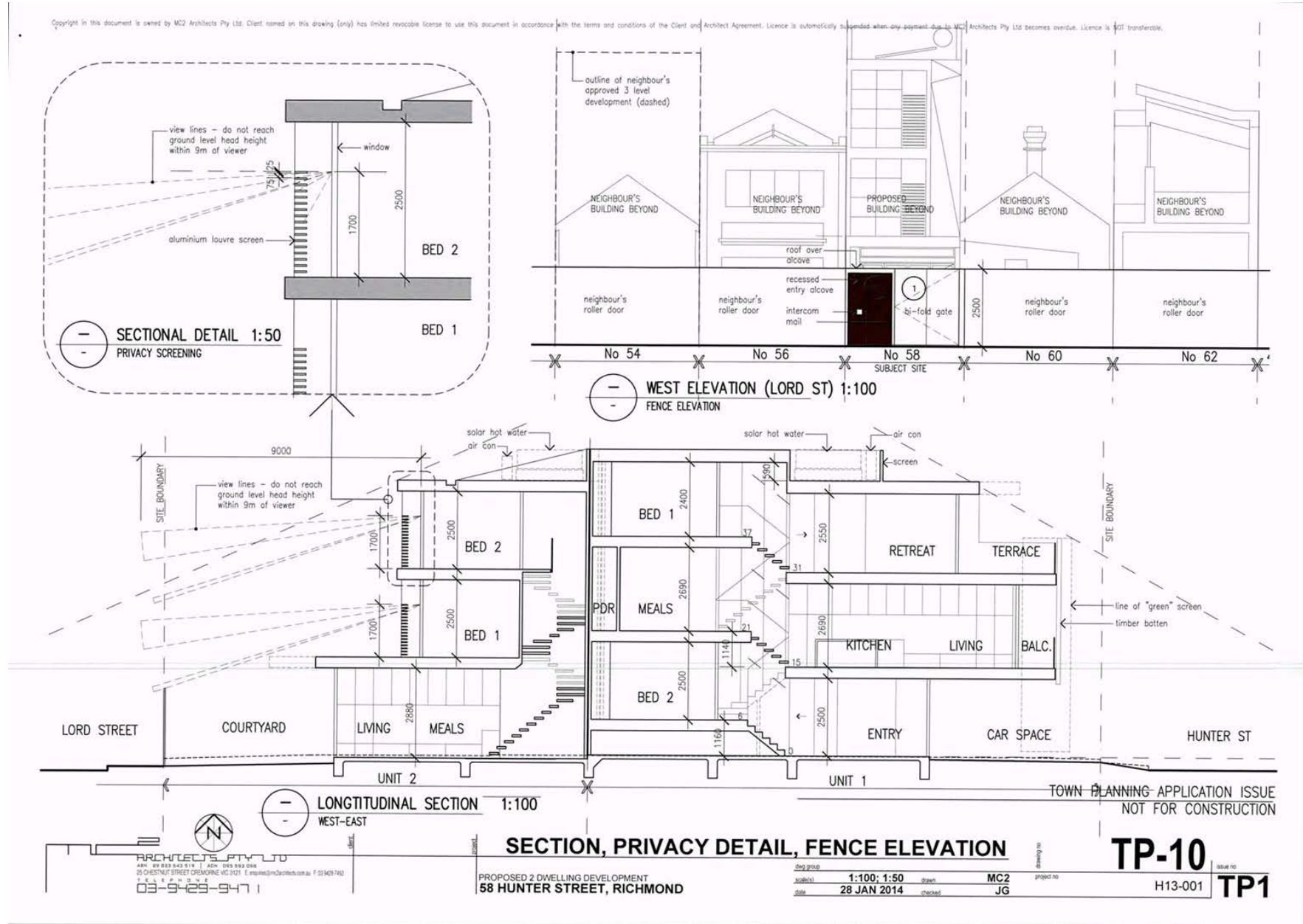
Attachment 3 - PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans



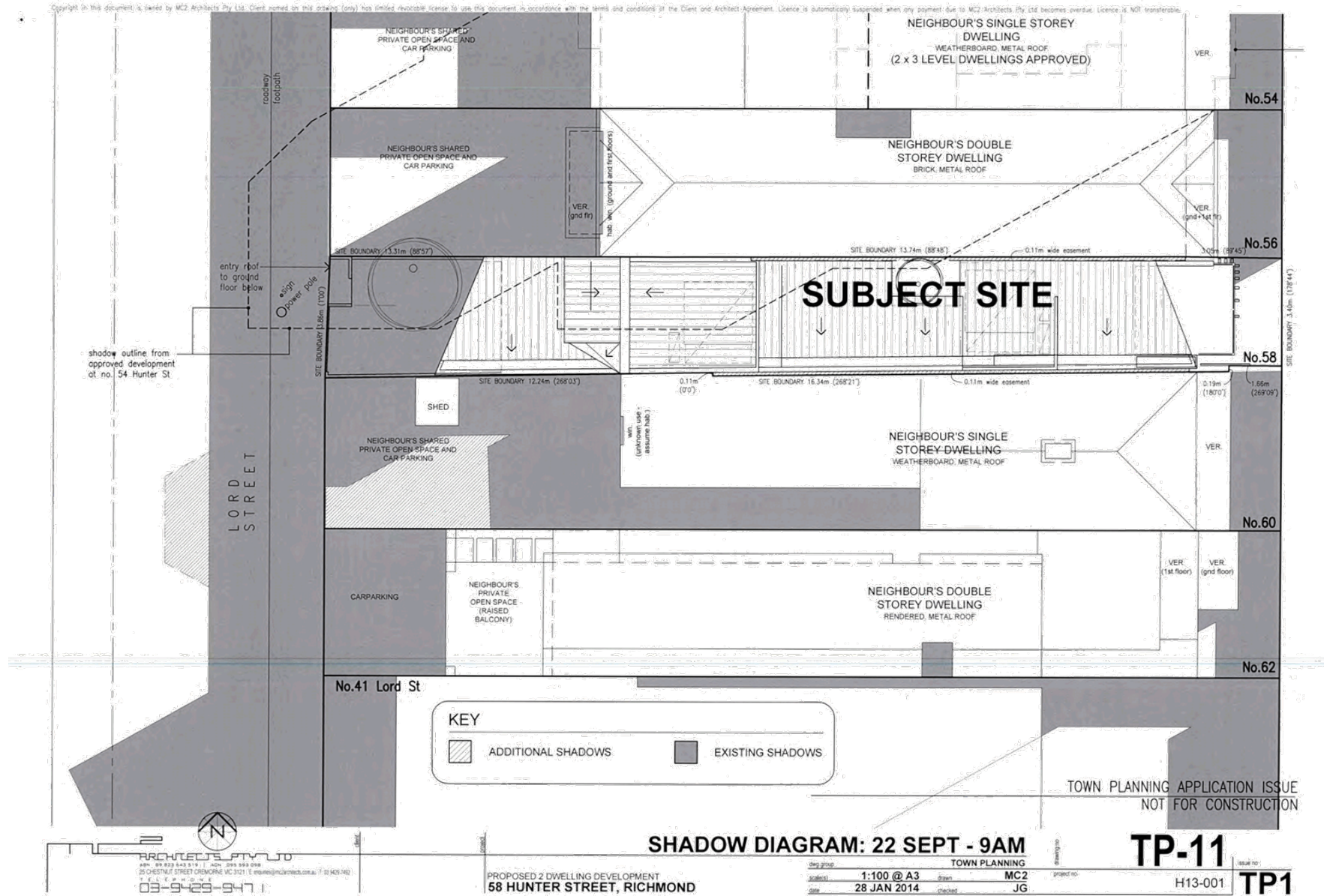
Attachment 3 - PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans



