YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 13 April 2016 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Sam Gaylard
Councillor Simon Huggins

I. ATTENDANCE
Danielle Connell (Co-ordinator Statutory Planning)
Vicky Grillakis (Principal Planner)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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"Welcome to the City of Yarra. Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."

Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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

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

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

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

Governance Branch
2008

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN15/0642 - 32 St Georges Road, Fitzroy North - Development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (existing use rights), and a waiver of the loading bay requirements, and subdivision of the land into six lots.	5	48
1.2	PLN15/0637 - 88 - 92 Smith Street & 17 - 21 Little Oxford Street Collingwood - Use and development of the land for the construction of a mixed-use building (including dwellings), reduction in the car parking requirements and a waiver of loading bay requirements and demolition.	94	153
1.3	PLN13/1041.01 - 22 Parkville Street Burnley - Amendment to the permit and plans for additional demolition; reconstruction of the front portion of the existing dwelling; and modifications to the ground and first floor extension; including a reduction in the ground and first floor eastern setback and changes to external materials and finishes and glazing	193	212
1.4	Supplementary Report - PLN15/0955 - 157 Roseneath Street Clifton Hill - Development of the land for a ground floor extension and first floor addition, including demolition.	246	248

1.1 PLN15/0642 - 32 St Georges Road, Fitzroy North - Development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (existing use rights), and a waiver of the loading bay requirements, and subdivision of the land into six lots.

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for No. 32 St Georges Road, Fitzroy North which seeks approval for development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (no permit is required for the use of the wine bar due to existing use rights for a licensed hotel), and a waiver of the loading bay requirements, and subdivision of the land into six lots. The report recommends approval, subject to conditions.

Background

2. The application was lodged on the 30 June 2015. Following the submission of further information, the application was advertised, and fifteen (15) objections were received.

3. A consultation meeting was held on the 8 December 2015 and was attended by the applicant, 11 objectors and Council officers. Additional objections, including a petition with 23 signatures, were received after the consultation meeting.

4. In response to objector and Council officer concerns the applicant submitted amended plans on 9 and 12 February 2016 pursuant to Section 57A of the *Planning and Environment Act* 1987 (the Act). The amended plans make modifications to the proposal, primarily to townhouses 4 and 5, including the following:
   (a) First floor layout of townhouses 4 and 5 altered and shifted away from the south-eastern corner of the site;
   (b) Balcony and eastern edge of townhouse 5, adjacent to the private open space of 8-10 Newry Street, set back and presented in a raked form;
   (c) Roof top deck for townhouse 4 and 5 set back further from the southern and eastern boundaries; and
   (d) Changes to the Percy Street presentation as a result of modifying townhouses 4 and 5, including the pedestrian entry gate and fence recessed 400mm from Percy Street.

5. The amended plans were re-advertised and additional objector correspondence was received from existing objectors as well as an additional objector. The total number of objections received is twenty-one (21), including the petition with 23 signatures.

6. The assessment undertaken in this report is based on the formally amended plans received 9 and 12 February 2016 which form the decision plans.

Key Planning Considerations

7. Key planning considerations include:
   (a) Clause 15.01 – Urban Environment;
   (b) Clause 15.02 – Sustainable Development;
   (c) Clause 15.03 – Heritage;
   (d) Clause 21.05 – Built Form;
   (e) Clause 21.07-1 – Environmentally Sustainable Development;
   (f) Clause 21.08-8 – North Fitzroy (Neighbourhoods);
   (g) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (h) Clause 22.05 – Interface Uses Policy;
   (i) Clause 32.09 – Neighbourhood Residential Zone – Schedule 1;

(j) Clause 43.01 – Heritage Overlay;
(k) Clause 44.05 – Special Building Overlay;
(l) Clause 56 – Residential Subdivision;
(m) Clause 63 – Existing Uses.

Key Issues

8. The key issues for Council in considering the proposal relate to:
   (a) State and Local Planning Policy Framework;
   (b) Clause 55 – Construction of two or more dwellings on a lot, including stormwater management and environmentally sustainable development;
   (c) Heritage;
   (d) Special Building Overlay;
   (e) Loading and unloading vehicles;
   (f) Buildings and works associated with an existing use and Interface Uses Policy;
   (g) Subdivision;
   (h) Objector concerns; and
   (i) Other matters.

Objector Concerns

9. Twenty-one (21) objections, including a petition, were received to the application in total. Issues of concern raised can be summarised as:
   (a) Loss of the North Fitzroy Star hotel;
   (b) Height, overdevelopment and on-boundary development;
   (c) Traffic and parking;
   (d) Lack of sustainable design features;
   (e) Neighbourhood character and heritage impacts;
   (f) Amenity impacts (loss of daylight, bulk; overshadowing; and overlooking/privacy);
   (g) On-site and internal amenity;
   (h) Other matters – noise, including from roof terraces and car stacker; waste; stormwater and flooding; light spill; public transport and other local infrastructure is at capacity; safety; patron ingress and egress; materials (including maintenance and fire rating).

Conclusion

10. 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: **Jacob Sickinger**
TITLE: **Senior Statutory Planner**
TEL: **92055171**

1.1 PLN15/0642 - 32 St Georges Road, Fitzroy North - Development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (existing use rights), and a waiver of the loading bay requirements, and subdivision of the land into six lots.

Trim Record Number: D16/39797
Responsible Officer: Principal Statutory Planner

Proposal:	Development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (existing use rights), and a waiver of the loading bay requirements, and subdivision of the land into six lots.
Existing use:	Hotel
Applicant:	Casey Manor C/- Tract Consultants
Zoning / Overlays:	Neighbourhood Residential Zone – Schedule 1 Heritage Overlay (Schedule 327) Special Building Overlay
Date of Application:	30 June 2015
Application Number:	PLN15/0642

Planning History

1. The following planning permit history is available for the subject site:
   (a) Planning Permit no. 248 was issued on 29 June 1971 for *alterations to hotel,* at 36 St Georges Road, North Fitzroy.
   (b) Planning Permit no. 572 was issued on 20 June 1973 for land at 36 St Georges Road, North Fitzroy for alterations associated with the purpose of a hotel.
   (c) Planning Permit no. 977 was issued on 29 March 1976 for *alteration to hotel,* at 36 St Georges Road, North Fitzroy.
   (d) Planning Permit no. 1152 was issued on 25 July 1977 for *hotel alterations,* at 36 St Georges Road, North Fitzroy.
   (e) Planning Permit no. 3605 was issued on 16 October 1995 *to erect a sign,* at 32-36 St Georges Road, North Fitzroy.
   (f) A file containing the officer's report and a set of endorsed plans associated with Planning Permit no. 2749 dated 3 May 1994 approved conversion of the hotel into three residential units. No copy of the permit was on file. This permit was not acted upon given the hotel has since continued to operate.
   (g) Planning Permit no. 000677 was issued 13 July 2000 for *buildings and works to an existing building,* at 32-36 St Georges Road, North Fitzroy.

Background

2. The application was lodged on the 30 June 2015. Following the submission of further information, the application was advertised, and fifteen (15) objections were received.

3. A consultation meeting was held on the 8 December 2015 and was attended by the applicant, 11 objectors and Council officers. Additional objections, including a petition with 23 signatures, were received after the consultation meeting.

4. In response to objector and Council officer concerns the applicant submitted amended plans on 9 and 12 February 2016 pursuant to Section 57A of the Planning and Environment Act 1987 (the Act). The amended plans make modifications to the proposal, primarily to townhouses 4 and 5, including the following:
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(d) Changes to the Percy Street presentation as a result of modifying townhouses 4 and 5, including the pedestrian entry gate and fence recessed 400mm from Percy Street.

5. The amended plans were re-advertised and additional objector correspondence was received from existing objectors as well as an additional objector. The total number of objections received is twenty-one (21), including the petition with 23 signatures.

6. The assessment undertaken in this report is based on the formally amended plans received 9 and 12 February 2016 which form the decision plans.

Existing Conditions

Subject Site

7. The subject site is located in Fitzroy North on the eastern side of St Georges Road, approximately 75m east of Nicholson Street.

8. The site is of a triangular shape and has a west boundary length to St Georges Road of 32.82m, a north boundary length of 7.29m to Newry Street and a south boundary length of 24.36m to Percy Street. The east boundary is 28.17m long and the total site area is approximately 445sqm. The site does not have an appreciable slope.

9. Currently the subject site is occupied by a two storey building of masonry construction expressing typical Victorian-era commercial hotel features such vertical rectangular, timber framed sash window and door openings, north and corner entry doors, and being built to the street front with no provision for gardens. The building is restrained in decorative features and has a pitched hipped roof clad in slate tiles. There are four prominent chimneys that are visible from the street front and one less prominent chimney to the rear near the east boundary. The building is built to the north, west and east boundaries, with portions of the built form abutting the southern boundary where the scale of built form is single storey.

10. The hotel's existing maximum building height is approximately 9.47m above natural ground level.

11. The hotel's built form occupies the majority of the site, with a rear courtyard located midway along the southern boundary. A garage (that could accommodate potentially one to two cars) and associated vehicle crossover is situated in the southeast corner of the site.

12. The ground floor of the hotel accommodates a bar, dining and function room, with the first floor being accommodation rooms, lounge and office.

Surrounding Land

13. The land surrounding the subject site is a residential area.

14. The subject site has good access to roads/transport and community facilities. Approximately 75m west of the subject site is Nicholson Street and 200m to the east is Brunswick Street. Both streets are main roads and support tram lines. The site has convenient access to Melbourne CBD via public transport and also to local commercial facilities, including goods and services, situated along the section of Brunswick Street south of Alexandra Parade (within approximately 350m) which is a Major Activity Centre. Alexandra Parade is an arterial road with bus services available.

Within 300m to the southwest is Carlton North Primary School. Within 300 west and 300m northeast of the site are Curtain Square and Edinburgh Gardens respectively, which provide for public open space.

15. Located on the site to the east is a single storey modern dwelling adjoining a single storey Victorian-era dwelling (both on the same lot), with double storey additions at the rear of the modern dwelling which abuts the common boundary with the subject site. The buildings are set back between approximately 0.5m to 2m from the frontage. The dwelling is built to the common boundary with the subject site for its full length of approximately 19.5m. The secluded private open space (SPOS) is located at the rear of the dwelling. The rear of the site abuts Percy Street, and a pedestrian door and roller door are provided along this rear boundary.

16. North of the site is Newry Street which is a wide local road with parallel parking on both sides and centre 90 degree parking. Further north are dwellings which front Newry Street. These dwellings are single storey in scale, built side-by-side and present an intact heritage streetscape. Northwest of the site, on the opposite side of Newry Street are two prominent double storey dwellings built to front and side boundaries.

17. To the west is St Georges Road which connects to Nicholson Street further to the south. The street provides on street parking on both sides. West beyond St Georges Road are dwellings which front St Georges Road and also the rear of properties, including commercial uses, which front Nicholson Street. The scale of these buildings is mostly single storey, with another double storey, hard-edge building on the southwest corner of the intersection with Newry Street and St Georges Road.

18. To the south is Percy Street which is a one-way local road with parallel parking on both sides. Beyond Percy Street to the south are a mix of single and some double storey dwellings. A prominent double storey dwelling built hard-edge to the side boundary occupies the southern corner of the intersection with St Georges Road and Percy Street.

Proposal

19. The proposal is for development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (existing use rights), and a waiver of the loading bay requirements, and subdivision of the land into six lots. Specifically the application proposes:

Demolition

20. The extent of demolition proposed by this application includes the demolition of most existing structures except for the following key features which would retain the primary presentation of the building to Newry Street and St Georges Road:
    (a) The Newry Street and St Georges Road facades;
    (b) The eastern boundary wall;
    (c) Three chimneys at the front of the property;
    (d) One chimney at the rear of the property;
    (e) The outer side roof forms facing St Georges Road, Newry Street and the southern upper level roof facing Percy Street;

21. Part demolition of the existing crossover and kerb adjacent to a width of approximately 8.5m wide and removal and replacement of roof tiles are also proposed.

Construction and Works

22. The proposal involves the construction of five new dwellings and a wine bar.

23. The wine bar would be incorporated at ground and first floor at the original front of the hotel with access from Newry Street. A services deck would be located above the first floor, set below the existing ridge line. The wine bar is approximately 140sqm in area and configured to comprise a traditional front bar and restroom on ground floor with seating and lounge above.

24. The existing building reads as a triangular shape with a prominent corner presentation and east and west wings. The proposed development would maintain this presentation.

25. The western wing (to St Georges Road) includes:
    (a) A two storey development that matches the height of the existing building at 9.16m above natural ground level. It would be built for a length of 10.65m and at a width of up to 10.4m.
    (b) Zero metre setback to St Georges Road and Percy Street.
    (c) Three 3-bedroom townhouses.

26. The eastern wing includes:
    (a) A two storey development that is slightly below the height of the existing building at 8.73m above natural ground level. This wing would utilise the existing boundary wall and would be built for a length of 15.27m, and a width along the Percy Street boundary of 8.89m at ground level and 12.6m at the first floor.
    (b) Zero metre setback to Percy Street at ground and first floors.
    (c) A panel lift door to a car stacker, accommodating 5 residential car parking spaces.
    (d) Two 2-bedroom townhouses.

27. The development includes a 4.82m wide landscaped entry to a central access courtyard mid-way along the Percy Street boundary. The entry would be defined by a 0.4m recessed fence and pedestrian gate in charcoal timber battens in a 'hit and miss' style. The central courtyard provides access to the five dwellings.

    General

28. The applicant submits that the wine bar can accommodate a maximum of 80 patrons, however, it is more typically expected to hold between 15-20 patrons at any one time. The proposed hours of operation are 12pm (noon) to 11pm, 7 days a week. Approximately 2 staff members will be required to operate the wine bar. The wine bar will enjoy existing use rights associated with the licensed hotel (i.e. no permit required for the use).

29. The dwellings are provided with storage space and there are 5 external bicycle holders accessible from the central court. Each dwelling is provided with SPOS between 10.3sqm and 72.7sqm.

30. Two x 2000 litre water tanks are provided for toilet flushing and irrigation.

31. Refuse areas are provided at either end of the central courtyard for residential and commercial bins.

    External Materials and Finishes

32. Materials used for the proposed external facades include:
    (a) Timber cladding to all facades (internal and external) and roof.
    (b) Replacement slate roof titles.
    (c) Clear and obscure glazed windows.
    (d) Black powder coated finish aluminium window frames.

    Subdivision

33. As part of the application it is proposed to subdivide No. 32 St Georges Road, Fitzroy North into 6 lots (and associated common property) as detailed on the proposed plan of subdivision. The submitted plan of subdivision accords with the layout of the townhouses and wine bar proposed, including common property.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone

34. Clause 32.09 - Neighbourhood Residential Zone (NRZ) Schedule 1 of Yarra Planning Scheme (the Scheme) applies to the site. Pursuant to Clause 32.09-1 of the Scheme, no permit is required for the use of a dwelling.

35. Pursuant to Clause 32.09-1 of the Scheme, a food and drink premises (other than convenience restaurant and take away food premises) is a permit required use within the Neighbourhood Residential Zone. Pursuant to clause 75.01 of the Scheme, a hotel is nested under food and drinks premises. However the site has demonstrated existing use rights. This will be covered under the general provisions (clause 63 of the Scheme).

36. Clause 32.09-3 (number of dwellings on a lot) states that the number of dwellings on a lot must not exceed the number specified in a schedule to this zone. Schedule 1 to the NRZ states that the maximum number of dwellings on a lot must not exceed five (5).

37. Clause 32.09-8 (maximum building height for a dwelling or residential building) states that the maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no building height is specified (as is the case in this instance), the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.

38. This does not apply to (as relevant):
    (a) An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.

39. As the buildings and works are an extension to the existing building, it is permitted to build up to the height of the existing building (maximum height is 9.47m).

40. Pursuant to Clause 32.09-5 of the Scheme a planning permit is required to construct two or more dwellings on a lot.

Overlays

Heritage Overlay

41. 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.

Special Building Overlay

42. Pursuant to Clause 44.05-1 of the Scheme a permit is required to construct a building or to construct or carry out works. The application was referred to Melbourne Water in accordance with the Scheme as outlined later in this report.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

43. This clause notes that a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause, unless the subdivision is exempt from a public open space requirement, in accordance with Section 18(8) of the Subdivision Act 1988. The schedule to 52.01 of the Scheme specifies that a cash contribution of four and a half per cent (4.5%) of the site value of all the land in the subdivision for buildings intended to the used for residential purposes must be made to Council for public open space.

Clause 52.06 – Car Parking

44. Clause 52.06-5 outlines that required car parking spaces must be provided to the satisfaction of the responsible authority before:
    (a) a new use commences; or
    (b) the floor area or site area of an existing use is increased; or
    (c) an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

45. Table 1 in Clause 52.06-5 of the Scheme outlines the required statutory parking rates for uses. The table below outlines the rates for the proposed dwellings and wine bar.

Proposed Use	Statutory Parking Rate	No. of Dwellings/Patrons	No. of Spaces
Dwelling	1 space to each one or two bedroom dwelling	2	2
Dwelling	2 spaces to each three or more bedroom dwelling	3	6
Dwelling visitor rate	1 space per 5 dwellings	5	1
Wine bar (hotel/tavern)	1 space per 0.4 patrons permitted	80	32
		Total	**41**

46. A total of 9 residential spaces are required under the statutory rate of the Scheme and 32 for the wine bar. Five (5) resident parking spaces have been provided on-site in a stacker arrangement accessed from Percy Street. Based on the statutory rate for dwellings, there is a shortfall of 4 parking spaces and a shortfall of 32 for the wine bar as there is no on-site parking associated with this use.

47. However pursuant to Clause 52.06-3A of the Scheme, the existing hotel's parking rate negates the parking requirements because a permit is not required under Clause 52.06-3 if:
    (a) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for a new use of land is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land; and
    (b) the number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

48. The existing liquor licence under which the North Fitzroy Star Hotel operated specified that up to a total of 190 patrons were permitted on the site. This would equate to a statutory parking rate of 76 spaces. A garage on the subject site appears to be able to provide one to two spaces and therefore a shortfall of 74 spaces exists under the current conditions.

49. The new development/uses on the site generate a statutory parking rate which is much less (33 less) than the hotel use and therefore no permit is required for a parking reduction. No further consideration of parking provision is required.

50. Clause 52.06-8 of the Scheme specifies design standards for car parking. The parking arrangements are discussed in the assessment section of this report.

Clause 52.07 – Loading and unloading of vehicles

51. No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
    (a) Space is provided on the land for loading and unloading vehicles as specified in the table below.
    (b) The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
    (c) The road that provides access to the loading bay is at least 3.6 metres wide.

52. A permit may be granted to reduce or waive these requirements if either:
    (a) The land area is insufficient.
    (b) Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

53. There are works associated with the proposed wine bar and the floor area would be less than 2,600sqm; hence a loading bay area of 27.4sqm is required. No dedicated loading bay is provided on-site and therefore a waiver of the requirement is sought.

Clause 52.27 – Licensed Premises

54. Clause 52.27 of the Scheme states that a permit is required to use land to sell or consume liquor if any of the following apply:
    (a) A licence is required under the Liquor Control Reform Act 1998.
    (b) A different licence or category of licence is required from that which is in force.
    (c) The hours of trading allowed under a licence are to be extended.
    (d) The number of patrons allowed under a licence is to be increased.
    (e) The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

55. This does not apply:
    (a) To a limited licence.
    (b) To a licence to manufacture liquor.
    (c) If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
    (d) To a variation that reduces the hours of trading allowed under a licence.
    (e) To a variation that reduces the number of patrons allowed under a licence.
    (f) *To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.*

56. As outlined later in this report the site has established existing use rights as a hotel with a 'general liquor licence'. The proposed wine bar would benefit from these rights and Clause 52.27 of the Scheme is not applicable as:
    (a) The floor area of the wine bar within which liquor is allowed to be consumed or supplied under a licence is substantially reduced compared to the North Fitzroy Star Hotel.
    (b) The patron numbers would be reduced from a maximum of 190 to 80.
    (c) The hours of trading would be reduced to between 12pm to 11pm, 7 days a week this is within the times and days permitted by the licence.

57. Therefore no permit requirements are triggered for the smaller, less intense licenced premises in the form of a wine bar.

Clause 52.34 – Bicycle facilities

58. Pursuant to Clause 52.34-1 of the Scheme a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. As the wine bar is not a new use (has existing use rights under the hotel) and the floor area is not increasing, this is not triggered.

59. The dwellings are a new use, however they are limited to a two storey height and Table 1 to Clause 52.34-5 states that bicycle parking is only required for dwellings if the development is of four or more storeys.

60. Therefore no further consideration is required.

Clause 55 – Two or More Dwellings on a Lot

61. Pursuant to Clause 55 of the Scheme, this provision applies to an application to construct or extend two or more dwellings on a lot within a residential zone.

General Provisions

Clause 63 – Existing Uses

62. Policy at Clause 63.01 (Extent of existing use rights) of the Scheme states that an existing use right is established in relation to use of land under this Scheme if any of the following applies (as relevant):
    (a) Proof of continuous use for 15 years is established under Clause 63.11.

63. With regard to establishing existing use rights for the licensed hotel (currently known as the North Fitzroy Star Hotel) as part of this application, the permit applicant has submitted the following information:
    (a) A copy of the general liquor licence (copies from 2015 and 2004) and endorsed red-line (licensed area) plan (dated 1996) which confirm the premises was licensed and the following conditions applied to the premises:
        (i) The maximum patron capacities are 50 in the bar, 90 in dining rooms, 30 in function room 1 and 20 in function room 2 (total maximum patron capacity of 190).
        (ii) Consumption on the premises is limited to Sunday: 10am to 11pm; Good Friday and ANZAC Day 12 noon to 11pm; and on any other day 7am to 12 midnight. After 11pm trade is restricted to the dining room.
    (b) An email from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) dated 11 November 2015 which confirms that *the licence has been active for more than 15 years. Our records indicate is has been active since at least 1989, but it may have licensed much earlier.*
    (c) Online reviews of the 'North Fitzroy Star' at 32 St Georges Road, Fitzroy North from 2010; 2011; 2012; 2013; 2014; and 2015.
    (d) Lease agreements between Casey Manor Pty Ltd (lessor) and Cloverite Pty Ltd (lessee) for the premises at 32-36 St Georges Road, North Fitzroy.
        (i) The original lease was from 1999 to 2004.
        (ii) The lease was extended for a further five years from 2004 to 2009.
        (iii) A copy of emails and notes confirms the lease was again extended from 2009 to 2014.
    (e) A copy of a liquor licence renewal notice from VCGLR for a 'General Licence' associated with the North Fitzroy Star at 32-36 St Georges Road South, Fitzroy North, dated 2015.

(f) A letter from Williams Winter Solicitors dated 2015 which confirms the tenant (Cloverite Pty Ltd) will continue as the tenant of 32-36 St Georges Road South, North Fitzroy (The Fitzroy Star) and is to vacate the premises no later than 28 January 2016 and that the Landlord and tenant continue under the terms of the original lease dated 30 November 1999.
(g) A letter dated 2015 stating that Cloverite Pty Ltd has been the tenant at the 32-36 St Georges Road South, Fitzroy North (The North Fitzroy Star) since November 1999 and that they have operated a licensed premises continually since November 1999.
(h) An aerial image from 2009 showing footpath seating and the rear open courtyard of the hotel in use.

64. In addition to the above, Council records reveal the following:
(a) Council's rates and valuation department has confirmed the property has been valued as a hotel going back well over 15 years.
(b) Council's Compliance Unit confirmed:
(i) Health Registration for the 'North Fitzroy Star' at 32 St Georges Road, Fitzroy North was issued November 1999 until current and is held in the name of Cloverite Pty Ltd.
(ii) Footpath trading for 'North Fitzroy Star' at 32 St Georges Road, Fitzroy North was issued November 2000 until September 2015 and held in the name of Cloverite Pty Ltd.
(iii) Each permit has been successfully renewed each year since issue.

65. Based on all of the information available to Council, it is considered that 15 years of continuous use as a licensed premises (hotel) has been satisfactorily established for the property at 32 St Georges Road, Fitzroy North, pursuant to the requirements of Clause 63.11 of the Scheme.

66. The proposed wine bar would continue to be a licensed premises and is comparable in function and operation of a licensed hotel, excepted at a smaller, less intense scale. The wine bar would benefit from the hotel's existing use rights and can continue to operate under this premise.

67. Pursuant to clause 63.05 (Sections 2 and 3 uses) of the Scheme a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:
(a) No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.
(b) Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.
(c) The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

Clause 65 – Decision Guidelines

68. 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.

Clause 66 – Referral and Notice Provisions

69. Clause 66.01 outlines that relevant subdivision applications must be referred to specified referral authorities. Clause 66.01-1 "Mandatory conditions for subdivision permits" notes that a permit for subdivision must contain the following conditions:

70. *The owner of the land must enter into an agreement with:*
    (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
    (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

71. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*
    (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
    (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

State Planning Policy Framework (SPPF)

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

Clause 11.04-2 (Housing choice and affordability)

73. The objective of this clause is *to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

Clause 15.01 (Built Environment and Heritage)
Clause 15.01-1 (Urban Design)

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

75. 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 15.01-5 (Cultural Identity and Neighbourhood Character)

76. It is an objective *to recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 (Sustainable Development: Energy and Resource Efficiency)

77. 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.*

Clause 15.03 (Heritage)

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

Clause 16.01-1 (Integrated housing)

79. The objective of this clause is *to promote a housing market that meets community needs*.

Clause 16.01-2 (Location of residential development)

80. The objective of this clause is *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)

81. The objective of this clause is *to provide for a range of housing types to meet increasingly diverse needs.*

Clause 18.02-5 (Car parking)

82. It is an objective *to ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.05-1 –Built Form: Heritage

85. 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

86. 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

87. The objective and relevant strategies of this clause are:
    (a) Objective 31 – To facilitate public transport usage.
    (b) Objective 33 - To reduce the impact of traffic.
    (c) Strategy 33.1 - Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.

Clause 21.07-1 – Environmentally Sustainable Development

88. The relevant objective of this clause is:
    (a) To promote ecologically sustainable development.

Clause 21.08 – Neighbourhoods

89. The subject site is located in the 'North Fitzroy' neighbourhood at Clause 21.08-8 of the Scheme. The clause states (as relevant):

    (a) North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand.
    (b) The neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.

Local Planning Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

90. This clause applies to all land covered with 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 22.02-5.1 Demolition

91. Under clause 22.02-5.1 of the Scheme, the following guidelines are provided for the 'removal of part of a heritage place of 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 22.02-5.6 Subdivision

92. *Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.*

93. *Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:*
    (a) Reflect the original rhythm of the streetscape.
    (b) Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

Clause 22.02-5.7 New Development, Alterations or Additions
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.

94. Clause 22.02-5.7.2 of the Scheme also includes specific requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail) as relevant to this application for:
    (a) Corner Sites and Sites with Dual Frontages;
    (b) Carports, Car Spaces, Garages, and Outbuildings;
    (c) Ancillaries and Services.

Other Documents

95. 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 graded as ‘individually significant’ to the North Fitzroy Precinct (HO327).

Clause 22.05 Interface Uses Policy

96. Amongst other things, this policy applies to an application within a residential zone where the subject site is within 30 metres of an existing business or industrial use.

97. The policy comprises considerations and decision guidelines for the design of buildings in an effort to protect residents from unreasonable noise, fumes, vibration, waste, light spillage and other disturbances.

Clause 22.16 – Stormwater Management (water sensitive urban design)

98. This policy applies to applications for new buildings and extension to existing buildings with an area of 50sqm or greater. It recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into waterways and seeks to achieve improved stormwater outcomes.

Clause 22.17 - Environmentally Sustainable Development

99. This policy was gazetted on 19 November 2015 and applies to all land within Yarra. The following areas with regard to sustainable development should be addressed where applicable:
    (a) Energy performance;
    (b) Water resources;
    (c) Indoor environment quality;
    (d) Stormwater management;
    (e) Transport;
    (f) Waste management; and
    (g) Urban ecology.

100. A Sustainable Design Assessment (SDA) report was submitted with the application; the environmental credentials of the development will be considered later in this report.

Advertising

101. The application was advertised in accordance with Section 52 of the Act by way of 47 letters sent to the surrounding property owners/occupiers. Signs were also displayed along the street frontages of the site.

102. After the advertising period and initial receipt of objections, a consultation meeting was held on the 8 December 2015 and was attended by the applicant, 11 objectors and Council officers.

103. As outlined previously, in response to objector and Council officer concerns the applicant submitted amended plans on 9 and 12 of February 2016 pursuant to Section 57A of the Act. The plans primarily made changes to townhouse 4 and 5, and the Percy Street presentation.

104. The amended plans were re-advertised and additional objector correspondence was received. Twenty-one (21) objections, including a 23 signature petition, were received to the application in total. Issues of concern raised can be summarised as:
    (a) Loss of the North Fitzroy Star hotel;
    (b) Height, overdevelopment and on-boundary development;
    (c) Traffic and parking;
    (d) Lack of sustainable design features;
    (e) Neighbourhood character and heritage impacts;
    (f) Amenity impacts (loss of daylight, bulk; overshadowing; and overlooking/privacy);
    (g) On-site and internal amenity;
    (h) Other matters – noise, including from roof terraces and car stacker; waste; stormwater and flooding; light spill; public transport and other local infrastructure is at capacity; safety; patron ingress and egress; materials (including maintenance and fire rating).

Referrals

External Referrals

105. Clause 66.01 outlines the relevant subdivision applications that must be referred to specified referral authorities. The Special Building Overlay also required referral to Melbourne Water. The application has been referred to the relevant authorities as follows:

Melbourne Water

106. The application was referred to Melbourne Water who offered no objection to the application subject to the following permit conditions and notes.

107. *Melbourne Water, pursuant to Section 52 of the Planning and Environment Act 1987, does not object to the proposal, subject to the following amended conditions and footnotes:*

    1. *All dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level at a minimum of 26.22 metres to Australian Height Datum (AHD).*
    2. *The proposed car stacker must be constructed with finished floor levels no lower than 350mm below the applicable flood level of 25.92m to AHD and all electrical components must be constructed a minimum of 300mm above the applicable flood level.*
    3. *Finished surface levels of all open space areas must be constructed no less than 25.57m to AHD.*
    4. *Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.*
    5. *Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.*
    6. *Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.*

    Footnote(s) to be placed on Permit

108. *Preliminary information available at Melbourne Water indicates that the above property is subject to flooding from the Alexandra Parade Main Drain (Dr4413). The applicable flood level for the property is 25.92mAHD. Please note that the property may also be subject to flooding at lower levels on a more frequent basis from smaller storms.*

109. *If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 250660.*

    CitiPower

110. *CitiPower does not object to issue of a planning permit subject to the following conditions:*

111. *1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to CitiPower in accordance with Section 8 of that Act. Please quote CitiPower Reference number.*

    2. The applicant shall:
    - *Provide an electricity supply to all lots in the subdivision in accordance with CitiPower's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by CitiPower (A payment to cover the cost of such work may be required).*
    - *Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Victorian Service and Installation Rules and the Distribution Code.*

    APA Group

112. *Reference is made to the above correspondence dated 10/11/2015 and accompanying plan.*

113. *APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.*

114. *APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.*

City West Water

115. *City West Water advises that as the water supply and sewerage authority we consent to the granting of a town planning permit subject to the following conditions.*

WATER

116. *It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.*

SEWER

117. *It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.*

118. *Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.*

Internal Referrals

Engineering Services (drainage)

119. *The owner of the land must apply for a legal point of discharge Regulation 610 with Council's Building Services, located at the Richmond Town Hall.*

120. *If you have any queries regarding the Legal Point of discharge process -Building Services can assist with this (Phone Number - 9205 - 5010).*

Heritage

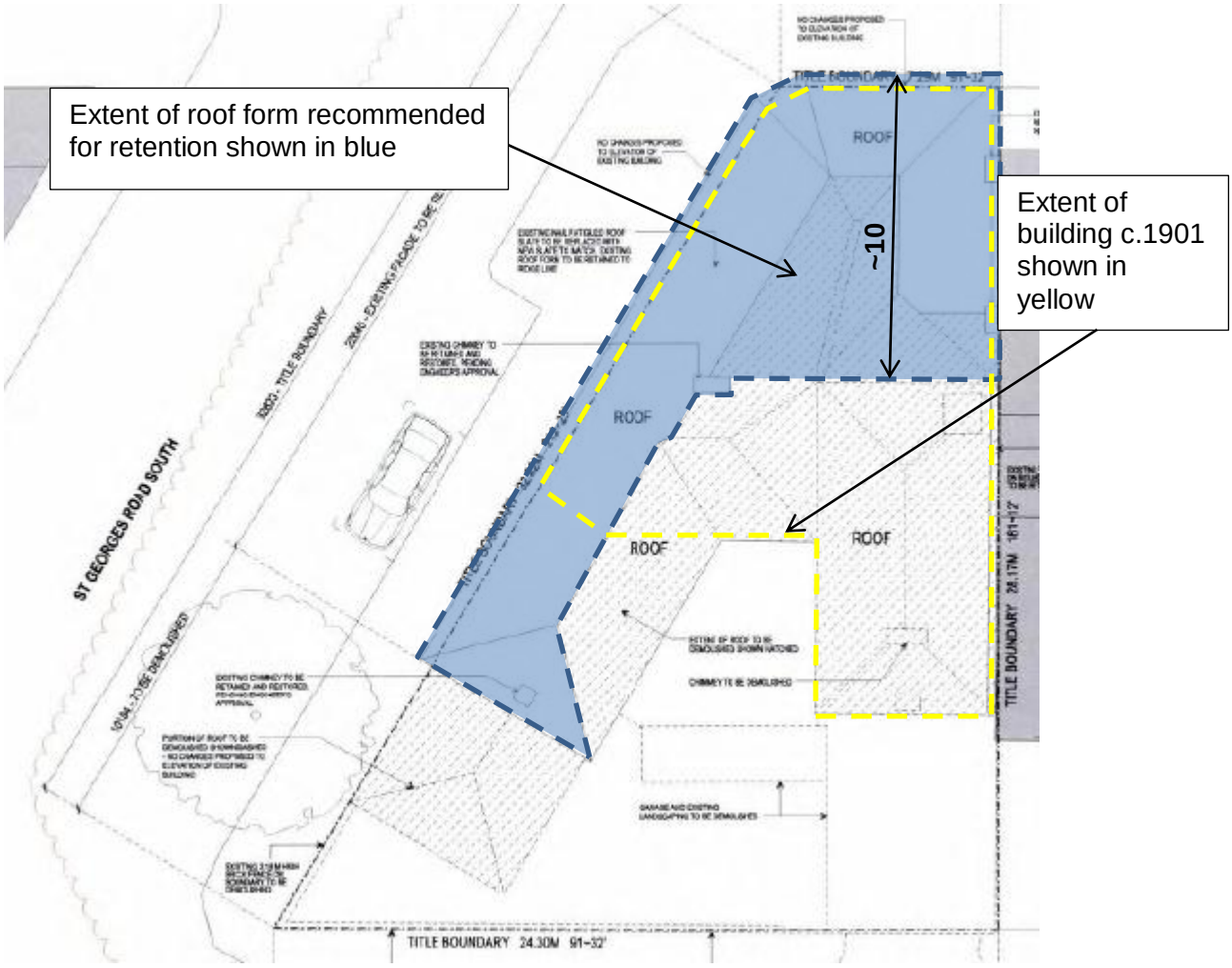
121. The application was referred to Council's Heritage Advisor. The following comments were received:

Comments regarding proposed demolition:

122. *The extent of demolition is extensive and essentially leaves the façade of the building with only half a roof structure behind. Whilst the rear facing hips of the roof and the wall structures are not visible form the main street fronts, they are visible from Percy Street. The loss of all fabric beyond the front roofs will render the original building to little more than a shell and will adversely affect the integrity of the building. However, it is also acknowledged that the site has unusual complications in that it has three publicly visible elevations and is relatively large, particularly on the St. Georges Road frontage. Percy Street is considered to be the least significant elevation.*

123. *In addition to the loss of integrity, the extent of demolition opens up the possibility of adverse development immediately behind the front half of the building's roof. Should development in this zone be visible from Newry Street or St. Georges Road then it will reinforce that the building is little more than a shell.*

124. *To ensure that the building, which is individually significant, retains a reasonable proportion of its integrity, it is considered that a greater portion of the original roof structure should be retained. It is recommended that the full extent of the roof form over the front portion of the building should be retained together with the extent of roof that is visible from St Georges Road (refer to diagram below).*



Above: Extract from application drawings

Comments regarding new development, alterations and additions:

Setbacks:

125. *From Newry Street, the setback of the proposed new development will be substantial enough to be fully concealed. Should the proposed 'Wine Bar Services Deck' be approved (despite the above recommendation that the existing roof structure be retained) then there is potential for movable items to be visible above the existing ridgeline. The location of the subject building also allows more distant views to be obtained.*

126. *Given that the proposed deck area is an existing roof valley, it is considered that service platforms to support equipment could easily be installed in a manner that would be fully concealed, and allowing the original roof fabric to remain intact.*

127. *From St. Georges Road, the proposed rear addition will have a zero setback making it clearly visible. This setback is consistent with the historic development of the site when stables originally existed in the south-west corner of the property. Like the proposed 'Wine Bar Service Deck' it is considered that moveable items on the proposed roof decks to townhouses 2 and 3 may be visible from the opposite side of St Georges Road as well as from more distance viewpoints. A cross section diagram of the wing fronting St Georges Road has not been provided so it cannot be established if items greater than 2 metres will be visible. If it is established that visibility is likely then the floor level of the proposed roof deck will need to be lowered or the roof deck will need to be setback further from the existing ridgeline.*

128. *From Percy Street, the proposed zero setback of the two-storey townhouses is acceptable as the character of the northern side of this street is dominated by garages at the rear of properties fronting Newry Street. The proposed open roof decks on the rear townhouses will be setback to an extent that activity on the deck will be substantially concealed. Note as new buildings, the partial visibility of roof top activity on Townhouses 4 and 5 is of no particular heritage concern.*

Scale/height:

129. *The overall height of the proposed additions and new buildings will be in keeping with the height of double storey residential and commercial buildings commonly found on corner sites within the immediate area. The height of the new building will not dominant views along Newry Street or St. Georges Road. Nor will the bulk of the overall development, as visible from St Georges Road, be out of character with the bulk of other corner sites within the HO area.*

130. *In regard to Percy Street, it is considered that the proposed 7 metre façade height is acceptable on the grounds that it is part of a corner site and will be perceived in the context of the main heritage building.*

Roof form:

131. *The proposed roof form for the new development will be a 'salt box' form for the St. Georges Road section, and a flat roof form for the south-eastern most section. The roof on St. Georges Road is to slope toward the street front with a pitch and depth to match the hipped roof on the existing building. The result is a complementary roof form that would continue the existing roof line and preserve the traditional vista as seen from north and south on St. Georges Road. The proposed form also helps to conceal views to the new build from Newry Street.*

132. *The flat roof form of the south-eastern portion will only be visible from Percy Street. The northern side of Percy Street exhibits garages, and where double storey buildings are extant the structures exhibit square walls with hipped roofs, which are barely visible due to the width of the street. Accordingly the proposed flat roof will not be out of character within the Percy Street streetscape and is supported from a heritage perspective.*

Appearance:

133. *The proposed facade detailing for the new development will be a continuous row of vertical rectangular windows, with openings to match the size of the existing windows. The new windows appear to have operable screens which open to the street and a black metal frames to help emphasise their appearance when the screens are closed. There are no other openings other than windows on the St. Georges Road elevation. The Percy Street elevation is to continue the vertical rectangular form at the western corner, and transition to more contemporary openings and solid-to-void ratios toward the east. The proposed appearance is considered to be a successful attempt at creating a respectful new addition which distinctively interprets the traditional form and appearance of the existing historic building. The proposed appearance is supported from a heritage perspective.*

134. *The proposed external materials for the new development will be 'hit and miss' timber battens in a natural finish. The predominant building material of contributory properties within the immediate area is of painted or rendered masonry, and some timber weatherboards. The timber battens will clearly present as a contemporary addition at the rear of the subject site. Whilst not in keeping with the predominant building material of the existing building, there is enough of the existing building to dominate the subject site and thus the site can afford to accommodate a smaller proportion of new materials, particularly timber which is extant as a cladding material on other buildings and as fences in the immediate area.*

Furthermore, the form and appearance of the new buildings/additions are complementary enough to overcome any adverse impact of the transition from masonry to timber. However, in case of appearing dominant, finishing the battens in a white wash finish (rather than a natural finish) will help to mitigate the impact of the change in material.

Regarding restoration work:

135. *The extent of restoration works proposed includes replacing slate tiles where required and restoring chimneys. The application does not provide important information in the form of specific details of the restoration works. The level of detail required includes whether Welsh or Spanish tiles will be used for the roof, and confirmation that a traditional-low cement based mortar be used to repair chimneys.*

136. *The submitted perspectives appear to suggest that the exterior of the existing hotel building will be altered. It is assumed that some component of restoration to the remaining portions of the heritage building will be carried out. Suggested works that would enhance the heritage character of the building are:*
    - *Removal of all window awnings on façade of building;*
    - *Repainting of the exterior in a more sympathetic colour scheme.*

RECOMMENDATIONS:

137. *On heritage grounds the works proposed in this application may be approved subject to the following conditions:*

    1) That the existing roof structure must be retained in its entirety to a depth of at least 10 metres from Newry Street, including the two associated chimneys together with the portions of existing roofing fronting St Georges Road;
    2) That the proposed 'Wine Bar Services Deck' must be deleted and proposed service equipment discretely positioned on platforms installed within the existing roof valley;
    3) That the size of the proposed open roof deck to Townhouse 3 must be reduced to allow the retention of the front 10 metres of existing roof structure north of the main chimney;
    4) That the visibility of movable items up to 2 metres in height on the open roof decks to Townhouses 2 and 3 must be fully concealed by either lowering the floor level or setting the decks further back from the existing ridge line;
    5) Finish timber battens on new build in a white wash or similarly recessive colour;
    6) That full details of all restoration works to the remaining heritage façade must be submitted prior to the commencement of works.

138. Formal re-referral of the amended plans was not considered necessary as the changes are primarily to townhouses 4 and 5 fronting Percy Street and do not alter the extent of demolition or the overall presentation of the development. The amended plans were informally discussed with the heritage advisor and no concerns were raised with regard to the changes. The original advice remains.

Traffic Engineering

139. The application was referred to Council's Engineering Services Unit regarding car parking and access arrangements. The following comments were provided:

Access Arrangements and Internal Layout

140. *A site inspection of the property's Percy Street road frontage revealed that the north footpath and road carriageway of street in front of the site measured approximately 1.40 metres and 7.0 metres respectively.*

141. *A check of the Proposed Ground Floor Plan prepared by Fieldwork (Drawing No.TP 1-101 Revision A dated 2 September 2015) indicates that the proposed doorway width for the car stacker arrangement is 8.30 metres.*

The designer must submit swept path diagrams for a B85 design vehicle for turning movements into and out of the on-site car parking spaces. The diagram must include the street trees and bluestone tree surrounds in Percy Street.