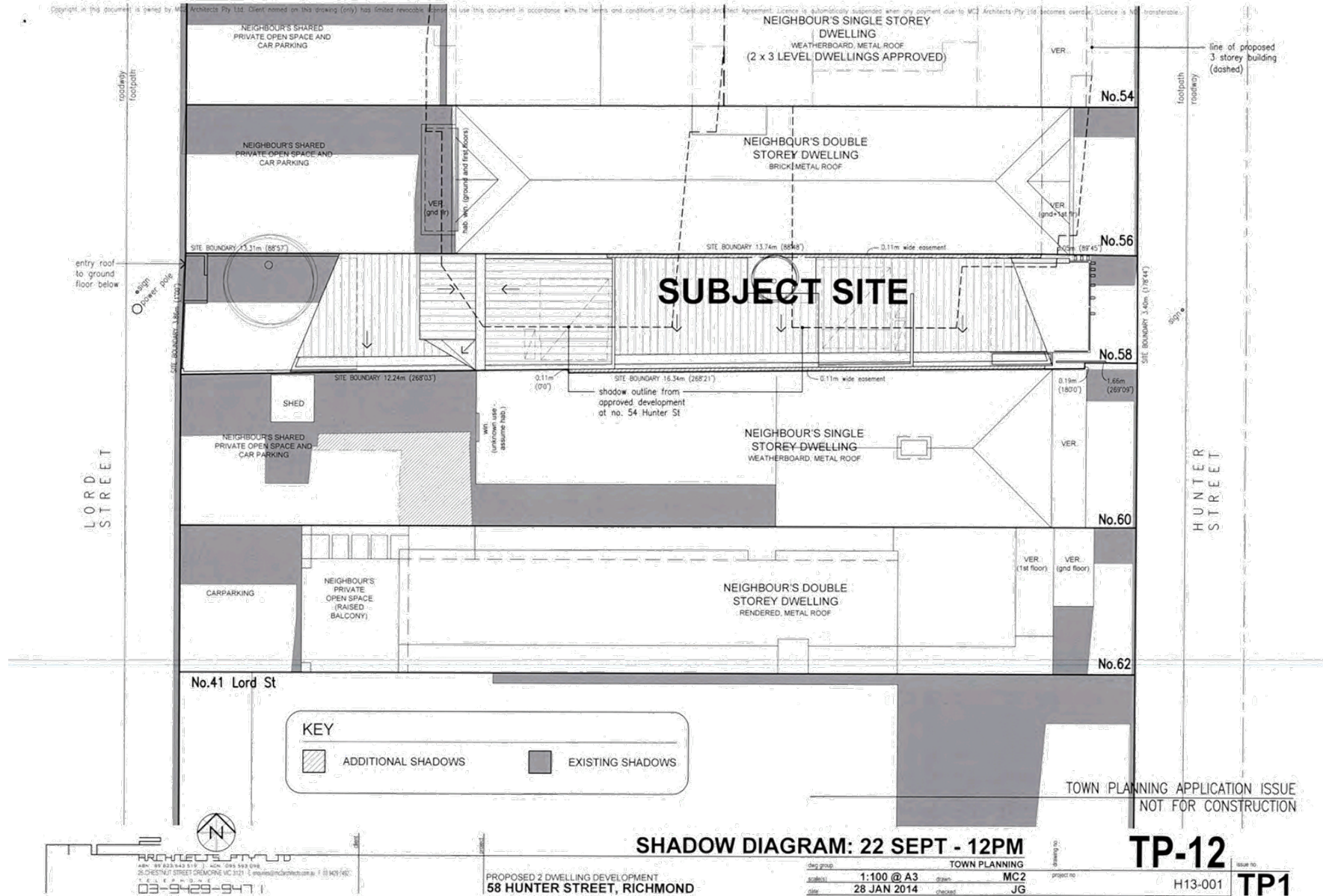
Attachment 3 - PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans



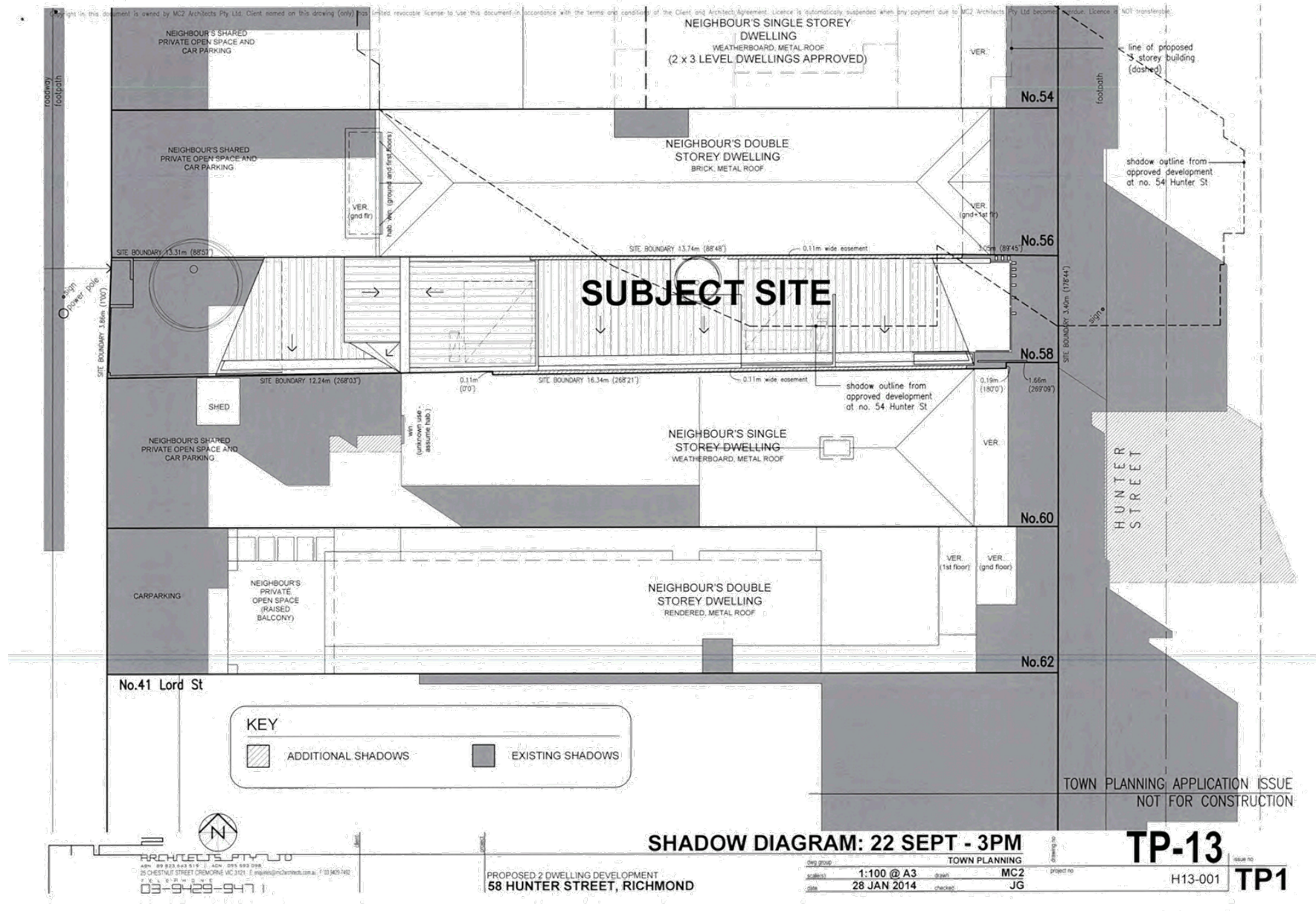
Attachment 3 - PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans



Attachment 3 - PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans



Attachment 3 - PLN14/0058 - 58 Hunter Street Richmond - Advertised Plans



Attachment 4 - PLN14/0058 - 58 Hunter Street Richmond - Amendment Under Section 57

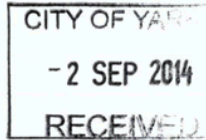
02 September 2014

John Theodosakis
City of Yarra
Statutory Planning Branch

(Hand delivered)

Dear John,

Re: **PLN14/0058**
Application to Amend Permit Application under Section 57
of the Planning & Environment Act
Proposed 2 x Dwelling Development at 58 Hunter Street, Richmond



ARCHITECTS



Further to our consultation meeting with objectors and our recent conversations with you regarding this application, we have decided to amend our application under section 57 of the Planning & Environment Act in order to respond to overlooking amenity concerns raised by both the northern neighbour and a neighbour on the opposite side of Lord Street.

Whilst overlooking screening had been provided to screen all views within 9 metres at ground level, there was some limited opportunity for overlooking beyond that distance.

In order to eliminate ALL potential overlooking at the west end of the site we have decided to amend to the design of our proposed screening devices to only allow views at the horizontal plane and above. The new screening device design will not allow any downward views from the proposed west facing windows.

Whilst we recognise that the planning scheme does not require this degree of screening, we believe it is appropriate in this case to provide the highest level of continued amenity for the surrounding properties.

The amended privacy screen is shown on the following REVISED documents (3 coloured copies attached):

- Drawing sheet **TP-10**: SECTION, PRIVACY DETAIL, FENCE ELEVATION (marked issue "TP2")

Revisions are clouded and marked as "REV TP2".

We have also attached payment for the required fee of **\$102.00**

Please note all other the previously submitted documentation remains part of the application.

Thank you in advance we look forward to your report and listing at an IDAC meeting at your convenience.

Sincere Regards,


Justin Giannikos, RAlA, BA(Arch), BArch(Hons), Registered Architect, Accredited Energy Rater
Director, MC² Architects Pty Ltd

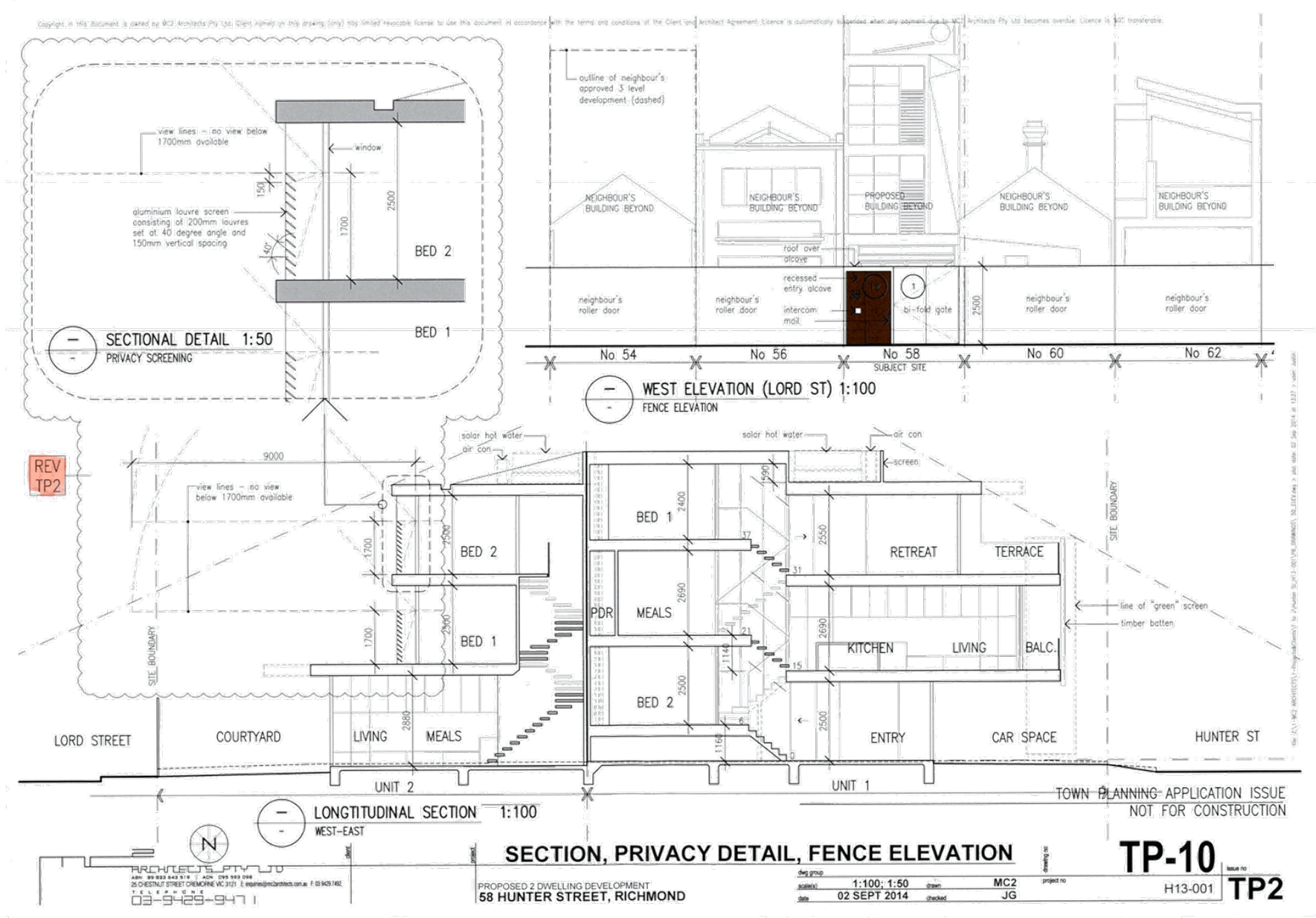


DIRECTOR:
JUSTIN GIANNIKOS
RAIA (BAV BA(ARCH) BARCH(HONS))
REGISTERED ARCHITECT | ACCREDITED ENERGY RATER | REGISTERED BUILDER


ARCHITECTS PTY LTD
ABN 89 823 643 519 | ACN 095 503 098
25 CHESTNUT STREET CREMORNE VIC 3121 W: WWW.MC2ARCHITECTS.COM.AU
PROJECT MANAGEMENT | ARCHITECTURE | ENERGY EFFICIENCY COMPLIANCE REPORTS

03-9429-9471
TELEPHONE

Attachment 4 - PLN14/0058 - 58 Hunter Street Richmond - Amendment Under Section 57



1.4 42 Kelso Street, Cremorne PLN14/0667 - Reduction in car parking requirements associated with an office use (no permit required) under Clause 52.06 of the Yarra Planning Scheme

Executive Summary

Purpose

1. This application has been called up to Council's Internal Development Approvals Committee (IDAC), at the request of Councillor Coleman.
2. This report provides an assessment for the above planning application, which seeks planning approval for a reduction in the car parking requirements associated with an office (no permit required for use) under Clause 52.06 of the Yarra Planning Scheme.

Key Planning Considerations

3. Key planning considerations include:
 - (a) Clause 52.06 – Car Parking (Clauses 52.06 of the Yarra Planning Scheme.

Key Issues

4. The key issue for Council in considering the proposal relate to:
 - (a) Car parking;

Objector Concerns

5. There are no objections to this application, as an application solely for the reduction in car parking requirements is exempt from notice pursuant to Clause 52.06-3 of the Yarra Planning Scheme.

Conclusion

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

CONTACT OFFICER: Tamina Loan Vy
TITLE: Statutory Planner
TEL: 92055104

1.4 42 Kelso Street, Cremorne PLN14/0667 - Reduction in car parking requirements associated with an office use (no permit required) under Clause 52.06 of the Yarra Planning Scheme

Trim Record Number: D14/152850

Responsible Officer: Coordinator Statutory Planning

Proposal:	Reduction in the car parking requirements (associated with a no permit required office use) under Clause 52.06 of the Yarra Planning Scheme.
Existing use:	Vacant warehouse
Applicant:	DX Architects Pty Ltd
Zoning / Overlays:	Commercial 2 Zone
Date of Application:	22 July 2014
Application Number:	PLN14/0667

Planning History

1. Planning Permit PLN13/0055 was issued by Council on 6 September, 2013, for *'building and works in association with 17 warehouses (no permit required for use), reduction in the car parking requirement and a waiver of the loading bay requirement'* at 75-119 Cubitt Street Cremorne.
 - (a) This permit granted a reduction of 60 car parking spaces associated with the warehouse use only.
 - (b) This permit was amended on 10 February, 2014, under Section 72 of the *Planning and Environment Act 1987* for minor alterations to the building, and new plans endorsed on 17 June, 2014. All works have been completed.
2. Permit SP13/0049 was issued by Council on 11 October, 2013, for the subdivision of land (17 lots plus balance lot B) and new title issued for 58-88 Gwynne Street (formerly known as 75-119 Cubitt Street) Cremorne. The subject site is shown as lot 17 on plan of subdivision 711642T.

Background

3. The application was lodged on 22 July 2014. The application seeks a reduction in the car parking requirements associated with an office (no permit required use).
4. The car parking requirements are exempt from advertising under Clause 52.06-3 of the Scheme; as such no objections were received.
5. The application was referred to Council's Traffic Engineers, who did not object to the proposal.

Existing Conditions

Subject Site

6. The subject site is located on the southern-eastern corner of Kelso Street and Cubitt Streets in Cremorne. The site has a frontage of width of 27.87m along Kelso Street, a secondary frontage of 15.15m along Cubitt Street, having total site area of approximately 422.5sqm.

7. Developed on the site is a two-storey, brick building with flat roof form. The building is constructed to all boundaries.
8. The existing ground floor layout consists of warehouse space, a loading bay, five (5) car spaces, and stairs to the first floor warehouse with ancillary office spaces. Pedestrian and vehicle accesses are from Kelso Street.
9. Currently, the warehouse occupies 331sqm in floor area; with ancillary office occupying 240sqm in area.

Restrictive covenants

10. There are no restrictive covenants or caveats shown on the submitted certificate of title.

Surrounding Land

11. The area surrounding the subject site is made up of a mixture of industrial, commercial and residential uses.
12. To the north of the site is a two-storey brick building, used for commercial/industrial purposes. Land to the north of the site is located in a Commercial 2 Zone.
13. To the west of the site are dwellings located in a Commercial 2 Zone which are assumed to have existing use right. To the south of these dwellings are 1 to 3 storey warehouse buildings, facing Cubitt Street.
14. To the south of the site are other warehouses uses, contained within the same redeveloped warehouse building. These buildings comprise commercial/industrial uses, located in a Commercial 2 Zone.
15. Land to the east a vacant warehouse contained within the same redeveloped warehouse building. Further east, across Gwynne Street are two-storey warehouse buildings located in a Commercial 2 Zone.
16. Public parking availability in the site's vicinity is along Kelso, Gwynne, Cubitt, Balmain and Dover Streets, all within 400 metres walking distance from the site.
17. The site is within close proximity to public transport modes, including tram services along Swan Street located to the north (550 metres); bus routes along Punt Road located to the north-west (770 metres); Richmond train station located to the north-west (800 metres), tram services along Church Street (750 metres) and East Richmond train station located to the north-east (650 metres).
18. Designated bicycle paths are located along Balmain Street located 240m to the south, as well as bicycle paths along Swan and Church Streets.

The Proposal

19. The proposal is for the reduction in the car parking requirements associated with an office (no permit required for use) under Clause 52.06 of the Yarra Planning Scheme. Details of the proposal are:
 - (a) Provide three (3) additional car parking spaces, having a total of eight (8) on-site, car spaces;
 - (b) 142sqm of office space is proposed at ground floor, and 381sqm at first floor, having a total net floor area of 523sqm.
 - (c) Two (2) bicycle spaces are provided at ground level.
 - (d) Delete the loading bay (permit not required, as it is not required for an office use).

- (e) Construct a shower and toilet facilities within the office space, abutting the southern boundary (permit not required as it does not increase the gross floor area).

Planning Scheme Provisions

Zoning

Clause 34.02 – Commercial 2 Zone (C2Z)

- 20. The purpose of the C2Z includes:
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
- 21. Pursuant to the table of Uses at Clause 34.02-1 of the Scheme, an office use is in a Section 1 use (permit not required).
- 22. The internal rearrangement of the layout and buildings and works to the ground floor does not increase the gross floor area and therefore does not require a permit under clause 62.02-2 of the Scheme, which states:
 - (a) *The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.*

Overlays

- 23. None

Particular Provisions

- 24. Amongst other things, the purpose of Clause 52.06 of the Scheme is:
 - (a) *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
 - (b) *To ensure that car parking does not adversely affect the amenity of the locality*
 - (c) *Pursuant to Clause 52.06.02 – (provision of car parking spaces) before a new use must not commence until the required car spaces have been provided on the land. A permit may be granted to reduce or waive the number of car spaces required.*
- 25. Clause 52.06-2 of the Scheme states '*before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority*'.
- 26. Clause 52.06-5 of the Scheme the office use generates a rate of 3.5 car spaces per 100 square metres of net floor area. Based on the proposed total net floor office space of 523sqm, the office is required to provide 18 car spaces on site.
- 27. Eight (8) on-site car spaces are provided, therefore a reduction of 10 car parking spaces are sought.

General Provisions

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

State Planning Policy Framework (SPPF)

29. The following clauses are relevant to this application.

Clause 17.01 – Economic Development

30. The provisions of clause 17 of the Scheme seek to foster economic prosperity for and within communities.

Clause 17.01-1 - Business

31. The objective of this Clause is:

- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18 – Transport

32. The provisions of clause 18 of the Scheme seek to ensure an integrated and sustainable transport system.

33. Pursuant to clause 18.01 (Integrated transport) of the Scheme, the following objectives are relevant:

Clause 18.01-1 – Land use and transport planning

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

Clause 18.01-2 – Transport system

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

34. Pursuant to clause 18.02 (Movement networks) of the Scheme, the following objectives are relevant:

Clause 18.02-1 – Sustainable personal transport

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

Clause 18.02-2 – Cycling

- (b) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

Clause 18.02-4 – Management of the road system

- (c) To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Clause 18.02-5 – Car parking

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

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

35. Clause 21.03 outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land use

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.06 – Transport

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

Objective 30 To provide safe and convenient bicycle environments

Strategy 30.2 Minimise vehicle crossovers on street frontages.

Strategy 30.3 Use rear lane access to reduce vehicle crossovers.

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

Strategy 32.1 Provide efficient shared parking facilities in activity centres.

Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.

Objective 33 To reduce the impact of traffic.

Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.