142. *The designer must provide the type of car stacker shuffle system to be used for the development and show the dimensions of the car stacker on the plan. The information must be submitted to Engineering Services for assessment.*

DDA Requirements at Corner of St Georges Road South and Percy Street at Ground Level

143. *The applicant must engage an accredited access consultant to assess the accessible width for wheelchairs on the footpath at the corner of St Georges Road South and Percy Street. A clear minimum path of travel must be maintained between the edge of the pram crossing and edge of the building. If the available width between the building and the pram crossing is deemed to be insufficient, the applicant may be required to provide a corner splay at ground level in order to provide a minimum path of travel for wheelchairs. An audit report from the access consultant must be submitted to Council.*

Summary of Design Matters

144. *The designer must revise the drawings and incorporate the following:*

Item	***Details***
Car stacker device	*The dimensions of the car stacker must be shown.*
Access to on-site car parking spaces	*A swept path diagram for an 85th percentile vehicle and show access and egress to the on-site car parking spaces. The diagram must show the location of the existing street trees and bluestone tree surrounds.*

Clearances from Electrical Assets

145. *Overhead power lines run along the north side of Percy Street, close to the property line.*

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

http://www.esv.vic.gov.ar/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Loading Provision

147. *The proposed development will not be providing a dedicated loading facility.*

148. *The surrounding area is covered in either a Permit Zone or a 4P parking restriction. Delivery drivers may find it difficult to find an on-street parking space near the site.*

Building Works and Impact on Council Road Assets

149. *The construction of the new building, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.*

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

ENGINEERING CONDITIONS

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

152. *Pedestrian Entrances*
    (a) All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

153. *Civil Works – Percy Street*
    (a) Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Percy Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
    (b) The footpath cross-fall must be no steeper than 1 in 40 for DDA access at the pedestrian entrance.

154. *Civil Works – St Georges Road South*
    (a) Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's St Georges Road South road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
    (b) The footpath cross-fall must be no steeper than 1 in 40 for DDA access at the pedestrian entrance.
    (c) The half-width road pavement of St Georges Road South (from centre line of road to east kerb line) along the property frontage must be profiled and re-sheeted to Council standard. Any isolated areas of pavement failure shall require full depth road pavement reconstruction.
    (d) The bicycle lane and centre line markings in St Georges Road South must be re-painted following the re-sheet.

155. *Civil Works – Newry Street*
    (a) Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Newry Street road frontage must be stripped and re-sheeted up to the joint of the property boundary to Council's satisfaction and at the Permit Holder's expense.

156. *Corner of St Georges Road South and Percy Street – DDA Path of Travel*
    (a) The applicant must engage an accredited access consultant to assess/audit the available width for wheelchairs on the footpath at the corner of St Georges Road South and Percy Street. The applicant may need to provide an at-grade splay at the corner at ground level if the existing width is insufficient for wheelchairs to make the angled turn around the corner.

157. *Kerb Extension – Newry Street*
    (a) The developer must consult with Council's Urban Design and Open Space units and prepare a landscaping plan for the bluestone kerb extension at the south east corner of Newry Street and St Georges Road South road intersection. All items in the landscaping scheme shall be funded by the Permit Holder.

158. *Public Lighting*
    (a) The designer must ensure that there is adequate public lighting along the road frontages of the site. Lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting and poles shall be funded by the developer.
    (b) The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences.

Intrusive effects of light should be in accordance with the requirements of the Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Any light shielding that may be required shall be funded by the applicant.

(c) Where new lighting installation is required – it is the developer's responsibility to undertake consultation with the affected owners/occupiers regarding proposed position of any new poles/lights.

(d) Any new poles/lights must be in accordance with the approved standard CitiPower pole/luminaire list.

159. *Vehicle Crossing/Access – Newry Street*

(a) The vehicle crossing must be reconstructed to Council's satisfaction at the developer's expense as per the Council Standard Drawings and Council's Infrastructure Road Materials Policy.

160. *Redundant Vehicle Crossings*

(a) All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.

161. *Construction Management Plan*

(a) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

(b) The Construction Management Plan for the site must also take the following into account:

- *If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.*
- *Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.*
- *A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.*

162. *Road Asset Protection*

(a) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

163. *Impact of Assets on Proposed Development*

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

(b) The Telstra pits along the site's St Georges Road South road frontage must be reconstructed.

164. *Drainage*

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

(b) 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.

(c) The developer must prepare a drainage design scheme for the development for Council assessment and approval. Any pipes, pits or other drainage infrastructure required for the drainage scheme shall be supplied, installed and funded by the developer.

165. Following submission of additional traffic engineering details, including stacker information, this was forwarded to Council's Engineering Services Unit who provided the following additional comments:

166. *I refer to the additional information provided by the applicant for the development at 32 St Georges Road South, Fitzroy North.*

167. *The Engineering Services unit advises the following:*

Internal Layout

168. *For the development's on-site car parking, the proposed Klaus Trendvario 4200-210 Mechanical Stacker Parking System would be used. The stackers can accommodate vehicles the size of a B85 design vehicle. Each platform would have a headroom clearance of 1.8 metres and would satisfy Design standard 4: Mechanical parking of Clause 52.06-8, which requires at least 25 percent of all spaces to accommodate a clearance height of 1.8 metres.*

169. *Swept path diagrams into and out of the stacker platforms have been provided using the B85 design vehicle. The B85 design vehicle would need to undertake an additional correction movement when accessing the stacker platforms. This is permissible under the Australian/New Zealand Standard AS/NZS 2890.1:2004 for a user class 1 (residential parking), also since Percy Street would have low traffic volumes.*

Waste Management and Cleansing Services

170. The following referral comments were received regarding waste management:

171. *The Waste Management Plan from Leigh Design, dated 1 September 2015, is satisfactory from the Engineering Operations Branch's perspective.*

Compliance and Community Amenity

172. The following referral comments were received from the Compliance/Community Amenity Unit regarding the wine bar use:

173. *The Compliance Branch has not received any recent complaints in relation to amenity concerns.*

174. *The proposal to convert the current existing licenced hotel into a smaller wine bar (tavern) is a low amenity risk.*

175. *I confirm that the proposal does not pose any concerns in relation to amenity and the Compliance Branch does not oppose the proposal.*

Acoustics

176. Given the interface of the wine bar with existing and new dwellings, the application was referred to an independent acoustic consultant. The following summarised comments and recommendations were provided:

177. *A summary of our recommendations with regard to the acoustic report prepared for 32-36 St Georges Road, Fitzroy North is provided below:*

(a) Indoor noise targets be nominated for patron noise within the adjacent dwellings. We suggest AS/NZS2107 'satisfactory' levels for no greater than 30 dBA Leq.
(b) A recommended acoustic rating be provided for walls separating the wine bar from adjacent dwellings. In our opinion the rating should not be less than Rw = 60 dB and Rw+Ctr not less than 50 dB.
(c) Consideration be provided of potential noise impacts due to the stair proposed to be located on the common wall with 8 Newry Street.
(d) Guidance should be provided in the report for ensuring that roof mounted mechanical plant associated with the venue does not exceed SEPP N-1 noise limits. As a minimum, the operators should be aware of their requirement to comply with SEPP N-1 at the outdoor roof deck of the adjacent dwelling.

178. *A music noise limiter or compressor has been proposed for the venue. We agree that this is likely to be required given the low proposed levels of music noise.*

OFFICER ASSESSMENT

179. In assessing this application, the primary planning considerations are:
(a) State and Local Planning Policy Framework;
(b) Clause 55 – Construction of two or more dwellings on a lot;
(c) Heritage;
(d) Special Building Overlay;
(e) Loading and unloading vehicles;
(f) Buildings and works associated with an existing use and Interface Uses Policy;
(g) Subdivision;
(h) Objector concerns; and
(i) Other matters.

State and Local Planning Policy Framework

180. In relation to the Scheme, particularly urban consolidation (Clause 16.01), transport use (Clause 18) and housing (Clause 21.04), the subject site is well located to take advantage of a range of facilities and services. This includes accommodating population growth and providing for additional housing in established areas that have good access to services, jobs and public transport.

181. The subject site is well located to cater for these policy objectives as it is within 3km of the Melbourne Central Business District and has excellent access to roads/transport and community facilities. Nicholson Street to the west and Brunswick Street to the east are both within approximately 200m of the site and support tram lines. Alexandra Parade, approximately 300m to the south, provides key east and west transport links, including bus services.

182. Occupants would have easy access to local commercial uses, including goods, services and entertainment within the Brunswick Street Major Activity Centre, south of Alexandra Parade approximately 350m of the site. Carlton North Primary School is nearby, as are Curtain Square and Edinburgh Gardens (within approximately 300m of the site) which provide for areas of public open space.

183. On this basis, the site is well located to cater for future occupant needs and additional housing stock. The creation of five new dwellings is therefore strongly supported by State and local planning policy.

Clause 55 – Construction of Two or More Dwellings on a Lot

184. The following is a detailed assessment of the proposed development against the requirements of Clause 55 of the Scheme.

Clause 55.02-1 Neighbourhood Character and *Clause 55.02-2 Residential policy objectives*

185. The surrounding area consists of single and double storey dwellings, predominantly of period styles with some interspersed modern built forms. The proposal utilises the existing hotel's built form and proportions to create an east and west wing extension for five town houses and a wine bar. The scale and built form proportions of the proposed townhouses reflects that of the hotel and responds to the residential context of the local street and broader area. The form generally reflects the scale and density of other examples of two storey residential development within the surrounding streets, including prominent two storey forms on the corners of St Georges Road and Newry Street and St Georges Road and Percy Street.

186. The local area has an evident character of on-boundary development, high site coverage and hard-edges, particularly on corner sites. The development would respect the character of the area and is of an appropriate design response for an inner-city residential setting that effectively integrates into the form and scale of the existing hotel. The development appropriately responds to the features of the site and would positively present to the streetscape, with a substantial portion of the site's built form appearance (to Newry Street and St Georges Road) being unchanged.

187. As mentioned previously, the proposed development responds to State and local policy in terms of providing additional medium density housing in an area where development can take advantage of established public transport, community infrastructure and services. The development provides five dwellings in a mix of two and three bedroom layouts. Whilst the proposed footprint and site area of each dwelling is relatively compact, this is an appropriate response to an inner-city context and is consistent with local residential character which often exhibits narrow allotments, occupied by single to double storey dwellings with minimal to no setbacks and modest areas of SPOS.

188. Overall, the proposal demonstrates consistency with State policies by contributing to urban consolidation and utilising existing infrastructure without unreasonably affecting the existing character of the surrounding neighbourhood and therefore the density can be supported.

189. It is considered that the development would appropriately respect the neighbourhood character and would satisfy the objectives and standard at Clauses 55.02-1 and 55.02-2 of the Scheme.

Clause 55.02-3 Dwelling diversity objective

190. Clause 55.02-3 only applies to ten or more dwellings.

Clause 55.02-4 Infrastructure objective

191. The development is located within an area that is already established. It is not expected that the five dwellings would overload the utility services and infrastructure. The proposed development will be readily connected to the required utility services and infrastructure which are present at the site. The site is capable of supporting the proposed dwellings within an established inner-urban area which has access to utilities, services and transport. Further, the subdivision referral authorities, which include electricity, water, sewer and gas utility providers, have no objection to the six lot (five dwellings and a wine bar) subdivision.

Clause 55.02-5 Integration with the street objective

192. Integration with the street generally refers to the primary street address for an allotment. In this instance the site is addressed to St Georges Road, with the existing building presenting to the corner of St Georges Road and Newry Street. The development utilises and extends the built form presence of the existing hotel with the presentation and integration to Newry Street and St Georges Road remaining substantially unchanged.

The development provides for an extension to the western wing along St Georges Road which continues the scale and form of the existing hotel. This maintains the street integration, with windows and openings along these frontages being consistent with the current conditions and providing for a connection to the public realm. The form and rhythm of the built form of the existing hotel is effectively reflected in the new additions and appropriately responds to the street.

Although Percy Street is to the rear of the site, the new dwellings would be accessed via an internal central access courtyard from Percy Street which is defined by a recessed timber fence and pedestrian gate. The central location of the common entry, combined with charcoal finish and modest soft landscaping ensures it is clearly legible from the street and provides for a sense of address. The 'hit and miss' timber fencing ensures that views to and from the entry are unobstructed and that it integrates with the public realm.

193. The new facades to Percy Street are generally built to the boundary. The zero setback arrangement is responsive to, and appropriate, within the streetscape which currently presents many examples of walls and hard-edges along this side of Percy Street. The window styling and operable first floor shutters is respectful of the local character and adds visual interest, whilst allowing for passive surveillance of the public domain. The two storey scale and presentation to Percy Street reflects other two storey, hard-edge built form in the area. It is considered that the objectives are met.

Clause 55.03-1 Street setback objective

194. In terms of street setbacks this generally refers to the front of a property and for corner sites, includes the side street. The setbacks of the existing building would not be altered with the existing facades to St Georges Road and Percy Street being retained. The extension of the western wing of the existing building would continue the same zero setback arrangement along St Georges Road. This maintains the front and side setback arrangements and is consistent with the existing character of the site and other hard-edge built form on nearby corner sites. Therefore this arrangement is acceptable.

195. Overall the front and side setbacks result in an appropriate design outcome within the context of the site.

Clause 55.03-2 Building height objective

196. The maximum building height is 9.16m above natural ground level. This is moderately over the maximum 9.0m prescribed by the standard, and the 8m mandatory height control of the Neighbourhood Residential Zone – Schedule 1. However as outlined earlier, the proposal can exceed the 8m height control so long as it does not exceed the existing maximum building height.

197. The overall scale of the development would read as a two storey form, with the highest section no higher than the existing building's height. The height therefore reflects the existing built form scale on the site and the two storey scales found in the surrounding area. The height is not excessive and satisfies the zone provisions and is considered appropriate. Therefore the proposal is in accordance with the objective and supported.

Clause 55.03-3 Site coverage objective

198. The site is approximately 445sqm and the existing site coverage is approximately 85% or 379sqm.The proposed coverage (retained and new buildings) is approximately 88% of the site (390sqm) which includes the first floor overhang of dwelling No. 4 and the area of external staircases overhanging for roof terrace access.

199. The proposed site coverage exceeds the maximum 60% recommended by the standard, however it represents only a moderate increase over the existing conditions. The response is considered reasonable in the context of an inner-city environment and the established neighbourhood character is typical of high site coverage and modest areas of private open space. Therefore the proposal is considered a reasonable response and satisfies the objective.

Clause 55.03-4 Permeability objective

200. The applicant's submission states that currently, approximately 66sqm (14%) of the site is permeable and under the proposal, approximately 70sqm (15%) of the site would be permeable.

201. This is below the minimum 20% prescribed by the standard, however the current conditions do not meet the standard as is common in inner-urban contexts. Furthermore, the inclusion of water tanks for stormwater reuse would assist in reducing runoff. The plans show that there is capacity for up to approximately 70sqm of open space area at ground level to be permeable. The level of permeability is appropriate and would allow for reasonable stormwater mitigation. A condition will require the plans to show that open space areas at ground level have a permeable surface.

202. Furthermore, the submitted SDA report indicates that water tanks and a raingarden would be incorporated into the development to achieve a STORM rating of 105%. This is considered to meet best practice and the development would result in improved stormwater outcomes compared to the existing conditions. The amended plans submitted under Section 57A of the Act altered and reduced the size of the deck to townhouse 5 and the associated raingarden does not appear on plan. Therefore a condition will require the proposed stormwater management measures to be shown on plan, consistent with an updated STORM rating which reflects the layout of the development and still achieves best practice of 100%. This results in a positive stormwater outcome.

Clause 55.03-5 Energy Efficiency objectives

203. In terms of energy efficiency and environmentally sustainable development, a Sustainable Design Assessment (SDA) was submitted with the application and addresses the key design and sustainability criteria contained in the policy at clause 22.17 of the Scheme and will achieve an acceptable level of energy efficiency in accordance with the relevant energy efficiency objectives at Clause 55.03-5 for the following reasons:
    (a) The dwellings have operable windows and doors for natural daylight access to the habitable rooms of the dwellings and ventilation.
    (b) Operable first floor window shutters to the new west-facing windows would aid in reducing summer heat gain.
    (c) Two rainwater tanks (4000litres) would be provided for water reuse.
    (d) The SDA indicates the following with regard to energy efficiency and sustainable design outcomes:
        (i) Maximise thermal performance through operable glazing, shading and materials.
        (ii) Energy efficient appliances and lighting, including any heating and cooling systems, would be selected.
        (iii) Provision of level 1 ceiling fans would reduce demand for air-conditioning.
        (iv) Clothes drying racks would be provided in bathrooms or on balconies.
        (v) Energy efficient gas instantaneous domestic hot water systems would be used.
        (vi) The ability to turn off non-critical plug loads such as stand-by power.
        (vii) LED lighting would be utilised and daylight/motion sensors would be used for common areas.
        (viii) The developer would work with an energy service provider to encourage future residents to take up renewable energy/greenpower.
        (ix) Water efficient fixtures would be selected.

(x) The site's location close to public transport and goods and services would encourage reduced private vehicle use.
(xi) Bicycle holders are provided to encourage alternative transport modes.
(xii) Waste during construction will be minimised.
(xiii) The adaptive reuse of the building reduces construction materials and waste.
(xiv) Where possible, reclaimed/recycled and low impact materials would be used.

(e) Given the constraints of heritage built form and the north-south orientation of the site which dictates the orientation of proposed dwellings, the proposal has been reasonably sited and oriented.
(f) The attached, side-by-side, built form allows for improved insulation properties and the design and materials would assist thermal performance.

204. The proposal incorporates a good range of measures both in terms of design and appliances/systems which would achieve an acceptable outcome in terms of energy efficiency and sustainable design outcomes. The Sustainable Tools for Environmental Performance Strategy (STEPS) score as part of the SDA shows that the proposal would exceed the energy performance target of 25 with a score of 32 and would also exceed the targets of the other criteria.

205. Based on the existing conditions and the siting and design of the development it is not expected that the development would result in any unreasonable impact to the energy efficiency of adjoining properties as there is no additional overshadowing created nor are there any interfacing windows which could be affected.

Clause 55.03-6 Open space objective

206. Other than the central access courtyard, there will be no open space intended for communal use. The central courtyard provides for pedestrian access to the entry of each individual dwelling. It is accessible and useable for this purpose.

Clause 55.03-7 Safety objective

207. The pedestrian entries would be clearly visible from Percy Street and the SPOS areas will be adequately secured.

208. The pedestrian entrance path is defined and access to the dwellings is clearly designated within the internal common courtyard. The restrained level of soft landscaping proposed at the common entrance would not create unsafe or obscured spaces. There would be no conflict between the pedestrian entrances and car parking areas/driveways, with the stacker parking system being suitably separate from the pedestrian entry. The window configurations along the outer walls of each dwelling provide for passive surveillance of the public realm. Private open space areas are secure and provide safe recreational areas for future residents.

209. Council's Engineering Services Unit recommended that adequate public lighting along the road frontages of the site is provided and if necessary upgraded or additional street lighting be provided. However, an existing street light positioned directly adjacent to the rear boundary of the site along Percy Street that would provide for illumination of the common pedestrian entrance and entry to the stacker parking system. Additional public lighting conditions are therefore not required as adequate light exists proximal to the complex's common entrance. To ensure adequate lighting is provided within the complex and that there is safe access to each dwelling, a condition will require that the central internal pedestrian walkway and dwelling entrances are provided with lighting.

210. The proposed first floor window shutters which open over the title boundaries are set well above ground level (more than 4.7m above ground level) and have a modest projection over the footpath. Hence, they would not obstruct or interfere with the use of the footpath or operation of the road. These elements are suitably integrated into the design and acceptable given their clearance and limited projection.

211. The proposal is in accordance with the objective and standard.

Clause 55.03-8 Landscaping objectives

212. In accordance with the objective and standard, acceptable landscaping will be provided at the front entry point and within the common entry court. The proposed front shallow setback to the entry fence and gate, and behind, provide for soft landscaping which is consistent with the limited provision of landscaping within the local inner-urban context and is appropriate, particularly as the site currently is built hard-edge to all boundaries with no soft landscaping visible.

Clause 55.03-9 Access objectives

213. Many of the objectives of this policy seek to ensure vehicles are provided with safe and efficient access and that new access points do not adversely impact the street.

214. Five on-site car parking spaces are provided in the form of a car stacker system housed within an enclosed garage. The proposal involves widening the existing crossover to approximately 8.5m. The parking access location is consistent with policy which encourages vehicle access to sites via the rear. The location of parking spaces at the rear of the site off Percy Street and extension of the existing crossover would minimise disruption to the street. There are also other examples that provide for rear vehicle access from Percy Street and therefore the arrangement would be consistent with neighbourhood character. A condition will require that a notation indicate that the door to the stacker system opens within the title boundaries of the site and therefore does not impinge on the street.

215. The extension of the crossover would take up approximately a third of the Percy Street boundary, which is consistent with Standard B14. The extension of the crossover would likely result in the loss of one on-street parking space, however the crossover serves parking for five dwellings and is therefore an efficient use of space for vehicle access. Council's Engineering Service Unit has reviewed the parking arrangement and width of Percy Street and deemed access arrangements to be satisfactory. On this basis, vehicle turning movements into and out of the parking system is considered satisfactory and the access objective is satisfied. Standard engineering conditions will be included on any permit issued relating to constriction of the crossover.

Clause 55.03-10 Parking location objectives

216. The on-site car parking spaces are conveniently located for the future residents of the proposed dwellings, designed to allow secure, safe and acceptable movement of vehicles in line with the requirements of the standard. The stacker is an at-grade shuffle system and the submitted traffic report suggests that only 40% of cars require the stacker to move into position (upper levels) and therefore the likelihood of a vehicle having to prop and wait in Percy Street is reduced. In cases where a vehicle will have to wait for the stacker to raise or lower into position, a delay of approximately 87 seconds would occur. This is not expected to result in a significant amount of vehicle movements. In this instance Percy Street is not a busy road and the new 8.5m wide crossover would allow another vehicle to pass a vehicle which is waiting to use the on-site stacker. Council's Engineering Services Unit has review the application material and is satisfied with the proposed stacker and access arrangements.

217. The enclosure around the stacker system would assist in minimising noise (noise is further discussed later in this report), and given the limited size of the parking system ventilation is considered acceptable.

Clause 55.04-1 Side and rear setbacks objectives

218. The development would be built to the west side and south (rear) boundaries and therefore this will be considered under the walls on boundaries objective later in this report.

219. The setback of the easternmost, south-facing wall of Townhouse 5 is approximately 7.3m which complies with the rear setback standard for a wall height of 8.73m. No adverse amenity impacts would result from this setback arrangement and there is no sensitive interface with the wall.

220. The only side setbacks associated with the development relate to the eastern raked roof forms to Townhouse 5 and the roof deck and associated balustrade. The eastern side setback to the roof deck of Townhouse 5 is setback approximately 0.9m from the boundary and rakes up to a height of 8.73m above natural ground level. This setback falls short of the standard requirement of 3.82m for this height, however the raked roof and associated eastern balustrade of the roof deck is setback behind the adjoining dwelling's footprint and its only interface would be with the adjoining roof form, with no visual bulk impact to windows or SPOS. Therefore this setback meets the objective and is acceptable.

221. The other side setback to consider is the eastern raked roof form of Townhouse 5 positioned adjacent to the adjoining SPOS of the dwelling to the east. This roof form commences at height of 3.99m which is the existing on-boundary wall height in this location. The raked wall/roof form extends to a height of 8.73m above natural ground level with a maximum setback of approximately 5.42m. The majority of the raked form, including upper extent, complies with the setback requirements of the standard. The lower corner of the raked form exceeds a 3.6m height and therefore does not quite fit within the standard setback requirement, however this is due to the existing wall height be 3.99m from which the raked form than moves away at a 40 degree angle. This slope and substantial compliance with the setback requirements ensures that the raked form is receding in a direction away from the adjoining SPOS and therefore the form does not impose any unreasonable visual bulk on the adjoining dwelling and is an acceptable built form arrangement.

222. Overall, the setback arrangement provides for effective visual relief and articulation of the building at the most sensitive interface and is an appropriate design response for an inner-city context. The setback to the adjoining SPOS provides for substantial compliance with the setback requirements of the standard and is acceptable, with the development meeting the overall objective.

Clause 55.04-2 Walls on boundaries objective

223. Pursuant to the standard:
    (a) The total length of new walls along the west, east, and south boundaries should not exceed 15.7m, 14.5m and 13.6m respectively, unless abutting a simultaneously constructed wall; and
    (b) The maximum height of all boundary walls should not exceed an average 3.2m height, with no part higher than 3.6m unless abutting a higher or simultaneously constructed wall on an adjoining lot.

224. The length and height of walls along each of these boundaries exceeds that required by the standard.

225. Despite the proposed wall lengths and heights exceeding the standard requirements, there are limited sensitive interfaces. The west and south walls interface with St Georges Road and Percy Street respectively. There is no direct sensitive interface with SPOS or windows along these boundaries and the development is separated from other properties by these streets. Hence there would be no adverse visual bulk or amenity impacts that could affect off-site residential amenity.

226. The eastern boundary is the only boundary that has a potential sensitive interface with an adjoining dwelling. However the walls along this boundary are the existing walls of the hotel.

The main double storey wall of the hotel is to be retained along this boundary and the wall interfaces with the adjoining built form. There is an existing single storey wall at the rear of the eastern boundary and the development would match the 3.99m height of this existing on-boundary wall with no additional bulk created abutting the boundary.

227. Therefore there would be not change or impact to the adjoining dwelling's amenity as a result of on-boundary walls. The proposal satisfies the objective and is acceptable.

Clause 55.04-3 Daylight to existing windows objective

228. The habitable room windows shown at the rear of the adjoining dwelling to the east are facing south and do not directly interface with the proposal. Therefore they would not be affected in terms of daylight access. There are no other existing habitable room windows which have a direct interface with the proposed development.

Clause 55.04-4 North-facing windows objective

229. There are no existing north-facing habitable room windows within 3m and which have a direct interface with the proposed development.

Clause 55.04-5 Overshadowing open space objective

230. Consideration is given to overshadowing to adjacent SPOS to the east between 9am and 3pm on the September Equinox as per the standard.

231. Given the north-south orientation of the site, the only time in which overshadowing to the adjacent eastern SPOS could occur is after 12 noon. However the proposal has been designed to incorporate setbacks and raked forms in order to avoid any additional overshadowing to adjacent SPOS. The shadow diagrams provided for each hour between 9am and 3pm on the September Equinox show that the adjacent SPOS is already heavily overshadowed in the afternoon period by existing built form conditions, however the proposed development would not increase the extent of overshadowing in compliance with the standard. Therefore the amenity of this SPOS would not be compromised in terms of additional overshadowing.

Clause 55.04-6 Overlooking objective

232. The north, east and south outlooks from the proposed development are towards public streets, with dwellings positioned on the opposite side of these streets. The location of these dwellings is beyond 9m from the boundary of the subject site and their facades are already visible from the public realm. Therefore there would be no direct or unreasonable overlooking in these directions in accordance with the standard.

233. There is no potential for overlooking from the ground level of the development to the dwelling adjoining the eastern boundary. There is no overlooking opportunities to the eastern dwelling from the first floor as views are either blocked by the development itself, on-boundary built form, and the first floor deck/balcony to the southeast corner of Townhouse 5 would be screened by built form and a perforated screen with a maximum 25% transparency to a height of 1.7m above finished floor level which meets the standard.

234. The roof decks to Townhouses 4 and 5 are incorporated into the slope of the surrounding roof pitches on the east and south sides, which forms a 1m high balustrade above the floor level. Based on the assessment of plans and consideration of a 45 degree view arc over a horizontal distance of 9m measured at ground level as per the standard, it appears that any views from the deck of Townhouse 4 at average person height (1.7m) would intersect with the on-boundary built form so there is no unreasonable overlooking of the adjoining SPOS. Although the adjoining habitable room window faces south, there is the possibility it could be overlooked from the southern extent of the roof deck of Townhouse 4.

235. Similarly, whilst the siting and design of the roof deck to Townhouse 5 may restrict views to the adjoining SPOS, it appears there could be the potential for overlooking and further detail is required to determine this.

236. A condition will require that overlooking compliance is demonstrated for the roof decks to townhouse 4 and 5 regarding the adjoining SPOS and habitable room windows. Importantly, if additional screening to a height of 1.7m above finished floor level is required, this cannot exceed the height of the existing building on the basis of the NRZ Schedule 1 height controls discussed previously in this report. If this cannot be achieved, alternative methods to restrict views may be required (e.g. additional setbacks or built in planter boxes) or the floor level of the decks be lowered to facilitate 1.7m high screens.

Clause 55.04-7 Internal views objective

237. Due to the built form and window layouts at ground and first floors, there would be no direct or unreasonable internal views between dwellings.

238. Whilst some sections of the roof decks have 1.7m high privacy screens notated on plan, this is not shown on the majority of the roof decks, and there is the potential for internal views. The potential for internal views exists between roof decks to Townhouses 4 and 5 and roof decks positioned either side of the common central courtyard and from the western and eastern wing roof decks downward into habitable room windows located on the opposite side of the common central courtyard. A condition will be required to ensure the roof decks comply with Standard B23 and privacy is maintained between dwellings.

Clause 55.04-8 Noise impacts objectives

239. In compliance with this standard, mechanical plant equipment associated with the wine bar has been positioned on an upper level services deck, set away from adjoining dwellings. Any plant such as air-conditioning units would need to comply with standard Environmental Protection Authority guidelines and the plant associated with the wine bar would be required to comply with State Environmental Planning Policy – SEPP N-1 for the control of noise from commercial premises.

240. The proposed wine bar would be established under existing use rights of the hotel and has an interface with surrounding dwellings, including sharing a wall with proposed townhouse 3 and a boundary wall with the adjoining dwelling at no. 8 Newry Street. An acoustics assessment has been provided by the applicant which assessed the proposed wine bar in terms of noise to neighbouring dwellings (existing and future). Council commissioned a peer review of this assessment and it was found that the wine bar would comply with noise regulations, subject to conditions. This is discussed in further detail later in this report under the interface uses section. On the basis of the assessment and review undertaken, no adverse noise impacts would result subject to the acoustic assessment's recommended measures being implemented.

241. The proposed car stacker supports parking for five cars on site and would be enclosed. Whilst the stacker adjoins the nearby property boundary, the boundary wall associated with the stacker abuts the adjoining SPOS and not the actual dwelling itself. A condition will require that an amended acoustic report be provided to ensure the car stacker's operation is acceptable in terms of noise.

242. The proposed dwellings are not located adjacent to busy roads or railway line, and so are not required to be treated against these external noise sources.

243. Given the proposed development is primarily for residential purposes it is considered that the dwellings would not result in any unreasonable off-site acoustic amenity impacts to the surrounding area.

The use of dwellings, including terraces, does not require a planning permit in this zone and domestic activity is reasonably expected. The Scheme does not include reference to applicable noise control legislation; the Environment Protection (Residential Noise) Regulations 2008 deal with residential noise impacts and how they can be controlled.

Clause 55.05-1 Accessibility objective

244. The dwellings will have adequate ground floor access, but do not specifically provide for those with limited mobility. However, the ground floor of the new dwellings would be accessible to people with limited mobility which will be generally consistent with the requirement of the standard.

245. Council's Engineering Services Unit recommended that the applicant engage an accredited access consultant to assess the accessible width for wheelchairs on the footpath at the corner of St Georges Road South and Percy Street and that if the available width between the building and the pram crossing is deemed to be insufficient, the applicant may be required to provide a corner splay at ground level in order to provide a minimum path of travel for wheelchairs. This built form configuration and narrow pathway width is an existing condition, with walls currently built to the southwest corner. The proposed development would reflect this arrangement and is entitled to build on the private land, up to the title boundary. Therefore such a requirement would be onerous and is not appropriate. The access and use of the footpath would be comparable to the existing conditions once the development is complete.

Clause 55.05-2 Dwelling entry objective

246. Each dwelling comprises a separate entry which will be accessed via the common central access courtyard. The common entry point from Percy Street is well defined and legible. The section of overhang at the first floor above the entry provides for weather shelter. The common entry has a clear sense of address and is also enhanced by suitable landscaping to make the entry distinct along this boundary. All entries to the individual dwellings will be clearly visible from the central access courtyard. The entry design is in accordance with the objective and standard.

Clause 55.05-3 Daylight to new windows objective

247. All proposed habitable room windows would receive daylight access in accordance with the standard requirements, i.e. facing an outdoor space or light court with at least 3sqm and minimum 1m dimension clear to the sky. The south-facing window to the first floor deck of Townhouse 4 is recessed under the roof. However it includes large operable windows/doors that would still receive daylight from the southern opening to the balcony which would allow adequate light to penetrate into this side of the dwelling. This is consistent with the objective and an appropriate outcome.

Clause 55.05-4 Private open space objective

248. The standard outlines that a dwelling or residential building should have private open space consisting of:
    (a) An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
    (b) A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
    (c) *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*

249. Each dwelling is provided with SPOS as follows:
    (a) Townhouse 1 – 10.3sqm first floor deck;
    (b) Townhouse 2 – 21.7sqm roof deck;
    (c) Townhouse 3 – 20.6sqm roof deck;
    (d) Townhouse 4 – 7.3sqm and 5sqm first floor decks and 60.4sqm roof deck;
    (e) Townhouse 5 – 10sqm ground level courtyard, 6sqm and 3sqm first floor decks, and a 26.8sqm roof deck.

250. The SPOS areas can be accessed from the living rooms of each dwelling and have adequate widths as per the standard. Whilst the first floor decks directly adjoining the living rooms of Townhouses 4 and 5 are below 8sqm, their areas are still useable and of sufficient width. The provision of roof terraces provides for additional SPOS to cater for occupants needs.

251. The proposal meets the objective requirements by providing an adequate provision of private open space for the reasonable recreation and service needs of residents.

Clause 55.05-5 Solar access to open space objective

252. Given the north-south orientation of the site and working with the existing building layout on the site, the proposed SPOS is located to the south or east of dwellings, or at roof level. Whilst the site is constrained in terms of its orientation and the existing heritage built form, the dwellings would each have SPOS areas, whether balconies or roof decks, sited to ensure they would receive adequate levels of solar access and therefore would cater to the needs of occupants within an inner-city context. Whilst the first floor decks/balconies to the Townhouses 4 and 5 are south of the built form and partially enclosed, limiting direct solar access, each of these dwellings are provided with roof terraces which supplement open space and would receive solar access. Therefore the objective is met.

Clause 55.05-6 Storage objective

253. This standard outlines that each dwelling should be provided with a minimum of 6 cubic metres of externally accessible storage space. Each dwelling is provided with an externally accessible and secure storage compartment. The volume has not been specified on the plans however a sketch plan submitted on 31 March 2016 by the applicant shows the stores would provide for storage volume of between 4 to 6 cubic metres for each dwelling.

254. While not all achieve full compliance with the standard, the store areas are considered to be sufficiently large to accommodate the needs of these dwellings which are of a townhouse configuration and located within an inner city context. Further, secondary bin storage areas and bicycle hanging areas are provided within the common central courtyard, thus removing the need for these bulkier items to be housed in the storage area. For these reasons the storage areas are considered acceptable and meet the objective by providing adequate storage facilities for each dwelling. For clarity on the plans, a condition will require the volume of each store to be specified and be a minimum of 4 cubic metres.

Clause 55.06-1 Design detail objective

255. The proposed development is contemporary in design, yet complementary to the existing built form in terms of form and materiality. It will integrate into the streetscape which hosts a mix of design styles and supports both period and some elements of modern housing stock. The proposed building's form will read as an extension to the existing hotel building and the new dwellings and built form would appear in context. The mix of timber cladding and hit and miss battens on black backing sheeting, along with compatible window forms and proportions will provide for a suitably respectful visual appearance within the streetscape and local heritage precinct. The finishes and colours are respectful of the heritage precinct and the inclusion of a darker colour punctuates the central entry point along Percy Street.

256. The garage containing the car stacker system occupies the southeast corner of the site to Percy Street, comparable to the existing garage location. The design of this element effectively integrates into the development and is visually compatible with the local area, and other vehicles access points along Percy Street. The dwellings will contribute to the design styles and housing choice found within the area. The proposal will present a townhouse development of acceptable quality within a built-up inner-city context and residential area.

Clause 55.06-2 Front fences objective

257. The presentation to St Georges Road and Newry Street is considered to be the primary frontage of the site and there are no front fences associated with this area. Whilst Percy Street is technically the rear boundary, the new development does create the primary entrance to the new dwellings from this street. The fence to the common entry on Percy Street at 2.7m high is acceptable as this is to a private common entry to the rear boundary and the fence would have a reasonable level of transparency to allow views to and from the public realm. The fence is recessed 0.4m and is finished in charcoal colour to provide for a sense of address. Soft landscaping would be incorporated with the front of the fence. The arrangement is acceptable and appropriately addresses the street in this context where fences are commonly high along this side of Percy Street.

Clause 55.06-3 Common property objectives

258. The proposed common property is the internal access courtyard and car parking stacker system. These spaces are clearly defined and suitably laid out. The spaces are acceptably functional and provide access to each dwelling from the internal access courtyard. The area supports space for refuse storage, water tanks and bicycle parking, along with a landscaped entry. The area would be functional and is clearly delineated as a common space and could be efficiently maintained. Therefore the proposal meets the standard.

Clause 55.06-4 Site services objectives

259. Rubbish and recycling bins are to be stored within either service yards or recessed behind the common entry point with the central access courtyard. Mailboxes and metres are to be suitably sited within the property boundary and accessible at the common entry fronting Percy Street. These are practical and suitable locations that ensure these services are easily accessible whilst also maintaining visual amenity from the public realm.

Heritage

260. The decision guidelines from Clause 43.01-4 and policy from Clause 22.02 of the Scheme is used to assess the proposed demolition, construction and works. Assessing the proposed development and achieving consistency with the heritage values of the surrounding area is guided by the built form policy at Clause 22.02 of the Scheme.

261. Whilst the extent of demolition proposed is relatively extensive the primary presentation of the building to Newry Street and St Georges Road would remain through retention of these facades, and the outer-facing sections of roof pitches/hips which face these streets. The southwest-facing roof hip to Percy Street would also be retained. Council's heritage advisor suggests that whilst the rear facing hips of the roof and the wall structures are not visible from the main street fronts, they are visible from Percy Street and the loss could render the original building to little more than a shell and affect the integrity. However, it is also acknowledged that the site has three street frontages, with Percy Street being the least significant elevation. Furthermore, heritage policy focuses consideration on the primary frontage of a building, in this case St Georges Road and Newry Street.

Despite it being suggested that the proposed elements to be demolished may be visible from Percy Street, this discounts the fact that three of the new two storey dwellings will be built to abut the Percy Street boundary and therefore any views into the centre of the site or to the rear roof hips/valleys of the front roof form (which are recommended for retention by the heritage advisor) would be substantially concealed from view by the new development.

262. Furthermore, in *NEA Developments Pty Ltd v Yarra City Council* ([2014] VCAT 55), the Victorian Civil and Administrative Tribunal (VCAT) considered the extent of demolition to individually significant and contributory heritage buildings and whether the integrity may be negatively affected or if there is sufficient value or justification for retaining elements of a building not visible from the public realm. The heritage advisor in this case was concerned that the extent of demolition was excessive and suggested that the buildings under their respective roof form should be retained to maintain a three-dimensional form. The VCAT said the following statements of particular relevance in this regard:

    [29] In regard to the Heritage local planning policy guidance on demolition, whether or not building fabric is visible from the public domain is not determinative of whether it can be demolished. Rather, the question is whether the demolition will have a negative impact on the significance of the heritage place, or its contribution to the heritage place. We have inspected each of the buildings and viewed them in the round from surrounding streets. In this situation where each main roof of these three buildings is and has been historically concealed by a parapet, it is difficult to see how their removal will have any appreciable negative impact on the heritage significance.

    [30] We find the removal of the roof of the building at No. 456 Bridge Road will not adversely affect the building's contribution to the heritage place as it is its front façade rather than the roof that is visible from the public realm and contributes to the Bridge Road heritage streetscape.

263. On this basis, given the prominent facades and outer-facing roof elements to Newry Street and St Georges Road, including the four prominent chimneys viewable from these streets, would be retained, the extent of demolition would not represent an extraordinary change in the historical building envelope presented to the public realm. As outlined by VCAT, local heritage policy at clause 22.02 of the Scheme provides guidance on demolition with the test being whether it will have a negative impact on the significance of the heritage place. Following a site inspection and viewing the building from all surrounding streets, along with the consideration of sightlines provided by the applicant, the suggested elements for additional retention are not visible from the primary streets and as mentioned, any views available from Percy Street would be secondary, and would be obscured by the new built form along this boundary. Therefore the extent of demolition and removal of inner roof hips and valleys would not have any appreciable negative impact on the form, character or appearance of the building as perceived from the public realm and therefore no negative impact on the heritage significance.

264. It is noted that whilst retention and restoration of the four chimneys is notated on the plans, it includes reference to 'pending engineer's approval'. Loss of the fifth chimney set deeper within the site is not of particular concern as it does not present to the main street frontages of St Georges Road or Newry Street. The remaining four chimneys are visible from these streets and form part of the site's historical fabric. A condition will require confirmation that these elements to be retained through deletion of reference to 'pending engineer's approval', with details of any restoration works to be provided, including propping and support details which are to be employed during construction.

265. In addition, the extent of demolition would not subject the site to potentially adverse development immediately behind the front half of the building's roof, as the wine bar services deck would not be visible from the street and is for services/plant only and not publically accessible. The proposed new built form beyond is substantially setback from the front of the building ensuring it is adequately concealed.

For these reasons additional retention of the inner roof forms is not warranted and the extent of demolition is acceptable and consistent with local heritage policy guidance in that it will not negatively affect the significance of the heritage place.

266. The key consideration for assessing the proposed development is whether it would adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

267. As outlined by Council's heritage advisor, the proposed front setback for the new development will be 12.75 metres beyond the Newry Street façade; and between zero and approximately 7.5 metres beyond the St. Georges Road façade. There is no setback proposed for new buildings from Percy Street.

268. From Newry Street, the setback of the proposed new development would be substantial enough so that it is well concealed. Given the 'Wine Bar Services Deck' is for services with no public access, there would be no potential for large movable items to be visible above the existing ridgeline and the structure itself is concealed below the roof line.

269. The proposed rear addition along St Georges Road will have a zero setback making it clearly visible. This setback is consistent with the historic development of the site and forms a continuation of the existing double storey western wing. Council's heritage advisor expressed concerns regarding the potential for moveable items on the proposed roof decks to Townhouses 2 and 3 to be visible from the opposite side of the street. However, an internal elevation, cross section diagram and sightline of the wing through the roof decks fronting St Georges Road has been provided. It demonstrates that the retained roof form and ridge would extend to a height of between approximately 1.7m to 1.89m above the finish floor level of the decks. This is close to the 2m clearance sought by the heritage advisor and given the angle of sightline from the opposite side of the street, the setback of the decks and height of the retained roof form would provide for a high level of concealment of any moveable items. Furthermore, given the modest width of these decks, it is not expected that large items would be placed on them. On this basis, the siting and floor level of the decks is acceptable and would not detract from the significance of the heritage place.