Clause 21.08 - Neighbourhoods

38. The following statement has been extracted from the description of Burnley, Cremorne, South Richmond area at Clause 21.08-2:

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

- b. *The Barkly industrial precinct, south of Swan Street and west of Burnley Street, has the opportunity to establish itself as a new business employment node. This should include a mix of industrial and related activities as well as service business and office’.* [Emphasis added]

Relevant Local Policies

39. Council does not have a local car parking policy.

Advertising

40. The application was not advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* as advertising is exempt under Clause 52.06-4 of the car parking policy, which states:
- (a) An application under Clause 52.06-3 is exempt from the notice requirements of *Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if:*
- (i) *the application is only for a permit under Clause 52.06-3.*

Referrals

External Referrals

41. The application was not required to be referred to any external authorities in the Scheme.

Internal Referrals

42. The application was referred to Council's Traffic Engineering Services Unit, who confirmed they did not object to the proposal and provided the following comments:
- (a) *The proposed development comprises a change of use from a warehouse to an office. An off-street car park of eight spaces will be provided and would be serviced by an existing vehicle crossing. According to information supplied to Engineering Services, the development would have a total statutory car parking requirement of 18 spaces. A reduction of 10 spaces in the car parking requirement is being sought. The site is located on the south east corner of the Cubitt Street/Kelso Street intersection. The surrounding area is predominantly commercial/light industrial.*
- (b) *Car parking associated with office type developments is primarily all day/unrestricted parking for employees and short term parking for visitors. The unrestricted parking in the surrounding area is very scarce to non-existent. Prospective employees would be well aware of the severe limitations to park on-street and would be inclined to make other travel arrangements such as take public transport or ride a bicycle.*
- (c) *In terms of public transport, the site is within walking distance of the Richmond railway station. Tram services along Swan Street and bus services along Punt Road can also be reached on foot.*
- (d) *The operation of this office should not adversely impact on existing parking conditions in the area.*
- (e) *Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.*
- (f) *There is no objection to the use of the existing vehicle crossing in order to service the new off-street car park.*

- (g) *The dimensions of the parking bays and aisle have been designed to satisfy the Yarra Planning Scheme's off-street car parking requirements as per Clause 52.06.*
- (h) *Although there is a column at the edge of the aisle next to parking space, this should not affect turning movements into that bay, especially since it has a width of 3.0 metres.*
- (i) *Overall, the layout of the car park is considered satisfactory.*

OFFICER ASSESSMENT

43. The only consideration for this application is car parking.

Clause 52.06-6 Application requirements and decision guidelines for permit applications

44. Decision guidelines under clause 52.06-6 of the Scheme are relevant for assessing a reduction in the car parking requirement. These guidelines will be used (as relevant) to assess the proposed office use on the site.

- (a) *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.*
- (b) *The variation of car parking demand likely to be generated by the proposed use over time.*
- (c) *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- (d) *The availability of public transport in the locality of the land.*
- (e) *The convenience of pedestrian and cyclist access to the land.*
- (f) *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- (g) *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- (h) *Any empirical assessment or case study.*
- (i) *Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:*

The Car Parking Demand Assessment

- (j) *Any relevant local planning policy or incorporated plan.*
- (k) *The availability of alternative car parking in the locality of the land, including:*
 - (i) *Efficiencies gained from the consolidation of shared car parking spaces.*
 - (ii) *Public car parks intended to serve the land.*
 - (iii) *On street parking in non residential zones.*
 - (iv) *Streets in residential zones specifically managed for non-residential parking.*
- (l) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*

- (m) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
 - (n) *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
 - (o) *The future growth and development of any nearby activity centre.*
 - (p) *Any car parking deficiency associated with the existing use of the land.*
 - (q) *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
 - (r) *Local traffic management in the locality of the land.*
 - (s) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
 - (t) *The need to create safe, functional and attractive parking areas.*
 - (u) *Access to or provision of alternative transport modes to and from the land.*
 - (v) *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
 - (w) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
 - (x) *Any other matter specified in a schedule to the Parking Overlay.*
 - (y) *Any other relevant consideration.*
45. The proposed use is for an office (no permit required under the zone). Based on the proposed 523sqm of net floor area, the office would generate a total of 18 car parking spaces on site. Since eight (8) car parking spaces would be provided on site, a reduction of 10 car parking spaces is sought.
46. In terms of the local street network, Kelso Street has two-way traffic direction, Gwynne Street has one-way traffic direction (south bound) with predominately unrestricted on street car parking and Cubitt Street has two-way traffic direction (north bound).
47. On the eastern side of Gwynne Street (Kelso Street to Stephenson Street), there is unrestricted on-street parking. On both sides of Gwynne Street (Kelso Street to Balmain Street) there is also unrestricted parking.
48. On nearby Stephenson Street, on the west side there are a combination of 2P, 7am to 5pm Monday to Saturday and 2P, 7am-7pm Monday to Saturday. A small section of unrestricted parking operates on the west side of Stephenson Street, and commences approximately 35 metres north of Kelso Street. In Cubitt Street, on-street parking on the east side consists of either 2P, 7am-7pm Monday to Friday or 2P 7am-7pm Monday to Saturday restriction.
49. Whilst a traffic report by a qualified traffic engineer was not provided with the proposed application, an independent traffic report completed for a neighbouring proposal at 48 Kelso Street was available. This traffic report was used as a reference to understand the current car parking conditions and availability in the area.

50. The report included a survey showing the existing car parks occupied along Kelso, Gwynne, Cubitt, Balmain, and Dover Streets, which are all within 400m walking distance from 48 Kelso Street. The survey revealed the following:
- (a) Wednesday 19 March 2014 at:
 - (i) 10:30am, out of 332 on-street car spaces, 27 car spaces were available; and
 - (ii) 7pm, out of 233 on-street car spaces, 120 on-street car spaces were available.
51. It is noted the number of car parking spaces above reduces after 5pm, as restricted parking becomes permit zones.
- (a) Thursday, 1st May 2014 at:
 - (i) 12noon, out of 340 on-street car spaces available, 120 spaces were available.
 - (b) Saturday 3rd May, 2014, at:
 - (i) 11am, 12:30pm and 2pm, out of 318 on-street car spaces, 116 on-street car spaces were available.
52. It is noted the number of car parking spaces above have only taken into account the number of on-street car parking bays available, and not any nearby off-street car parks i.e. former *Kangan Institute*, which was also included in the traffic report (note there is an application to use this site as a public car parking but is yet to be determined).
53. The assessment of the survey clearly shows the surrounding streets can accommodate more than 10 car spaces, thus supporting the proposed car reduction associated with the office use.
54. Having regard to the considerations of clause 52.06-6 and the objective of clause 18.02-1, the reduction in the car parking requirement is considered acceptable for the following reasons:
- (a) The site is located in within reasonable walking distance to alternative forms of public transportation, including:
 - (i) **Tram route 70** operates along Swan Street, approximately 610m walking distance to the north of the site. It provides service between Waterfront City Docklands and Wattle Park;
 - (ii) **Tram route 78** operates along Church Street approximately 650m walking distance to the east of the site. It provides service between North Richmond and Prahran;
 - (iii) **Tram route 79** operates along Church Street approximately 650m walking distance to the east of the site. It provides service between North Richmond and St Kilda Beach;
 - (iv) **East Richmond Railway Station** is on the Alamein, Belgrave, Lilydale and Glen Waverley Lines and is located approximately 650 metres walking distance to the northeast of the site.
 - (b) Given the nature of the use (office) and its likely associated long-term parking demand, staff would be deterred from relying on driving to work and would have to consider alternative modes of transport, including public transport and cycling. The provision of bicycle parking would go some way in encouraging this.