270. The character of the northern side of Percy Street is dominated by built form associated with the rear of properties fronting Newry Street and Council's heritage advisor supports the zero setback of the two storey form to Percy Street. The open roof decks on the rear townhouses would be sufficiently setback so that activity on the deck would be substantially concealed and given that Townhouses 4 and 5 represent new built form, this is of no particular heritage concern.

271. The overall height of the proposed development is in the order of 8.73m-9.16m above ground level, with the maximum height reflecting that of the existing roof ridge. The scale would be in keeping with the height of double storey residential and commercial buildings commonly found on corner sites and within the immediate area. As supported by heritage advice, the height of the new building would not dominant views along Newry Street or St Georges Road, nor would the bulk of the overall development be out of character with the bulk of other corner sites within the locality. Similarly, the scale to Percy Street is considered acceptable on the grounds that it is part of a corner site and would be perceived in the context of the main building.

272. The proposed roof forms are supported by Council's heritage advisor as they are complementary to the existing form and the western wing would continue the existing roof line and rhythm as seen from St Georges Road. The flat roof form of the south-eastern portion would be visible from Percy Street and would generally be in character with other rear built form elements in this street and is therefore acceptable.

273. The vertical rectangular windows along St Georges Road, with proportions to match the existing, are respectful of the existing building's historical character. The Percy Street elevation continues the vertical rectangular form at the western corner, and transitions to more contemporary openings and solid-to-void ratios toward the east. Council's heritage advisor considers the proposed appearance to be a successful attempt at creating a respectful new addition which distinctively interprets the traditional form and appearance of the existing historic building and is therefore supported.

274. The proposed external materials for the new development will be 'hit and miss' timber battens in a natural finish. Whilst not specifically in keeping with the predominant building material of the existing building, Council's heritage advisor has outlined that there is enough of the existing building to dominate the subject site and therefore the new materials, particularly timber, are acceptable and does have ties with some other built form materials in the area.

275. Policy at clause 22.02 of the Scheme encourages new additions to be distinguishable from the original fabric whilst being suitably respectful. A white wash finish, as suggested by Council's heritage advisor, is not necessary as timber is a natural and neutral material and would provide for a suitable distinction between new and old features on the site given the existing masonry construction. The design response and transition along the west wing provides for an acceptable transition that on one hand provides for a distinction whilst on the other continues the rhythm of the wing along this interface. Hence changes to the timber finishes are not warranted.

276. Council's heritage advisor outlined that the extent of restoration works, including replacing slate tiles and the restoring of chimneys, lacked specific details. The level of detail required includes the type of tiles that would be used for the roof, and confirmation that a traditional-low cement based mortar be used to repair chimneys. A condition could address this.

277. Overall, subject to some conditions regarding chimney retention and restoration details, the proposal is considered acceptable as it would result in an appropriate balance of allowing a new development that is contemporary in design, yet complementary and respects the pattern and character of heritage place and precinct. The proposed demolition and buildings and works would have no adverse impact on the heritage significance of the heritage place and are consistent with the purpose statements and decision guidelines of Clause 43.01 and policy at Clause 22.02 of the Scheme.

Special Building Overlay

278. Clause 44.05-6 of the Scheme provides the decision guidelines that the responsible authority must consider when determining an application under the Special Building Overlay.

279. The proposed works are comparable to the arrangement of the existing built form on site and are completely contained within the site within a built up inner-urban area. The proposal would not significantly alter existing surface levels and the site is already substantially developed. The application was referred to Melbourne Water as the determining referral authority for this application. Melbourne Water does not object to the proposal subject to conditions outlined in the referral section of the report.

280. The plans submitted show finished floor levels of the dwellings ranging from 25.98m to 26.79m. Some of these are slightly under the Melbourne Water requirement. The open space surface at ground level areas would be above the requirements at 25.86m.

281. If a permit were to issue, the plans would need to be modified via permit conditions to comply with the requirements of Melbourne Water. On this basis the proposal would satisfy the decision guidelines of the Special Building Overlay.

Loading and Unloading Vehicles

282. The works associated with the wine bar use trigger the loading bay requirements of the Scheme and with a floor area less than 2,600sqm a total loading bay area of 27.4sqm is required pursuant to clause 52.07 of the Scheme. A permit may be granted to reduce or waive these requirements if either:
    (a) The land area is insufficient.
    (b) Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

283. The existing hotel does not provide for a dedicated loading bay on-site and the proposed wine bar is substantially smaller in scale and operation. The applicant expects that the majority of deliveries would be via vans or smaller trucks and the submitted traffic engineering report states that existing on-street parking would be adequate for the proposal.

284. Given the wine bar is much smaller than the existing hotel and that there is the ability to utilise existing on-street parking without a need for large vehicles to access the site for deliveries, it is considered that there would be adequate ability for the loading and unloading vehicles associated with this type of premises and therefore a waiver of the loading bay requirements pursuant to clause 52.07 of the Scheme is supported.

Buildings and Works Associated with an Existing Use and Interface Uses Policy

285. In considering the proposed buildings and works it is necessary to consider the criteria at clause 63.05 (existing uses) of the Scheme. In considering the proposed work associated with the wine bar, it is necessary to consider the decision guidelines for non-residential development at clause 32.09-11 of the Scheme (Neighbourhood Residential Zone). The policy at clause 22.05 (Interface uses Policy) for non-residential development and uses near residential properties is also applicable given the wine bar has direct interfaces with new and existing dwellings. Heritage matters and the Special Building Overlay have been discussed in the relevant sections of the report.

286. The works for the creation of the wine bar based on the hotel's existing use rights are restrained in scale and essentially contained within the front footprint of the existing double storey building. The wine bar would be of a notably smaller and less intense scale compared to the existing hotel both in terms of licensed area, patrons numbers and operating hours would be within the hours of the existing liquor licence. The form and presentation of the part of the building would not be altered to the street and the general appearance would remain intact. The entry to the wine bar would be consistent with a current door entry of the hotel fronting Newry Street. The coming and going of patrons and general use of the wine bar is expected to be less intense than the existing hotel and would therefore not result in additional amenity impacts to nearby and surrounding residential properties.

287. Given the retention of the front façade and part of the roof form, along with interfacing boundary walls, there would be no overlooking or overshadowing from the wine bar to the adjoining residential property. A ground floor service yard would be located at the rear of the wine bar and supports refuse storage. This area does not have a sensitive interface with the adjoining property and Council's Waste Services Coordinator is satisfied with the submitted waste management plan.

288. No on-site car parking is provided in association with the wine bar. However as discussed previously the parking rate for the maximum 80 patron capacity is well below the parking rate associated with the existing hotel. Therefore no parking provision is acceptable as the wine bar would generate a lower parking rate compared to the existing conditions.

289. The site has a long history of use as a hotel and therefore the presence of a wine bar based on the (larger) hotel's existing use rights would remain consistent (albeit smaller) with the previous hotel use and therefore not introduce new or additional amenity impacts associated with residential interfaces.

It is has been a historical occurrence in this local area that a licensed premises and residential uses are located in close proximity to one another and that they coexist in the area.

290. The modifications to the hotel to support a wine bar and five dwelling development does raise a new interface consideration with the new dwellings, as well as the obvious existing interface with the adjoining dwelling to the east. An acoustic report was submitted which reviewed the potential noise impacts of the wine bar on new and existing dwellings to ensure compliance with noise regulations is met, including *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2) which controls music noise emissions from entertainment venues. Operating hours are anticipated to be 12pm (noon) to 11pm, seven days a week, with a maximum of up to 80 patrons and music would be limited to background noise levels. Patron activity would be accommodated within the building only. It is noted that the plans show the deck to the wine bar is a services deck only. A condition will require an additional notation confirming no public access.

291. The acoustic report suggests that noise transfer to the existing adjoining dwelling at No. 8 Newry would be minimal and that the acoustic attenuation measures recommended in response to separating walls would still apply. The assessment recommends various attenuation measures, including construction requirements and also music noise limiting devices, for the noise criteria to be achieved in relation to the new dwelling which shares a wall with the premises.

292. The acoustic assessment recommends that in order to determine the final construction requirements a detailed assessment, to include background noise measurements, is to be undertaken. A condition will require this to be carried out prior to the endorsement of plans.

293. Council had the submitted acoustic assessment peer reviewed and it was found that the assessment approach was generally acceptable. It is recommend that an amended acoustic report be prepared which addresses patron noise, provides acoustic ratings for separating walls, considers the impact of the internal stairs on a separating wall and that plant comply with SEPP N-1 noise limits. These will form conditions on the permit to ensure the wine bar achieves acceptable noise outcomes.

294. Overall, subject to acoustic conditions, no adverse impacts would arise based on the consideration of interface uses and the proposal would be acceptable.

Subdivision

295. The plan of subdivision accords with the layout of the townhouse lots and common property proposed and is therefore acceptable in this regard. Further, the subdivision pattern of the site is appropriate for an adaptive reuse townhouse development and adequately reflects the established rhythm of the subdivision pattern in the streetscape which is often composed of narrow and small allotments.

296. Given the considerations of planning merit were undertaken as part of this assessment, and the subdivision simply reflects development's layout, it is considered that all relevant clause 56 objectives are satisfied and a separate clause 56 assessment is therefore unwarranted. If the applicant wishes to have titles released prior to construction, then a Section 173 Agreement requiring the land owner to build in accordance with the approved development permit must be entered into.

297. No referral authorities objected to the subdivision and their requirements ensure the provision of utility services.

298. The schedule to clause 52.01 of the Scheme requires a 4.5% contribution for the subdivision of land or buildings intended to be used for residential purposes. Accordingly, as the proposed subdivision is not a class of subdivision exempted from a public open space requirement under clause 52.01 of the Scheme, and as there is no provision on site for a land contribution, a cash contribution equal to 4.5% of the land value must be charged for the subdivision.

299. Standard subdivision conditions, including the mandatory conditions for subdivisions pursuant to clause 66.01-1, and those received from referral authorities are detailed in conditions in the below recommendation.

Objector Concerns

300. The majority of concerns raised by objectors have been addressed in the assessment section of this report. For ease of reference, report sections and or paragraph numbers are contained below as relevant. Where the objector concerns have not yet been addressed, a response is also offered below.

(a) Height, overdevelopment and on-boundary development has been discussed at paragraphs 196-199 and 222-226;
(b) Traffic and parking has been discussed at paragraphs 44-50 and 212-216;
(c) Sustainable design has been discussed at paragraphs 203-205;
(d) Neighbourhood character and heritage impacts has been discussed at paragraphs 185-189 and 259-276;
(e) Amenity impacts (loss of daylight, bulk; overshadowing; and overlooking/privacy) are discussed at paragraphs 217-237;
(f) On-site and internal amenity is discussed at paragraphs 202-205; 236-237; and 246-251;
(g) Noise, including from roof terraces and car stacker is discussed at paragraphs 238-242 and 284-293;
(h) Waste is discussed at paragraphs 170-171 and 286;
(i) Stormwater and flooding is discussed at paragraphs 203-205 and 277-280
(j) Safety and patron ingress and egress have been discussed at paragraphs 207-210 and 284-293.

301. Outstanding or other concerns relate to:

(a) Loss of the North Fitzroy Star hotel:

Whilst objectors express concerns with regard to the loss of the hotel itself and its cultural and social heritage, the actual ceasing of the hotel's operation (which has already occurred) is not a planning consideration and out of the hands of Council. Council cannot force a use to continue. The Scheme addresses heritage in terms of built form and the building is graded according to its heritage significance. The impacts associated with part demolition of the existing building and works for the new development have been discussed in the heritage assessment section of this report and are considered acceptable.

(b) Light spill:

The wine bar would not result in any additional light spill compared to the existing hotel. The wine bar also faces out toward the street rather than to directly adjoining properties. It is reasonable to expect a domestic level of light would be provided associated with the five new dwellings. This is not anticipated to adversely impact the surrounding area given the streetscape is already illuminated by existing street lighting.

(c) Public transport and other local infrastructure is at capacity:

Reference has been made to the site's location and ability to utilise existing transport and infrastructure within an established urban area. There is clear policy support for urban consolidation. Subdivision referral authorities have not objected to the proposal and therefore there would be the ability to connect to utilities. Public Transport Victoria and Yarra Trams is responsible for providing the public transport services required.

(d) Materials (including maintenance and fire rating):

The materials and design detail has been discussed in the Clause 55 and heritage assessments. Maintenance and fire ratings are not specific planning considerations. The building regulations and building permit would deal with fire ratings and material safety as required.

Other Matters

302. Some title boundary dimensions are marginally out and need to be corrected to be consistent with the title, ensuring all works are within the formal title boundaries. Given the minimal variation, this can be easily corrected with no consequence and will be conditioned.

303. During the course of the plans being formally amended, including adjustments to the wall lengths and dimensions along the eastern side of Townhouse 5, some dimensions were not updated to reflect these changes. Whilst this does not impact the assessment undertaken and the drawing can be scaled, a condition will require that for clarity and consistency these dimensions are corrected to match the revised design and wall lengths of Townhouse 5.

Conclusion

304. Based on the report, the proposal is considered to generally comply with the relevant policies of the Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

305. That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0642 for development of the land for part demolition, buildings and works including the construction of five dwellings and a wine bar (existing use rights), and a waiver of the loading bay requirements, and subdivision of the land into six lots, at No. 32 St Georges Road, Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:

   (a) Finished floor levels compliant with Melbourne Water conditions.

   (b) Open space areas at ground level notated as being a permeable surface.

   (c) The volume of storage units to each dwelling to be specified at a minimum of 4 cubic metres.

   (d) Dimensioned title boundary lengths to be consistent with the certificate of title, with all works within the formal title boundaries.

   (e) Dimensions along the east side of the development corrected to match the revised design and wall lengths of Townhouse 5.

(f) The roof decks of Townhouses 4 and 5 to demonstrate compliance with Standard B22 of clause 55.04-6 (Overlooking) of the Yarra Planning Scheme with regard to the adjoining secluded private open space and habitable room windows. If additional screening is required, this cannot exceed the height of the existing building on the basis of the Neighbourhood Residential Zone - Schedule 1 maximum height provision.

(g) That the roof decks comply with Standard B23 of clause 55.04-7 (Internal views) of the Yarra Planning Scheme. If additional screening is required, this cannot exceed the height of the existing building on the basis of the Neighbourhood Residential Zone - Schedule 1 maximum height provision.

(h) All stormwater management measures, consistent with an updated STORM rating which reflects the approved development, with the rating still achieving the best practice target of 100%.

(i) A notation that the wine bar services deck is not accessible to the public.

(j) Notations referencing the acoustic treatment requirements consistent with the endorsed Acoustic Report.

(k) Deletion of reference to 'pending engineer's approval' from the four chimneys to be retained, with details of any restoration works to be provided, including propping and support details to be employed during construction.

(l) Full details of any restoration works, including the specification of replacement roof tiles and type of mortar for any chimney repairs, to the satisfaction of the Responsible Authority.

(m) The operation of the door to the car stacker system to be notated as being within the site's title boundaries.

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.

Sustainable Design Assessment

3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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.

Acoustic Report

5. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics and dated 28 October 2015, but modified to include (or show, or address):

(a) To determine the final construction requirements a detailed assessment, to include background noise measurements, is to be undertaken;

(b) Indoor noise targets be nominated for patron noise within the adjacent dwellings

(c) A recommended acoustic rating be provided for walls separating the wine bar from adjacent dwellings.

(d) Consideration be provided of potential noise impacts due to the stair proposed to be located on the common wall with 8 Newry Street.

(e) Guidance should be provided in the report for ensuring that roof mounted mechanical plant associated with the venue does not exceed SEPP N-1 noise limits.

(f) An assessment of the operation of the car stacker and that it complies with relevant noise regulations.

6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Infrastructure

7. 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.

8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

(a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

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

10. The Telstra pits along the St Georges Road frontage must be reconstructed.

11. Upon the completion of all building works and connections for underground utility services, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Percy Street, St Georges Road and Newry Street frontages must be must be stripped and re-sheeted (including road pavement as specified below):

(a) The footpath cross-fall must be no steeper than 1 in 40 for DDA access at the pedestrian entrance;

(b) The half-width road pavement of St Georges Road South (from centre line of road to east kerb line) along the property frontage must be profiled and re-sheeted to Council standard. Any isolated areas of pavement failure shall require full depth road pavement reconstruction;

(c) The bicycle lane and centre line markings in St Georges Road must be re-painted following the re-sheet;

(d) The re-sheeting to the Newry Street road frontage must be up to the joint of the property boundary;

(b) at the permit holder's cost; and

(c) to the satisfaction of the Responsible Authority.

12. 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.

Car parking

13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the central internal pedestrian walkway 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.

Subdivision

15. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

16. This permit will expire if:

    (a) the plan of subdivision is not certified within two years of the issue of the permit; or

    (b) the subdivision is not completed within five years of the date of certification of the plan of subdivision.

    The Responsible Authority may extend the time for certification of the plan of subdivision if a request is made in writing before the permit expires or within six months afterwards.

17. Before the Statement of Compliance is issued under the *Subdivision Act* 1988, a cash contribution for public open space, equivalent to four and a half per cent (4.5%) of the value of the land, must be paid to Council.

    In accordance with Section 19(5) of the *Subdivision Act* 1988, if the contribution is not made within 12 months of the issue of the permit, Council may obtain a revaluation of the land, and vary the amount of the payment accordingly.

18. Before a Statement of Compliance is issued, unless the building works approved by planning permit PLN15/0642 have been completed, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 which provides for development of the land in accordance with planning permit PLN15/0642 or any other permit issued by the Responsible Authority.

    Such agreement must also stipulate that the approved development must be completed before any of the lots are occupied.

    The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

19. Buildings or works, other than as authorised by planning permit PLN15/0642 or any further planning permit issued by the Responsible Authority, must not be constructed on the land.

20. Vehicle access onto road reserves must be designed and constructed in accordance with Council and Austroad standards.

21. Redundant infrastructure in the road reserve serving the land must be removed and reinstated:

    (a) to Council's standard; and

    (b) to the satisfaction of the Responsible Authority.

22. Any Council asset damaged resulting from works on the land must be reinstated to the satisfaction of the Responsible Authority.

Yarra Engineering conditions

23. The owner of the land must apply for a legal point of discharge Regulation 610 with Council's Building Services, located at the Richmond Town Hall.

24. Before a Statement of Compliance is issued, or by such later date as approved in writing by the Responsible Authority, stormwater drainage must be provided to the satisfaction of the Responsible Authority.

25. Before a Statement of Compliance is issued, or by such later date as approved in writing by the Responsible Authority, the owner of the land must enter into an agreement with Council's Engineering Planning Department for acceptance or upgrading of stormwater runoff directly or indirectly into Council's drainage system.

Melbourne Water conditions

26. All dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level at a minimum of 26.22 metres to Australian Height Datum (AHD).

27. The proposed car stacker must be constructed with finished floor levels no lower than 350mm below the applicable flood level of 25.92m to AHD and all electrical components must be constructed a minimum of 300mm above the applicable flood level.

28. Finished surface levels of all open space areas must be constructed no less than 25.57m to AHD.

29. Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

30. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

31. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

CitiPower conditions

32. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to CitiPower in accordance with Section 8 of that Act. Please quote CitiPower Reference number.

33. The applicant shall:

    (a) Provide an electricity supply to all lots in the subdivision in accordance with CitiPower's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by CitiPower (A payment to cover the cost of such work may be required).

    (b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Victorian Service and Installation Rules and the Distribution Code.

City West Water conditions

34. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

35. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

36. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

Telecommunications conditions

37. The owner of the land must enter into an agreement with:

    (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

    (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

38. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

    (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and

(b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

General

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

40. 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.

41. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

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

Construction management

42. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

    (b) works necessary to protect road and other infrastructure;

    (c) remediation of any damage to road and other infrastructure;

    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,

    (e) facilities for vehicle washing, which must be located on the land;

    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

    (g) site security;

    (h) management of any environmental hazards including, but not limited to:

        (i) contaminated soil;

        (ii) materials and waste;

        (iii) dust;

        (iv) stormwater contamination from run-off and wash-waters;

        (v) sediment from the land on roads;

(vi) washing of concrete trucks and other vehicles and machinery; and

(vii) spillage from refuelling cranes and other vehicles and machinery;

(i) the construction program;

(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

(k) parking facilities for construction workers;

(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

(p) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;

(q) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and

(r) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

Time expiry

43. This permit will expire if:

(a) the development is not commenced within two years of the date of this permit; or

(b) the development is not completed within four years of the date of this permit; or

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

Notes:

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 5585 to confirm.

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

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

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

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

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.

Established existing use rights as a licensed hotel, showing 15 years of continuous use on the site.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or and other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building Design Near Powerlines*, which can be obtained from their website: http://www.esv.vic.gov.ar/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Melbourne Water Footnote(s):

Preliminary information available at Melbourne Water indicates that the above property is subject to flooding from the Alexandra Parade Main Drain (Dr4413). The applicable flood level for the property is 25.92m AHD. Please note that the property may also be subject to flooding at lower levels on a more frequent basis from smaller storms.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 250660.

CONTACT OFFICER: **Jacob Sickinger**
TITLE: **Senior Statutory Planner**
TEL: **92055171**

Attachments
1 PLN15/0642 - 32 St Georges Road Fitzroy North - Site plan
2 PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plans
3 PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plan Shadows
4 PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Attachment 1 - PLN15/0642 - 32 St Georges Road Fitzroy North - Site plan

ATTACHMENT 1

SUBJECT LAND: 32 St Georges Road, Fitzroy North

North

Subject Site

Attachment 2 - PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plans

32-36 ST GEORGES ROAD SOUTH, FITZROY NORTH

PROPOSED TOWNHOUSE DEVELOPMENT

TOWN PLANNING DRAWING SET
12 FEBRUARY 2016

DWG.NO.	DRAWING TITLE
TP0-000	COVER SHEET
TP0-200	NEIGHBOURHOOD AND SITE CONTEXT PLAN
TP0-300	DEMOLITION - GROUND FLOOR PLAN
TP0-301	DEMOLITION - FIRST FLOOR PLAN
TP0-302	DEMOLITION - ROOF PLAN
TP0-303	EXISTING AND PROPOSED DEMOLITION ELEVATIONS - 1
TP0-304	EXISTING AND PROPOSED DEMOLITION ELEVATIONS - 2
TP1-100	SITE CONTEXT PLAN AND DESIGN RESPONSE
TP1-101	PROPOSED GROUND FLOOR PLAN
TP1-102	PROPOSED FIRST FLOOR PLAN
TP1-103	PROPOSED ROOF PLAN
TP1-104	PROPOSED GROUND FLOOR PLAN OF SUBDIVISION
TP1-105	PROPOSED FIRST FLOOR PLAN OF SUBDIVISION
TP1-106	PROPOSED ROOF PLAN OF SUBDIVISIDN
TP2-100	PROPOSED ELEVATIONS - 1
TP2-101	PROPOSED ELEVATIONS - 2
TP2-102	PROPOSED ELEVATIONS - 3
TP3-100	PROPOSED SECTION
TP4-100	SITE LINE DIAGRAMS

TOWN PLANNING
NOT FOR CONSTRUCTION

Legend

FIELDWORK

General Notes

Copyright

Consultants — Contact

Revisions

No.	Note	Date
-	TP SUBMISSION	30.05.15
A	TOWNHOUSE 4 & 5 ADDITION	26.02.16

Project Name
ST GEORGES ROAD SOUTH TOWNHOUSES

Site Address
32-36 ST GEORGES ROAD SOUTH FITZROY NORTH

Project Number
FW_2015_11150

Client
CASEY MANOR PTY LTD

Status
TOWN PLANNING

Date
12 FEBRUARY 2016

Drawing Name
COVER SHEET

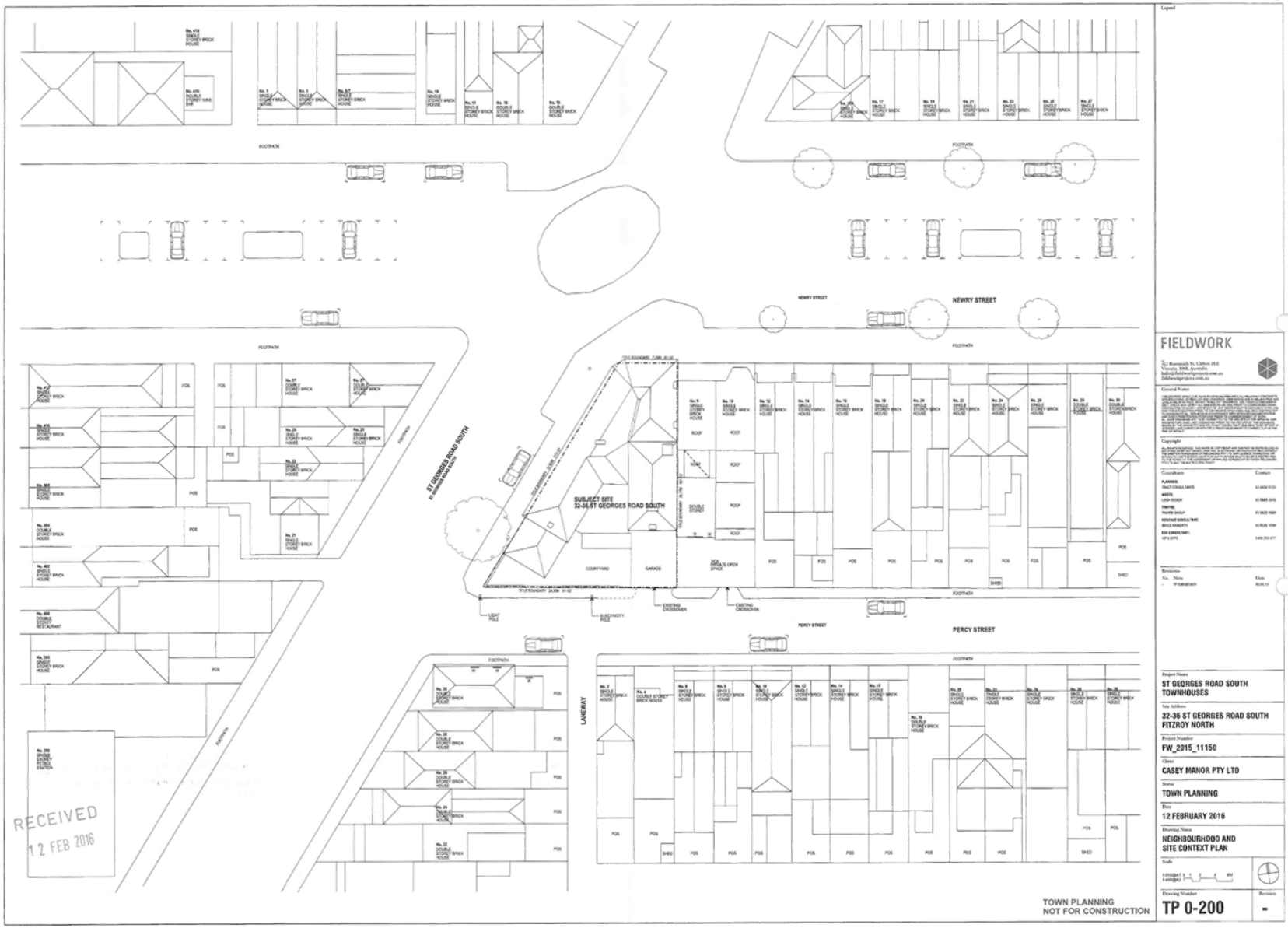
RECEIVED
12 FEB 2016

Scale

Drawing Number
TP 0-000

Revision
A

Attachment 2 - PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plans



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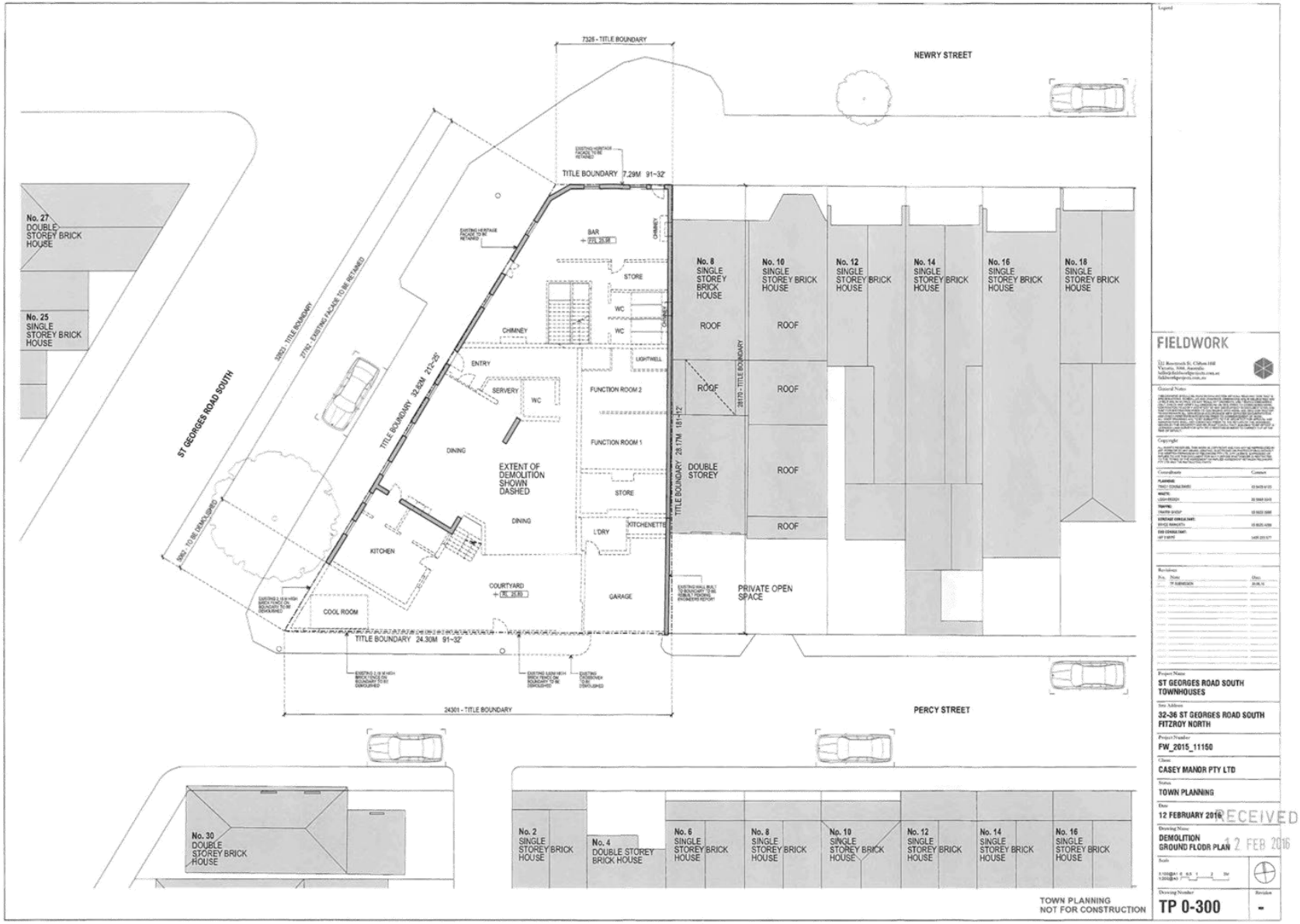

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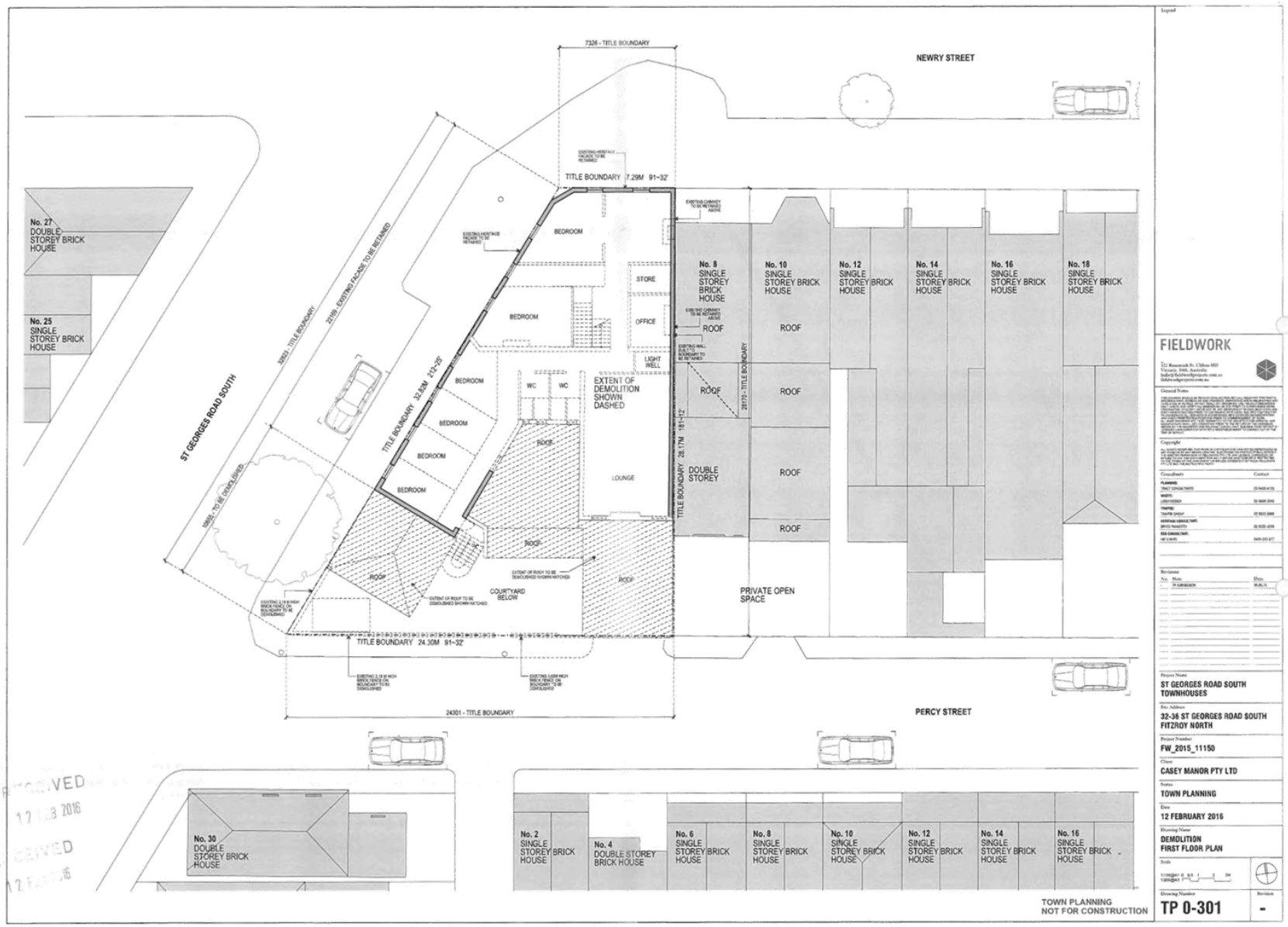

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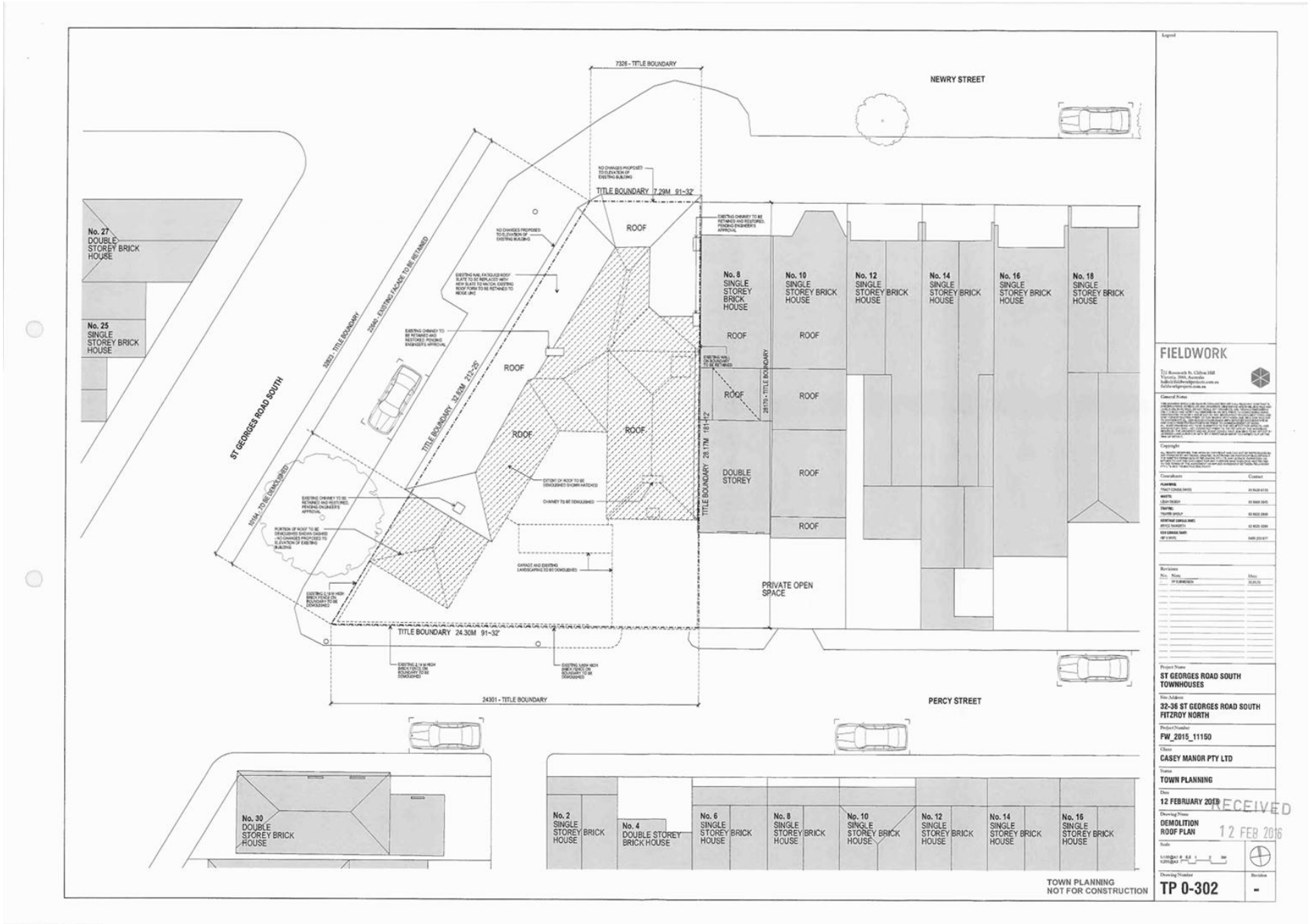

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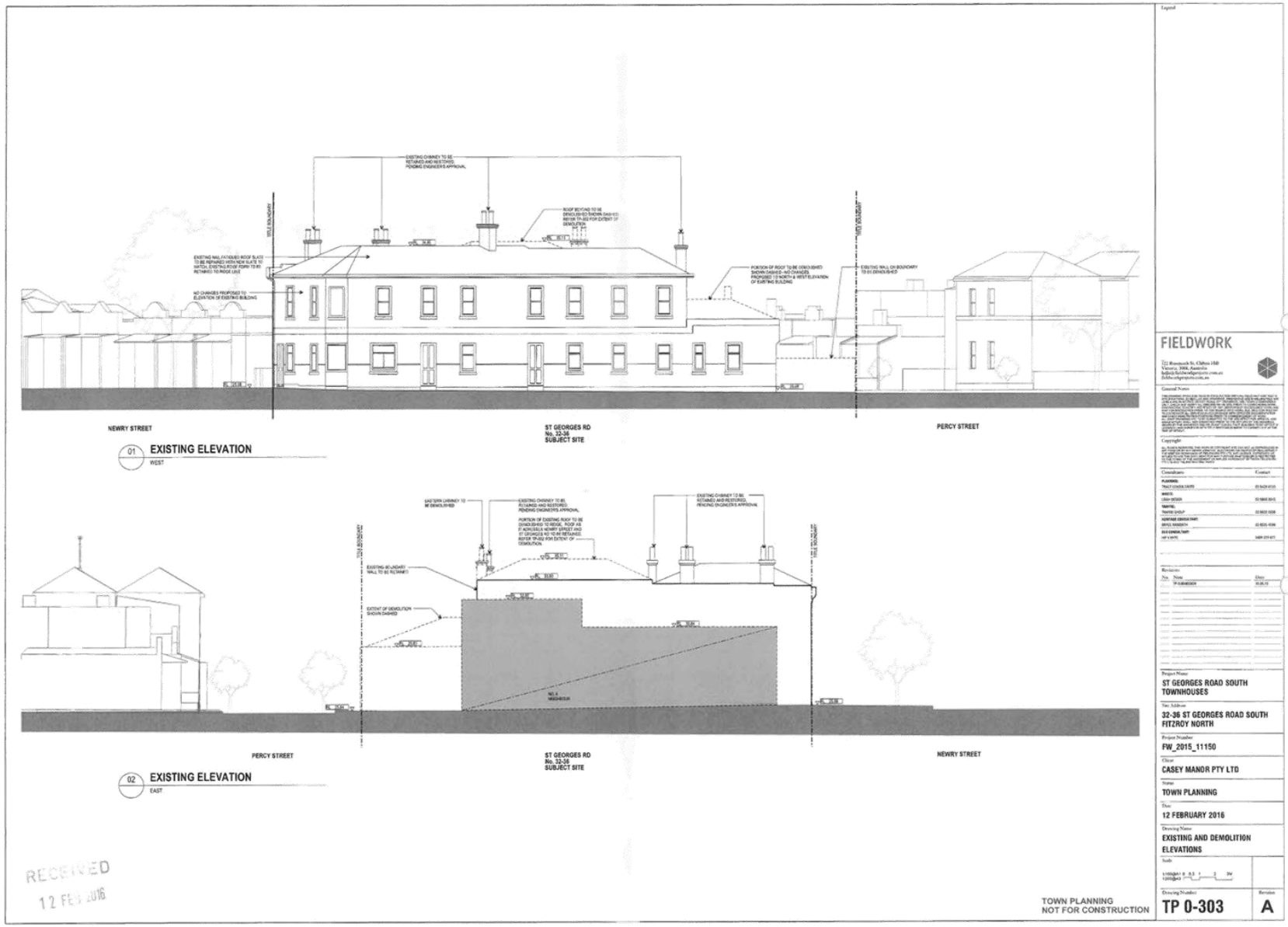

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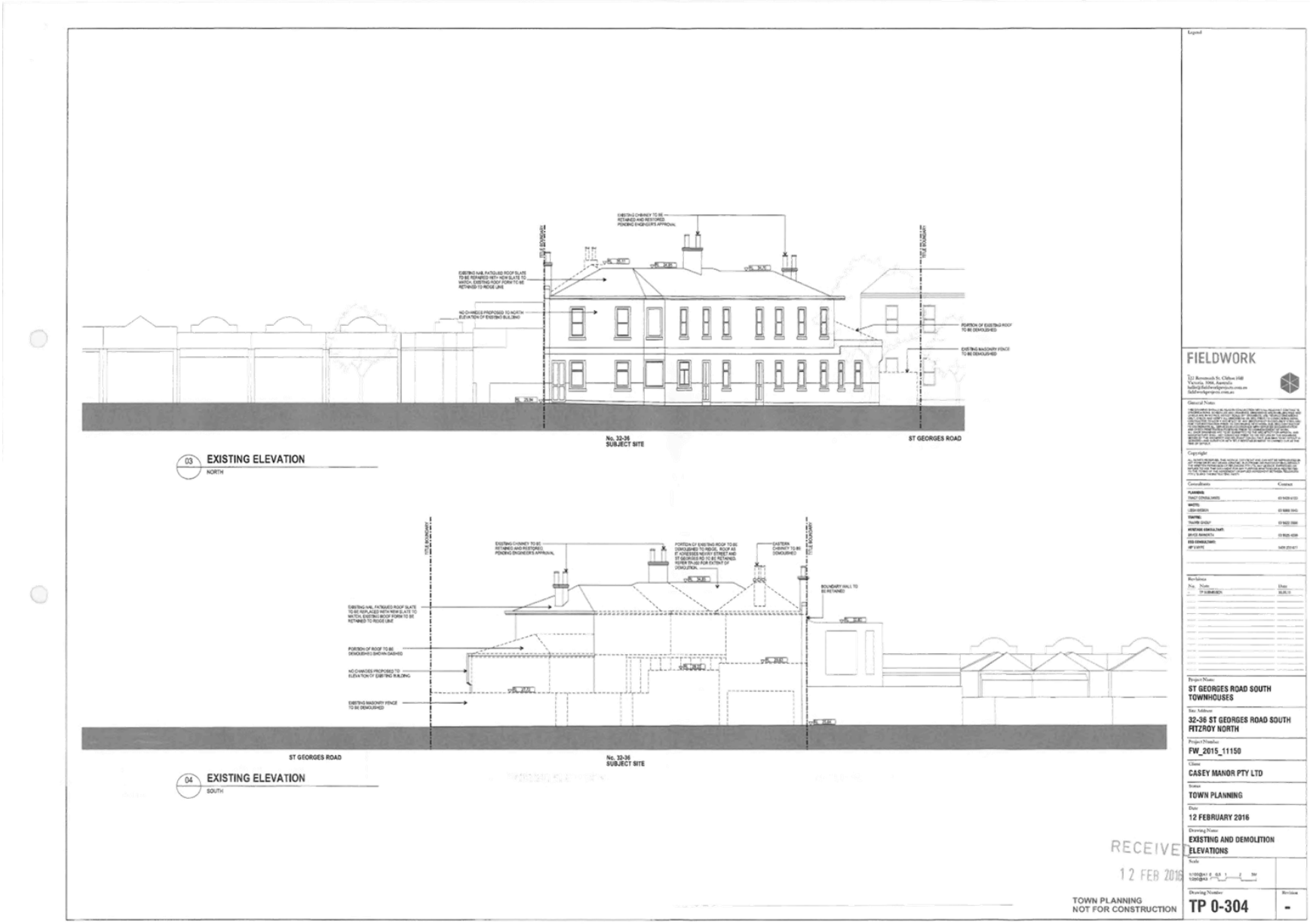

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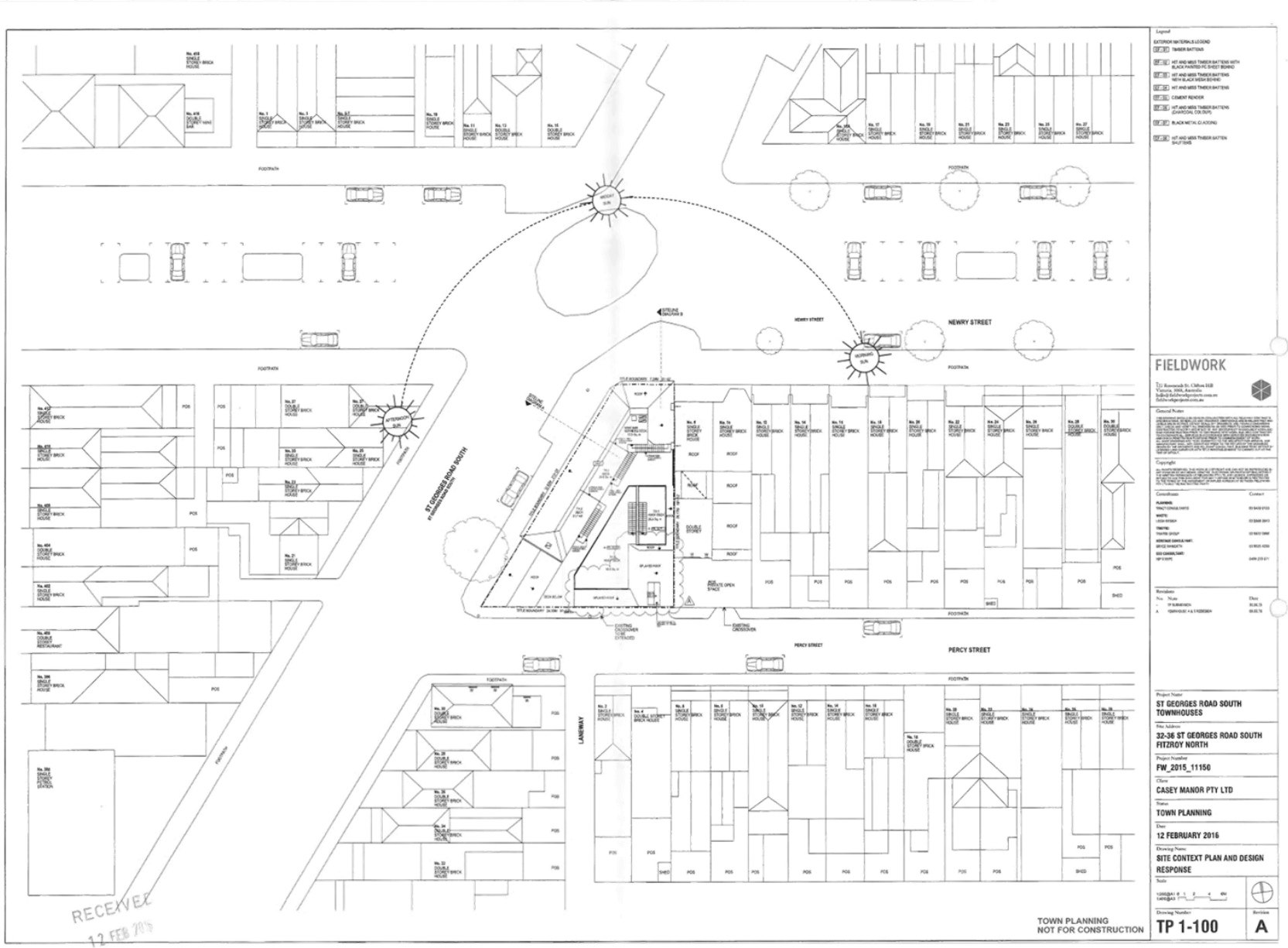

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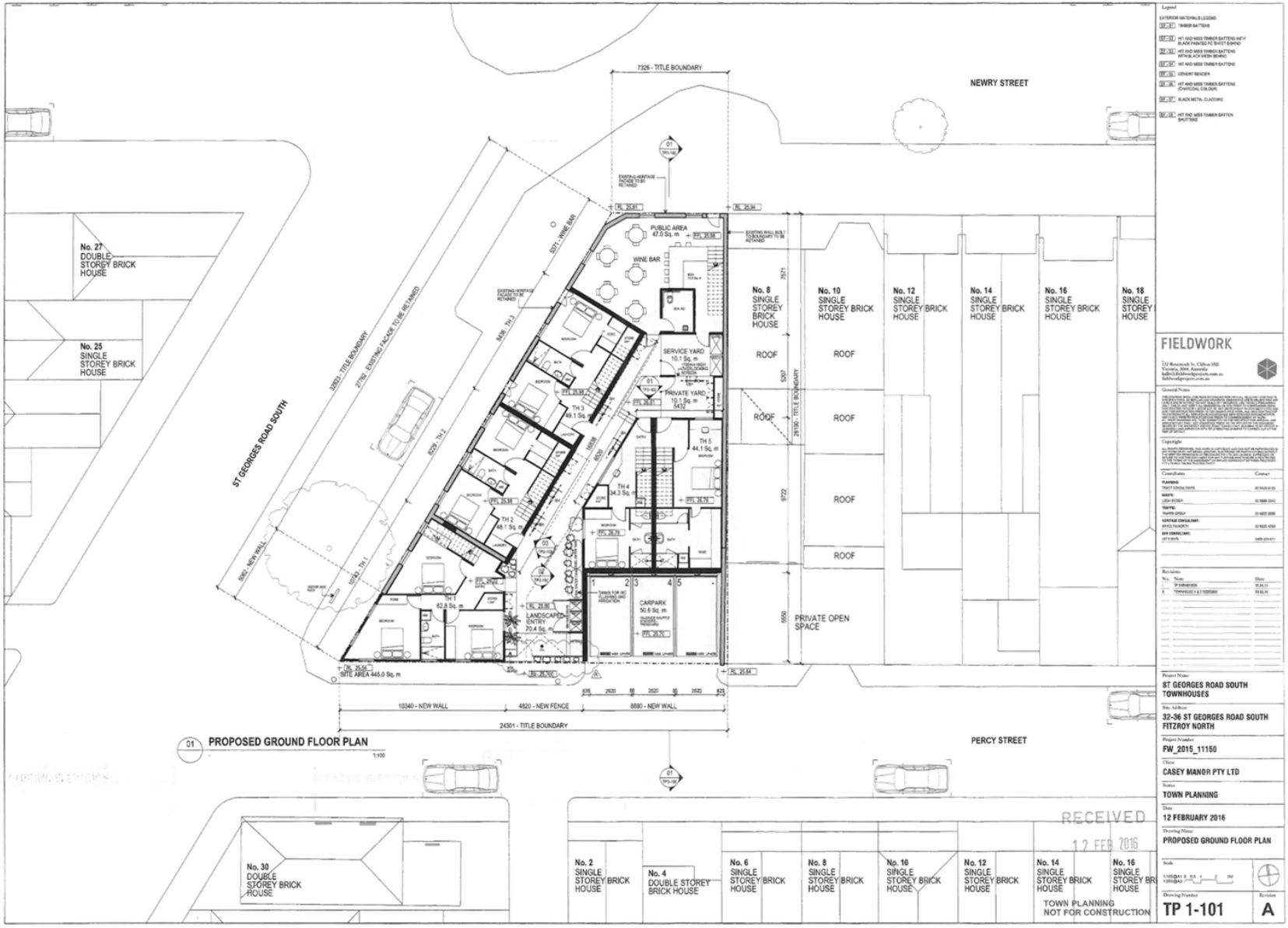

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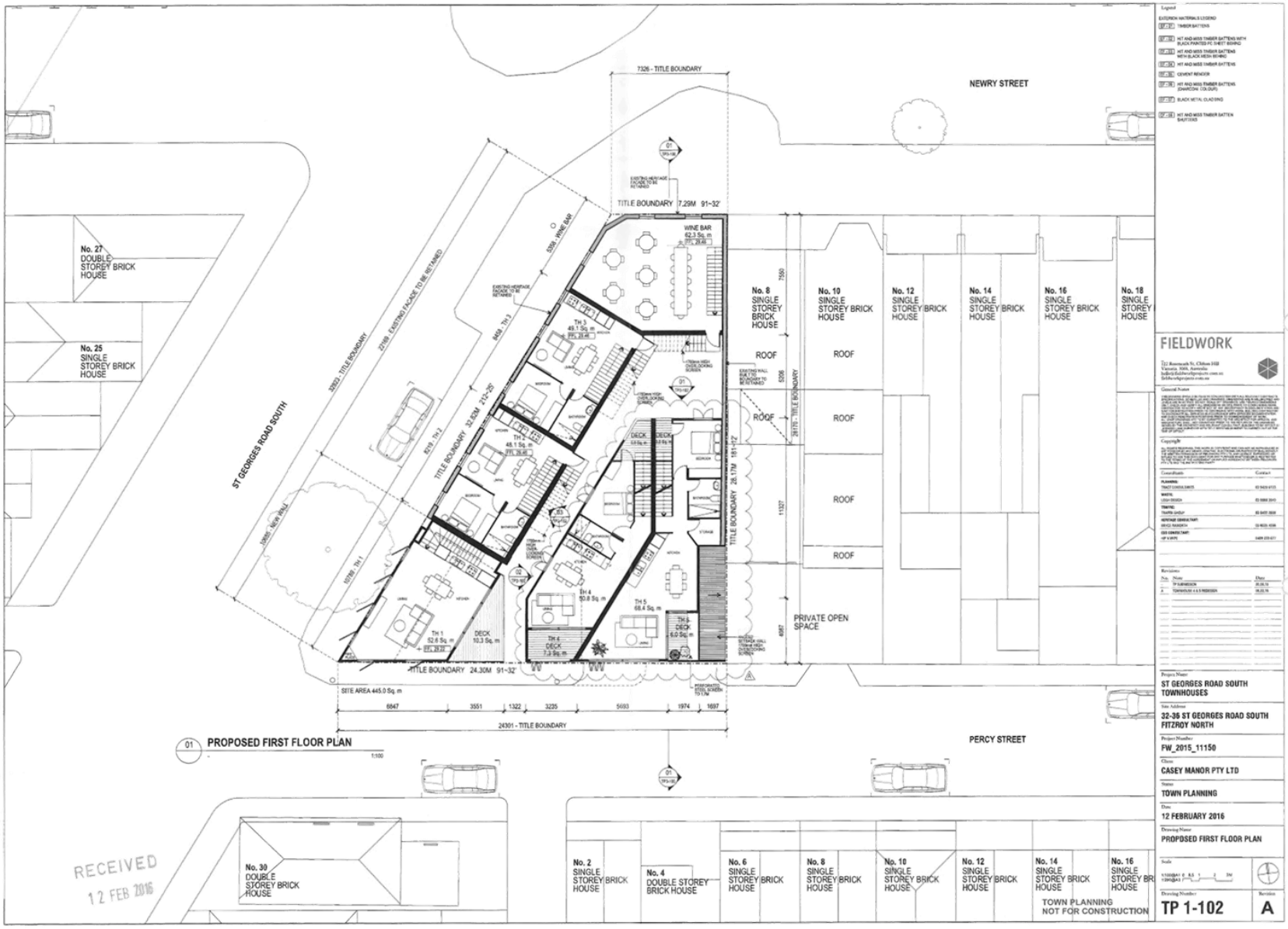

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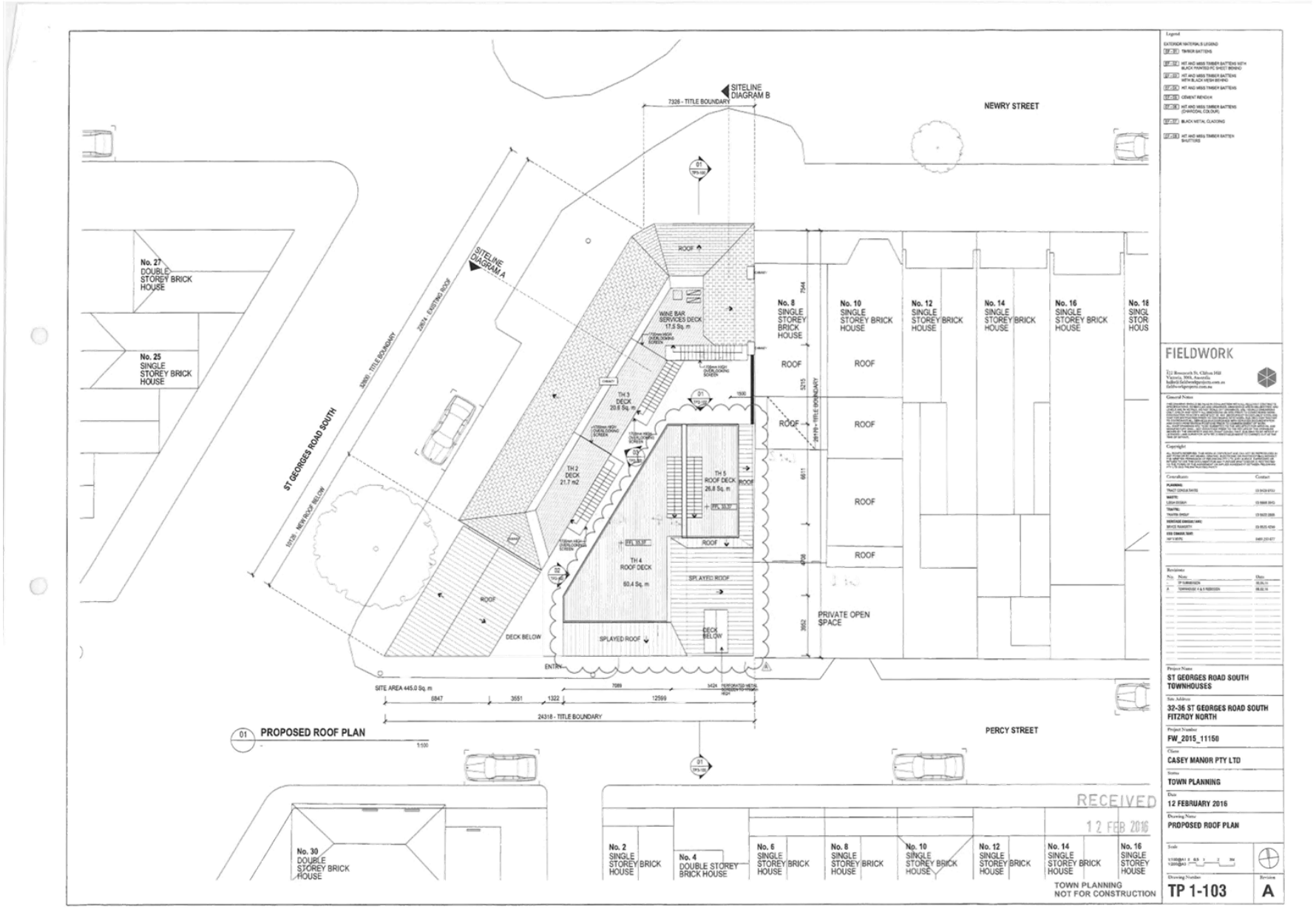

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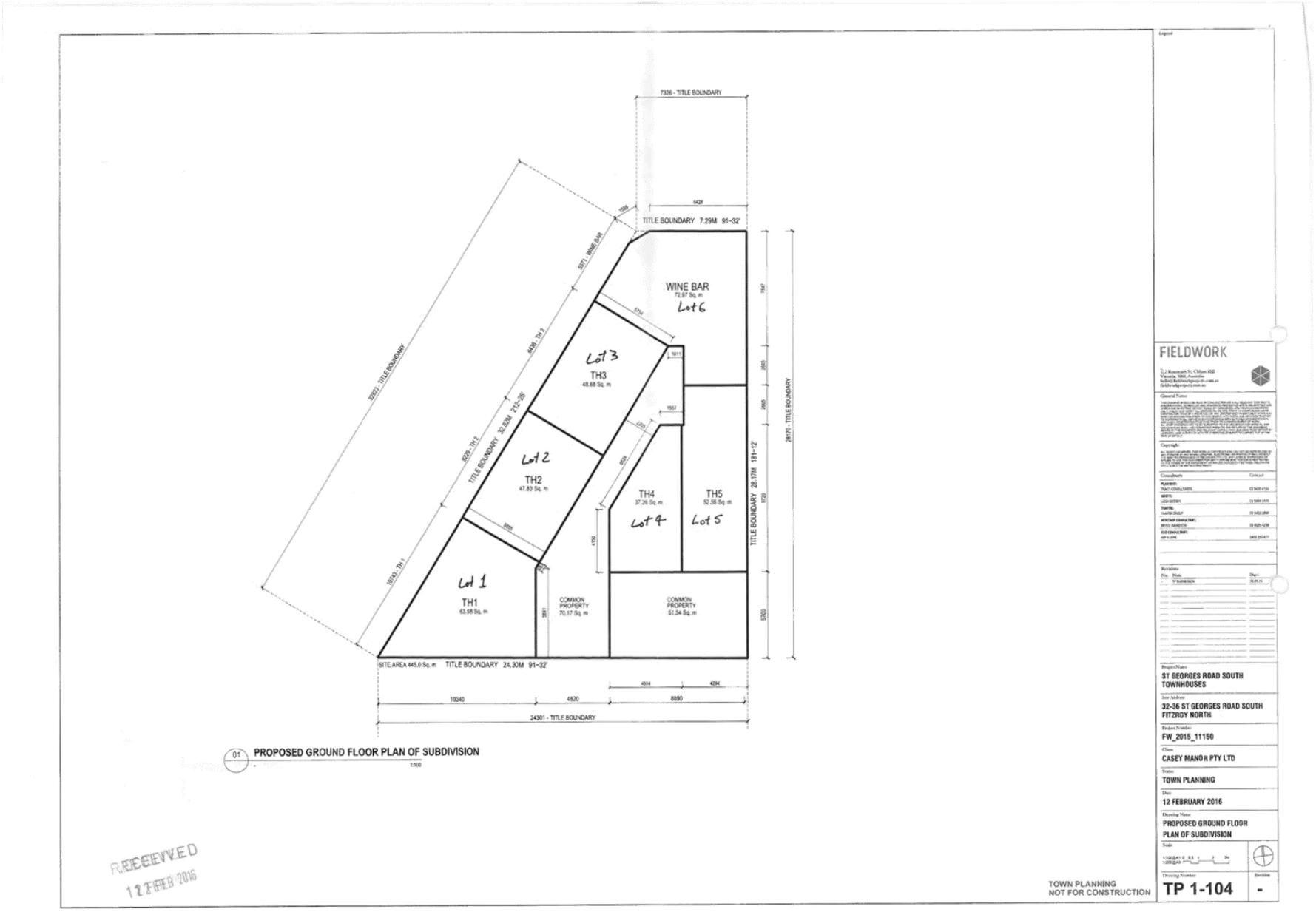

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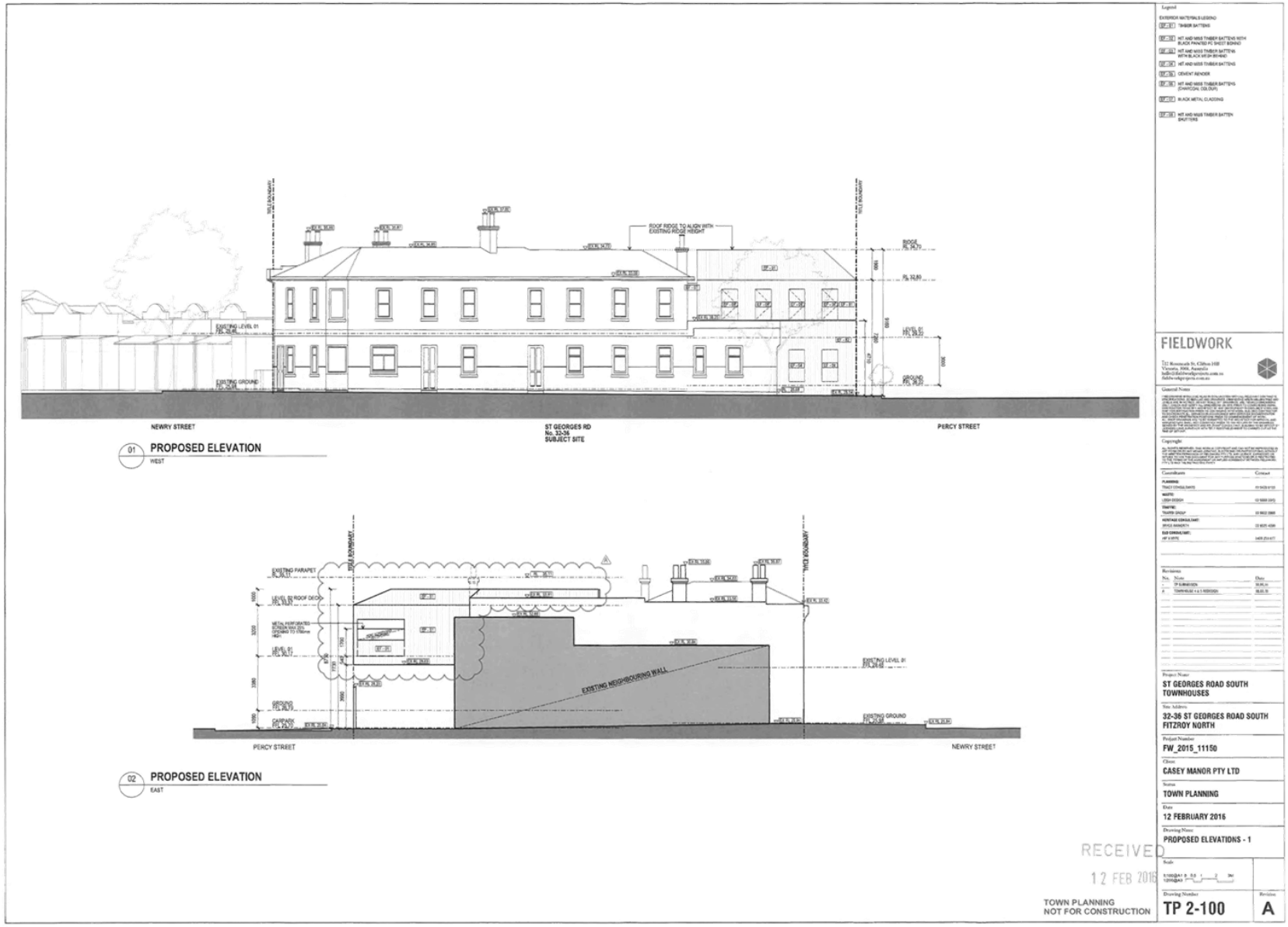

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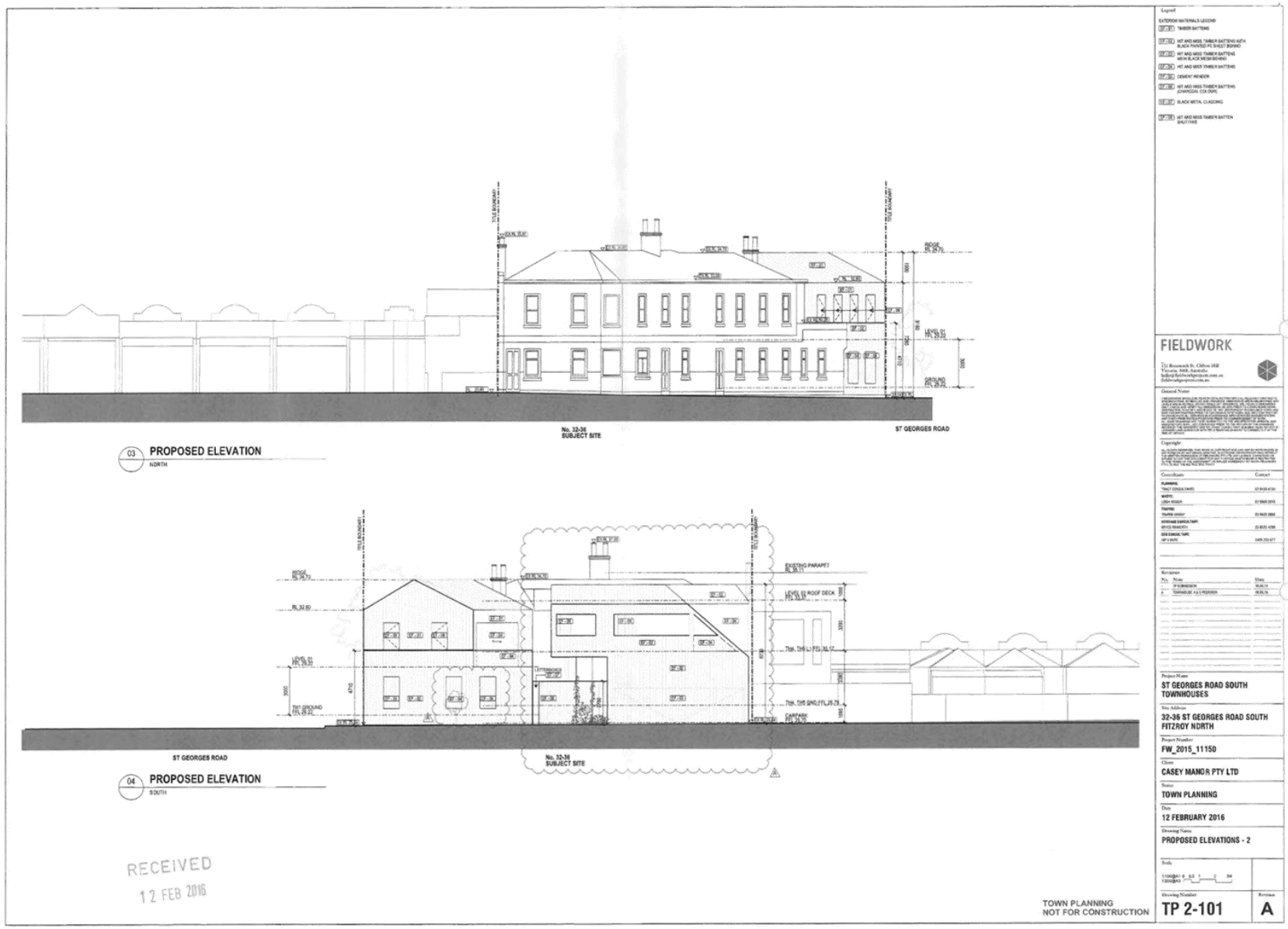

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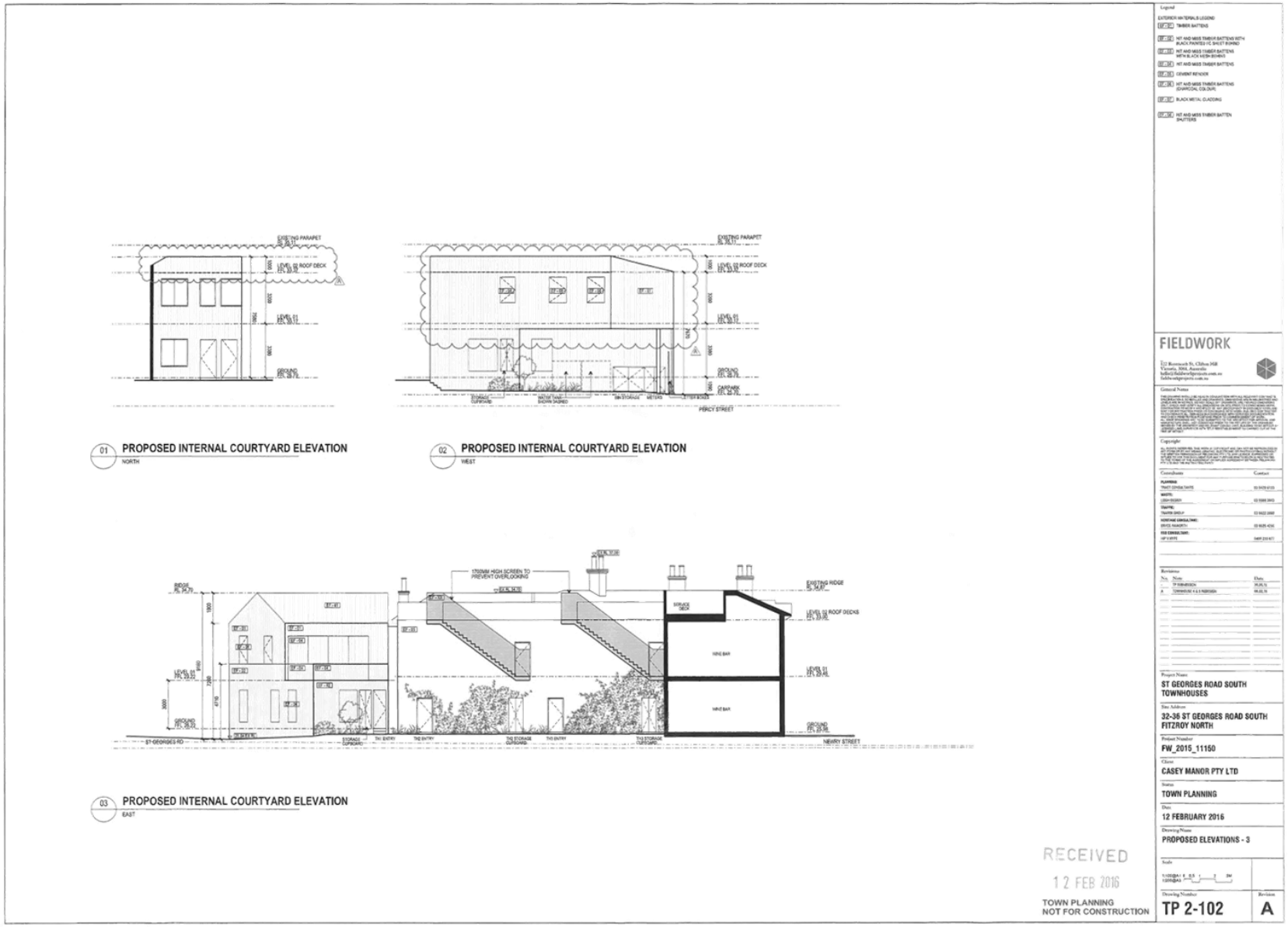

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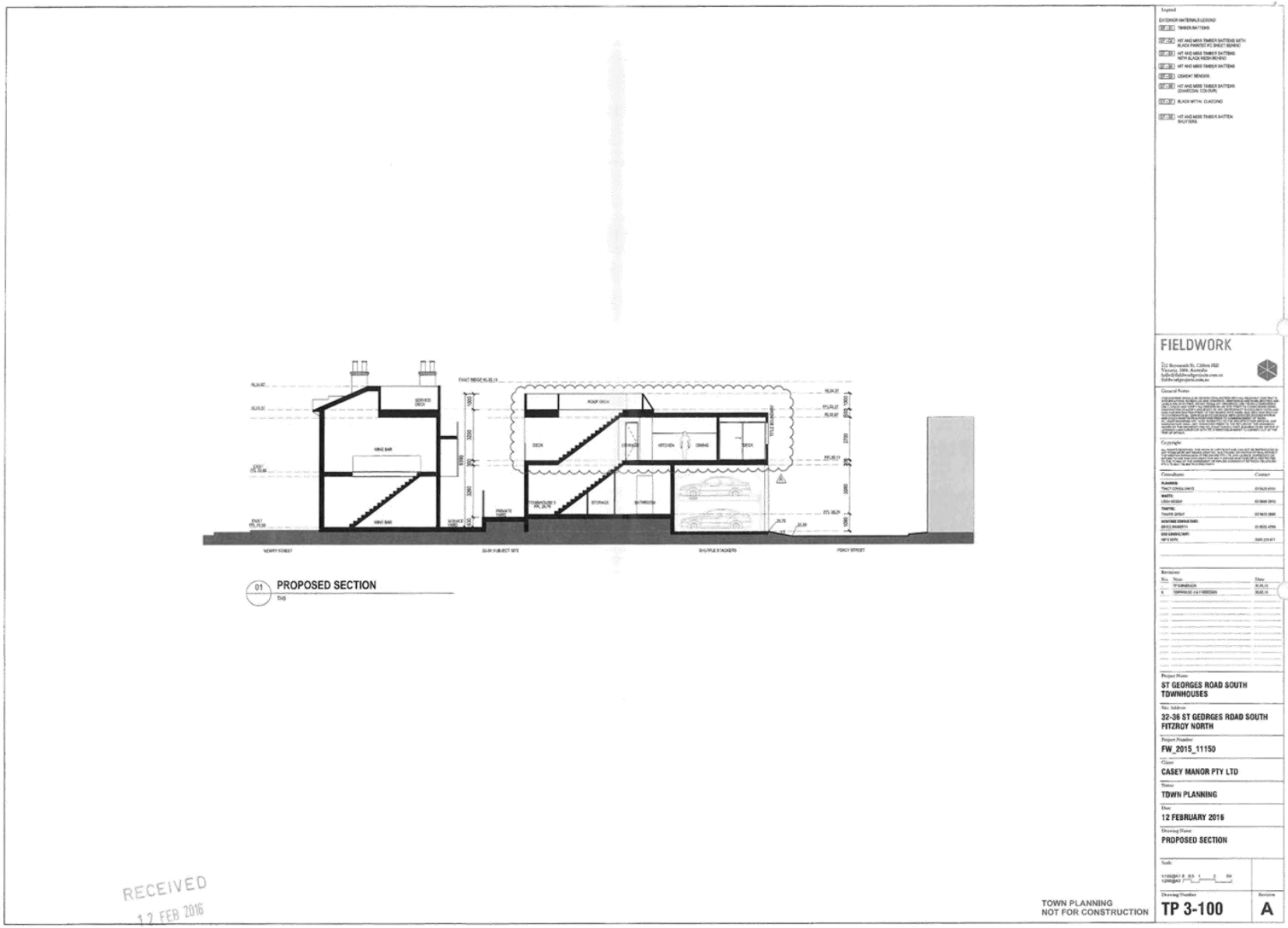

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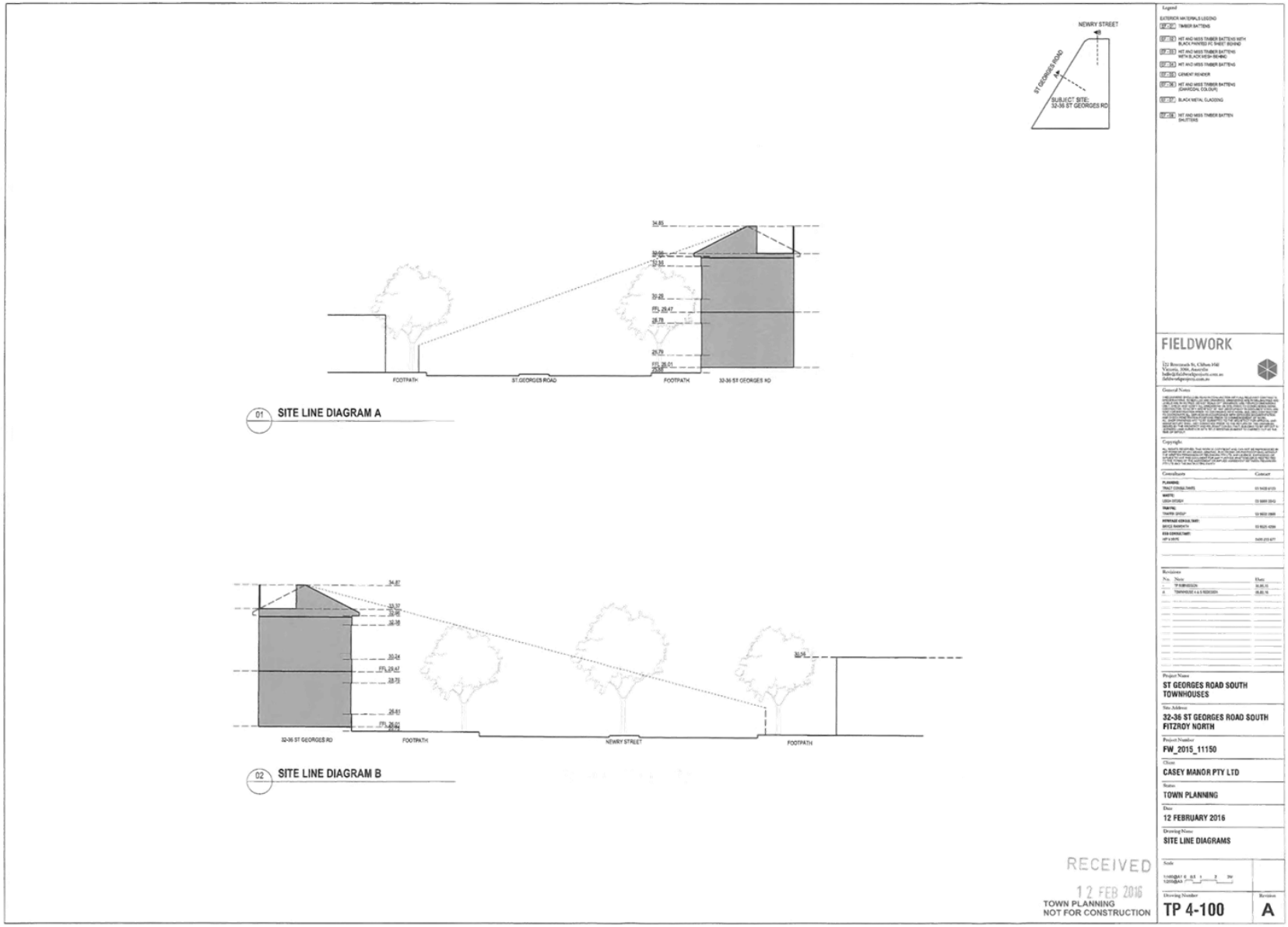
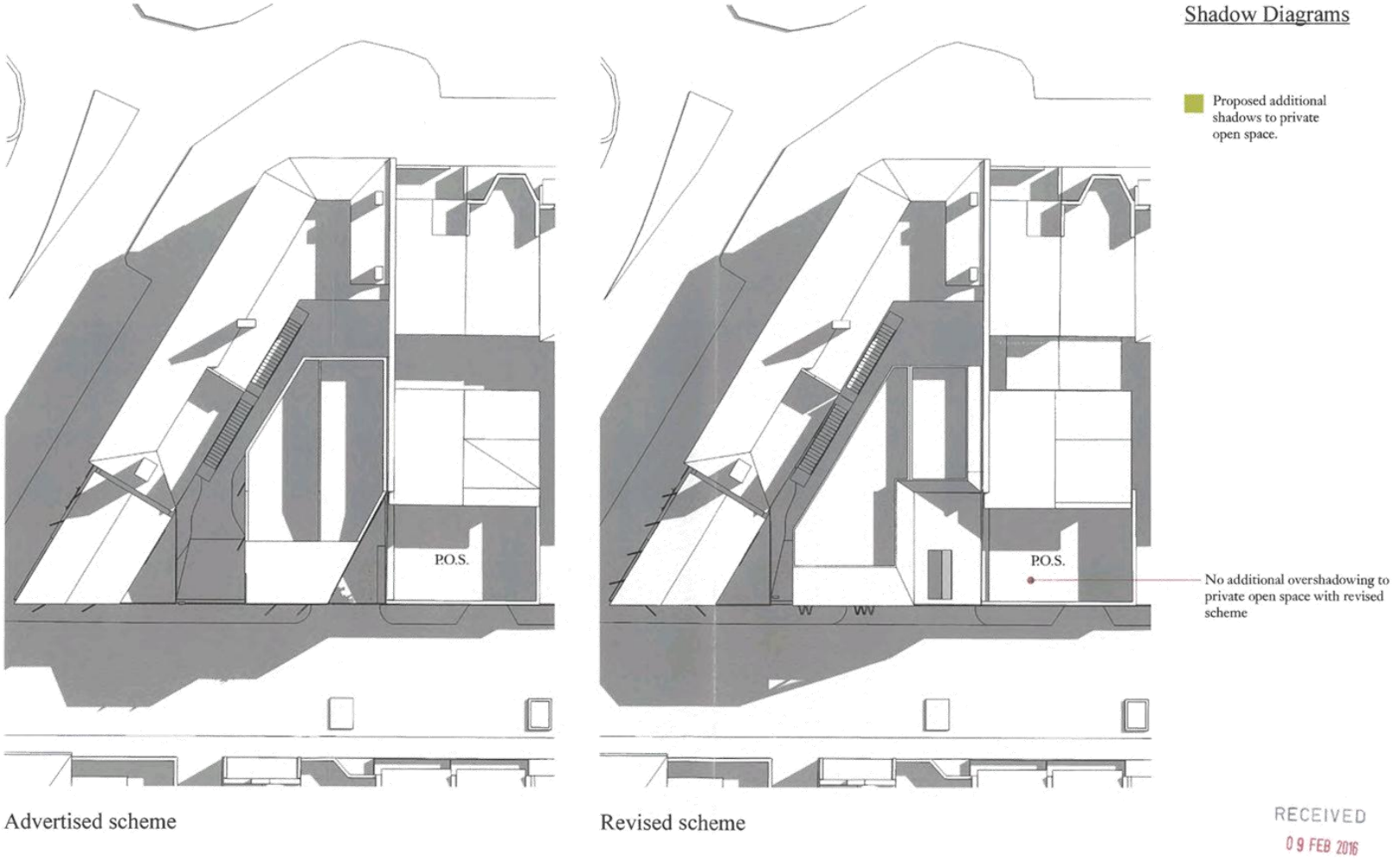