- (c) It is considered that providing the car parking provision on-site would only increase the impact on the surrounding local road network through increased traffic congestion which is not considered to be consistent with Council's strategies especially when there are other more sustainable transport options; and
- (d) The application was referred to Council's Engineering Services Unit, who did not object to the proposed reduction of car parking, as they considered '*the operation of this office should not adversely impact on existing parking conditions in the area*'.

55. Whilst there is no requirement to provide bicycle parking under Clause 52.34 of the Scheme, the proposal would be providing two bicycle spaces with staff shower facilities. This is considered appropriate in going some way to offset the reduction in the car parking requirement and will assist in encouraging cycling as an alternative mode of transport.
56. The loading bay associated with the previously approved warehouse use will be removed, as it not required for the proposed office use on site.

Clause 52.06-8 Design standards for car parking

57. Clause 52.06-8 sets out the design for vehicle access and the dimensions of car parking bays suggested under the Australian Standard. The proposed car parking access and layout complies with the standard.

Decision Guidelines

58. Clause 52.06-9 states *before deciding that a plan prepared under Clause 52.06-7 is satisfactory the responsible authority must consider, as appropriate:*
- (a) *The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.*
 - (b) *The ease and safety with which vehicles access and circulate within the parking area.*
 - (c) *The provision for pedestrian movement within and around the parking area.*
 - (d) *The provision of parking facilities for cyclists and disabled people.*
 - (e) *The protection and enhancement of the streetscape.*
 - (f) *The provisions of landscaping for screening and shade.*
 - (g) *The measures proposed to enhance the security of people using the parking area particularly at night.*
 - (h) *The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.*
 - (i) *The workability and allocation of spaces of any mechanical parking arrangement.*
 - (j) *The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.*
 - (k) *The type and size of vehicle likely to use the parking area.*
 - (l) *Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.*
 - (m) *The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.*
 - (n) *Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).*
 - (o) *The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.*
 - (p) *Any other matter specified in a schedule to the Parking Overlay.*
59. The existing car access is from Kelso Street which was approved under the previous planning permit (PLN13/0055) and was considered satisfactory. The proposed car access will be from the existing, thus there is no change.

60. The three (3) new car spaces will be provided via a new layout of the car parking bays on site. The dimensions of the car parking bays are 4.9m long by 3m wide, which will allow cars to manoeuvre comfortably.
61. Council's Traffic Engineering Services Unit confirms *'the dimensions of the parking bays and aisles have been design to satisfy the Yarra Planning Scheme's off-street car parking requirements as per Clause 52.06'*. It was further noted that *'although there is a column at the edge of the aisle next to parking space (bays no.2 and no.6) this should not affect turning movements into that bay especially since it has a width of 3.0 metres'*.

Conclusion

62. The proposed on-site car parking associated with the office is considered to be satisfactory and complies with the relevant planning polices under the Scheme. Evidence suggests the surrounding network will be able to accommodate any surplus parking demand comfortably.

RECOMMENDATION

63. That the Committee resolves to Grant Planning Permit PLN14/0667 for the 'reduction in the car parking requirements associated with an office (no permit required for the use) at 42 Kelso Street, Cremorne VIC 3121, generally in accordance with the decision plans and subject to the following conditions:
 1. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 2. The location of the car parking shown on the endorsed plan must be used for no other purposes than a car space. Any alterations must be approved by the Responsible Authority.
 3. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
 4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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; and
 - (c) line-marked or provided with some adequate means of showing the car parking spaces.
to the satisfaction of the Responsible Authority.
 5. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 3 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
 6. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

CONTACT OFFICER: Tamina Loan Vy
TITLE: Statutory Planner
TEL: 92055104

Attachments

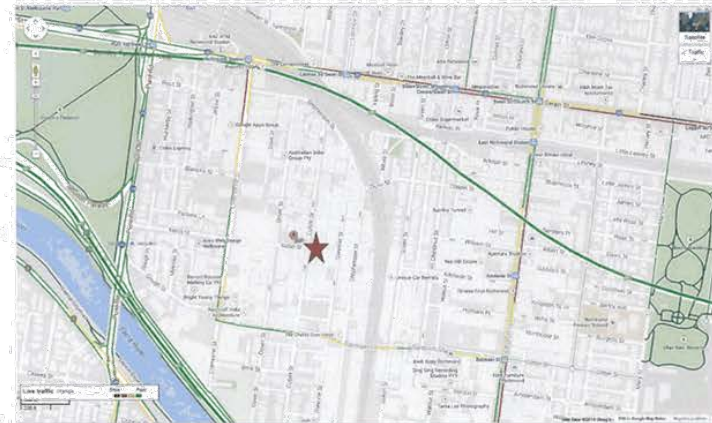
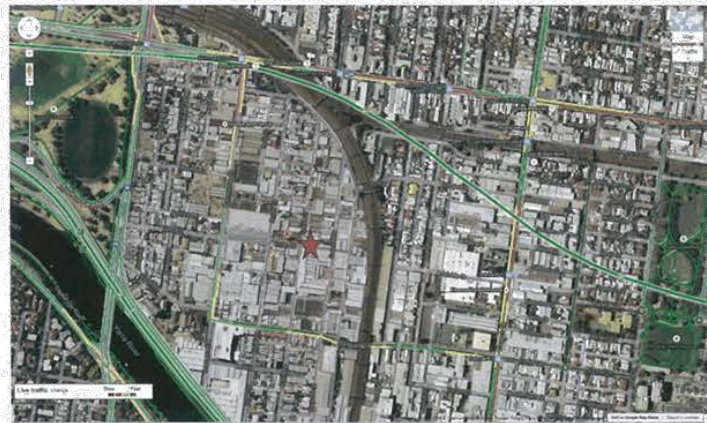
- 1 PLN14/0667 - 42 Kelso Street Cremorne - Zoning and site context
- 2 PLN14/0667 - 42 Kelso Street, Cremorne. Existing and proposed floor plans