Attachment 3 - PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plan Shadows



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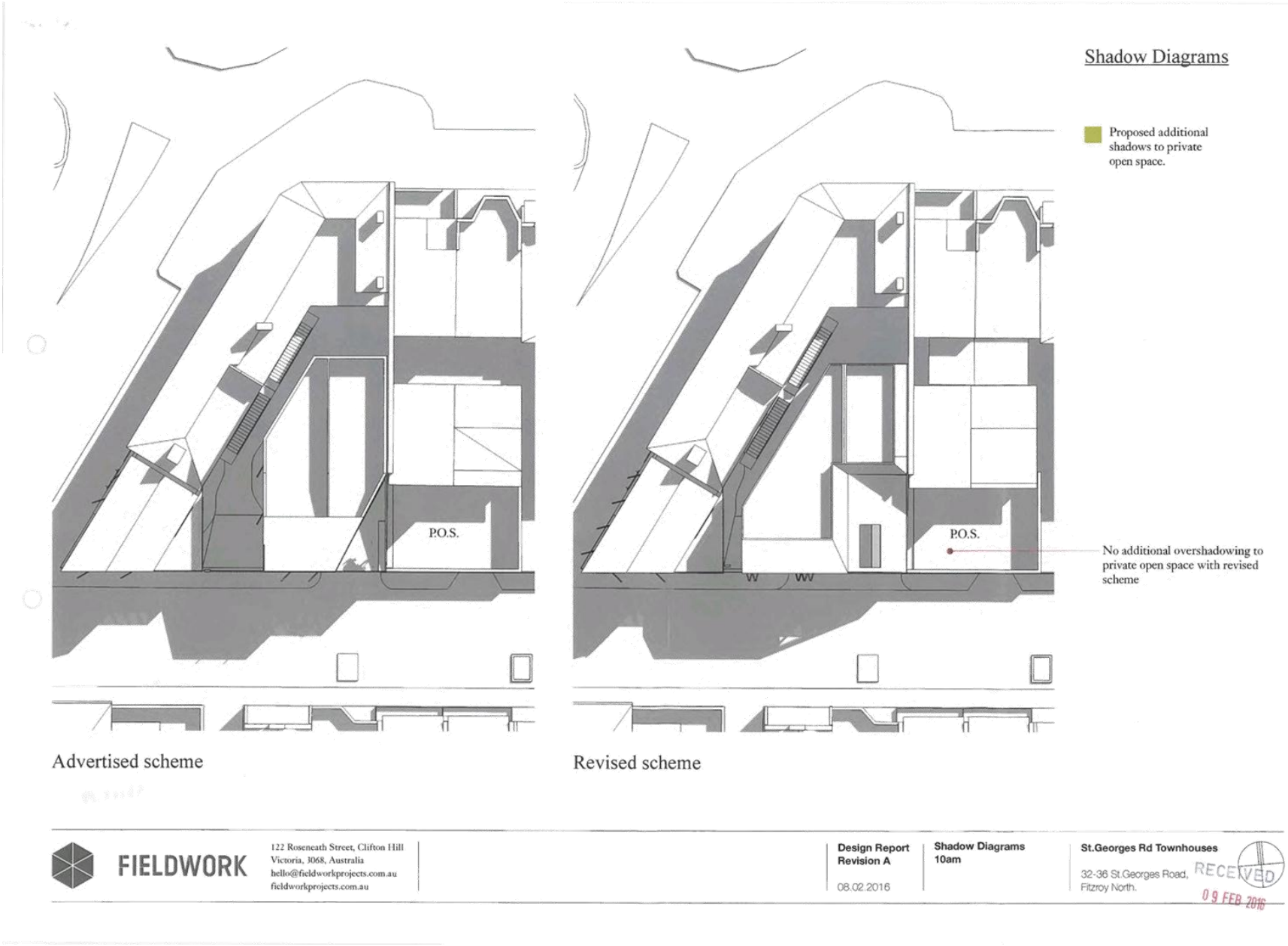

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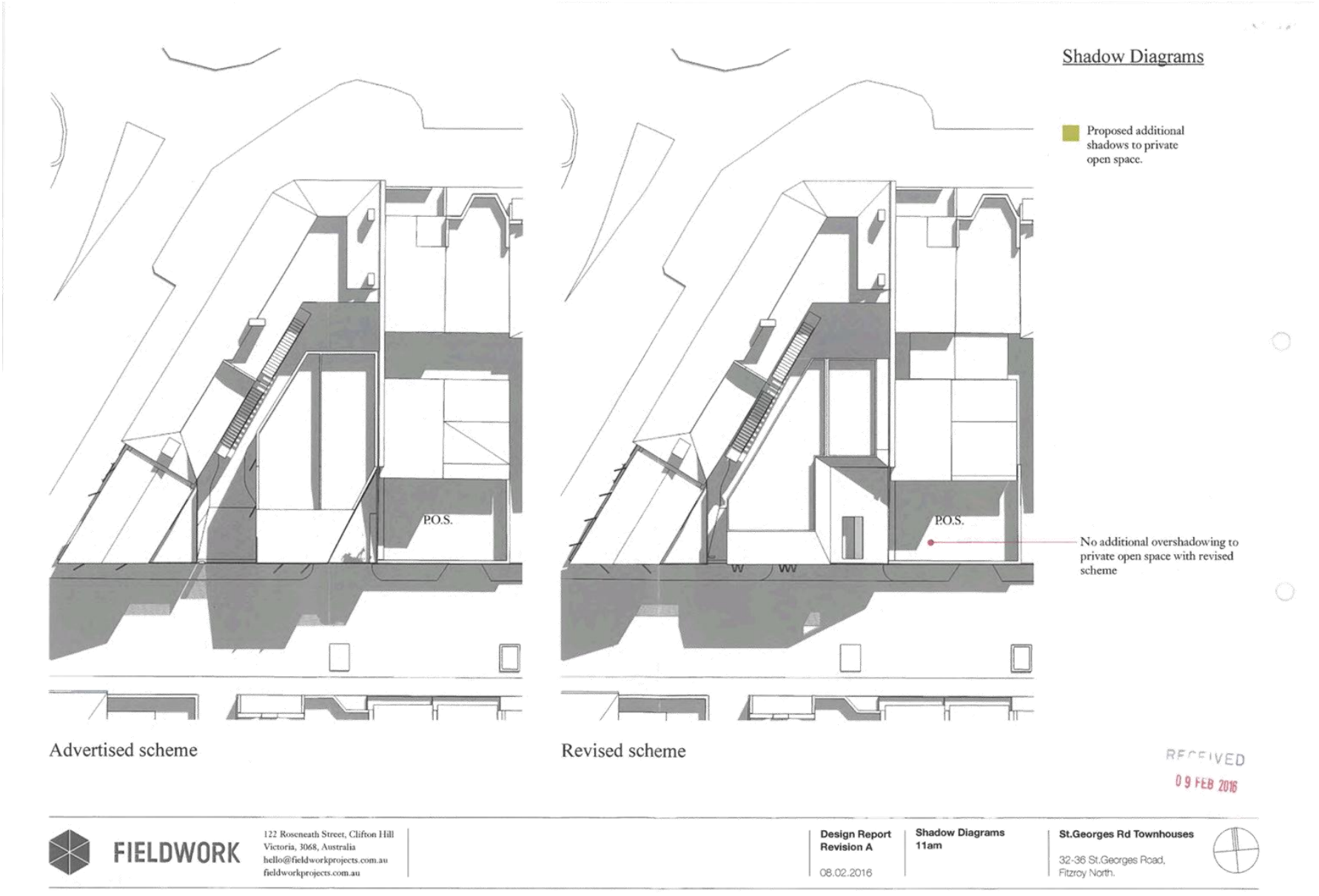

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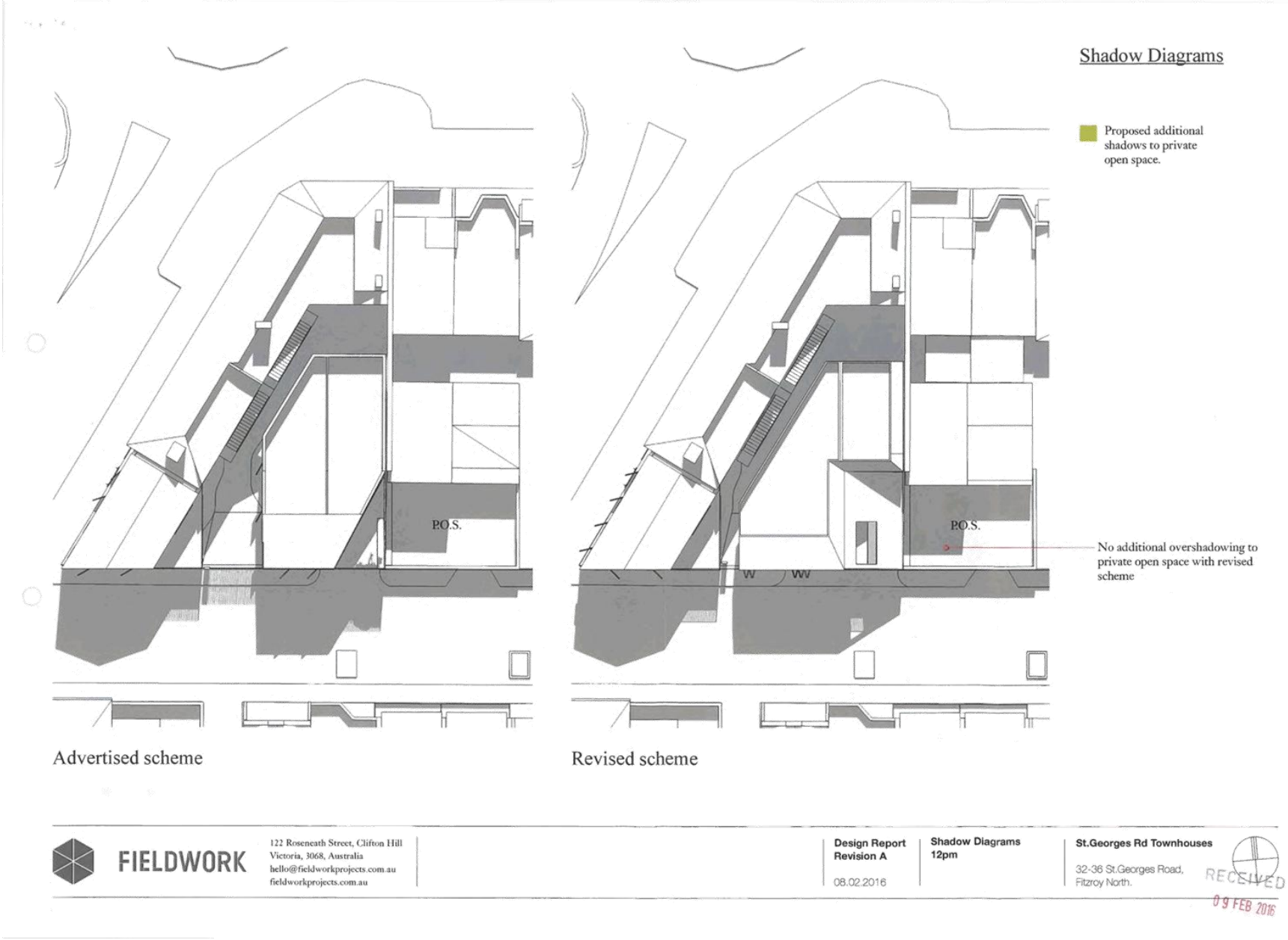
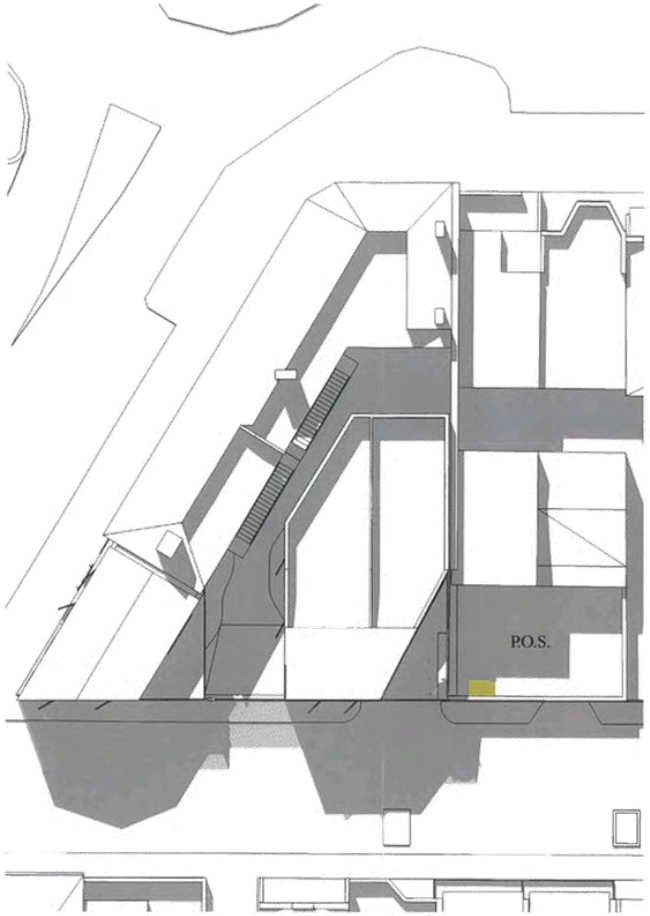
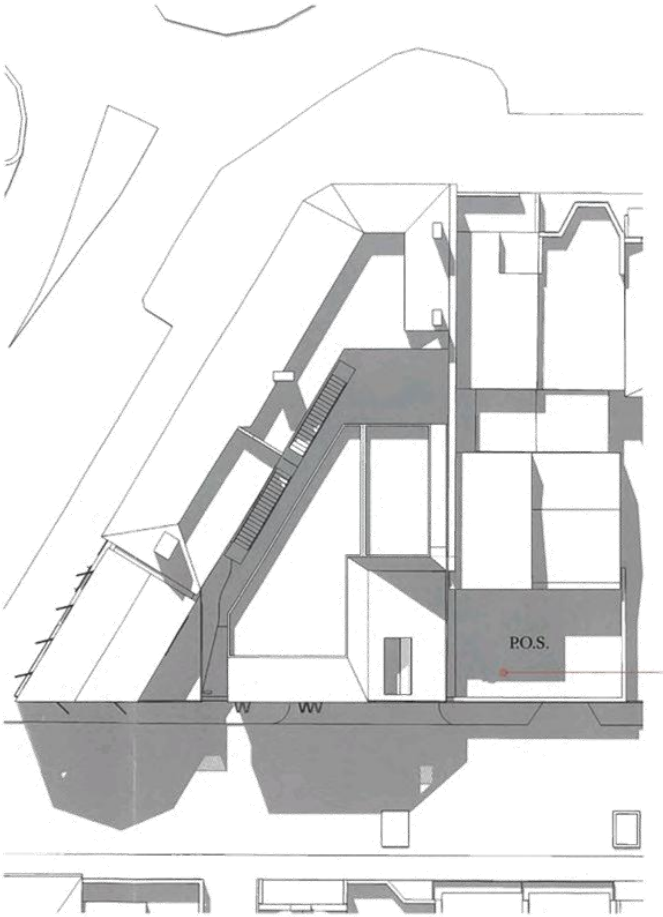


Attachment 3 - PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plan Shadows



Advertised scheme



Revised scheme

Shadow Diagrams

Proposed additional shadows to private open space.

No additional overshadowing to private open space with revised scheme

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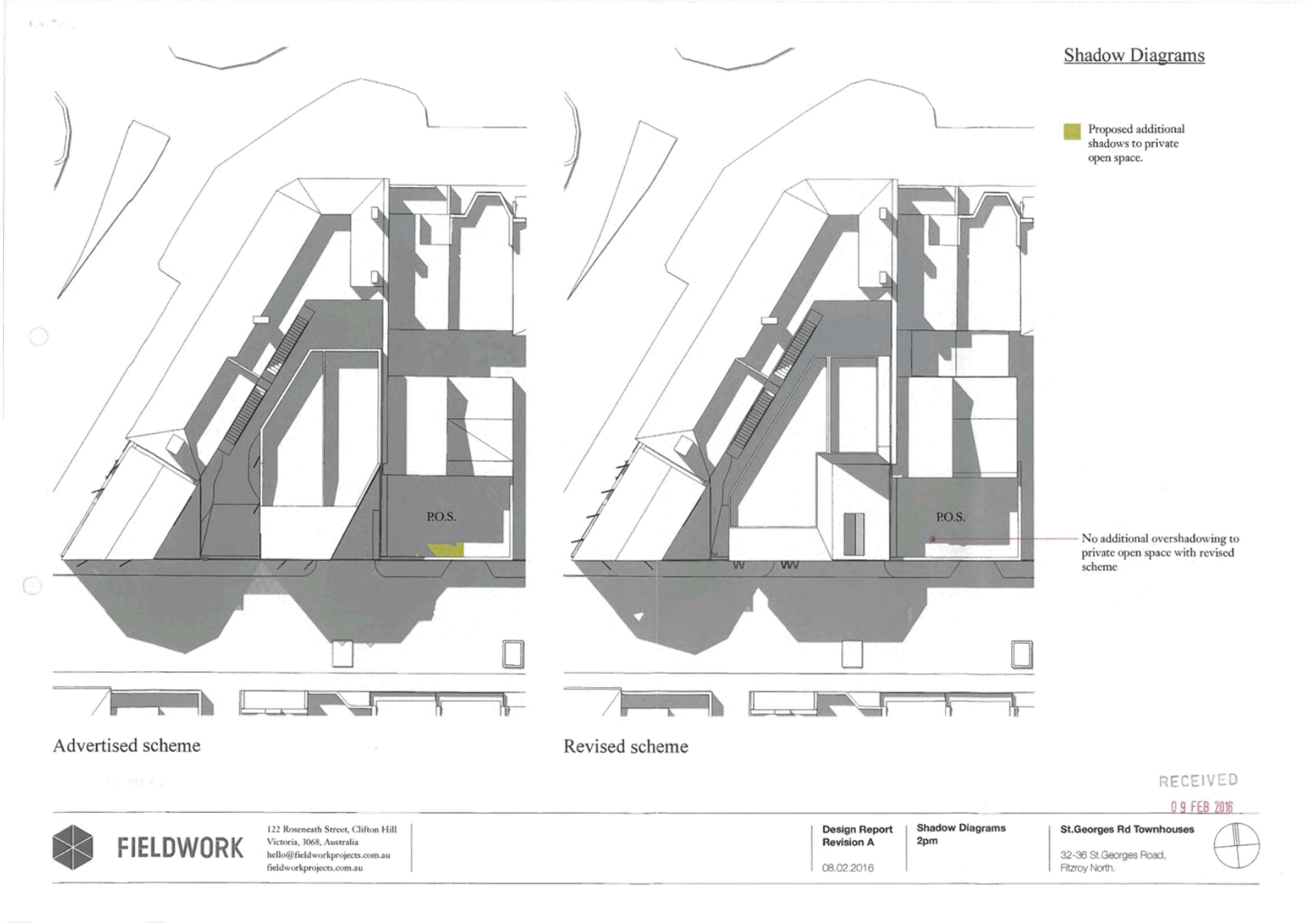
Shadow Diagrams
1pm

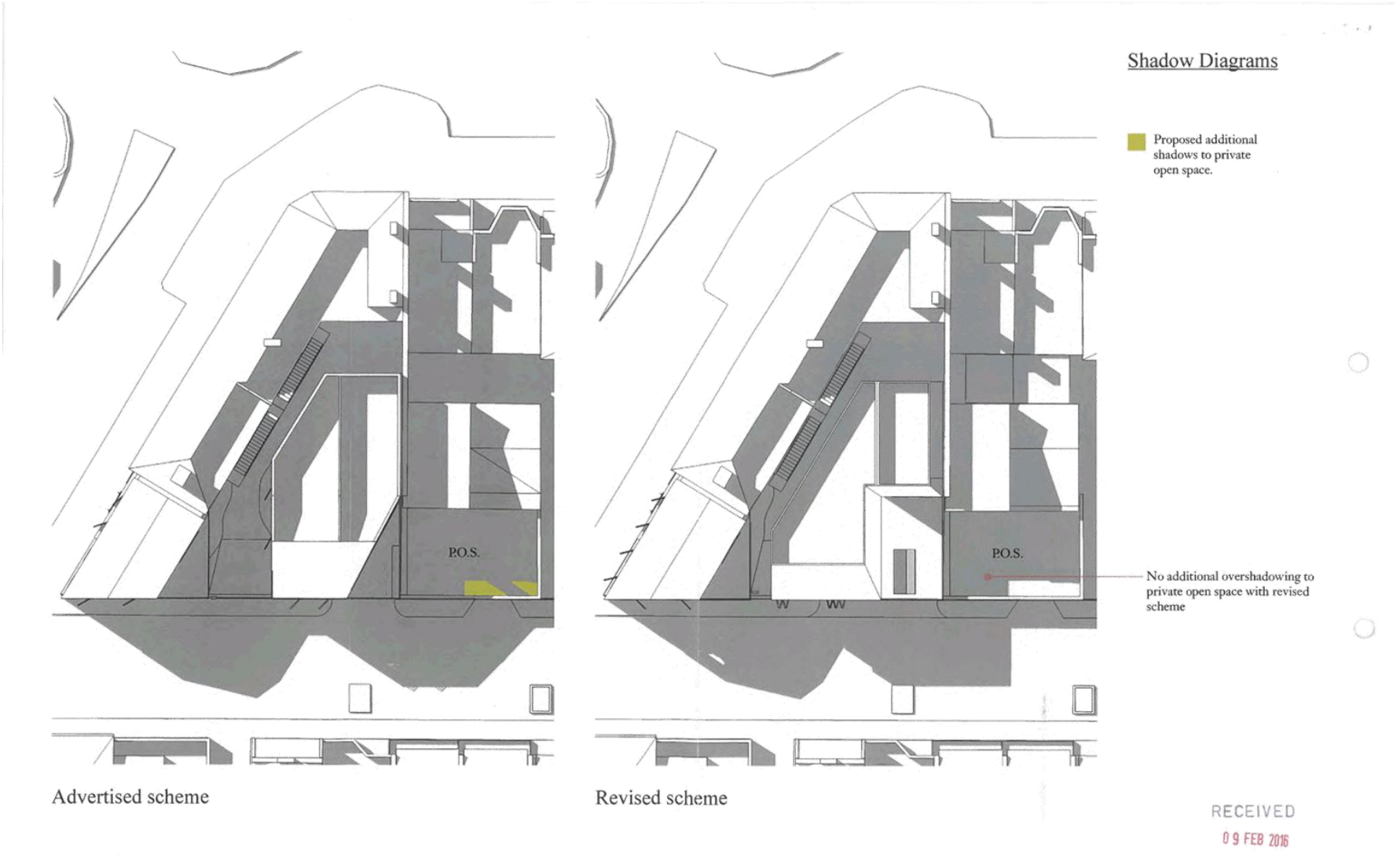
St.Georges Rd Townhouses

32-36 St.Georges Road,
Fitzroy North.

Attachment 3 - PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plan Shadows



Attachment 3 - PLN15/0642 - 32 St Georges Road Fitzroy North - Decision Plan Shadows



Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
Existing condition.

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Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
Existing chimney retained.

2.
Operable timber shutters to first floor windows.

3.
Window behind hit and miss timber battens.

4.
Expressed connection between old and new.

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Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
The proposed addition clad in timber references the form of the existing heritage building.

2.
No changes proposed to existing facade.

3.
Windows behind hit and miss timber battens.

4.
Expressed connection between old and new.

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Design Features

1.
Windows behind hit and miss timber battens.

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St.Georges Rd Townhouses

32-36 St.Georges Road,
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Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
Percy Street entry gate marked with black vertical steel panel.

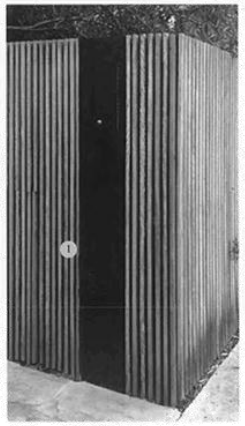
2.
Panel lift door to carpark behind hit and miss timber battens.

3.
Landscaped corridor between buildings with high visual permeability.

4.
Windows with operable timber shutters to first floor.

5.
Windows behind hit and miss timber battens

6.
Deck behind hit & miss timber.



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Design Features

1.
Evening glow behind hit and miss battens.

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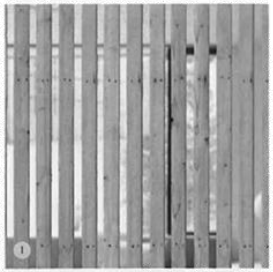
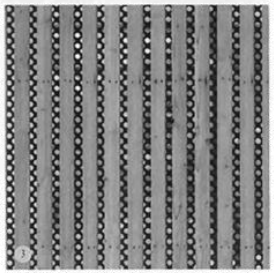
Materials



Hit & miss timber battens

Timber battens on black painted FC.



Timber battens with perforated mesh.

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Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
Charcoal timber entry from Percy street to townhouses.

2.
On-grade shuffle stackers behind hit and miss timber batten tilt lift door.

3.
Deck behind.

4.
Windows behind hit & miss timber battens.

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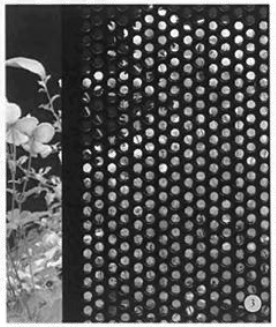
Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
A splayed wall to the eastern boundary protects neighbouring private open space from overshadowing.

2.
Carpark entry behind panel lift door.

3.
Perforated metal screen.



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Attachment 4 - PLN15/0642 - 32 St Georges Road Fitzroy North - Perspectives

Design Features

1.
Garden bed including vertical creepers marks entrance from Percy Street.

2.
Windows with operable timber shutters to first floor.

3.
Windows behind hit and miss timber battens.

4.
Deck behind hit & miss timber.

5.
Large visual break between buildings.

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1.2 PLN15/0637 - 88 - 92 Smith Street & 17 - 21 Little Oxford Street Collingwood - Use and development of the land for the construction of a mixed-use building (including dwellings), reduction in the car parking requirements and a waiver of loading bay requirements and demolition.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN15/0637 at 88 - 92 Smith Street & 17 - 21 Little Oxford Street, Collingwood and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Use (Clauses 34.01-2 and 22.05);
   (b) Built form and Heritage (Clauses 15.01, 21.05, 22.02, 22.10, 43.01 and 52.35); and
   (c) Car Parking and Bicycle Provision (Clauses 52.06 and 52.34) of the Yarra Planning Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Policy and physical context;
   (b) Dwelling use;
   (c) Built form and Heritage;
   (d) Off-site amenity;
   (e) On-site amenity;
   (f) Car & Bicycle parking / traffic/access/loading facilities
   (g) Waste management; and
   (h) Objector concerns.

Objector Concerns

4. Thirteen objections were received to the application, these can be summarised as:
   (a) Demolition of the existing building would adversely affect the significance of the heritage place;
   (b) The proposed development would adversely impact upon heritage area;
   (c) Architectural style is not consistent with neighbourhood character;
   (d) Height of the building is inconsistent with the surrounding area and Smith Street Structure Plan;
   (e) Overdevelopment of the site;
   (f) Inequitable development with the site to the south;
   (g) Amenity impacts such as overshadowing, overlooking and visual bulk;
   (h) Inadequate setbacks will result in overshowing of the street;
   (i) Concern with noise from air conditioning condensers;
   (j) Insufficient size of apartments.
   (k) No provision for landscaping on Little Oxford Street Loss of car parking;
   (l) Increase traffic within Little Oxford Street;
   (m) Loss of existing loading bay on the land;
   (n) Little Oxford Street is too small for deliveries;
   (o) Bicycle parking should be dimensioned;
   (p) Visitor bicycle parks should be provided;
   (q) Bin collection on the street will impact traffic and pedestrian movement and amenity of Little Oxford Street;
   (r) Request contribution from the developers to the upgrade of infrastructure;
   (s) Issues during construction period; and
   (t) Inconsistencies on plans.

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: **Vicky Grillakis**
TITLE: **Principal Planner**
TEL: **92055124**

1.2 PLN15/0637 - 88 - 92 Smith Street & 17 - 21 Little Oxford Street Collingwood - Use and development of the land for the construction of a mixed-use building (including dwellings), reduction in the car parking requirements and a waiver of loading bay requirements and demolition.

Trim Record Number: D16/25380
Responsible Officer: Principal Statutory Planner

Proposal:	Use and development of the land for the construction of a mixed-use building (including dwellings), reduction in the car parking requirements and a waiver of loading bay requirements and demolition.
Existing use:	Food and Drinks Premises/Education centre
Applicant:	Brandy Ridge Pty Ltd
Zoning / Overlays:	Commercial 1 Zone/ Heritage Overlay (Schedule 334)
Date of Application:	30 June 2015
Application Number:	PLN15/0637

Planning History

1. Planning application PLN15/0868 is currently under assessment for the use of the land at Nos. 17-21 Little Oxford Street for a warehouse for the storage and distribution of packaged liquor (online sales only) and a reduction in car parking requirements. No decision has yet been made on this application at the time of this report.

2. Planning Permit PLN14/1002 was granted on 19 December 2014 for the sale and consumption of liquor (Restaurant and Cafe license) associated with a cafe (no permit required for the use) at No. 90 Smith Street Collingwood.

3. Planning Permit PL09/0328 was granted on 13 December 2009 to use the land for an education centre (Automotive Management Training) at Nos. 17-21 Little Oxford Street Collingwood. It permitted 20 students and 1 staff member.

4. Planning Permit PL09/0168 was granted on 23 June 2009 for an on-premises liquor license in association with s food and drink premises (café – use fore snot require a planning permit) at Nos. 90-92 Smith Street Collingwood. A Section 72 Amendment to this permit was withdrawn to this permit on 3 November 2014.

5. Planning Permit PL09/0022 was granted on 15 June 2009 for part demolition, buildings and works to the façade and sign (internally illuminated box) for No. 88A Smith Street Collingwood.

6. Planning Permit PL08/0504 was granted on 18 December 2008 for an on-premises liquor license and waiver of car parking and bicycle provision requirements in association with a restaurant and bottle shop (no permit required for the use), external painting and signage at Nos. 90 – 92 Smith Street Collingwood. This permit was corrected on 5 January 2009 to rectify a clerical error.

7. Planning Permit PL08/0418 was granted on 16 September 2008 for painting of the façade and construction of a sign at Nos. 90 – 92 Smith Street Collingwood.

8. Planning Permit PL07/1185 was granted on 23 July 2008 for an on-premises liquor license to sell and consume alcohol in association with the existing food and drink premises at No. 88 Smith Street Collingwood. A Section 72 Amendment was granted on 5 March 2009 to increase patron numbers, increase the floor area, extend hours until 11pm and include No. 88A Smith Street within the address.

9. Planning Permit PL07/0821 was granted on 31 January 2008 for part demolition, buildings and works to the façade to allow for the attachment of a business identification module at No. 88 Smith Street Collingwood.

10. Planning Permit 1535 was refused on 13 December 1985 for the erection of an advertising sign at Nos. 90-92 Smith Street Collingwood.

11. Planning Permit TP69715 was granted on 30 May 1973 for an internally illuminated advertising sign at No. 90 Smith Street Collingwood.

12. Planning Permit 128 was granted on 18 November 1970 for the purpose of a retail shop premises fronting Smith Street and two factories below, access to these being from Little Oxford Street at Nos. 88-92 Smith Street Collinwood.

13. Planning Permit 107 was granted on 14 July 1970 for the purpose of a supermarket and factory, access to factory being from Little Oxford Street, Collingwood, at Nos. 88-92 Smith Street.

Background

14. The application was lodged on 30 June 2015, with the application being processed as a Major Project and further information subsequently requested in July 2015. The information was received on 8 October 2015 and the application was then advertised with 13 objections being received. A consultation meeting was held on 10 December 2015 and was attended by representatives of the applicant, objectors and Council officers.

15. Whilst this process was occurring, Council had sought and received advice from Council's Heritage Advisor, an acoustic consultant, an external urban design consultant, the Waste Management Unit, Traffic Engineers, and Environmental Sustainable Development Advisor. Referral advice is outlined later in this report.

16. As a result of the matters raised at the consultation meeting and referral advice, the Applicant submitted amended plans under Section 57(A) of the *Planning and Environment Act* 1987 [the Act]. The amended plans are dated 25 February 2016 and will form the basis of this assessment and propose the following key changes:

    (a) Deletion of two apartments on Level 6 (eighth storey) facing Smith Street resulting in increased setbacks and the addition of a communal terrace. This increases the setback of this level from 7m to 13.6m (setback increase of 6.6m from the Smith Street frontage) and includes deletion of Unit 1.6.3 and Unit 1.6.4 for their replacement with a communal terrace and pergola;
    (b) Introduction of a window to lightcourt at Upper Ground Level of Building 1 to provide natural light into the entry corridor;
    (c) Obscure glazing replaced with clear glazing to all east-facing windows in lightcourt of Building 1;
    (d) Brick privacy screen (25% transparent) provided to all west-facing habitable room windows in ligthcourt of Building 1;
    (e) Increased transparency of the brick material (BRO4) applied to a portion of the Smith Street façade from 25% to 35% transparency (refer BRO4 of material schedule on TP12);
    (f) Revised facade design to internal elevations with 9m separation between apartments to provide an additional 5% openness;

(g) Revised layout of Units 2.3.2, 2.4.2 and 2.5.2 (Level 02 to Level 04) within Building 2 to re-orientate living and balcony areas to Little Oxford Street and bedroom areas to internal elevation. This results in additional balconies to Little Oxford Street;
(h) Revised layout of Unit 2.1.4 (Upper Ground Floor Level) of Building 2 and corresponding units above up to Level 04 to swap living and bedroom areas to relocate living spaces more inboard to protect the amenity of apartments from future development of adjoining properties;
(i) Increase in size of terrace to Unit 2.7.2 from 7sqm to 11sqm.

17. The amended application was re-advertised in February 2016 with no additional objectors lodging concerns.

18. The amended plans were re-referred to Council's Engineering Services Unit, ESD Advisor, Waste Management Unit and acoustic engineer as additional information was provided. No other referrals were required as the amended plans were in response to advice received.

19. Council's ESD advisor continued to have concerns regarding ventilation and daylight access to the wintergardens facing Smith Street and the east-facing brick screens of Building 1, the applicant submitted sketch plans on 17 March 2016 to show glazing of the wintergardens to be operable and for a refinement of the brick screens facing the internal courtyard to ensure every dwelling has at least a 2m opening in front of the living areas without any screening. Council's ESD Advisor is satisfied with this approach and Council's Acoustic consultant has confirmed the operability of the wintergarden glazing will not have a detrimental impact on the acoustic protection.

Existing Conditions

Subject Site

20. The subject site is located on the eastern side of Smith Street with Peel Street to the north and Langridge Street to the south. The subject site has frontages to both Smith and Little Oxford Streets. The site has an irregular shape, with a frontage to Smith Street of 16.57m, a frontage to Little Oxford Street of 16.04m and an overall depth of 57.4m. The site has a narrow central area with a width of 12.4m with the site widening to 17m at its widest point. This results in a total site area of 940sqm.

21. The site is occupied by three, attached single storey buildings facing Smith Street with the rear presenting as a brick industrial style, single storey building (used by an education provider) with a large at-grade car parking area fronting onto Little Oxford Street. There is space for five car parking spaces within this area.

22. It should be noted that whilst the three Smith Street buildings are within the heritage overlay (South Fitzroy - Schedule 334), the eastern Little Oxford Street building is not.

Restrictive Covenants and Easements

23. A copy of the Title provided shows a right of carriageway (ROW) in the northern central 'dog-leg' portion of the site abutting Nos. 96 and 98 Smith Street. It is shown as green on the copy of title provided.

Surrounding Land

24. The site is located within a Commercial 1 Zone (to the west, north and south) with Mixed Use Zone to the east (from the eastern side of Little Oxford Street and beyond) which includes residences as well as light industrial, offices and warehouse uses.

25. The locality is well served by various modes of public transport (including tram routes along both Smith Street and Victoria Parade as well as bus routes along the latter) and a variety of community and commercial services and facilities. The site is also located to the north-east of the Gertrude Street Neighbourhood Centre (NC).

Smith Street

26. This site is located within the Smith Street Major Activity Centre (Smith Street MAC), which is characterised by commercial uses within a largely intact heritage streetscape along Smith Street.

27. A large part of the Smith Street MAC is affected by a Heritage Overlay (HO333) save for two large portions at the northern and southern ends of the retail strip. Notably the northern end of Smith Street is undergoing a period of change with a number of development approvals granted up to 8 storeys in height. The Smith Street precinct is described as being aesthetically and historically significant to the City of Yarra in the latest Statement of Significance. Specifically, a row of properties on the western side of Smith Street, just north of Victoria Parade extending to Gertrude Street (including the subject site) is not affected by the overlay.

28. The west side of Smith Street consists of predominantly two-storey buildings punctuated by some taller heritage buildings further to the north of the subject site.

29. The east side of Smith Street displays a more consistent pattern of attached two storey Victorian-era buildings, interspersed with infill development. The buildings are generally constructed flush to Smith Street, with consistent vertical window openings and fine grain rhythm. The ground floor of these buildings is taken up with a retail or food and drinks premises uses.

30. Along Smith Street, buildings generally range between one and four storeys in height with recent taller elements visible above.

Land to the east of Smith Street (including Little Oxford Street)

31. To its east the built form types in the area are generally industrial in nature, reflective of the area's historic uses. However, within that generally industrial typology, the area is genuinely mixed with some older style, industrial buildings, remnant workers cottages, modern residential developments and warehouse residential conversions. Heights range from single storey to three storeys in the immediate vicinity, with taller buildings further in the distance. Buildings are generally constructed with boundary-to-boundary development and are hard-edged in appearance. Typical materials found in the area are brick and render. The western side of Little Oxford Street incorporates on-street car parking, with the eastern side of the street dominated by crossovers. The western side of Little Oxford Street also includes a number of at-grade car parking areas.

32. Little Oxford Street is a one-way street, with traffic only being able to travel in a northerly direction from Langridge Street to Peel Street.

33. There are a number of developments in this southern end of Collingwood which are currently under construction or have progressed beyond the planning permit stage. Nearby developments are as follows:

    (a) Yorkshire Brewery 1-21 Robert Street (up to 17 storeys)
    (b) 132 Smith Street (Banco Development) (9 storeys)
    (c) 9-17 Smith Street (7 storeys)
    (d) 237 Smith Street (6 storeys)
    (e) 311 Smith Street (6 storeys)
    (f) 86 Smith Street (5 storeys)
    (g) 22 Peel Street (5 storeys)

(h) 41 Peel Street (6 storeys)
(i) 4-12 Langridge Street (5 storeys)
(j) 23 Little Oxford Street (4 storeys)
(k) 195 Wellington Street (9 storeys)
(l) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys)
(m) 24-28 Stanley Street (7 storeys)
(n) 109 Wellington Street (9 storeys)
(o) 7 and 9-15 Little Oxford Street (8 storeys)

34. There are also a number of sites towards the northern end of Collingwood which have planning approval and/or are about to undergo construction.

35. To the east of the subject site, further along Langridge Street, is a site that also extends from Wellington to Cambridge Streets (73-77 Wellington Street). The site is currently developed with a 3 storey, red brick office building. However, the site was subject to a recent planning permit application for a 12 storey mixed use development (plus 4 basement levels), including 2 shops and 87 dwellings.

36. This application was appealed by the permit applicant under Section 79 application (failure to determine) of the *Planning and Environment* Act 1987. Had an appeal not been lodged Council would have formed a position of refusal based on built form (height, setbacks and massing), car park layout, equitable development, vehicular access via Wellington Street and poor on-site amenity. Council's position was upheld by the Victorian Civil and Administrative Tribunal (VCAT), however the Tribunal's primary concern was vehicular access from Wellington Street (across the Copenhagen style bicycle lanes) and safety.

37. A second application has recently been lodged with Council for this site for the development of the land for a 10 storey building (plus 4 basement levels), containing shops and 79 dwellings. This application is currently on advertising.

38. Directly to the north of this previously mentioned site at Nos. 72-90 Cambridge Street, is a current planning permit application for the construction of a 11 storey mixed use building (ground floor food and drinks premises (cafe), shop, art gallery and 117 dwellings), a reduction in car parking requirements and a waiver of loading bay requirements. This application is currently on advertising.

North – Smith Street

39. Directly to the north of the Smith Street buildings is an attached, double storey building which is one of a pair with the building to the north. Both of these buildings are occupied by restaurants at ground floor and are constructed deep into the site with additional sheds at the rear.

North – Little Oxford

40. To the north of the site, opposite the ROW is No. 23 Little Oxford Street which currently has a planning application (PLN15/0640) for a six-storey building with eight dwellings. No decision has been made yet for this application. The applicant for this application is the same applicant for the subject site and applications up to this point have been assessed concurrently. As already mentioned above, there is an approval for a four-storey building on this site.

41. Further to the north are triple and double storey, attached residences.

42. Further along Little Oxford Street, there are double and triple storey buildings of the Foy & Gibson Complex as well as the rear townhouses of the Banco Development. The Banco Development is up to nine-storeys overall with a supermarket onto Smith Street. The building will present as four storeys to Little Oxford Street. It should be noted that the northern end of Little Oxford Street is within a heritage overlay.

East

43. Directly to the east is the rear of Nos. 61-63 Oxford Street. The building presents as single storey to Oxford Street to the east and includes a first floor at the rear. The site has a high fence facing the subject site with a concreted area and landscaping behind.

44. Generally, the eastern side of Little Oxford Street is mixed with single storey remnant dwellings, double storey warehouse residential conversions and double storey recent commercial buildings. There are also the rear of some properties which face Oxford Street. The majority of buildings have boundary-to-boundary construction, punctuated by windows, balconies at upper levels and roller doors at ground floor. The main building materials seen are render and brick.

45. Further to the east is a mixed use area with offices, dwellings, light industrial and food and drinks premises, generally housed within single to triple storey buildings.

South – Smith Street

46. To the south of the site along Smith Street is a double storey Victorian-era terrace at No. 86 Smith Street. This currently has a planning permit for a six storey building. The building currently has an open car parking area providing access to the laneway to its east. Further to its south are a consistent row of attached double storey buildings with a mixture of presentations to the rear laneway including car parking areas, sheds or high walls.

South – Little Oxford

47. Directly to the south of the subject site, beyond the ROW are two single storey, galvanised steel and brick clad warehouses, which are constructed to all boundaries of the property with the exception of at-grade car parking spaces being located in the north-eastern corner of the site. There is a current planning permit on this site for an eight-storey building (PLN14/0860). Council had refused this planning application on the following ground:

    (a) The proposal does not respect the character of the existing neighbourhood and fails to comply with policies within Clauses 15.01-2 (Urban Design Principles), 21.05-2 (Urban Design) and 22.10-3.2 (Urban Form and Character).

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48. The applicant appealed the decision and VCAT granted the planning permit on 12 August 2015 following a three day hearing between 3 and 5 August 2015. The following exerts from *Outline JV (Little Oxford) Pty Ltd v Yarra CC [2015] VCAT 1239 (12 August 2015)* which are of particular relevance to this proposal are as follows:

    [3] The starting point for our decision has been the fact that this land is zoned Commercial 1. One of the purposes of the Commercial 1 Zone is to allow for or to encourage intensive residential development that is complimentary to the commercial centre. Clearly, this is a suitable zone for an intensive development, the question is how intensive can it be?

    ….

    [5] Having looked through the planning scheme in detail, we agree with the Applicant that the Smith Street activity centre is not defined by the figure in Clause 21.08-5 of the planning scheme. Indeed, there is no clear explanation as to what the purpose of the figures is in that particular clause. The references to the activity centres is defined by Clause 21.04, which makes it clear in the text of that clause that the activity centre is defined by the extent of the business zone(s), which in this case includes the Commercial 1 Zone.
    This certainly seems to be consistent with the approach that the Council took in the Amendment C140 Panel. So, yes, we find the site is an activity centre.

    [6] In the Local Planning Policy Framework of the planning scheme, it identifies Smith Street as a major activity centre. Certainly, a more intense residential development within a major activity centre in the context of the local planning policies can be contemplated.

…

[10] Objective 21 is to enhance the built form character of Yarra's activity centres. Strategies 21.1 and 21.2 require development within activity centres to respect and not dominate the existing built form; and to consider the context of the whole of the centre recognising that activity centres may consist of precincts, each of which may have a different land use and built form character. It is our opinion that, given this site is within an activity centre based on its commercial zoning, the planning scheme contemplates that there could be a different built form character on the west side of Little Oxford Street to that on the east side of Little Oxford Street. Therefore, in considering the context of this centre as a whole, Mr Biles' evidence identifies numerous developments in and around the activity centre that are of a scale that is similar to what is proposed here. So, in a general sense having regard to the centre as a whole, we have no concern with the scale that is proposed.

…

[15] In regard to the concerns that were expressed by Ms Nicholson about the scale and therefore the resultant amenity impacts, the starting point is that the Commercial 1 Zone does not actually require any specific consideration of amenity impacts to other commercial properties. The decision guidelines of the Commercial 1 Zone do require the design of buildings to provide for solar access.

49. Plans to satisfy condition 1 requirements of the planning permit have been lodged with Council and are currently under assessment by planning officers.

50. Beyond No. 7 and 9-15 Little Oxford Street is a ROW, and on the southern side of the ROW is a single storey, brick substation on the Little Oxford Street frontage with two, three-storey townhouses to the south of this. These townhouses have garages onto the laneway, with living areas and bedrooms above. They also include a number of on-boundary windows.

51. Further to the south are recently constructed three-storey dwellings with a single storey warehouse located at the intersection of Langridge and Little Oxfords Streets. The corner site has a planning permit for a 5 storey building. Beyond Langridge Street are single and double storey townhouses and older style warehouses, some with at-grade car parking onto the streets.

West

52. A description of the western side of Smith Street has been provided above.

The Proposal

53. The proposal involves the full demolition of all buildings on site to allow for the construction of two buildings, one fronting Smith Street and the second fronting Little Oxford with a central landscaped area separating them.

54. It should be noted that the internal elevations of the courtyards have been incorrectly labelled and this can be resolved via a permit condition, should a permit be issued.

55. The proposal is described in more detail below:

<u>Use</u>

(a) Four shop tenancies (between 55sqm and 67sqm in area). Whilst the plans show 'retail', the applicant has confirmed that they will be shops, and this can be confirmed by way of condition on the permit, should one be issued.
(b) 47 Dwellings (17 one-bedroom and 30 two-bedroom).

<u>Development</u>

Demolition

(c) Demolish all structures on site, including the car park concrete slab facing Little Oxford Street.

Layout, Setbacks and Height

(d) Due to the slope in the land, the Little Oxford Street frontage is lower than Smith Street which results in the Smith Street building being seven storeys in height, whilst the Little Oxford Street building is eight storeys in height.

(e) Each building has its own lift-core and stairwell in a central location with apartments orientated around the lift core.

(f) Services and waste chutes are provided at each level.

(g) There are two separate car park entrances for each of the buildings, both accessed from the laneway to the south.

(h) The maximum building height is 26m along Little Oxford Street and 24.3m along Smith Street (including the lift overrun).

(i) Maximum wall heights for Building 1 are 23.2m along the northern and southern boundaries.

(j) Maximum wall heights for Building 2 are 25.4m along the northern boundary and 10.4m along the southern boundary.

(k) There is an area of separation between the two buildings from the Upper Ground Floor and above. At Upper Ground floor the separation between the two buildings is 10.7m with terraces in between and Building 1 having first floor balconies (width of 1.54m) overhanging. From the first floor and above the separation between the two buildings is 9m and this is maintained at every level above this.

Building 1

(l) Building 1 presents as a three-storey podium to Smith Street with the three levels above setback 7m from Smith Street and the uppermost level setback 13.6m, with a 4.985m wide communal terrace within this setback. The podium and tower facades are each punctuated by balconies, void areas and windows.

Basement and Lower Ground

(m) At Basement level there are 49 storage cages (4.8 cubic meters each) beneath Building 1 with three car stacker pits.

(n) The Lower Ground floor continues to be a second basement level for Building 1 due to the slope of the land, however there is an internal ramp connecting the two buildings. Beneath Building 1 there are car stackers housing 22 cars and an access ramp providing access to a laneway. There are 21 bike spaces at this level and a residential waste room.

(o) There are two light courts, one (12sqm) along the northern boundary and a second along the southern boundary (12.1sqm).

(p) The southern lightcourt has glass block screens from the first floor and above along the southern boundary. The northern lightcourt does not have any wall opposite it along the northern boundary from the first floor and above. The windows within this are constructed of clear glazing with the west-facing windows having brick screens in front of them with a transparency of a maximum 25 percent.

Upper Ground (street level to Smith Street)

(q) Upper Ground floor includes three retail tenancies, and two, 2-bedroom dwellings. Each of these dwellings includes a brick screen for the bedroom onto the lightcourt. Both dwellings have a terrace facing into the central open area with 1.8m high privacy screens and a 2.13m wide separation between the terraces of Building 2.

(r) At the Upper Ground floor, Building 1 is built along the side boundaries with its rear wall being setback 29m from Little Oxford Street.

First and Second floors (Podium Levels above the ground floor)

(s) Each of these levels includes five dwellings, two orientated to the central area and three orientated to Smith Street.

(t) Building 1 is built along its entire shared southern boundary with No. 86 Smith Street whilst the northern boundary with No. 96 Smith Street will have two sections of on-boundary wall, 16.1m and 10.8m in length.

Third, fourth and fifth floors

(u) Each of these levels includes four dwellings, with two orientated to the central area and two orientated to Smith Street.

(v) These levels include a 23.2m long southern boundary wall and two segments of northern boundary wall, 9.2m and 9m in length.

Sixth floors

(w) The sixth floor includes two, 2-bedroom apartments facing the central area and a communal terrace facing Smith Street with its western-most edge setback 8.65m. The terrace is 4.95m in width and includes a pergola above it.

Roof plan

(x) The roof plan shows 33 solar panels located on the eastern side of the roof.

Building 2

(y) Building 2 presents as a three-storey podium to Little Oxford Street with the three above levels setback 1.805m with the north-eastern balconies either continuing to be built along the street frontage or setback 1.55m. The two, upper-most levels are setback between 3.119m to the balcony balustrade or 4m to the building wall. Building 2 is generally built along the northern boundary whilst gradually increasing its setbacks from the southern boundary as the height increases.

(z) The podium and tower facades are each punctuated by balconies, void areas and windows.

Lower Ground to First floor (three podium levels)

(aa) The Lower Ground floor is at street level to Little Oxford Street and includes a retail tenancy and residents entry lobby (with mailboxes). Behind this, are 'back of house' areas as well as 13 car spaces in car stackers and 13 bike spaces accessed from the laneway to the south as well as five visitor bike spaces adjacent to the car park entry.

(bb) The Upper Ground and First floors are constructed similarly, albeit with the Upper Ground floor apartments which face the central area having larger terraces.

(cc) At each level, two apartments face Little Oxford Street (with balconies along the northern and southern side) and two face the central area.

Second to fifth floors

(dd) These are constructed similarly, with two apartments facing Little Oxford Street and a third facing the central area but constructed along the northern boundary. The southern apartment on each of these floors has both an eastern and western aspect.

Sixth and seventh floors

(ee) These two floors are constructed similarly with two apartments each, one facing Little Oxford Street along the northern boundary and the second facing the central area. These two floors are setback 4.5m from the southern boundary.

Architectural design and materials

(ff) The proposal is constructed of bricks (solid wall and brick screening), glazing and painted bricks in a rectilinear podium with recessed balconies.

Environment Sustainable Development (ESD) initiatives

(gg) The Basement floor includes a 16,000L water tank.

(hh) An 8kW photovoltaic system will be installed, providing electricity to common areas.

(ii) A minimum of 80% of construction and demolition waste will be recycled.

Planning Scheme Provisions

Zoning

56. The subject site is zoned Commercial 1.

57. Clause 34.01-1 (Commercial 1 Zone) provides a table of uses. The proposed uses fall within the following categories:

(a) The four ground floor shops are a 'Section 1' use under the C1Z, subject to not exceeding the maximum area specified in the zone, which there is none. Accordingly, the use of the land for shops does not require a planning permit; and
(b) Dwelling (nested under accommodation) does not require a planning permit provided any frontage at ground level does not exceed 2 metres. As the dwellings at ground floor exceed 2 metres in width, a planning permit is required for the dwelling use.

58. Clause 34.01-4 states that a planning permit is required to "*construct a building and construct or carry out works*".

59. Decision guidelines for both use and buildings and works are contained at Clause 34.01-8.

Overlays

60. Nos. 88-92 Smith Street are within a Heritage Overlay (Schedule 334).

61. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building and construct a building or construct or carry out works.

62. Schedule 334 of the Heritage Overlay is identified as the South Fitzroy Precinct.

63. Nos. 17-21 Little Oxford Street is not within the heritage overlay.

Particular Provisions

Clause 52.06 Car Parking

64. Clause 52.06-2 requires that before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided. Clause 52.06-3 states that a permit is required to reduce the number of car spaces required under Clause 52.06-5.

65. The Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown below.

Use	Bedrooms/ Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	17 x 1 bedroom 30 x 2 bedroom	1 space per 1 and 2 bedroom dwelling 1 space for visitors to every 5 dwellings for developments	47 9	35 0	12 9
Shop	238sqm	4 spaces per 100sqm of leasable floor area	9	0	9
Totals			**65**	**35**	**30**

66. The car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

67. A planning permit is required for a reduction of 30 spaces. Decision guidelines for consideration of a reduction are contained at Clause 52.06-6. Clause 52.06-8 provides design standards for car parking areas.

Clause 52.07 – Loading and unloading of vehicles

68. The purpose of this Clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and to manage road safety. The provisions set out the minimum dimension requirements for the design of loading and unloading facilities.
A permit may be granted to reduce or waive these requirements if either the land area is insufficient; or adequate provision is made for loading and unloading vehicles to the satisfaction of the Responsible Authority. In the case of the proposed development, a loading area of 27.4sqm is required for the shop tenancies to satisfy the requirement of Clause 52.07. The proposal does not provide any on-site loading space, and accordingly, a planning permit is required to waive this requirement.

Clause 52.34 Bicycle Facilities

69. Pursuant to Clause 52.34-3, in developments of four or more storeys, 1 resident bicycle parking space should be provided for every 5 dwellings plus 1 visitor space for every 10 dwellings. Therefore 9 resident bicycle spaces and 5 visitor bicycle spaces are required.

70. The development proposes 34 bike racks in the Lower Ground floors with five visitor spaces along the southern boundary to the laneway. Therefore, the bicycle provision has been met.

71. Clause 52.34-4 provides design standard for bicycle spaces and signage.

Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys

72. The clause requires the provision of an urban context report and a design response. These have been provided and hence this requirement is met.

Clause 52.43 Live Music and Entertainment Noise

73. This applies to the subject site due to the presence of venues in the surrounding area, most notably Yah Yah's at No. 99 Smith Street and Sirkuit at No. 103 Smith Street to the south-west within 25m across Smith Street.

74. Clause 52.43-3 contains a series of requirements which are to be met by any new development. Generally this requires compliance with SEPPN-2 measured within a habitable room.

General Provisions

Clause 65 General Provisions

75. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider, amongst other things, the relevant State Planning Policy Frameworks and Local Planning Policy Framework, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

Clause 11.01-1 (Activity centre network)

76. The objective is:

    (a) 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.

Clause 11.01-2 Activity centre planning

77. The objective is:

    (a) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 11.02 (Urban Growth)

78. Clause 11.02-1 (Supply of Urban Land) the objective is:

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

Clause 11.02-2 (Planning for growth areas)

79. The objective is:

(a) To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.

Clause 11.02-3 (Structure planning)

80. The objective is:

(a) To facilitate the orderly development of urban areas.

Clause 11.04-2 – (Housing Choice and Affordability)

81. The objective of this clause is:

(a) *to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

Clause 13.04 (Noise and air)

82. Clause 13.04-1 (Noise abatement) objective is:

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

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

Clause 15.01 (Built Environment and Heritage)

84. Clause 15.01-1 (Urban design) objective is:

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

Clause 15.01-2 – Urban Design Principles

85. 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'. This clause outlines principles relating to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of sites and empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture. These principles will be addressed in the following urban design assessment.

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

(a) Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys;

Clause 15.01-4 (Design for safety)

87. The policy objective is:

    (a) To improve community safety and encourage neighbourhood design that makes people feel safe.

    Clause 15.01-5 – Cultural identity and neighbourhood character

88. The objective of this clause is *'to recognise and protect cultural identity, neighbourhood character and sense of place'.*

    Clause 15.02-1 – Energy and resource efficiency

89. The objective of this clause is '*to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'.*

    Clause 15.03 Heritage

90. Clause 15.03-1 - Heritage Conservation seeks *"to ensure the conservation of places of heritage significance".*

    Clause 16.01-1 – Integrated housing

91. The objective of this clause is *'to promote a housing market that meets community needs'.*

    Clause 16.01-2 – Location of residential development

92. The objective of this clause is *'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 16.01-3 – Strategic redevelopment sites

93. The objective of this clause is *'to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne'.*

94. The site is not identified as a strategic redevelopment site (SRS) in Council's MSS but it is classified as an SRS under the State Planning Policy Framework given that it meets the following criteria outlined in the Scheme:

    (a) In or within easy walking distance of Principal or Major Activity Centres;

    (b) Along 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 and around train stations; and

    (c) Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.

    Clause 16.01-4 – Housing diversity

95. The objective of this clause is *'To provide for a range of housing types to meet increasingly diverse needs'.*

    Clause 16.01-5 – Housing affordability

96. The objective of this clause is *'To deliver more affordable housing closer to jobs, transport and services'.*

Clause 17 – Economic development
Clause 17.01-1 – Business

97. The objective of this clause is '*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

98. This clause provides a range of objectives to reduce private motor vehicle usage and encourage the use of public transport, cycling and walking. This in turn, will reduce pressure on road networks. In particular, clause 18.02-1 encourages sustainable personal transport, including walking, cycling and public transport.

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

100. The relevant Objectives and Strategies of this Clause are:

(a) Objective 1 - To accommodate forecast increases in population.
(b) Objective 2 - To retain a diverse population and household structure; and
(c) Objective 3 - To reduce potential amenity conflicts between residential and other uses.

Clause 21.04-2 – Activity Centres

101. The subject site is located within the Smith Street MAC.

102. Relevant objectives and strategies include:

(a) Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
(b) Objective 5 - To maintain the long term viability of activity centres.

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.05-1 –Built Form: Heritage

104. The objective of this Clause is to *'protect and enhance Yarra's heritage places'.*

Clause 21.05-2 – Urban design

105. The relevant Objectives of this Clause are:

(a) Objective 16 - To reinforce the existing urban framework of Yarra;
(b) Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:

(i) Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*

(c) Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;
(d) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;
(e) Objective 21 - To enhance the built form character of Yarra's activity centres;

(i) Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and
(ii) Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

Clause 21.05-4 Public environment

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

(a) Objective 28 - To a provide a public environment that encourages community interaction and activity:

(i) Strategy 28.2 Ensure that buildings have a human scale at street level.
(ii) Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.
(iii) Strategy 28.5 Require new development to make a clear distinction between public and private spaces.
(iv) Strategy 28.8 Encourage public art in new development.

Clause 21.06-1 – Walking and cycling

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

(a) Objective 30 - To provide safe and convenient bicycle environments:
(i) Strategy 30.2 Minimise vehicle crossovers on street frontages.
(b) Objective 32 - To reduce the reliance on the private motor car:
(c) Objective 33 - To reduce the impact of traffic:

Clause 21.07-1 – Environmentally sustainable development

108. The relevant objective of this Clause is:

(a) Objective 34 To promote ecologically sustainable development:

(i) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and

Clause 21.08-5 Neighbourhoods (Collingwood)

109. This clause describes the area in the following way (as relevant):

    (a) The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys.

    (b) The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.

    (c) Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes.

110. Within Figure 13 of Clause 21.08-5, the subject site is identified as being within the Smith Street Major Activity Centre. Figure 14 of Clause 21.08-5, shows No. 17-21 Little Oxford Street as being within a non-residential built form character area where the objective is to improve the interface of development with the street. Nos. 88-92 Smith Street are not within this area and shown as being within the heritage overlay.

    (a) The implementation of built form strategies in clause 21.05 includes in the precinct bounded by Johnston Street, Wellington Street, Victoria Parade and Smith Street (including both sides of Smith Street depicted as the 'Smith Street Major Activity Centre' in the Built Form Character Map).

        (i) Maintaining the varied profile of the skyline and the built form character of Smith Street.
        (ii) Ensuring that no new development presents as a dominating built form along Smith Street.
        (iii) Retaining the prominence of the key 'icon' (landmark) buildings in the Smith Street streetscape such as Pattersons, Safeway, Post Office.
        (iv) Ensuring new development respects the scale of adjoining existing clusters of low rise residential development.

    Local Policies

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

    Removal of Part of a Heritage Place or Contributory Elements

111. Full demolition or removal of a building outlines that it is policy to (as applicable to this application):

    (a) Generally encourage the retention of a building in a heritage place, unless;

        (i) The building is identified as being not contributory.

112. Pursuant to the incorporated document '*City of Yarra Review of Heritage Overlay Areas 2007, Graeme Butler and Associates 2007: Appendix 8 City of Yarra Heritage Database'*, the buildings are nominated as 'not contributory' to the Smith Street Heritage Precinct.

    Clause 22.02-5.7.1 – General

113. *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*

    (a) *encourage similar façade heights to the adjoining contributory elements in the street; and*

    (b) *where there are differing façade heights, the design should adopt the lesser height.*

    Clause 22.05 – Interface Uses Policy

114. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The relevant objective of this clause is '*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*'.

    Clause 22.10 – Built form and design policy

115. 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 22.12 – Public Open Space Contribution

116. The subject site is in an area where cash in lieu of land is the preferred method of public open space contribution (area 3065C).

    Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

117. This policy was introduced into the Scheme on 13 March 2014 and applies to (as relevant) new buildings.

118. The applicant provided a Sustainable Management Plan which includes a STORM report regarding water re-use. It is noted however that the proposal has incorporated a 16,000L rainwater tank; this tank will be used for toilet flushing in apartments.

    Clause 22.17 – Environmentally Sustainable Design

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

    <u>Other Relevant Documents</u>

    Smith Street Structure Plan [SSSP]

120. In November 2008, Council adopted the *Smith Street Structure Plan* Specific to the subject site, the SSSP aims to maintain the mix of uses in the area, whilst embracing opportunities for new housing and protecting residential amenity. In the SSSP, the subject site is shown as being part of the Smith Street Shopping Strip and contains the following relevant guidance:

    (a) Future character statement

(i) The existing heritage character of this traditional strip retained and reinforced, while ensuring that the dominance of the higher emporia buildings continues.
(ii) Southern sections of the street with non-heritage buildings rebuilt in scale with nearby and adjacent properties on the street.

(b) Built form guidelines

(i) The street frontage façade of infill development must match the predominant street frontage height of nearby and abutting buildings.
(ii) Upper levels of buildings must not dominate.
(iii) Emporia and identified landmarks must remain dominant in the streetscape.

(c) Preferred maximum building height

(i) Two to three storeys to the street frontage.
(ii) Upper level development must be set back so as to appear recessive from street view.
(iii) The overall height of buildings in the section between Gertrude and Johnston Streets must be at least one storey lower than emporia and identified landmarks, so as to maintain the dominance of these buildings in the streetscape.

Amendment C140

121. In 2011, Council prepared Amendment C140 to implement some of the objectives of the Smith Street Structure Plan. The Amendment proposed to update the MSS to reference the Smith Street Structure Plan at clause 21.08 (Neighbourhoods) and include it as a reference document at clause 21.11. A new schedule to the Design and Development Overlay (DDO14) was to apply to the Smith Street Activity Area, effectively implementing the built form vision, objectives and strategies of the Smith Street Structure Plan. The Smith Street Structure Plan was the sole strategic basis for Amendment C140.

122. An independent planning panel, appointed by the Minister for Planning **[Minister]** considered the amendment in June 2012 and recommended that it be abandoned. The Panel report was highly critical of a number of aspects of the Amendment, including that the MAC context of Smith Street has not been fully appreciated within the framing of the Smith Street Structure Plan and Amendment C140. In summary (page 22):

> … the Panel is not convinced of the strategic basis of the Smith Street Structure Plan. In particular, it is not convinced that the Structure Plan is consistent with the state and metropolitan policy settings for Major Activity Centres. The Panel agrees with those submitters who suggested that this would lead to a 'restrained' development potential in the Activity Centre.

123. In light of the above, Council at its Meeting on 17 September 2013, resolved to abandon Amendment C140 (the planning scheme changes), though the SSSP remains an adopted Council position. Accordingly, whilst this document can be considered, it has very limited statutory weight and is not relied upon in the assessment of this application.

Advertising

124. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 367 letters sent to the surrounding property owners/occupiers and by four signs, with one on Little Oxford Street and one on each of the Smith Street buildings.

125. Thirteen objections were received to the application, these can be summarised as:

(a) Demolition of the existing building would adversely affect the significance of the heritage place;

(b) The proposed development would adversely impact upon heritage area;
(c) Architectural style is not consistent with neighbourhood character;
(d) Height of the building is inconsistent with the surrounding area and Smith Street Structure Plan;
(e) Overdevelopment of the site;
(f) Inequitable development with the site to the south;
(g) Amenity impacts such as overshadowing, overlooking and visual bulk;
(h) Inadequate setbacks will result in overshowing of the street;
(i) Concern with noise from air conditioning condensers;
(j) Insufficient size of apartments;
(k) No provision for landscaping on Little Oxford Street Loss of car parking;
(l) Increase traffic within Little Oxford Street;
(m) Loss of existing loading bay on the land;
(n) Little Oxford Street is too small for deliveries;
(o) Bicycle parking should be dimensioned;
(p) Visitor bicycle parks should be provided;
(q) Bin collection on the street will impact traffic and pedestrian movement and amenity of Little Oxford Street;
(r) Request contribution from the developers to the upgrade of infrastructure;
(s) Issues during construction period; and
(t) Inconsistencies on plans.

126. The grounds of objections raised will be considered and addressed where relevant throughout the following assessment.

127. A Consultation Meeting was held on 10 December 2015, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

128. As a result of the matters raised at the consultation meeting and referral advice, the Applicant submitted amended plans on 25 February 2015 under Section 57(A) of the Act.

129. The amended application was re-advertised in February 2016 with no additional objectors submitting.

Referrals

130. External Referrals

(a) None.

131. Internal departments

(a) Engineering Services Unit;
(b) Heritage;
(c) Waste Services;
(d) ESD Advisor;

External consultants

(e) Urban Design Consultant (Craig Czarny – Hansen Partnership); and
(f) Acoustic Consultant (SLR Consulting).

Engineering Services Unit;

132. The following comments were made in regards to the original application:

Car Parking Demand Assessment

(a) *Parking Demand for Dwellings. O'Brien Traffic has sourced car ownership rates for the Collingwood area from the 2011 census conducted by the Australian Bureau of Statistics. For one-bedroom dwellings in Collingwood, some 47% of one-bedroom households and 36% of two-bedroom dwellings do not own a motor vehicle. It is agreed that dwellings which do not contain any off-street parking would be more attractive to residents who do not own a motor vehicle. The proposed parking allocation for the one- and two-bedroom dwellings is fairly consistent with the statistical trend for car ownership in the Collingwood area.*

(b) *Retail Parking Demand. O'Brien Traffic has indicated that the retail tenancies would not generate any significant customer car parking demand since they are located on or near an activity centre. The retail tenancies would heavily rely on walk-up trade. Customers visiting the retail tenancies would likely be engaged in other activities or business whilst in the area (multi-purpose trips). According to the submitted report, the redevelopment of the site would result in a reduction of retail floor space from 380 square metres to 233 square metres. It is agreed that the parking demand for the proposed shops would be lower than the current/existing parking demand. For the purpose of the car parking demand assessment, O'Brien traffic has adopted the statutory car parking requirement of nine spaces for the retail component.*

(c) *Residential Visitor Parking Demand. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. An empirical peak residential visitor parking rate of 0.12 spaces per dwelling has been often quoted in other traffic impact reports we have reviewed in the past. Applying this rate would result in a peak residential visitor parking demand of five to six spaces.*

(d) *In recent times, the redevelopment of new residential and mixed use sites close to activity centres and shopping/commercial precincts has resulted in a greater demand for on-street parking and an influx of additional cars on the road network. In the long term, on-street parking needs to be managed and controlled in a sustainable manner. This has been recognised by the Victorian Civil and Administrative Tribunal, who issued an order requiring the developer of a mixed use development to provide some on-site visitor parking (VCAT Reference No. P2010/2014 382-386 Burnley Street No. 1 Pty Ltd v Yarra CC; 26 March 2015). To limit the amount of visitor parking that could be potentially be accommodated on-street, it is considered appropriate that the development contains some visitor parking spaces on-site. The full waiver of visitor parking is not supported by Council's Engineering Services branch or Council's Parking Services unit. There would be scope to reallocate some on-site resident parking to provide some visitor parking. Engineering Services would have no objection to a slightly reduce on-site resident parking provision.*

(e) *Availability of Public transport in the Locality of the Land. The site is within walking distance of a range of public transport services, with trams operating along Smith Street-Gertrude Street and nearby Brunswick Street. Bus services operate along Johnston Street.*

(f) *Anticipated Car Parking Demand of Development. O'Brien Traffic has estimated that the likely parking peak parking demand of the site would be 50 car parking spaces (nine spaces for the retail tenancies and 41 spaces for the residences).*

<u>Appropriateness of Providing Fewer Spaces than the Likely Parking Demand</u>

(g) *Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:*

(h) *Availability of Car Parking. O'Brien Traffic had previously conducted on-street parking occupancy surveys in the nearby area which had recorded peak on-street parking occupancy levels in excess of 85%. Smith Street, Stanley Street and Peel Street contain time restricted parking which frequently turns over.*

Customers to the retail tenancies may likely combine their visit with other activities whilst in the area. Overall, the availability of car parking in the area is finite and in the long term on-street parking needs to be managed and controlled. Developments such as this one need to be more self-sufficient with residential visitor parking.

(i) Car Parking Deficiency associated with Existing Land Use. The submitted report indicates that the site is currently occupied by three food and drink premises/restaurants and an education centre. The combined floor area of the food and drink component would be around 380 square metres and the education centre would accommodate 20 students. Applying the statutory parking rates to these uses results in a total car parking requirement of 23 spaces. In this case, the parking deficiency would be applicable to the food and drink spaces (17 spaces). Theoretically, the 17 spaces would have been accommodated on-street.

<u>Other Factors Influencing the Parking associated with the Development</u>

(j) Residents of the new developments would not be eligible to apply for resident and visitor on-street parking permits.

(k) The redevelopment of the site would result in the removal of a redundant vehicle crossing on the west side of Little Oxford Street. The reinstatement of the kerb and channel would potentially provide two on-street car parking spaces.

<u>Adequacy of Car Parking</u>

(l) From a traffic engineering perspective, the waiver of the resident and retail car parking spaces is considered appropriate in the context of the development and the surrounding area. For residential visitor parking, some of this parking should be contained on-site in order to help manage on-street parking.

Traffic Generation

(m) O'Brien Traffic has adopted a traffic generation rate of 2 vehicle trips per day per one-bedroom dwelling and 3 vehicle trips for the two-bedroom dwellings, based on numerous surveys conducted by 'other traffic consultants and State Government Authorities'. The rate for the one-bedroom dwellings is considered a little low.

(n) By adopting 3 vehicle trips per dwelling per day for all dwellings that have an off-street space, the residences are expected to generate 105 vehicle trips per day. The peak hour traffic would be 10 percent of the daily residential traffic volume, which would be 11 vehicle trips per peak hour. This volume of traffic is not unduly high and should not have an adverse impact on the nearby roads.

Access Arrangements

(o) The two vehicular access points of the development are located on an east-west aligned Right of Way off Little Oxford Street – one entrance servicing the basement car park and the other servicing an at-grade car park.

<u>Basement Entrance</u>

(p) The basement entrance has a width of 3.6 metres which satisfies Design standard 1 – Accessways of Clause 52.06-8 of the Yarra Planning Scheme.

(q) Visibility at the top of the ramp is limited, especially of conditions to the south along the north-south branch of the Right of Way. It is suggested that a convex mirror be installed.

(r) The ramp profile comprises a 5.325 metre long section at a grade of 1 in 10, followed by a 5.405 metre long section at 1 in 6 and a 2.0 metre long transition grade at 1 in 8. The ramp grades satisfy Design standard 3: gradients.

(s) The entrance is located at the ninety-degree bend of the Right of Way. The east-west branch of the Right of Way has a longitudinal slope from west to east (i.e. sloping towards Little Oxford Street). The applicant is to undertake a ground clearance check of the ramp profile and the longitudinal section of the Right of Way using the B99 design vehicle to ensure cars do not scrape and bottom out.

(t) The one lane width arrangement is considered satisfactory and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004 since the peak hour traffic volume of the basement would be significantly less than 30 vehicle per hour.

Lower Ground Floor Entrance

(u) The entrance to the lower ground level carpark is setback from the Right of Way (setback not dimensioned on the drawings. The setback area (referred to as the 'widened section of laneway' in the O'Brien Traffic report) must be constructed in a different a material to that of the Right of Way. The north alignment of the Right of Way must be clearly delineated/defined.

(v) The doorway has a width of 6.5 metres, which provides for adequate vehicle turning movements to and from the Right of Way.

(w) The finished floor levels at the edge of the basement ramp entrance and along the edge of the setback area must be set 40 mm higher that the edge of the Right of Way. This 40 mm lip can be chamfered to eliminate any sharp edges.

Internal Layout

Mechanical Car Stackers

(x) The swept path diagrams provided in Appendix B of the O'Brien Traffic report satisfactorily demonstrate access and egress movements for a B85 design vehicle into and out of the ground floor stacker platforms.

(y) The stackers must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.

(z) As part of the development's car parking management plan, the building manager or Owners' Corporation should provide instruction to all prospective users on the operation of the stacker.

Car Park Design

(aa) The basement car park and lower ground floor car park have aisle widths of 7.0 metres and 7.25 metres respectively. These widths satisfy Design standard 2: Car parking spaces.

(bb) The headroom clearances for the ramp leading to the basement car park have not been depicted or specified on the submitted drawings. The headroom clearance at critical points along the ramp should be shown on a cross sectional drawing.

Service Room Doors

(cc) Doors to service rooms, meters and cabinets should be able to swing 180 degrees and be latched when opened.

133. The following comments were made by Council's Senior Traffic Engineer on 1 April 2016 in relation to the provision of visitor parking:

Residential Visitor Parking

(a) It is acknowledged that the proposed development has very little opportunity to provide on-site residential visitor parking since all parking would be contained in mechanical stacker devices. Visitor parking should be accommodated in at-grade spaces when provided on a private property. On that basis, we prepared to accept the waiver of visitor parking as it cannot be practically accommodated on-site.

(b) The provision of two new on-street spaces once the site is redeveloped will increase the on-street parking supply, and potentially, the parking opportunity for residential visitors. O'Brien Traffic indicated that the site would have a peak residential visitor parking demand of 5-6 spaces (on weekday evenings and at weekends). In the context and scale of the development, it is agreed that this should not have a detrimental impact on parking conditions in Little Oxford Street, Smith Street or Stanley Street.

Heritage;

134. The following comments were made in relation to the original application:

Comments regarding proposed demolition:

(a) On the basis that the subject buildings have been identified as being non-contributory, full demolition of the subject site is acceptable.

Comments regarding new development:

Setbacks:

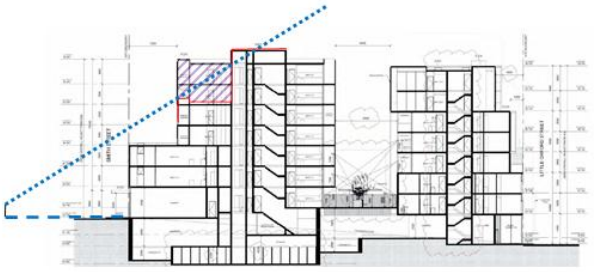
(b) The proposed front setback for the new development at street level ('Upper Ground Floor' fronting Smith Street) will be zero metres. This will be consistent with the front setbacks of the adjacent commercial properties along Smith Street.
(c) Levels 01 and 02 will also have zero front setbacks that will also be consistent with the existing upper floor levels of the immediately adjacent buildings.
(d) Levels 03 to 06 will have a front setback of 7 metres from the site front boundary. A sightline drawing has not been provided however the upper four levels of the Smith St tower will be clearly visible from the street. This setback is generally consistent with other recently constructed developments along this part of Smith Street.

Scale/height:

(e) The first three floors of the building are of a height that is generally consistent with that of the building at No. 86 Smith Street and other contributory properties in the streetscape that are mainly two stories.

(f) The overall scale of the proposed building will result in a building that will not be visually recessive. As noted previously, the character of Smith Street in this vicinity is in transition with a number of substantial new structures as well as large buildings from a variety of earlier eras. Although it is acknowledged that the overall scale of the proposed building will be generally consistent with evolving higher scale of development in this precinct, it is considered that a building of six stories, rather than eight would be preferable in this context where there is still a strong character of traditional scaled two-storey buildings. At six stories, the extent of built form rising above the three-storey street façade would be only two-storeys making it only slightly higher than the approved built form at no. 86 Smith Street.

(g) The proposed eight-storey tower at the rear (fronting Little Oxford St) will be barely visible from Smith St and will have no impact on the presentation and significance of the precinct, even if the front part of the development in reduced in height.



Above: Annotated diagram showing the preferred height for the built height fronting Smith Street. Hatched area represented built form that should be preferably deleted.

Roof form:

(h) The proposed roof form of the new development will be flat which is consistent with the roof forms of other nearby recent constructions.

Appearance:

(i) A contemporary design approach has been adopted for the proposed new building. The detailing of the new building while being distinctly modern, is considered modest. The proposed building will share many characteristics with other nearby recent constructions and as a consequence it is unlikely to be visually outstanding.

(j) The proposed building will generally respect the pattern and rhythm of buildings along Smith Street, by providing a mix of solid and void in the façade. It will be oriented to the street frontage. The perception of a vertical gap in the upper floor levels of the Smith Street façade goes some way towards breaking up the width of the proposed building and responding to the finer grain of the original streetscape.

(k) The façade materials will be a mix of face brickwork, solid masonry and glazing. The proposal to use face brickwork and solid balcony balustrading means that the relative amounts of glazing to solid wall will imitate the 40% benchmark for glazing. These materials are generally consistent with the materials that characterise the streetscape.

(l) At street level, the Smith Street façade that will be composed of glazed shopfronts with a cantilevered street canopy. Little articulation has been applied to the shopfronts. Given that this will be the primary interface between building and the public realm, it is considered that this aspect of the design should attempt to respond more convincingly to the valued heritage character of Smith Street. In this regard, the new shopfronts should be a simple contemporary style of shopfront sympathetic to the style of adjacent contributory buildings (either Victorian or Edwardian).

The key design elements for the new shopfronts should be the proportions, transom at the top of the windows, stall boards, and a recessed entry.

RECOMMENDATIONS:

(m) On heritage grounds, the works proposed in this application may be approved subject to the following conditions:

(i) That the overall height of the façade fronting Smith Street should be reduced by two floor levels to ensure that it has a consistent impact on the streetscape as the adjacent development at No. 86 Smith Street.

(ii) That the new shopfronts must be a simple contemporary style sympathetic to the Victorian and Edwardian styles of adjacent contributory buildings. The new shopfronts must reflect the key characteristics of Victorian and Edwardian style shopfronts such as the proportions, transom at the top of the windows, stall boards, and a recessed entry.

Waste Services;

135. The following comments were made on 5 January 2016 in relation to the waste management plan (WMP):

(a) I refer to your referral dated 17 November 2015 and advise that the Waste Management Plan (WMP) from Leigh Design, dated14 September 2015, is unsatisfactory from the Engineering Operations Branch's perspective. The proposal to have bins placed on Little Oxford Street for inclusion in Council's waste and recycling kerbside collection service is unacceptable. Little Oxford Street footpath is too narrow to accommodate bins.
(b) Issues to be addressed in the WMP include, but are not limited to, the following:

(i) Internal private collection for residential waste and recycling collection
(ii) Truck turning templates
(iii) Modify WMP.

(c) The main issue is that bins are not presented on the footpath in Little Oxford Street. I am prepared to work with [planning officers], the developer and Leigh Design to work through the issues and alternatives so as to get a practical outcome for all parties, particularly future residents.

136. As part of the amended plans, the applicant made the following commitments:
(a) Building 1 – Council will collect residential and commercial waste with on-street residential waste collection from Smith Street.
(b) A pram crossing or similar may be required to enable bin access to road.
(c) Building 2 – Private collection required with 6.4m mini-rear-loader vehicles used for on-site collection.

137. Council's Waste Management Coordinator continued to find this unsatisfactory and made the following comments:

(a) My advice on email dated 5 January 2016, indicated that one of the issues to be addressed in the WMP was for 'Internal private collection for residential and waste and recycling collection' which means that residential waste cannot be collected from Smith St. Collection of the residential waste from Smith Street is unsatisfactory from the Engineering Operations Branch's perspective.

138. As such, a condition will require an amended Waste Management Plan (WMP) with all residential waste to be collected internally to the site by private contractor.

ESD Advisor

139. Council's ESD Advisor provided comments on the original application and also on the amended plans. As already outlined, following the submission of the amended plans, Council's ESD advisor continued to have concerns regarding ventilation and daylight access to the wintergardens facing Smith Street and the east-facing brick screens of Building 1. Following discussions with Council's planning officers and ESD Advisor, the applicant submitted sketch plans on 17 March 2016 to show the glazing of the wintergardens to be operable and for a refinement of the brick screens facing the internal courtyard to ensure every dwelling has at least a 2m opening in front of the living areas without any screening.

Council's ESD Advisor is satisfied with this approach and Council's Acoustic consultant has confirmed the operability of the wintergarden glazing will not have a detrimental impact on the acoustic protection. The following comments are provided from Council's ESD Advisor:

(a) Below I provide a summary of:

(i) the initial design's ESD deficiencies (as highlighted in my comments on 11.01.2016),
(ii) the applicant's response to those (in reference to the above documents and communication), and
(iii) a decision whether the response sufficiently addresses those initial shortcomings, including a permit condition recommendation.

(b) <u>Ventilation Strategy</u>

(i) The proposed ventilation strategy to the apartments facing Smith Street is insufficient. Please maximise wintergarden window openings. It is required to provide further details on the effectiveness of the proposed mechanical ventilation strategy and to show all in/outlets on architectural elevation drawings.
(ii) The provided sketches propose a revised design to the Smith Street façade and the internal court yard façade, facing east. The revision primarily aims to improve access to daylight and ventilation to apartments through the incorporation of bifold windows to wintergardens and reduced screening to the courtyard façade. As previously, no information about the effectiveness of the proposed heat recovery ventilation system has been provided. Associated ventilation in/outlets have not been shown on the architectural drawings.
(iii) The raised concerns have partially been addressed. I recommend including a permit condition that requires:

(1) The winter gardens to Smith Street apartments to have a fully operable window system for the whole width, generally in accordance with the sketch plan prepared by CHT Architects received on 17 March.
(2) In-/outlets of the proposed heat recovery system to be inconspicuously incorporated into the façades.