Attachment 1 - PLN14/0667 - 42 Kelso Street Cremorne - Zoning and site context

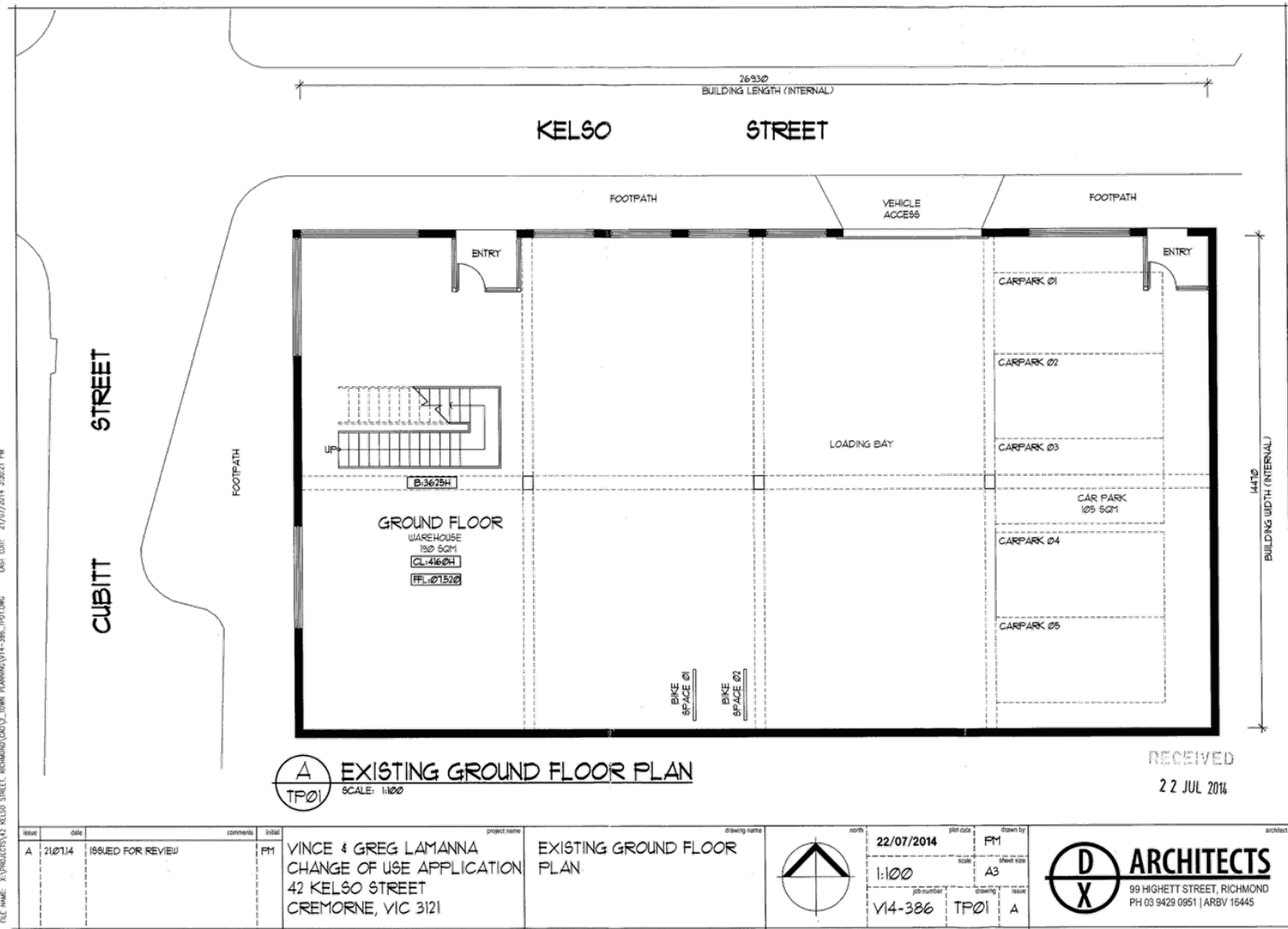
PLN14/0667 – 42 Kelso Street, Cremorne – Zoning and context



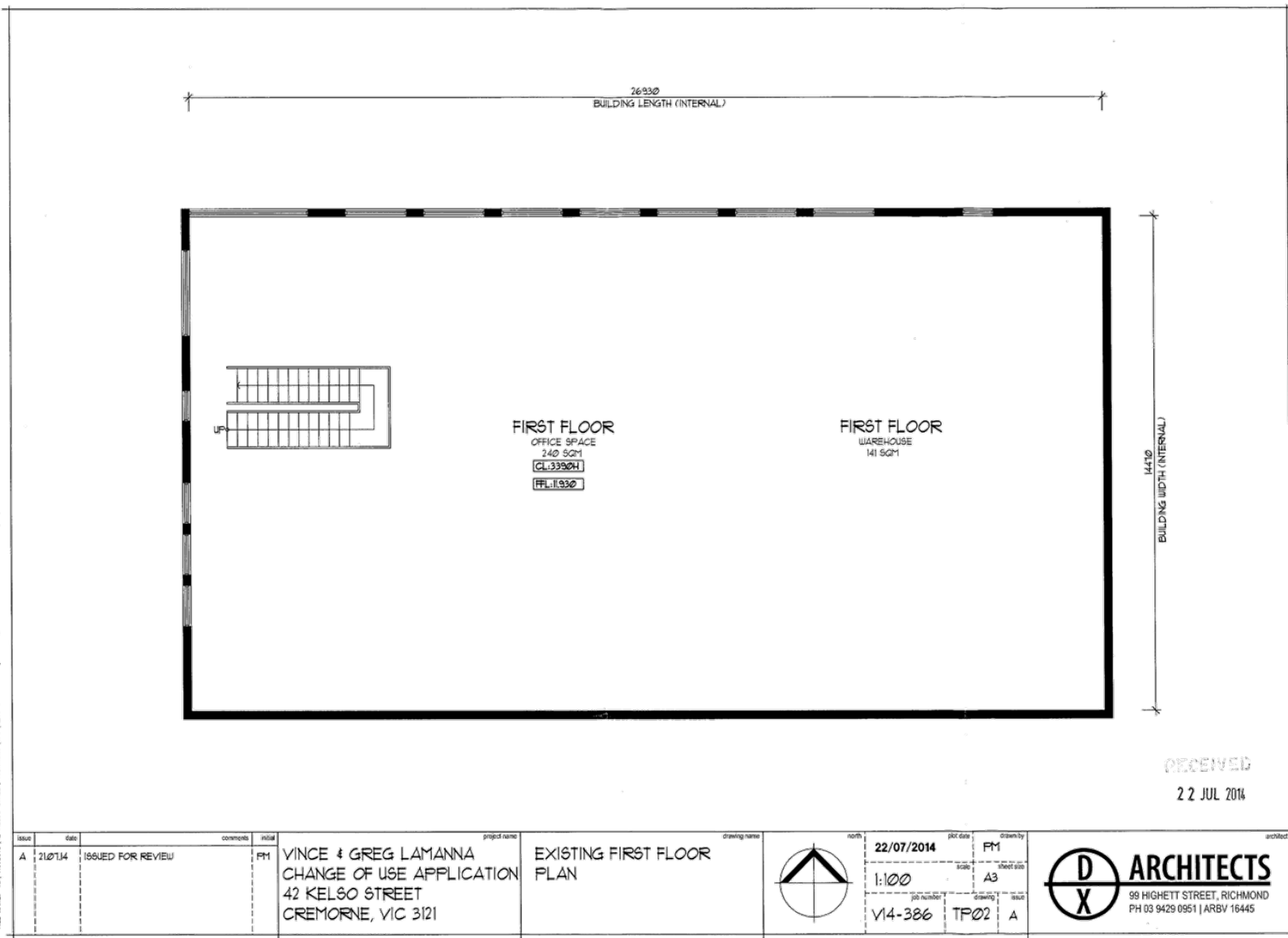
Subject site:  42 Kelso Street, Cremorne is located in a Commercial 2 Zone