(c) <u>Daylight</u>

(i) It is anticipated that the current design will deliver poor internal daylight outcomes. It is required to provide a daylight modelling report, demonstrating that the proposed design (or adjusted accordingly) meets Council's best practice standard. The daylight modelling report must represent all apartment types

(ii) The revised design incorporates the following changes:

(1) Windows to bedrooms, facing the northern light court of building 1, have been redesigned to have either clear glazing (east facing) or to have clear glazing with brick screening (25% transparent). No information about the windows' height has been provided.
(2) The layouts of north-west facing apartments, building 2, have been revised to reduce negative impact of possible future neighbouring developments.
(3) The brick façade facing Smith St has an increased transparency; from 25% to 35% transparency (BR04).
(4) Brick screening to the courtyard (eastern facade) has been reduced.

(iii) The raised concerns have only partially been addressed. I continue to believe that the proposed brick screens (BR04), with a transparency of now 35%, in front of winter gardens and terraces reduce access to natural daylight to a level that Council's best practice standard on daylight in some apartments will not be met.

The revised window design (described under b.1.) improves access to daylight only partially. I recommend including a permit condition that requires:

(1) Bedroom windows to the northern light court, building 1, to include high level clear glazing windows with an openable area of at least 50% (e.g. sliding or louver windows). This amendment will ensure that both, east- and west-facing bedrooms, will achieve improved daylight levels and improved natural ventilation.
(2) Revised internal east elevation generally in accordance with the sketch plan prepared by CHT Architects, received on 17 March 2016, so that the living areas to each dwelling are fully open, and not covered by the brick screen (BR04), for a minimum 2m section.
(3) West facing winter gardens, facing Smith Street, also to be fully open for a minimum 2 m section to improve access to daylight to these apartments.

(d) Screening

(i) The proposed design includes a significant amount of internal courtyard screening to the east- and west-facing balconies. These must be removed or significantly reduced to improve apartment's access to daylight and direct sun.
(ii) The revised design incorporates revised brick screens with the transparency increasing from 25% to 35% (BR04).
(iii) The raised concerns have only partially been addressed and therefore remain as is. I refer to my previous condition recommendations as the screening directly impacts on internal daylight levels.

(e) Energy

(i) It is required to submit a revised FirstRate energy report, including the results of the proposed wintergardens.
(ii) No revised FirstRate report has been submitted, even though it has been noted that the provided results do no reflect the proposed design. I believe that the submitted energy modelling has been done based on an earlier scheme that did not include winter gardens, but balconies instead.
(iii) The raised request has not been addressed and therefore remains as is. Should an updated report that reflects the current proposed design not be submitted before a permit will be issued, I recommend including a condition that requires the submission of a revised and detailed energy modelling report, confirming that winter gardens have been included. Council's best practice standard must be met.

(f) Shading

(i) It is required to improve the proposed design's shading strategy by providing external flexible shading elements to west facing wintergardens (such as blinds or shutters) and an awning to all top floor apartments (or similar) for effective shading.
(ii) The revised design incorporates brick screens with an increased transparency from 25% to 35% (BR04). No flexible shading elements have been incorporated. Upper floor windows (especially those facing the courtyard and Little Oxford Street) remain fully exposed.
(iii) While the approach of an increased screen transparency marginally improves access to daylight and direct sunlight, it does not provide the outcome external flexible shading elements would deliver (blocking passive heat gains in summer and harvesting those for the rest of the year). To balance heat gains and access to daylight I only recommend the inclusion of retractable/flexible shading elements. I do not recommend the inclusion of a condition on shading.

(g) Stormwater Management

(i) A revised STORM report, outlining how the development meets the relevant best practice standard, must be provided. Please refer to section STORM Rating, outlining the current report's deficiencies.
(ii) The applicant requests this requirement to be dealt with as permit condition.
(iii) The raised concern has not been addressed and remains as is. Should this issue not be addressed before a permit will be issued, I recommend including a condition that requires the submission of a revised STORM report that accurately reflects the permeability of the site, the rainwater collection areas and the use of the building.

(h) Bicycle Parking

(i) Additional bicycle parking spaces must be provided to meet Council's best practice standard.
(ii) The applicant outlined that investigations into additional secure bicycle parking have been made but relevant options (such as extended basement areas) were not suitable.
(iii) The raised concern has not been addressed and remains as is. Should this issue not be addressed before a permit will be issued, I recommend including a condition that requires the accommodation of additional bicycle parking spaces to meet Council's best practice standard.

Urban Design Consultant (Craig Czarny - Hansen)

140. The recommendation is as follows and is in relation to the original application:

(a) Our support for the broad gestures of the proposal is contingent on a further level of refinement that we feel is necessary to justify the projection in scale and achieve an appropriate fit in the rapidly transforming context. Whilst the following recommended modifications appear numerous, they are generally of limited impact on the otherwise successful development model:

(i) modulation of the street wall to part 4 storeys along Smith Street to accentuate a sense of grain, enhance surveillance and achieve a stronger relationship between lower and upper level elements;
(ii) integrate balcony / balustrades for street oriented apartments at both frontages into the parapet to enhance surveillance;
(iii) reconfigure apartment 1.1.4 and 1.2.4 within the Smith Street streetwall to single bedrooms with reconfigured balconies to achieve appropriate daylight and surveillance to streetscape;
(iv) remove projection of 'architectural features' from the within the ROW to the north as well as into the southern laneway to ensure the maximum sense of openness and daylight penetration within a compressed environment;
(v) further detailed drawings of the Smith Street streetwall including screens to ensure adequate surveillance, canopy design, shop front glazing, stall rises, upstands or other elements, as a response to the heritage shop fronts observed in the surrounds;
(vi) relocate, redesign or reposition the fire booster to Smith Street;
(vii) further resolution of services at the south-east corner abutting the ROW to avoid the creation of entrapment space and allow clear site lines to the lobby;
(viii) consistent with 7-15 Little Oxford Street, ensure garage doors and other laneway edge elements are artistically considered, responding to the likely high use of this lane as the area intensifies;

(ix) *refine the bike parking area to allow a more engaging laneway edge to the north with potential direct access, glazing or filtered views through;*

(x) *refine glazing within lightwells to reduce reliance on highlight windows. Through careful placement windows should be full height to achieve adequate daylighting;*

(xi) *allocate ground level of lightwells to the abutting apartments 1.0.1 and 1.0.2 with door access from bedrooms;*

(xii) *ensure lightwells use acoustically improved materials and a reflective coloured surface to maximise daylight refraction to lower levels;*

(xiii) *reconfigure apartments 2.1.3, 2.1.4, 2.2.3, 2.2.4 to ensure living areas are oriented to and have direct on grade access to their the primary open space to the west;*

(xiv) *re-orient apartment 2.3.2, 2.4.2 and 2.5.2 to provide living areas with primary outlook to the street front, and balconies positioned to provide surveillance to Little Oxford Street;*

(xv) *reconfigure apartment 2.3.3 to secure a future proofed primary western outlook to living areas and balcony;*

(xvi) *incorporate glazing to the end of the residential entry corridor from Smith Street to admit daylight from the lightcourt about, whilst managing privacy to the bedroom opposite;*

(xvii) *secure an improved outlook and daylight amenity to Apartments 1.1.1 and 1.1.2 through reduction in the extent of pergola, creation of a void or setback in the balconies overhead, or similar effect;*

(xviii) *ensure any screens to Smith Street are operable to balance surveillance and the differing privacy needs of future residents;*

(xix) *provide landscape drawings incorporation section details of planters to courtyard to ensure adequate growing medium for long term tree viability, in addition to further green roof, planter box and other greening initiatives;*

(xx) *incorporate balcony edge planters to apartments oriented to the internal courtyard to provide softening, management of bulk and intervisibility;*

(xxi) *delete all privacy screening from balconies oriented in the courtyard and accept some degree of internal overlooking to ground floor open space as a result;*

(xxii) *ensure any setback 'shoulders' of the former which are visible from within the development or adjacent development incorporate appropriate finishes including green roof, pebble ballast or similar;*

(xxiii) *material sample board demonstrating brickwork, balustrades (inc grab rails), paint finish trim and other metal finishes;*

(xxiv) *utilise powdercoated steel blades or similar in lieu of glass balustrades to balance privacy and outlook with stronger integration with the industrial character of the precinct and the otherwise successful elevation strategy;*

(xxv) *explore the integrated resurfacing of the bluestone ROW's and footpath to Little Oxford Street, with integrated lighting to enhance pedestrian amenity and safety;*

Acoustic Consultant (SLR Consulting)

141. Following the submission of the amended acoustic report, the following recommendations were provided on 15 March 2016:

Music Noise

(a) *An existing residential receiver affected by music noise has been identified in the Acoustic Logic response to our review. The existing receiver is in a dwelling above a shop in Smith Street. The identification of existing receivers have been used on other projects to establish that a venue is already exceeding SEPP N-2 noise limits, and to argue the case that noise control works to comply with Clause 52.43 (i.e. to achieve SEPP N-2 compliance indoors) need not be undertaken by the developer.*

Acoustic Logic are not making this claim, however they seem to be suggesting that the identification of an existing noise receiver means that there is less need for rigour in the assessment.

(b) Our office is deeply ambivalent about using existing dwellings above shops to reduce the developer's obligation to control music noise to the new development. These 'shoptop' dwellings have traditionally been occupied by people who have a higher tolerance of music noise intrusion than the new residents will. However, the question of whether these dwellings can be used to reduce the developer's responsibilities is a legal and planning one, rather than an acoustic one. As such, the City of Yarra will need to provide feedback to the applicant on this issue.

(c) The other issues with the music noise assessment are:

(i) the proposal to target SEPP N-2 'base noise limits + 8 dB' for music noise within apartments, and
(ii) the potentially misleading contents of Table 16 of the report entitled 'Internal Design Criteria – Music Noise', where the base noise limits + 8 are discussed, but the actual limits provided in the table are the normal SEPP N-2 external noise limits (based on externally measured background noise levels).

(d) As a minimum, this table needs to be amended to include the actual base noise limits + 8dB figures. As it stands, the design targets in the report are not clear, and this could cause issues if a post construction assessment of music noise is conducted.
(e) Aside from the design targets not being clearly documented, they are not in line with the normal EPA or Agent of Change provisions. These require the 'base noise limits' or indoor background noise levels + 8 dB (i.e. not 'base noise limits + 8 dB).
(f) If higher targets are adopted for music noise, such as the proposed Base Noise Limit + 8 dB, we would want to see further discussion and consideration of masking noise introduced within apartments to ensure that background noise levels were sufficiently high to enable the SEPP N-2 'indoor background + 8 dB' limit to be met. A Section 173 Agreement should also be included to ensure that future occupants are aware of the potential for compromised acoustic amenity. Without these safeguards, the music venues may be required to control their music emissions in the future.

Carpark Gate and Car Stackers

(g) While good and practical acoustic advice is provided in the acoustic report for controlling noise from both the carpark gate and car stackers, a recommended maximum noise level for noise from these items is not included. Without this information there is a risk that inappropriate equipment will be selected by the builder / developer. We recommend that a maximum sound pressure level at a reference distance be clearly nominated in the report for both the carpark entrance gate and car stackers such that this equipment will comply with both SEPP N-1 and sleep disturbance targets.

142. Following a series of discussions between the permit applicant, Council planning officers and Council's acoustic consultant, the following comments were provided by Council's Acoustic Consultant on 21 March 2016:

Music Noise

(a) Acoustic Logic argue that the new development will not be an 'Agent of Change' on the grounds that there is an existing shop top dwelling at 86 Smith Street, and a multilevel residential development approved for that site. Our concerns with this approach are:

(b) The use of shoptop dwellings to establish an existing SEPP N-2 exceedance. This issue is discussed in more detail in our email [dated 15 March 2016]. As noted in there, CofY will need to provided their own feedback / input on this issue as it is a legal and planning one, and

(c) The proposed multilevel development at 86 Smith Street is itself subject to Agent of Change. From our knowledge, this project has not been approved (at least their acoustic report did not adequately address the issue of music noise).

(d) Additionally, Table 16 of the acoustic report presents external SEPP N-2 noise limits as indoor targets. These levels are not acceptable indoor targets.

(e) Our thoughts on resolving these issues are provided in our email below under the heading 'music noise'.

Patron Noise

(f) The revised report proposes lower (and in our opinion reasonable) targets for patron noise, however the glazing for the part of the development potentially affected by patron noise does not appear to have changed. Acoustic Logic should confirm that the lower patron noise design targets will be met with the proposed glazing. (This is not clearly stated in the report).

Carpark Gate and Car stackers

(g) The sleep disturbance targets for the carpark entrance gate and car stacker proposed in the report are 10 dB higher than we recommend for these sources and proposed in our review dated 15 November 2015. We recommend that equipment be selected such that indoor targets of 45 dBA Lmax, windows open, are met in neighbouring dwellings. The external targets of 55 dBA Lmax indoors, windows open are derived from NSW criteria for road traffic.

(h) Ideally a noise level at a reference distance should be nominated such that the developer can select appropriate equipment for achieving these indoor targets.

143. Since the initial comments provided by the applicant's acoustic engineers and Council's acoustic consultant, it has been confirmed that there is an existing dwelling at No. 86 Smith Street which is closer to the live music venue than the subject site. It is noted that there is a current planning application to change this to an office.

144. The following updated comments were provided 23 March 2016 and address all remaining concerns, subject to the existing shop-top dwelling being at No. 86 Smith Street:

(a) The original acoustic report did not identify a shop top residence, so that is new information included in the latest report only.

(b) My recommendations for conditions would be something like:

(i) Music noise ingress is to be controlled to dwellings through implementation of the façade upgrade treatments detailed in the acoustic report dated 17 March 2016.
(ii) Patron noise levels within apartments is not to exceed 30 dBA Leq,1hour in bedrooms, and 35 dBA Leq,1hour in living rooms with windows closed.
(iii) The car park gate and car stackers are to comply with SEPP N-1 at the nearest dwellings and not to exceed levels of 55 dBA Lmax outside openable windows of bedrooms.

145. 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

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

(a) Policy and physical context;
(b) Dwelling use;
(c) Built form and Heritage;
(d) Off-site amenity;
(e) On-site amenity;
(f) Car & Bicycle parking / traffic/access/loading facilities
(g) Waste management; and
(h) Objector concerns.

Policy and physical context

147. The proposal satisfies the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.

148. State and Local Policies (such as clauses 11.02-1 and 16.01-2) encourage the concentration of development in activity centres (with this site being within a Major Activity Centre (MAC)) and intensifying development within existing urban areas well connected to public transport. It is clear that the Collingwood area (as has previously been outlined) is undergoing change and there is strong state policy support for increased density in this area as shown through Clause 16.01-1 (amongst others).

149. In this instance the site is located close to several public transport options with trams operating along Smith Street, Gertrude Street and Victoria Parade as well as bus routes along the latter. Yarra's first Copenhagen style bicycle lanes have been constructed along Wellington Street and provide a better connected journey for cyclists. Locating such a development satisfies the objectives of clauses 11.02-1 and 11.02-2 of the Scheme.

150. The site is located in an area suitable for redevelopment, with a proposed built form that generally responds to the diverse pattern of urban form in the neighbourhood and with limited off-site amenity impacts. The location of laneways and the street surrounding the proposal to the north, east, west and south provide a buffer from off-site amenity impacts.

151. Additionally, the subject site is considered to be a Strategic Redevelopment Site (SRS) given its location within the Smith Street MAC, location abutting the Gertrude Street Neighbourhood Centre (NC), accessibility to public transport (trams and buses) and ability to accommodate more than 10 dwellings. SRSs can generally be developed in a reasonably robust manner as Council's MSS acknowledges, the municipality is predominantly low rise with 'pockets of higher development'.

152. The Commercial 1 Zone (particularly those within MACs) which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. The existing character of the area is of lower rise commercial buildings generally single to triple storey in height with several examples of higher built forms within the vicinity. Recent approvals in the surrounding area build on this emerging character.

As already outlined within the 'site and surrounds' section, numerous comments were made by the Tribunal within *Outline JV (Little Oxford) Pty Ltd v Yarra CC [2015]* VCAT 1239 (12 August 2015) in regards to the acceptability of an eight storey development in this specific locality, and these apply to the subject site which has many similar attributes.

153. In summary, the subject site is considered to be appropriate for a higher density development of the nature proposed as there is strong policy support (as has been demonstrated) for the redevelopment of this site in a very intensive way given its strategic context.

Dwelling use

154. The proposal incorporates a mixture of dwellings and shop premises at ground level. The use of the site predominantly as a residential building is supported by both State and Local policy, as outlined previously, and promotes urban consolidation near a MAC that is well serviced by existing infrastructure and services.

155. Additionally, the provision of dwellings is supported by the C1Z, which aims to create vibrant mixed use commercial centres for retail and community uses (amongst others), whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. The proposal achieves this by providing an active commercial frontage to both Smith and the Little Oxford Street interfaces which is in compliance with policy at Clause 21.08-5.

156. Clause 22.05 (Interface Uses Policy) requires new non-residential use and development within Commercial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties as well as requiring building design to ensure that the ongoing viability of surrounding industrial and commercial properties is not impacted through the introduction of dwellings. In this instance the closest residential interface is directly to the south and an assessment of this is outlined within the *Off-site Amenity* section of this report. A more detailed discussion regarding the internal amenity of the proposed dwellings will be undertaken within the *On-site Amenity* section, however strategically the provision of dwellings in the proposed location is accorded with a high level of support.

Built form and Heritage

157. The provisions of the Scheme relevant to design and built form are contained at clauses 15 (Built Environment and Heritage), 21.05 (Built Form), 22.02, 22.10 (Design and Built Form), and as supplementary guidance within the GHDRD. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character.

158. The proposal presents to two street frontages with different characters and as such, the assessment of the proposal within the two contexts will be separated.

Demolition

159. Nos. 88-92 Smith Street are classified as "not-contributory" to the Smith Street Heritage Precinct and therefore it is considered that the proposed demolition is acceptable and is supported by heritage policy within clause 22.02-5.1.

Neighbourhood character

Smith Street

160. The built form along Smith Street is of a generally intact heritage streetscape with heights generally ranging between one and four storeys with recent taller elements visible above. There is an emerging development scale within this activity centre which includes more intensive built form, above the dominant heritage buildings with some taller existing heritage buildings also.

161. In a recent Tribunal decision (*9-17 Smith Street Developer Pty Ltd v Yarra CC* (Correction) [2014] VCAT 77) regarding a development on Smith Street, the issue of the emerging character of an area was discussed, with the following comments being made:

> [67] The proposal before us is the first application in this southern section of the Smith Street MAC that rises above the prevailing 2 to 3 storey scale of existing buildings. It is unlikely to be the last. Having regard to the locality's inclusion in the Smith Street MAC, and also having regard to the locality's other strategic attributes, including access to public transport, this is a locality in which the planning scheme specifically contemplates redevelopment of a type and scale that exceeds the existing 2 to 3 storeys.
>
> [68] In this context, we are not troubled by the fact that upon construction, this proposal will be significantly higher than its immediate neighbours and will therefore assume a high level of visual prominence in the Smith Street Streetscape.
>
> …
>
> It does however successfully emphasise the point that in a locality such as this part of Smith Street, in which the planning scheme encourages significant levels of redevelopment, the assessment of a proposal in terms of its response to an existing context, is also of little value.

162. Whilst the above decision related to a site not within a heritage overlay, numerous approvals for the redevelopment of sites along Smith Street within the heritage overlay have been granted as already outlined.

163. The proposal includes a three storey podium to the street which will generally be similar in height to the two abutting buildings. This assists in continuing the well-established street wall height along Smith Street. The three shop tenancies at ground floor replicate the existing rhythm in the street with this being included in the two levels above. There is an obvious patterning of the podium being vertically separated into three sections, similar to the existing rhythm. The three levels above the podium are setback 7m from the street frontage ensuring that the podium is the more dominant element in the street with a further recessed upper-most level. This assists in establishing connectivity to the surrounding character and anchoring the viewer's eye to the podium, away from the upper levels.

164. As part of the amended plans, two apartments were deleted from the upper-most level and replaced with the communal terrace, resulting in an increase in setback of the front wall of the upper-most level. The upper-most level will recede further away and not be prominent in the street, with the exception of long distance views, where other taller buildings would also be seen along Smith Street.

165. It should be noted that Council's Urban Design Advisor suggested an increase in the podium height to four levels which would reduce the visual dominance of the upper levels in comparison to the podium and the surrounding streetscape. Council planning officers did not agree with increasing the height of the podium. Through the increased setbacks of the upper-most level from Smith Street, Council officers are satisfied that the visual dominance of the tower above the street wall is now reduced and in-line with the proportions of similar developments along the strip, complying with policy at clause 22.02.

166. Council's Heritage Advisor confirmed the pattern and rhythm of Building 1 to Smith Street is acceptable through providing a mix of solid to void in the façade which is consistent to the surrounding streetscape. The proposed façade materials will be a mix of brick, solid masonry and glazing which draws on existing materials already found in the streetscape and comply with policy at clause 22.02. Council's Heritage Advisor was supportive of this.

167. Council's Heritage Advisor raised concerns with regards to the shopfronts to Smith Street and the lack of articulation which subsequently does not respond to the heritage character. Council's Heritage Advisor recommended that the new shopfronts should be a simple contemporary-style of shopfront, sympathetic to the style of adjacent contributory buildings (either Victorian or Edwardian).

It was suggested that the key design elements for the new shopfronts should reflect the proportions of the heritage shopfronts through the inclusion of a transom at the top of the windows, stall boards, and a recessed entry. This can be included by way of condition should a permit be issued.

168. Council's Urban Design Advisor also raised concerns with the lack of design detail provided at these lower levels. It was recommended that additional details be provided in addition to a materials sample board. Through the inclusion of the previously mentioned condition, further details will therefore be provided, with a further condition requiring the materials sample board to be provided, should a permit be issued. Council's Urban Design Advisor also raised concerns with the location of the fire booster as it disrupts the retail frontage. As with the previously mentioned comments (which the applicant had prior to the submission of the amended plans) no change had been proposed by the applicant as part of the amended plans to address these initial concerns. As such, a condition can require further design and material treatment to ensure its successful integration into the street front, should a permit be issued.

Little Oxford Street

169. The built form in this area has been guided by the traditionally industrial aspect with single, double and triple storey commercial/industrial buildings, however there are a number of converted warehouse residences and modern residential and commercial buildings also. It should be noted that the portion of the subject site at No. 17-21 Little Oxford Street is not within the heritage overlay.

170. The majority of buildings are constructed in a rectilinear form with some windows facing the street and mainly flat roofs. There are also pockets of remnant single and double storey dwellings in the surrounds.

171. This portion of Little Oxford Street is currently underutilised. It is located within a Commercial 1 Zone, within a MAC, adjacent to a NC, near various forms of public transport, with no heritage restrictions and limited sensitive interfaces. It would be a reasonable expectation that this site (and those surrounding it) would experience intensification in use and development. In the absence of precinct specific overlay controls, it is within this future neighbourhood context that the proposal must be considered. Council's Urban Design Advisor agreed with this response.

172. This has also been confirmed by the Tribunal decision for the site to the south where an eight storey building with a three-level podium was approved. Exerts from this decision relating to this have been included in this report previously. It should be noted that Council's Heritage Advisor confirmed that Building 2 will not be visible from the Smith Street Streetscape and as such, will have no impact upon it.

173. The proposed works are an obvious improvement on the existing streetscape. This is achieved through the demolition of the dilapidated and out-dated building which offers no passive surveillance, for the construction of a modern and visually interesting building which is in-line with the future character envisaged for this precinct.

Overall the building has a number of similar elements to what is already found in the area, whilst building upon it, in a modern way. This shows the proposal has considered both the existing and emerging character of the area as per objectives of clause 15.01-1.

174. The proposal provides a similar form to the approved building to the south, with a three storey podium, three levels above with small setbacks and further recessed two upper levels. Council's Urban Design Advisor was particularly supportive of the proposal's presentation to Little Oxford Street. It was stated that this building provides a connection with the emerging character in the street as well as further to the north within the Foy and Gibson complex and found that it provided a strong profile up to six storeys which is appropriate within this context.

Although the balconies above the podium in the north-eastern corner of the site project outside of the setback, they abut the laneway edge and therefore add to the articulation and visual interest of the overall form. Council's Urban Design Advisor stated that this proposal presents as a positive series of well-spaced robust masonry forms.

175. Whilst the podium is three-storeys in height (which is of a similar height to others in the street), it presents itself with an exaggerated ground floor height. This is similar to the oversized entrances traditionally seen in warehouses to allow for trucks to enter their loading areas. Such adherence to the existing and emerging character will ensure there is a visual connection at street-level with the surrounding buildings when looking down Little Oxford Street from the north and south. Council's Urban Design Advisor was supportive of the podium height.

176. Due to the narrowness of the street and the upper level setbacks, the two uppermost levels will generally only be seen from a distance with the main view of the passer-by being that of the podium and the three levels above. This ensures the proposal fits in comfortably with the surrounding area.

177. This new building will form part of the varied neighbourhood character where there is an irregular form but where there are similar elements threading their way through the streetscape. These include hard-edged surfaces, high on-boundary walls, industrial materials and rectilinear forms. This has shown that the proposal has responded to its context as per objectives of clause 15.01-1. The proposal includes a number of these elements and also draws on a number of elements within the approved development directly to the south. This will introduce some consistency, which is presently absent from this streetscape.

178. The use of various bricks, polished concrete and glazing are similar to a number of the industrial-style buildings in the area (including the Foy & Gibson buildings) in terms of materials. Council's Urban Design Advisor suggested the replacement of the glass balustrades with powder coated steel blades to provide a stronger connection with the industrial character of the precinct however this will result in a heavier design and add to the visual clutter of the facade.

179. Additionally the visually interesting materials ensure the proposal appears modern and innovative in the street and is a vast improvement on existing conditions. High quality materials have been chosen and are an integral part of the design response which is consistent with design suggestion 5.6.2 of the GHDRD.

Height and massing

180. The proposal will have a maximum height of eight storeys, although Building 1 will have a maximum height of seven storeys.

General

181. In the nearby area, south of Johnston Street, there have been a number of recent approvals for taller buildings from four to 17 storeys as outlined in the surrounding area description. Further along Smith Street, to the north of Johnston Street there are also numerous approvals (some having already been constructed) of taller construction.

182. As already outlined, the recent Tribunal decision for the eight storey approval to the south, determined it to be an acceptable height considering the context and the numerous developments in and around the activity centre of a similar scale.

183. In regards to buildings with a greater height then surrounding form the Tribunal (Rowcliffe *Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:

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

184. The proposal is responding to the immediate and future height context of this part of Collingwood as well as specifically to the two street frontages. As such, the height is compliant with policy at clauses 15.01-1, 15.01-2, 22.10-3.2 and 22.10-3.3. Whist the proposal will be visible along the street at certain points, this will not be the case long-term as other developments occur, such as the eight storey building directly to the south. The height and setbacks are considered to be compliant with a number of policies at clauses 22.10-3.2 and 22.10-3.3. By acknowledging its existing context and the agreed aspirations for the future development of the area, the proposal has complied with Objective 1.1 and Design Suggestion 2.1.1 of the GHDRD.

185. Strategy 17.2 at clause 21.05-2 of the Scheme states that development should generally be no more than 5-6 levels unless it can be demonstrated that the proposal can achieve specific benefits. Having regard to the specific benefits required to support taller built form, it is considered that the proposal makes a positive contribution to the enhancement of the public domain through the construction of a new building and additional passive surveillance opportunities to both the street and laneways. It will achieve good environmental sustainability objectives in design, high architectural design excellence and significant upper level setbacks. As such, the proposal has demonstrated sufficient justifications to go beyond the general 5-6 levels.

186. The setbacks have been included in detail within the *Proposal* section of this report. The proposal has adopted a central courtyard area which results in two buildings separated by an central open area. The incorporation of this massing design has been implemented to improve internal amenity for dwellings as well as resulting in a reduction of off-site amenity and visual bulk impacts due to a reduction in the expanse of on-boundary walls. Building 2 has included significant setbacks from its southern boundary to reduce off-site amenity impacts in relation to the approved eight-storey building to its south.

187. Off-site and internal amenity matters will be addressed later in the report.

188. Now to specifically turn to each of the frontages:

Smith Street

189. To Smith Street, whilst the overall height of Building 1 is seven storeys, it will present as six storeys. This is due to the increased setbacks incorporated as part of the amended plans and the location of the three levels below it. This obscures views to this upper level from Smith Street, which is the more sensitive interface due to the heritage considerations. Potential views to this upper-most level would be from a distance, where there are other similarly tall buildings also in view.
Council's Heritage Advisor was supportive of a six storey form to Smith Street. With a presenting height of six storeys, Building 1 will be similar in height to other recent approvals along Smith Street.

Little Oxford Street

190. With specific regards to Little Oxford Street, Building 2 will present as an eight storey building, separated into three segments, a three-storey podium, a robust mid-section and rectilinear, open, and lightweight uppermost levels. This improved connection fits in with the surrounding streetscape.

The massing is considered to be a series of well composed and distinct parts, founded on an appropriate appreciation of the existing and future context whilst responding to immediate interfaces to reduce off-site amenity impacts. The three segments of this development results in the massing being broken up thus ensuring the height is acceptable for this streetscape and easier to relate to existing built form thereby complying with clause 22.10-3.3.

191. By ensuring that the lower six levels have a stronger profile in the streetscape, they will be the primary view of any passers-by. Whilst the visibility of the upper levels is not the issue, the upper level setbacks have been included to allow for a clear separation between the podium and the upper levels, as well as assisting to fit in with the existing streetscape. Adding to this, the more permeable and open upper-most levels are sufficiently setback from Little Oxford Street and will only be seen via longer range views, where the distance reduces any visual bulk. Council's Urban Design Advisor stated that the proposal represents an appropriately tailored configuration of scale.

Public realm, light and shade and pedestrian spaces

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

193. To Smith Street, the proposal will continue to present as three shopfronts as per existing conditions with balconies above. This is an improvement on existing conditions in terms of passive surveillance. The construction of a modern façade to Smith Street will also improve the pedestrian experience. Noting that Council's Heritage and Urban Design Advisors both had recommendations regarding further detail being provided to these ground floor areas.

194. The site as it presents to Little Oxford Street presently contributes little to the streetscape, appearing as a warehouse and car parking area.

195. The construction of a modern building with shop tenancies and residential lobby at ground floor to both street frontages is an improvement on the streetscape. As is the inclusion of full length glazing at the ground floor of Building 2 which wraps around to the northern laneway. Through the activation of the ground floor, the building will provide interaction at street level where there currently is not any. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2 and 21.04-2.

196. Council's Urban Design Advisor was supportive of the level of activation in the street, subject to additional refinement of the building entry of Building 2 to allow for greater passive surveillance. Along the southern laneway, the proposal has incorporated solid wall which hides the pedestrian entrance from views as one walks in a northerly direction along Little Oxford Street towards the proposal. A condition can require further refinement of this entry to ensure there is visibility to this area.

197. The finer scale of detail at the lower levels in the proposal through the use of brick with glazing complies with design suggestion 5.6.1 of GHDRD.

198. In terms of light and shade to the public realm, due to the orientation of the site, shadows will fall over laneways and Smith Street in the morning, over the laneways and private land at 12noon and over Little Oxford Street in the afternoon.

199. At 9am, the proposal results in shading to Smith Street, although it will not reach the opposite footpath. At 3pm, the proposal will result in shading to the opposite site of Little Oxford Street. This is acceptable however, as due to the narrow width of Little Oxford Street, any buildings with a height of above single storey would create shadows to the eastern side or over the laneways. This is clearly visible in the shadow diagrams provided by the applicant.

Landscape architecture

200. Landscaping does not form part of the character of this part of Collingwood. To increase amenity for future occupants as well as provide overlooking protections, the proposal has included plantings in the courtyard and on the communal terrace. A landscape plan can be required by way of condition and is in-line with advice from Council's Urban Design Advisor.

201. Whilst Council's Urban Design Advisor suggested the incorporation of balcony edge planters to apartments oriented to the internal courtyard to provide softening, management of bulk and inter-visibility, this is not seen as necessary to require. Future occupants can add these as they see fit with the brick screens being used as a way to minimise inter-visibility.

202. Additionally, this part of Collingwood is not known for extensive areas of landscaping with the overall design ethos of this building being a modern warehouse industrial style.

Energy and resource efficiency

203. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes would reduce the need of occupants relying on private vehicles.

204. Policy at clauses 15.02-1, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

205. The application was referred to Council's ESD Advisor and this advice has been outlined in the *Referral* section of this report. Should a permit be issued, conditions can be added in-line with Council's ESD Advisor's recommendations in relation to 'Ventilation Strategy', 'Daylight', 'Energy' and 'Stormwater Management'. Subject to these improvements, the proposal provides a positive response to the environmentally sustainable design policy provisions.

206. Each of the remaining ESD concerns will be addressed in turn:

Screening

(a) The applicant has reduced some of the screening, however the screening also assists with reducing overlooking and provides acoustic attenuation. The reduction in screening as shown in the sketch plan is seen as an acceptable outcome when weighing up these competing considerations.

Shading

(a) Council's ESD Advisor has concerns related to the lack of shading devices to windows, however the brick screens provide shading protection due to being either partially or fully solid. This acts as a shading mechanism.

Bicycle Parking

(a) The proposal is providing 34 bikes which is well in excess of the 9 spaces as required by the Yarra Planning Scheme.

Architectural Quality

207. The development is considered of high architectural quality and in that regard responds to the design objectives clause 15.01-2. The contemporary design is appropriate and responds well to the emerging character of this part of Collingwood, as confirmed by Council's Urban Design Advisor who noted it as being a "successful development model". Whilst Council's Urban Design Advisor suggested a number of changes these are minor in nature and overall the development was supported. A number of these changes have already been discussed.

208. Council's Urban Design Advisor made a number of positive comments regarding the architectural merit of the proposal, stating that it "*adopts a refined, contemporary response to the dominant industrial character of this back of house precinct, and more specifically represents an abstracted brickwork form which responds to the significant warehouses within the Foy and Gibson complex to the north*".

209. Additional comments were that "*the compositional strategy is successful, with dominant brickwork, carefully curated openings and balcony achieving a patterned effect which balances mass with a play of shadow*".

210. Council's Urban Design Advisor also made some additional recommendations:

    (a) remove projection of 'architectural features' from the within the ROW to the north as well as into the southern laneway to ensure the maximum sense of openness and daylight penetration within a compressed environment;

        (i) This can be required by way of condition as the laneway interfaces are already constrained in terms of space, and the inclusion of these architectural features further clutters the laneways.

    (b) consistent with 7-15 Little Oxford Street, ensure garage doors and other laneway edge elements are artistically considered, responding to the likely high use of this lane as the area intensifies;

        (i) This can be required by way of condition.

211. A number of recent approvals have been granted for innovative and interesting residential developments in the immediate vicinity, the proposed development will add to these. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises all frontages. The design response is such that it provides articulation to both facades as well as to the northern and southern boundaries where there will be oblique views. This is achieved through the separation of the proposal into two built forms as well as a variation of each building through windows, balconies and the various materials and textures.

212. The variation in the façade with the brick screens (both solid and permeable), glazing and black painted finish create an interesting and sophisticated design which generates visual interest throughout each section of the building and clearly shows the applicant has considered how the building will appear 'in the round'. The proposal has clearly referenced the industrial buildings surrounding it, but in an architecturally innovative and modern way. A condition can require a materials sample board, in-line with Council's Urban Design Advisor's comments.

Off-site amenity

213. The subject site is zoned Commercial 1. Sites to the north, west and south are all also within the Commercial 1 Zone with the sites to the east being in the Mixed Use Zone.

214. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) and the GHDRD. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable).

215. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Use Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the subject site and those surrounding it.

216. The appropriateness of the setbacks and walls on boundaries provided in this instance need to be considered within their strategic context, being located within a Commercial 1 Zone (previously Business 1 Zone) and into a MAC. This issue was discussed within the Tribunal decision *Phillip Crouch Architects v Bayside CC [2009] VCAT 2719 (21 December 2009)*. The following statement was made:

> [16] It is normal in commercial developments within a Business 1 zone to build to the boundary, as there are no side or rear boundary setback requirements. There is no site coverage or setback requirements specified for developments located in Business 1 zones and 100% site coverage or 'boundary to boundary' developments are not uncommon on commercial land in strip shopping centres.

217. Following on from this, there would be an expectation within this area that buildings would include on-boundary walls and limited setbacks, particularly as this area is earmarked for higher density developments and considering its narrow width, would not be able to accommodate such significant setbacks as those required by Rescode. Expectations of those residing in a Commercial 1 Zone and Mixed Use Zone must be tempered with the purpose of these zones for intensive development. Residents in these zones should not expect wide setbacks particularly if the surrounding area is already characterised with minimal front and side setbacks which is the case here.

218. The Tribunal has made numerous comments on the expectations of residents living in commercial areas, such as in *Daniel Stevens (Zero Nine Pty Ltd) v Yarra CC* [2011] VCAT 467 which related to the land at No. 105-107 Johnston Street, Collingwood:

> [18] In relation to Mr Moir who lives in the neighbouring property to the west, I appreciate that he is concerned at the likely loss of his amenity in terms of the use of the rear courtyard area of his property by him and his family who all live on this neighbouring property. <u>However (as has been said many times before by the Tribunal) anyone who chooses to live on this type of commercially zoned location needs to substantially temper their amenity expectations.</u> For these reasons, I am unconvinced that it would be justifiable for the proposed overall design response to be refused or diluted simply due to the likely amenity impacts on the Moir property. In particular, and as was discussed at the hearing, it seems likely that the Moir courtyard next door would face major overshadowing issues even if a substantially lower level of built form was proposed at the rear of the subject land.
>
> [Emphasis Added]

Setbacks and visual bulk

219. As previously stated the sensitive interfaces to the proposal are to the north, south and east, all of which are separated from the proposal either by the width of the laneway or the street thus minimising any visual bulk impact potential.

East

220. The dwellings to the east have the width of Little Oxford Street to buffer views to the proposal. This width of 10m, in addition to the upper level setbacks being setback up to an additional 4m results in a significant separation from the buildings and serves to limit potential visual bulk.
Adding to this, the main view of these windows would be of the podium which is of a similar height and the middle levels, thus reducing the visual impact of the proposal.

South

221. Turning to the south with regards to No. 86 Smith Street. None of the primary outlooks are orientated to the proposal, with only two windows facing Building 1 from which to have any views. Adding to this, the lightwells are narrow and have walls abutting them reducing the ability to see the uppermost levels, thus reducing the visual bulk of the overall building.

222. In terms of the building at No. 7 and 9-15 Little Oxford Street, it will be comparable in height to the proposal as the lower levels have the width of the laneway to provide a buffer, with a number of materials and openings reducing the bulk of the podium as seen from these balconies. There are setbacks of up to 8.335m provided above the podium. These setbacks are reasonable considering the inner city context. Adding to this, each of the podium balconies is covered by built form above, thus reducing the ability to see the uppermost levels and reducing the visual bulk of the overall building. From above the podium, the setbacks increase and subsequently the visual bulk impacts are reduced. For the western-most windows and balconies of the building to the south, angled views towards the central courtyard will be included which ensures visual bulk is limited and an outlook through the subject site is retained.

North

223. From the north, these windows have a width of 6m from which to buffer views to the subject site as well as the oblique views through the central courtyard area. Expectations of visual bulk should be tempered for those who live at the rear of properties along MACs with outlooks to laneways.

224. As will be demonstrated in the following paragraphs, the proposed setbacks will not result in any unreasonable overshadowing or loss daylight having regard the context of the site.

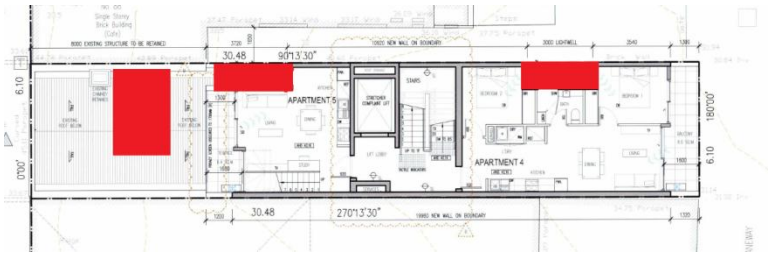
Daylight to windows

225. As previously stated, there are neighbouring windows facing the proposal to the north, east and south. The windows to the east have the width of Little Oxford Street and thus are ensured they have daylight access. In the case of Nos. 61-63 Oxford Street, windows are setback an additional 10m beyond Little Oxford Street.

226. There are two developments to the south which have been approved, but not constructed. One is at No. 86 Smith Street for a five storey building and the other is at Nos. 7 and 9-15 Little Oxford Street. It should be noted that if only existing conditions were to be considered, there are no windows facing the subject site to the south.

No. 86 Smith Street

227. No. 86 Smith Street includes three lightwells along its northern boundary. The layout is as shown below:



228. The western-most is associated with a first floor courtyard and the two central lightwells have windows on all sides (both habitable and non-habitable) facing into them.

229. With regards to the light wells as shown above, in each instance, the light wells are not the only source of light for each apartment. Each apartment either relies on:

(a) two light wells plus windows to Smith Street, or
(b) one light well and openings to the laneway to the east, or
(c) one light well and windows to Smith Street

230. The only habitable room windows associated with No. 86 Smith Street which face the proposal are two dining and living room windows which face the central lightwell at first and second floors. In each of these two instances, these windows are a secondary source of light. As such, the height of walls abutting these windows are acceptable as there is more than one source of light. With regards to the eastern-most lightwell, there are bedroom windows which have the lightwell as their only source of light, however these windows do not face the subject site and by virtue of the nature of their use (sleeping), do not have the same light requirements. These bedrooms will still be able to access adequate daylight from these light wells.

231. It must be noted that all of these windows are in a Commercial 1 Zone where there should not be the same expectation of amenity as in residential areas. The decision guidelines of the C1Z do not specifically protect daylight to windows, and only state that solar access should be provided.

232. It should be considered that these light wells would be constructed abutting a boundary of a site which has significant development potential in the future. It would not be equitable to expect the proposal to now provide significant side setbacks for these windows. Nevertheless, through the incorporation of the setbacks above the podium, the proposal has ensured that light will reach within the western-most light well.

Nos. 7 and 9-15 Little Oxford Street

233. Now turning to the approved development to the south at Nos. 7 and 9-15 Little Oxford Street which has a number of windows and balconies facing the proposal.

234. The overall design of Building 2 has directly responded to the future habitable room windows and balconies to the south. The proposal has considered the impacts it will have on these sensitive areas through the inclusion of the significant upper level setbacks from the southern boundary. A laneway with a width of 4.335m separates the two sites with both proposals incorporating three level podiums along their title boundaries. At ground floor, the development to the south includes a café facing the street and the subject site. Above this are two additional podium levels which each include dual aspect apartments with living room and bedroom windows facing the subject site. In each instance, the northern interface is not their only source of daylight. The north-eastern apartment also includes a balcony (with windows facing onto it) which faces both the north and Little Oxford Street. The levels above the podium each include two apartments facing the subject site, again, with dual aspect and setbacks of at least 2.4m (with balconies protruding into this).