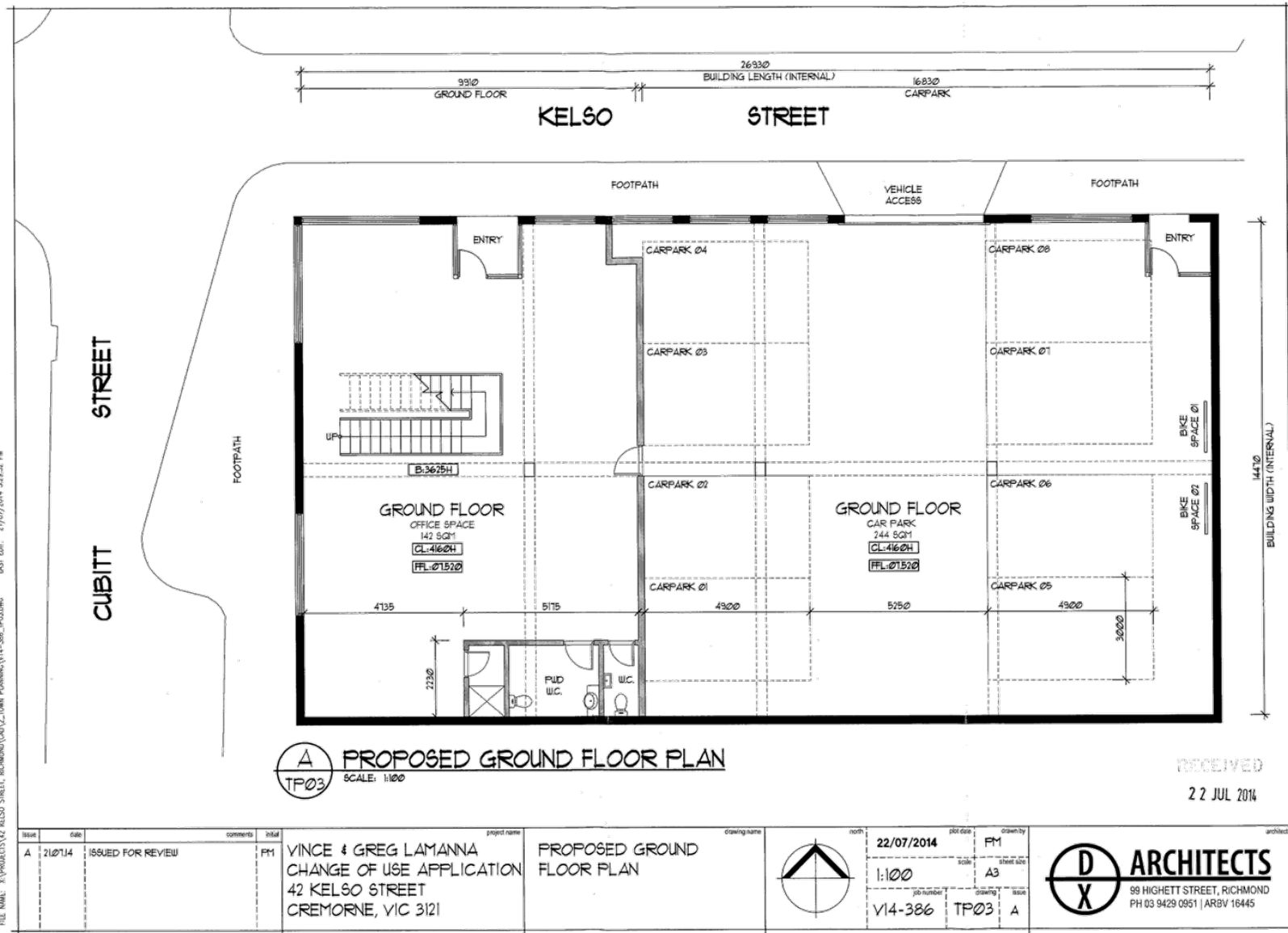
Attachment 2 - PLN14/0667 - 42 Kelso Street, Cremorne. Existing and proposed floor plans



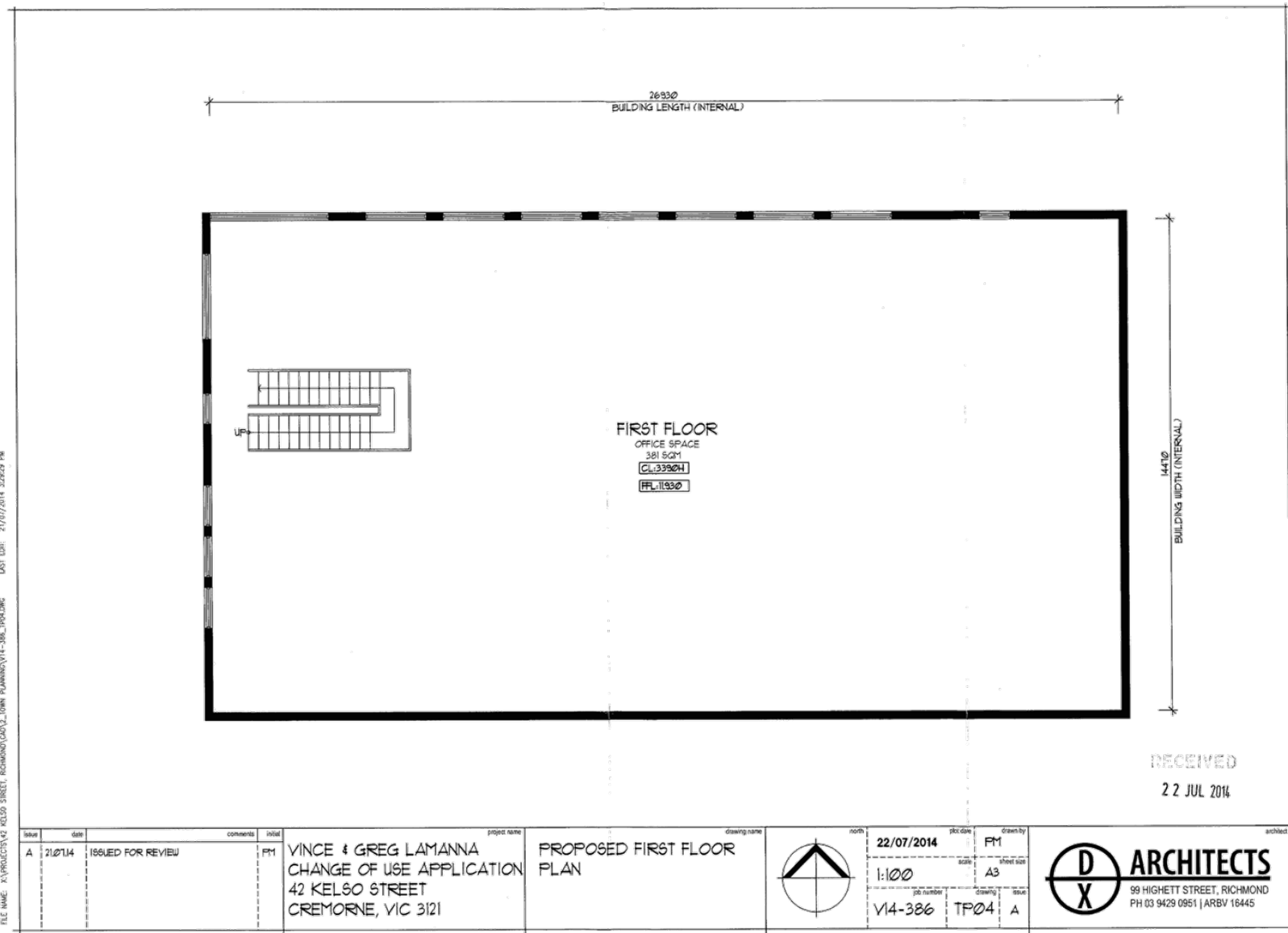
Attachment 2 - PLN14/0667 - 42 Kelso Street, Cremorne. Existing and proposed floor plans



Attachment 2 - PLN14/0667 - 42 Kelso Street, Cremorne. Existing and proposed floor plans



Attachment 2 - PLN14/0667 - 42 Kelso Street, Cremorne. Existing and proposed floor plans



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issue	date	comments	initial	project name	drawing name	north	plot date	drawn by	architect
A	21/07/14	ISSUED FOR REVIEW	FM	VINCE & GREG LAMANNA CHANGE OF USE APPLICATION 42 KELSO STREET CREMORNE, VIC 3121	PROPOSED FIRST FLOOR PLAN		22/07/2014	FM	ARCHITECTS 99 HIGHETT STREET, RICHMOND PH 03 9429 0951 ARBV 16445
							1:100	AS	
							V14-386	TP04	A