235. The proposal includes additional setbacks from the site to the south from Level 2 and above. Between Levels 2 and 4 the setback is 2.549m (with a balcony protruding 1m in the south-eastern corner) from the southern boundary (6.884m in total with the laneway) with the setback increasing to 4.5m (total of 8.835m) from Levels 5 and 6. This is sufficient to allow for sufficient amenity of the adjacent property. This has complied with the comments by Council's Urban Design Advisor, objectives within Clause 22.10-3.8 and Objective 2.6 of the DSE Guidelines for higher density residential development.

236. These setbacks are reasonable considering the inner-city context, and also that the windows are located above the ground floor, reducing the comparable variation in height between these two buildings. As previously stated, bedroom windows do not have the same daylight requirements as they are typically used for sleeping. The balconies (and therefore windows which face onto them) that face the proposal within the podium either also have an aspect to Little Oxford Street or are covered and therefore would not direct sunlight due to the balcony acting as an eave. The width of the laneway will ensure these lower level balconies receive the daylight access. This is considered acceptable.

North

237. To the north of the site are the side and rear of No. 96 Smith Street, a car park at No. 23 Little Oxford Street (there is a current application for a six storey apartment building) and the first and second floor windows at the rear of No. 98 Smith Street. It is unknown if the windows of No. 98 Smith Street are habitable and therefore the most restrictive consideration will apply. These windows and the proposed development will be considered in this assessment as they are the only potential habitable room windows facing the proposal from the north. In both instances, each has the width of the laneway to the north that would allow for daylight access.

238. In the case of No. 98 Smith Street, the laneway is 4.921m wide to the subject site, with the windows being setback 1m into their own site. These windows are therefore setback approximately 6m from the subject site. Additionally it should be noted that they are south-facing and therefore there will be no loss of direct sunlight and will continue to receive adequate daylight due to the 6m buffer provided.

239. With regards to the proposed development at No. 23 Little Smith Street, in each case, all the south-facing windows are secondary sources of light ensuring that habitable rooms do not only rely on this southerly aspect.

Overlooking

240. Objective 2.9 of the GHDRD suggests that windows should be protected against overlooking in accordance with Standard B22 of Clause 55 which prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

241. As previously stated, the only habitable room windows facing the proposal within 9m distance are those to the north and south. The habitable room windows within the proposed development facing north and south are all either obscured up to 1.7m above the finished floor level or have a screen with a maximum transparency of 25 percent, which complies with Standard B22.

242. The windows to the east are beyond 9m and therefore overlooking is not considered unreasonable.

Overshadowing

243. The decision guidelines of the Commercial 1 Zone include a requirement of buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land encourages intensification. These same issues have been discussed extensively at the Tribunal. An example are the comments within *RPC Architects v Glen Eira CC* [2009] VCAT 1608 where the following was discussed in relation to shadowing impacts and daylight to existing windows of residences within a Commercial 1 Zone (formally Business 1 Zone):

> [54] I have a different view about the impact on the property to the south. The reality is that Ms Rawadi's property is zoned Business 1. Policy encourages redevelopment. The zone purpose encourages intense development. Unlike the property to the north of the site, Ms Rawadis' property has land zoned Business 1 on both sides. What is on the Ms Rawadi's property, and the dwelling to its south, is not what policy envisages is being the future of that land.
>
> [55] That is not to say that the residents of those properties should not be able to live there, however, that should not be at the expense of allowing development and use on adjacent land that represents a fair response to the site attributes, zoning and policy context. I think that the expectations on this side of the fence need to be different. That does not however mean that I think the amenity of Ms Rawadi's property should be "sacrificed at the altar", but expectations need to be tempered.

[56] Given this, it is unrealistic to expect that solar access in accordance with the relevant standard of Clause 55 be maintained to north facing windows or that the backyard will not be overshadowed to a substantial extent.

244. It should be noted that the decision guidelines of C1Z for land abutting Neighbourhood Residential and general residential Zones, not Mixed Use Zones. For land within C1Z and MUZ, the decision guidelines only require that the design of buildings provide for solar access.

East

245. To the east of the site at Nos. 61-63 Oxford Street is a large rear area within a MUZ. The current use of the site is unclear and a search of records show that it was used as an office until 2013. No further records have been found. Nevertheless, if this were to be assessed as a private open space, it would be completely unaffected by the proposal between 9am and 2pm. This is considered reasonable and allows for solar access as per the decision guidelines of the C1Z.

No. 86 Smith Street

246. The western-most light well for No. 86 Smith Street overshadows the courtyard associated with it at all times of the day due to being surrounding by walls. As the courtyard is small in size, the height of the walls surrounding it result in overshadowing. Above the podium, the tower component of Building 1 is to the east of this lightwell, ensuring it does not impact this lightwell from 12noon onwards.

Nos. 7 and 9-15 Little Oxford Street

247. Between all hours of the day the proposal results in overshadowing to the south at Nos. 7 and 9-15 Little Oxford Street. The shadow diagrams provided by the applicant generally show that the shadows only reach the podium and the level above the podium. This is due to the significant setbacks between the two upper levels of Building 2 and Nos. 7 and 9-15 Little Oxford Street. It should be noted that shadow diagrams are a 2D representation of how shadows fall to the ground, with shadow impacts on a nearby area reducing the higher it is located above ground.

248. Building 2 and the building to the south are constructed similarly, both with three level podiums facing the shared laneway and setbacks increasing above this to the highest point having a 8.335m separation. There are two balconies in each of the two residential podium levels to the south. One central balcony and another which has both a northern and eastern orientation.

249. First turning to the eastern-most balcony within the podium. This balcony will be unaffected by the proposal until 11am at which point, approximately one third of it will be in shadow, with this increasing in area as the day goes on. Noting that part of this balcony would already be shadowed by the balcony directly above and balustrade. These eastern-most balconies will also benefit of additional solar access from the east.

250. With regards to the central podium balconies, these two are covered above and include balustrades which result in significant shadow to the areas. As previously outlined within the *Daylight to Windows* section, these covered balconies act as eaves over the area which reduce the direct solar access into these areas. At both first and second floors, the approved development has only provided small openings between the balustrade and the overhanging roof above from which sunlight can penetrate into the balcony. This proposal has made significant efforts to reduce the off-site amenity impacts to these balconies through the inclusion of the podium to match their height and significant setbacks at the upper levels.

251. These shadowing impacts are generated by the podium thus even a three-storey development (typical of the surrounding area) would also impose shadows on the podium balconies to the south. Allowing only a three-storey building on a site of this size in a MAC and C1Z would be an underdevelopment and not supported by State and local policies.

252. Residents moving into these dwellings should temper their expectations considering they have chosen to live in a dwelling with the primary outlook to a 4.355m wide lane in an inner-city location where higher density development is encouraged.

253. Finally, to the balconies above the podium. These will be less impacted upon by the proposal given that these balconies are not covered by built form above, Building 2 is setback from the southern boundary above the podium and the height variation between the two buildings is reduced at these upper levels. Further to this, the third floor balconies of Nos. 7 and 9-15 Little Oxford Street wrap around the building. The eastern-most balcony on this level also has a frontage to Little Oxford Street ensuring that it has full solar access from the east. The western-most balcony wraps around to the west and faces the rear of No. 86 Smith Street. Occupants of these dwellings would have tempered their expectations considering that their primary sources of light are via laneways surrounded by built form. Nevertheless, for the reasons already discussed, they will continue to receive solar access and as such are acceptable. From the third floor and above, shadows to the balconies to the south are further reduced as both buildings are setback from their shared laneway and the height variation is comparable.

Noise

254. The dwellings located in the vicinity of the subject site are surrounded by higher intensity, noise emitting uses which results in any noise from the new apartments and vice versa being considered acceptable given that they are both of a residential nature. Furthermore, the Commercial 1 Zone encourages dwellings to be located above ground floor as no planning permit would have been required for the use if the residential lobby would have been less than 2m in width.

255. Regarding the noise from the any plant and equipment, compliance the SEPP N-1 and SEPP N-2 is required.

<u>On-site Amenity</u>

256. Clause 22.10-3.7 *On-Site Amenity* and the DSE Guidelines for Higher Density Residential Development – Element 4, Circulation and Services and Element 5 – Building Layout and Design and Element 6 – Private and Communal Open Space provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout, open space and wind impacts.

257. Being within a C1Z, clause 22.05 aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact the functioning of nearby industrial/commercial land uses.

Apartment orientation and layout

258. It is considered that the apartments will have an overall good level of internal amenity due to the size, orientation and location of windows thus achieving Objectives 5.3 and 5.4 of the GHDRD. Each unit includes windows and a balcony to allow for solar access into the dwelling. A positive attribute of the development is the incorporation of the two built forms with a large central courtyard. Council's Urban Design Advisor acknowledged this and made the following comments:

(a) *"the proposal adopts a clear site planning strategy of 'fronts and backs' which responds to the inherent opportunity and constraints of the allotment. This maximises the potential for future proofed outlook either internal to the site, or to each respective street frontage. The result is the minimisation of outlook directly across common boundaries into adjacent development sites to the north or south. The courtyard at the centre of the site, and splitting of the form functionally into two key parts is central to this successful strategy. This typological response is consistent with the Moreland Apartment Design Code suggestion for such an elongated, but relatively narrow site proportion, and maximises amenity to apartments."*

Daylight and ventilation

259. There are a number of windows for each apartment which face outward either onto a street, a laneway or the central courtyard.

260. The main issue associated with daylight access and ventilation is the wintergardens to Smith Street and the use of the brick screens facing the courtyard. Initial concerns had been raised regarding the dwelling layouts of Building 2 and as a result of amended plans, layouts were amended to have living rooms either facing the courtyard or Little Oxford Street. Previously the bedrooms had faced the courtyard and Little Oxford Street. This is a significant improvement and has resulted in improved internal amenity for the future occupants of Building 2.

261. There were outstanding issues with the daylight and ventilation for the habitable room windows of Building 1. Council officers raised concerns with regards to the wintergardens and the use of the brick screening to the central courtyard. The wintergardens were resulting in only a small portion of the façade being operable (due to acoustic reasons), thus reducing ventilation. With regards to the central courtyard, the extensive use of the 35 percent permeable brick screening over living room areas was a concern with regards to daylight access. The applicant stated that the particular reasons for the two issues were associated with acoustic issues for the wintergardens and the use of the brick screening was to allow for additional privacy between apartments with their primary outlook over the central courtyard between the two buildings. The screens would also act as a measure to hide air conditioners and any clothes lines located on balconies.

262. The applicant has submitted sketch drawings on 17 March 2016 which show the glazing in the wintergardens as operable at all levels facing Smith Street (further discussion of acoustic issues later in this section) and a revised scheme for the east-facing balconies which allows for a wider area for balconies without any screening directly adjacent to living areas for widths of a minimum of 2m. These sketch plans show a significant improvement to the daylight access and natural ventilation of the dwellings in Building 2. These changes can be required by way of condition, should a permit be issued. This results in a good indoor environment quality for the apartments and was confirmed as an improvement by Council's ESD Advisor. Council's Acoustic Consultant agreed that the operability of the wintergardens was acceptable acoustically. This also is in-line with a recommendation by Council's Urban Design Advisor.

263. Both buildings also use void areas (typically with either obscure glass windows or clear glass behind a permeable brick screen) to provide for light into bedrooms. The void areas within Building 1 are 12.1sqm in area and the void for Building 2 is open to the laneway. These ensure there is sufficient daylight into these bedrooms, whilst not compromising privacy.

The applicant confirmed that these windows are operable above 1.7m above the finished floor level ensuring they receive natural ventilation. The windows were refined as part of the amended plans to improve the daylight reaching the rooms which rely on them and are a response to Council's Urban Design Advsior's comments.

Layout

264. Each apartment generally has a good layout, with well-planned rooms and long corridors being minimised.

265. Some of the layout and orientation issues which Council's Urban Design Advisor had were addressed within the amended plans and these were:

    (i) re-orient apartment 2.3.2, 2.4.2 and 2.5.2 to provide living areas with primary outlook to the street front, and balconies positioned to provide surveillance to Little Oxford Street;

    (ii) reconfigure apartment 2.3.3 to secure a future proofed primary western outlook to living areas and balcony;

    (iii) incorporate glazing to the end of the residential entry corridor from Smith Street to admit daylight from the lightcourt about, whilst managing privacy to the bedroom opposite;

    (iv) secure an improved outlook and daylight amenity to Apartments 1.1.1 and 1.1.2 through reduction in the extent of pergola, creation of a void or setback in the balconies overhead, or similar effect;

    (v) delete all privacy screening from balconies oriented in the courtyard and accept some degree of internal overlooking to ground floor open space as a result;

266. Some remaining layout issues from Council's Urban Design Advisor are outlined below with each of them being addressed in turn:

    (i) integrate balcony / balustrades for street oriented apartments at both frontages into the parapet to enhance surveillance;

    Surveillance has been improved through the incorporation of additional balconies to both street frontages.

    (ii) reconfigure apartment 1.1.4 and 1.2.4 within the Smith Street street wall to single bedrooms with reconfigured balconies to achieve appropriate daylight and surveillance to streetscape;

    This is not considered necessary, there are a number of shop top dwellings which have bedrooms facing Smith Street and it is a typical arrangement in these existing situations. Surveillance to Smith Street has already been improved through the inclusion of the balconies.

    (iii) allocate ground level of lightwells to the abutting apartments 1.0.1 and 1.0.2 with door access from bedrooms;

    Each of these apartments has a lightwell and whilst there is no door access, there is a window.

    (iv) reconfigure apartments 2.1.3, 2.1.4, 2.2.3, 2.2.4 to ensure living areas are oriented to and have direct on grade access to their the primary open space to the west;

    It is considered that these apartments have acceptable direct access to their primary open space.

Private Open Spaces

267. Borrowing from Standard B28 of Clause 55 of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8sqm and a minimum width of 1.6m with easy access from the living room.
All balconies meet this minimum area requirement. There are a number of balconies 1.54m in width. Whilst this does not meet the minimum, it is only short by 0.06m thus would not be an appreciable difference. As each balcony is well designed with a typical rectangular shape and directly accessible from primary living spaces, the balcony would be highly functional.

Storage

268. Storage cages are located in the basement level beneath Building 1, each with a capacity of 4.8 cubic meters. Whilst this does not satisfy the requirement of Objective 5.5 of GHDRD which is that each dwelling is to have 6 cubic meters of external storage space, this is acceptable as in this inner urban setting and without the need for a lawnmower, etc., residents of these apartments would not have the same storage needs as residents in detached dwellings.

269. This minimum was confirmed within the Tribunal decision *U1 Stanley Street Pty Ltd v Yarra CC* [2012] VCAT 1455 where the minimum acceptable amount of storage was defined as being 3 cubic meters for apartment developments.

Safety

270. Looking at safety, the entry areas of each apartment are grouped within small radial corridors which increases the perceived safety, and is compliant with design guidelines within clause 21.05-2.The additional balconies facing both streets and the surrounding laneways will add to the level of perceived safety which is an improvement on existing conditions.

271. A condition can require that there is security lighting adjacent to the pedestrian and vehicular entrances. This will also add to the safety both of those entering and exiting the premises and pedestrians on the street.

272. It is not clear if the garage doors are ventilated. A condition can require this. Council's Urban Design Advisor suggested the refinement of the bike parking area to allow a more engaging laneway edge to the north with potential direct access, glazing or filtered views through. This is not seen as necessary as there are already windows and balconies at the levels and the northern edge of the shop premises has a glass return.

Internal Views

273. With a minimum distance of at least 9m between the central courtyard and pergola screens at ground floor with a maximum transparency of 25 percent, there are no internal views from the courtyard. Apartments and balconies are typically separated by solid walls. Window facing light courts have at least one window with obscure glazing ensuring direct views have been limited.

Noise

274. In mixed use areas, there are often points of conflict between different uses. In order to maintain the viability of commercial areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved. Clause 22.05-Interface Uses Policy is Council's local policy for managing interface use and development conflicts. This policy applies to applications for use or development within the Commercial 1 Zone (along with others).

275. Clauses 52.43, 13.04 and 22.05 provide specific direction on noise issues and generally require noise generated from the development to comply with relevant policy, and that noise sensitive uses (such as dwellings) be protected from surrounding noise generators such as traffic and adjacent live entertainment venues. This applies to the subject site due to the presence of venues in the surrounding area, most notably Yah Yah's at No. 99 Smith Street and Sirkuit at No. 103 Smith Street to the south-west within 25m across Smith Street.

276. In addition to these two venues, there is also the potential for noise from vehicles, trams and patrons along Smith Street to impact on the future occupants of this development.

277. The main acoustic issues relate to:

    (a) Music Noise/Agent of Change

(b) Road Traffic Noise
(c) Patron Noise
(d) Mechanical plant to the development
(e) Mechanical plan from the development
(f) Car park gate and Car stackers.

278. In terms of Clause 52.43 and the "agent of change" principle, the adjacent live entertainment venues will not be impacted upon by the proposal as there are closer, existing dwellings. However, it should be noted that there is a current planning application to change this use to an office. If this were to be approved, the subject site would be the closest residential dwelling to these live music venues, however again noting that there is already an approval for a five storey residential building at No. 86 Smith Street and when this is to be constructed, it will be the closest residential dwelling. The planning permit at No. 86 Smith Street also has conditions on the permit relating to the provision of an acoustic report.

279. Following numerous discussions between Council's Acoustic Consultant, planning officers and the applicant's team, conditions were recommended by Council's Acoustic consultant on 23 March 2016 and these can be required by way of condition.

280. It should be noted that the following additional comments were made on 15 March 2016 in relation to the operability of the wintergarden screens as shown on the sketch plans:

(a) I have no concerns about the extent to which the wintergarden can be opened (i.e. larger openable windows would be fine). Our issues are that they need to be able to closed up effectively when the occupant wants to control traffic and / or music noise ingress. When closed, the AC needs to be able to operate (this usually implies that condenser units can't be installed in wintergardens).

281. The applicant confirmed that all air conditioners for the apartments with winter gardens will be located on the roof.

282. It should also be noted that any future residents would be well aware that they were moving into an apartment close to late-night venues and within a MAC where there are also commercial uses in the surrounding area. Any future residents should temper their expectations in terms of noise levels.

Circulation spaces

283. Dwelling access is via the residential lobbies from either Smith or Little Oxford Street or the secondary entrance from the car parking spaces. Passageways are very short and are located radially around the lift. The short corridors are a minimum width of 1.6m with this increasing to 1.8m on some levels. The width is sufficient and the design complies with Objective 4.3 of the GHDRD.

284. Council's Urban Design Advisor was supportive of the circulation spaces and stated that *"the arrangement of the dual core form similarly divides the building down into two 'communities' effectively, through reducing the number of apartments sharing each corridor and foyer. This enhances the opportunity for casual encounter between future occupants and is highly positive."*

Site services

285. Site services are provided at each level with waste storage areas being located in the lower ground floor. This is compliant with Objective 4.6 of the GHDRD. Mail services have been shown in the residential lobby of both buildings.

286. The roof plan has been provided showing services as well as photovoltaic panels. A condition can ensure they are appropriately screened from views from the surrounding streets.

Car & Bicycle parking / traffic/access/loading facilities

Car parking requirements

287. Under clause 52.06 of the Scheme, the Applicant is seeking a parking reduction of 30 spaces, as outlined within the table included in the Particular Provisions section earlier in the report.

Parking Availability

288. The applicant's traffic engineers used parking availability data from previous surveys of car parking occupancy in the area. Typically peak times of parking demand occur around midday weekdays, Saturday afternoons as well as Friday and Saturday nights. These previously found that there were very few practical spaces available during the daytime peaks with occupancies in excess of 85 percent. On Friday and Saturday evenings, the occupancy has been found to peak at 70 percent with spaces available further away from Smith Street.

289. In terms of parking restrictions, there are a number of time based restrictions on parking in the surrounding streets (Smith, Stanley and Peel) with some areas also having Permit-Only parking. It should be noted that the eastern side of Little Oxford Street generally consists of crossovers and therefore no on-street parking is provided. The time-based restrictions in Smith, Stanley and Peel Streets ensure there is a regular turnover of cars.

Parking Demand

290. The Applicant provided a traffic report, prepared by O'Brien Traffic, stating that average car ownership rates in the 2011 Census (Collingwood) for residents are as follows:

(a) 47 percent of residents in one-bedroom dwelling did not own a car and
(b) 36 percent of residents in one-bedroom dwelling did not own a car

291. Council's Traffic Engineers confirmed the car parking allocation for this development is consistent with the statistical trend for car ownership in the Collingwood area.

292. For the shop component, the applicant's traffic report stated the proposal would not generate any additional parking as customers would be from the surrounding area and would rely solely on walk-up trade. The applicant's traffic report also stated that as the shop component is reduced in size compared to the existing commercial uses, there is also a reduced demand. Council's Engineering Services Unit agreed with this.

293. In terms of visitor demand for the residential component, the applicant's traffic engineers have stated that peak parking for residential visitors generally occurs on weekday evenings and at weekends. The traffic report states that empirical data collected by Cardno traffic consultants in 2010 indicated that there is a peak residential visitor parking rate of 0.12 spaces per dwelling during the evening and weekends and 0.06 spaces per dwelling during business hours. Applying this rate would result in a peak residential visitor parking demand of five to six spaces.

294. With these matters in mind, the reduction being sought by the proposal is supported by the following:

(a) The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Smith Street MAC and Gertrude Street NC, which in turn will reduce the dependence on private vehicle ownership by future residents;

(b) The proposal includes secure bicycle parking spaces exceeding rates specified within the Scheme. Future residents would be able to take advantage of the Copenhagen bike lanes nearby;

(c) Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;

(d) Prospective property owners and occupiers will be made aware of the on-site car parking provision for each dwelling. Dwellings without a car space would be attractive to people who either do not own a car and are willing to use their bicycle or public transport rather than face the inconvenience of having to move any additional vehicles on a regular basis due to time restrictions or risk parking fines;

(e) There have been an increasing number of high density apartment buildings without any provision of a car parking space. These dwellings may be lower in price due to some not having any car parking spaces which is an added advantage to future owners/occupiers and also provides for diversity in housing choices;

(f) A further benefit of not providing any on-site car spaces is that pressure on traffic and congestion is not exacerbated through the provision of more car spaces for the new dwellings;

(g) With regards to visitors, occupants of one bedroom dwellings would typically be entertaining larger groups of guests in the nearby bars or restaurants rather than in their home and as such, parking demand would be spread to the wider Smith Street area rather than being concentrated around the subject site;

(h) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;

(i) The shop premises would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents;

(j) A number of car-sharing facilities are located within proximity to the site, these include the following intersections:

- Smith and Peel Streets;
- Oxford and Stanley Streets;
- George and Gertrude Streets;
- Gore and Webb Streets;
- Victoria Parade and Clarendon Street;
- Otter and Langridge Streets;
- Wellington Street and Victoria Parade;

(k) The location of the proposal encourages multi-purpose trips to the area;

(l) As the car parking spaces are not going to be allocated until the purchase of the apartments, this will ensure that none of the spaces are left vacant and only those who want a car space will purchase one which ensures their use will be maximised;

(m) The reinstatement of the crossover will add two additional car parking spaces to the street.

295. From a traffic engineering perspective, the occupation of the new dwellings and the operation of the retail premises are not expected to adversely impact on existing parking conditions in the area.

296. The most recent use of the site was as a food and premises (380sqm) and an education centre with 20 students which would generate a requirement of at least 23 car parking spaces. There were previously five car spaces provided at the front. Applying the statutory rates for these uses would result in a total existing car parking requirement of 23 spaces.

297. Whilst Council's traffic engineers originally suggested the provision of visitor spaces, as the proposal relies solely on car stackers, additional comments have been since been provided which acknowledges that this is an undesirable outcome. On that basis, Council's traffic engineers have accepted the reduction in visitor parking requirements. Council's traffic engineers have confirmed that the peak visitor parking demand of 5-6 spaces (on weekday evenings and at weekends) would not have a detrimental impact on the parking conditions in the vicinity of the subject site.

298. The concept of not providing visitor car spaces within car stackers has been well established by VCAT as an undesirable outcome. Within the VCAT decision *207 Bridge Road Pty Ltd v Yarra CC* [2013] VCAT 1901 the following comments were made:

> [46] We find the need for the provision of two visitor spaces, totally impractical given that a mechanical stacker arrangement is to be used. As noted by Mr Fairlie, stacker systems are appropriate when there is consistency in user, as such persons will become familiar with how they operate. As such, they are often employed to provide residents spaces or those for offices. They are not typically applied in public or visitor parking situations because of the lack of familiarity of those users with such systems.

299. VCAT has also held in the past, that it is not acceptable to delete resident car stacker spaces within developments in lieu of at-grade visitor spaces. For example, within the VCAT decision *Strathelie Property Holdings Pty Ltd v Yarra CC* [2014] VCAT 513, the following comments were made:

> [39] We accept Ms Dunstan's observation that long term parking by residents is better to be within the development, and that on-street parking is better utilized by short term visitors.

300. Both of these aforementioned VCAT decisions originally included conditions by Council to delete resident spaces in lieu of visitor spaces and in both instances, these conditions were deleted by VCAT.

Traffic

301. According to the applicant's traffic report, traffic generation for the overall development would be 2 trips per day, per one-bedroom dwelling, and three trips per day, per two-bedroom dwelling. This results in a total of 131 per day, with 10 percent being in each of the morning and evening peak hours equating to 13 trips in each of the AM and PM peaks. Council's Traffic Engineer stated that the figure for one-bedroom dwellings was low and if a rate of 3 trips per day, per dwelling were to be calculated, this would result in 105 trips per day.

302. It should be noted the applicant's traffic report calculated the traffic associated with the total number of apartments, rather than the number of apartments with car spaces, hence the discrepancy between the figures.

303. Council's Traffic Engineer confirmed that the magnitude of this traffic is not unduly high and could be accommodated with the surrounding road network.

Access

304. There are two vehicle access points from the southern laneway accessed off Little Oxford Street down into the two car parking areas.

305. Council's traffic engineer found this generally acceptable with the addition of a convex mirror to the top of the ramp and confirmation that cars do not scrape and bottom out in association with the entrance for Building 1.

306. With regards to Building 2, Council's traffic engineer found the access satisfactory with the additional requirement to the setback area ensuring the edge of the basement ramp entrance is set 40mm higher than the edge of the laneway and that the setback area (referred to as the 'widened section of laneway' in the O'Brien Traffic report) must be constructed in a different a material to that of the Right of Way. The north alignment of the Right of Way must also be clearly delineated/defined. These were all included within their referral comments.

307. Council's Urban Design Advisor had also recommended that the applicant explore the integrated resurfacing of the bluestone ROW's and footpath to Little Oxford Street, with integrated lighting to enhance pedestrian amenity and safety.

308. Council's traffic engineers stated that the doors to service rooms, meters, and cabinets should be able to swing 180 degrees and be latched when open.

309. All of these matters can be addressed via permit conditions, should Council be of a mind to approve this proposal.

Layout

310. The internal layout was found to be satisfactory. The development's car park comprises the Trendvario 4300 shuffle type stacker and the combination Trendavrio 4300 with the Trendvario 400.

311. The internal layout has been found to be satisfactory. Council's traffic engineers stated that headroom clearances for the ramp leading to the basement car park have not been depicted or specified on the submitted drawings. The headroom clearance at critical points along the ramp should be shown on a cross sectional drawing. This can be included as a permit condition, should a permit be issued.

312. Council's traffic engineers recommended that the building manager or Owners' Corporation include instructions to all prospective users on the operation of the car stackers within the car parking management plan. This is typically provided to residents and would be an unnecessary requirement for a planning permit.

Bicycle parking and facilities

313. As outlined earlier in the report the development is required to provide a total of 9 resident bicycle spaces and 5 visitor bicycle spaces under clause 52.34 of the Scheme.

314. The development provides 35 bike racks in the Lower Ground floors with five visitor spaces along the southern boundary to the laneway.

315. Through the provision of these spaces, the applicant has responded to the importance that State and Local policies place on encouraging low energy forms of transport such as clause 15.02-3, 18.02-1, 18.02-2 and 21.06.

316. This is certainly a development where the use of bicycles can take precedence over the use of private vehicles due to the new initiative for the bicycle lanes by Council. Future occupants will be able to take advantage of the Copenhagen Lanes along Wellington Street which will encourage the use of bicycles from this development.

317. The bicycle spaces have also been provided in a convenient location adjacent to the lifts and in an area where there is no potential for conflict. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme.

318. The applicant has proposed to provide five visitor bicycle spaces along the southern side of Building 2 accessed from the laneway leading from Little Oxford Street.

Loading

319. An on-site loading bay has not been provided and the requirements of clause 52.07 (which are only related to the shop use and not the residential) are required to be waived. Given the size of the shops, it is expected that loading and unloading will be from smaller vehicles (vans and the like). These can utilise on-street spaces or the nearest loading bays to the south along Langridge Street or the loading zones outside Nos. 80 and 86 Smith Street. These will be able to accommodate the loading and unloading needs of the proposed use as it does a number of the surrounding businesses. It is also typical of small inner-city shops to not have a loading bay and this waiver is appropriate.

Other

320. It should be noted that Council's Senior traffic Engineer has recommended the inclusion of a number of conditions which are related to matters (eg public lighting plan) dealt with at later stages through other Council mechanisms. These have only been included as relevant to this application with many of them being unnecessary at this stage.

Waste Management

321. Residents and staff of the retail premises will be responsible for sorting garbage and recycling directly into the waste storage bins. A private contractor will pick up the retail waste. The applicant has confirmed that a private contractor will be used to collect residential waste for Building 2 internally in the site.

322. The applicant has proposed that Council should collect residential waste for Building 1 from Smith Street. Council's Waste Services Unit was not supportive of Council collection from Smith Street for Building 1 due to the high number of bins this will result in, on Smith Street. An amended WMP will be required by way of condition, confirming all residential waste will be collected internally to the site via private contractors.

323. This can be included as a condition on any permit, should one be issued.

Objector concerns.

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

(a) Demolition of the existing building would adversely affect the significance of the heritage place; *(paragraph 159)*
(b) The proposed development would adversely impact upon heritage area; *(paragraphs 160-168 & 178)*
(c) Architectural style is not consistent with neighbourhood character; *(paragraphs 160-191 & 207-212)*
(d) Height of the building is inconsistent with the surrounding area and Smith Street Structure Plan; *(paragraphs 48, 120-123 & 180-191)*
(e) Inequitable development with the site to the south; *(paragraphs 221-222, 227-236 & 246-253)*
(f) Amenity impacts such as overshadowing, overlooking and visual bulk; *(paragraphs 213-255)*
(g) Inadequate setbacks will result in overshowing of the street; *(paragraphs 198-199)*

(h) Concern with noise from air conditioning condensers; *(paragraph 255)*
(i) No provision for landscaping on Little Oxford Street; *(paragraphs 200-202)*
(j) Increase traffic within Little Oxford Street; *(paragraph 301-303)*
(k) Visitor bicycle parks should be provided; *(paragraph 318)*
(l) Request contribution from the developers to the upgrade of infrastructure; *(paragraph 116)*

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

(a) *Overdevelopment of the site;*

Overdevelopment is also generally associated with height and walls on boundaries which have been discussed in paragraphs 180-191 and 219-229. The site is located within the inner-city and within a MAC. Additionally, State and Local policies encourage increase use and development and hence an increase in density of people. 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.

(b) *Insufficient size of apartments.*

The proposal includes a dwelling sizes with the smallest being 45sqm in area (not including the balcony) and the largest being 118sqm in area (not including the balcony). They provide a functional layout to maximise the area. These are typical of apartment sizes and allow for a range of personal preferences and financial situations.

(c) *Loss of car parking;*

Whilst the proposal will result in the loss of car parking spaces at the front of the site along Little Oxford Street, there were spaces on private land. Through the reinstatement of the footpath, the proposal will result in two additional car parking spaces for public use along Little Oxford Street.

(d) *Loss of existing loading bay on the land;*

There is not an official loading bay located on the site, with an open car parking area being located at the front. The proposal will be able to access the existing loading bay along Langridge Street.

(e) *Little Oxford Street is too small for deliveries;*

Little Oxford Street currently accommodates and provides access to garages, the proposal will continue this existing situation, albeit with a basement entrance also.

(f) *Bicycle parking should be dimensioned;*

The applicant's traffic report includes the dimensions of the bicycle spaces. The description is as follows:

All spaces utilise the 'Ned Kelly' style vertical staggered parking rails at minimum 400 mm spacing and with 1500 mm wide accessways. Visitor bicycle parking is provided for 5 bicycles in 'Towel Hitching' style racks adjacent the widened section of laneway. This meets the residential visitor requirements of Clause 52.34 of the Planning Scheme.

(g) *Bin collection on the street will impact traffic and pedestrian movement and amenity of Little Oxford Street;*

It is acknowledged that waste is an issue within Little Oxford Street, however this proposal, should Council be of a mind to support it, will be required to comply with its Waste Management Plan with this being enforceable.

(h) *Issues during construction period;*

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

(i) *Inconsistencies on plans;*

A number of the inconsistencies were addressed within the amended plans and the correction to the elevation labelling can be required by condition to be rectified. The assessment did not rely solely on the plans, with site inspections and aerial imagery also used in assessing the application.

Conclusion

326. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density residential development in Activity Centres on strategic redevelopment sites.

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0637 for the use and development of the land for the construction of a mixed-use building (including dwellings), reduction in the car parking requirements and a waiver of loading bay requirements and demolition at 88-92 Smith and 17-21 Little Oxford Streets, Collingwood, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by CHT Architects received by Council on 25 February 2016 but modified to show:

    (a) Operable glazing to wintergardens and screening pattern facing the central courtyard associated with Building 1 as per sketch plans dated 17 March 2016;
    (b) Internal elevations to be correctly labelled;
    (c) 'Retail' premises labelled as 'shops';
    (d) The shopfronts facing Smith Street to reflect the key characteristics and proportions of Victorian and Edwardian style shopfronts including transom at the top of the windows, stall boards, and a recessed entry;
    (e) The fire booster integrated into the front façade along Smith Street of Building 1;
    (f) Additional glazing along the southern wall of the pedestrian entrance of Building 2;
    (g) Deletion of the projection of the 'architectural features' from the laneways to the north and south;
    (h) All habitable room windows as openable (except when required due to screening);
    (i) Confirmation that all windows which face the lightcourts of Building 1 are operable above 1.7m above the finished floor level;
    (j) Confirmation that all apartments with wintergardens will have their air conditioners on the roof;
    (k) A roof plan showing all plant and equipment to be screened from views from Smith and Little Oxford Streets;

(l) A schedule of all materials and finishes including colours and samples;
(m) All garage doors as being constructed of a patterned, visually permeable material;
(n) Details confirming that vehicles will not scrape and bottom out in the Right-of-Way using a B99 design vehicle;
(o) A convex mirror installed at the top of the basement ramp;
(p) The setback area associated with the entrance to the lower ground level car parking areas constructed in a different material to the Right of Way with the northern alignment of the Right of Way to be clearly delineated/defined;
(q) A cross-sectional drawing with the headroom clearances for the ramp depicted at critical points along the ramp;
(r) Doors to service rooms, meters and cabinets able to swing 180 degrees and be latched when opened;
(s) The finished floor levels at the edge of the basement ramp entrance and along the edge of the setback area set 40 mm higher that the edge of the Right of Way (this lip can be chamfered to eliminate any sharp edges);
(t) Any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to show on plans);
(u) Any requirement of the endorsed Waste Management Plan (condition 5) (where relevant to show on plans); and
(v) Any requirement of the endorsed acoustic report (condition 11) (where relevant to show on plans).

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

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 25 June 2015, but modified to include or show:

(a) Wintergardens to Smith Street having a fully operable window system for the whole width, generally in accordance with the sketch plan prepared by CHT Architects received on 17 March 2016;
(b) West-facing winter gardens, facing Smith Street fully open for a minimum 2m section to improve access to daylight to these apartments;
(c) In-/outlets of the proposed heat recovery system to be inconspicuously incorporated into the façades;
(d) Bedroom windows to the northern light court of Building 1, to include high level clear glazing windows with an openable area of at least 50% (e.g. sliding or louver windows).
(e) Revised internal east elevation generally in accordance with the sketch plan prepared by CHT Architects, received on 17 March 2016, so that the living areas to each dwelling are fully open, and not covered by the brick screen (BR04), for a minimum 2m section.
(f) A revised FirstRate energy report, including the results of the proposed wintergardens; and
(g) A revised STORM report, outlining how the development meets the relevant best practice standard.

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

Waste Management Plan

5. Before the plans are endorsed, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The plan must be generally in accordance with the WMP (prepared by Leigh Design dated 14 September 2015), but modified to include:

   (a) All residential waste to be collected by private contractor internally to the site.

6. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

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

Landscape Plan

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

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

   to the satisfaction of the Responsible Authority.

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

   (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
   (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
   (c) replacing any dead, diseased, dying or damaged plants,

   to the satisfaction of the Responsible Authority.

10. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible

Acoustic report

11. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and provided to Council on 18 March 2016, but modified to include (or show, or address):

   (a) Music noise ingress is to be controlled to dwellings through implementation of the façade upgrade treatments detailed in the acoustic report dated 17 March 2016.

(b) Patron noise levels within apartments is not to exceed 30 dBA Leq,1hour in bedrooms, and 35 dBA Leq,1hour in living rooms with windows closed.
(c) The car park gate and car stackers are to comply with SEPP N-1 at the nearest dwellings and not to exceed levels of 55 dBA Lmax outside openable windows of bedrooms.

The acoustic report 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.

12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

13. 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.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

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

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the right of way abutting the southern boundary (including the north-south branch) must be fully reconstructed:

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

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Smith Street and Little Oxford Streets road frontage must be stripped and re-sheeted:

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

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, The full width road pavement must be profiled and re-sheeted:

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

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

Car parking

19. 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.

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

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

    to the satisfaction of the Responsible Authority.

General

23. The amenity of the area must not be detrimentally affected by the use, including through:

    (a) the transport of materials, goods or commodities to or from land;
    (b) the appearance of any buildings, works or materials;
    (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
    (d) the presence of vermin.

    to the satisfaction of the Responsible Authority.

24. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

27. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;
    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
    (e) facilities for vehicle washing, which must be located on the land;
    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
    (g) site security;
    (h) management of any environmental hazards including, but not limited to,:
        (i) contaminated soil;
        (ii) materials and waste;
        (iii) dust;
        (iv) stormwater contamination from run-off and wash-waters;
        (v) sediment from the land on roads;
        (vi) washing of concrete trucks and other vehicles and machinery; and
        (vii) spillage from refuelling cranes and other vehicles and machinery;
    (i) the construction program;
    (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
    (k) parking facilities for construction workers;
    (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
    (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
    (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
    (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
    (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
        (i) using lower noise work practice and equipment;
        (ii) the suitability of the land for the use of an electric crane;
        (iii) silencing all mechanical plant by the best practical means using current technology;

(iv) fitting pneumatic tools with an effective silencer;
(v) other relevant considerations; and

(q) any site-specific requirements.

During the construction:

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

Time expiry

28. This permit will expire if:

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

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

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

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

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

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

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

All future residents 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.

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

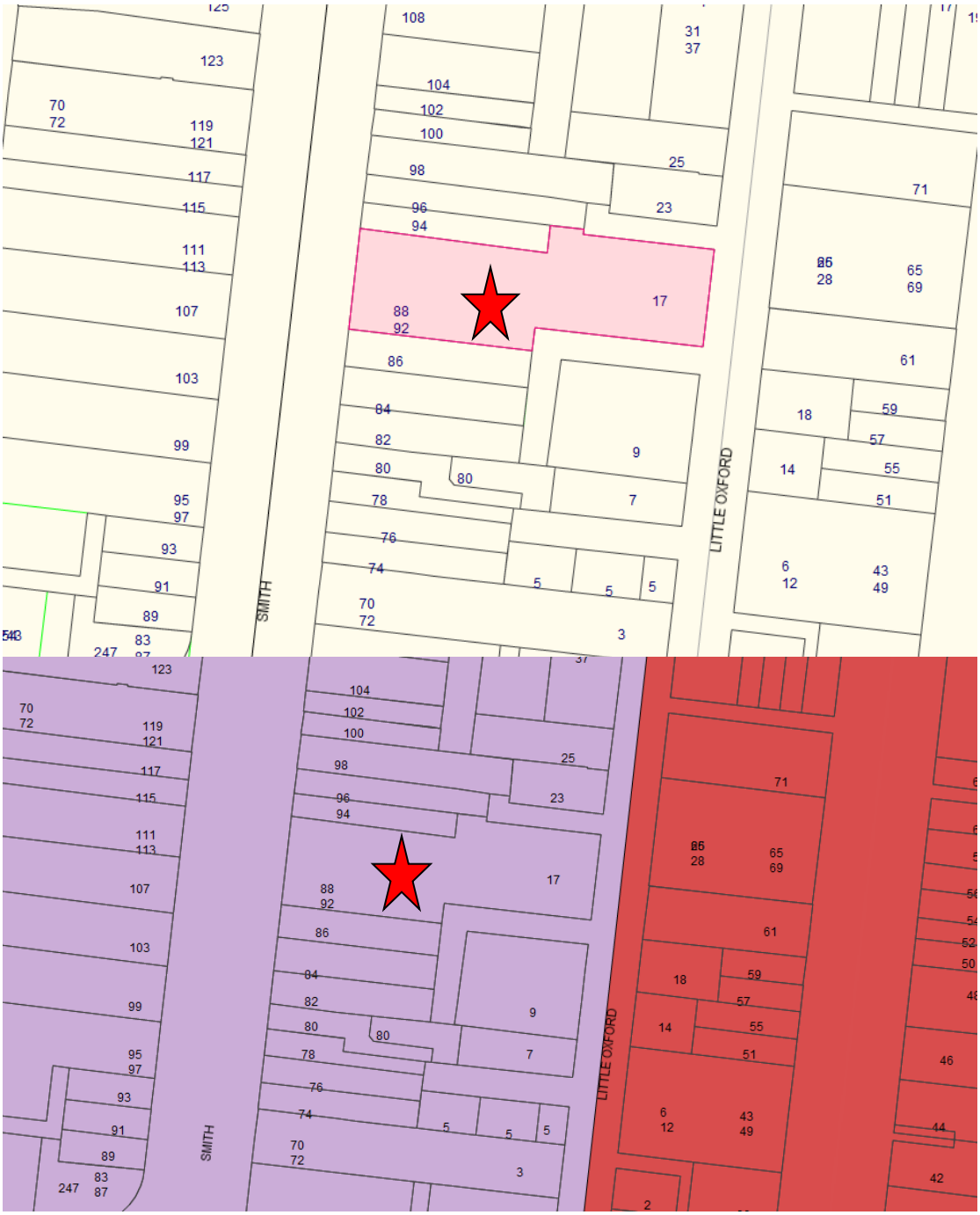
CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Principal Planner**
TEL: **92055124**

Attachments

1 PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - subject land
2 PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - decision plans
3 PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - sketch plans

Attachment 1 - PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - subject land

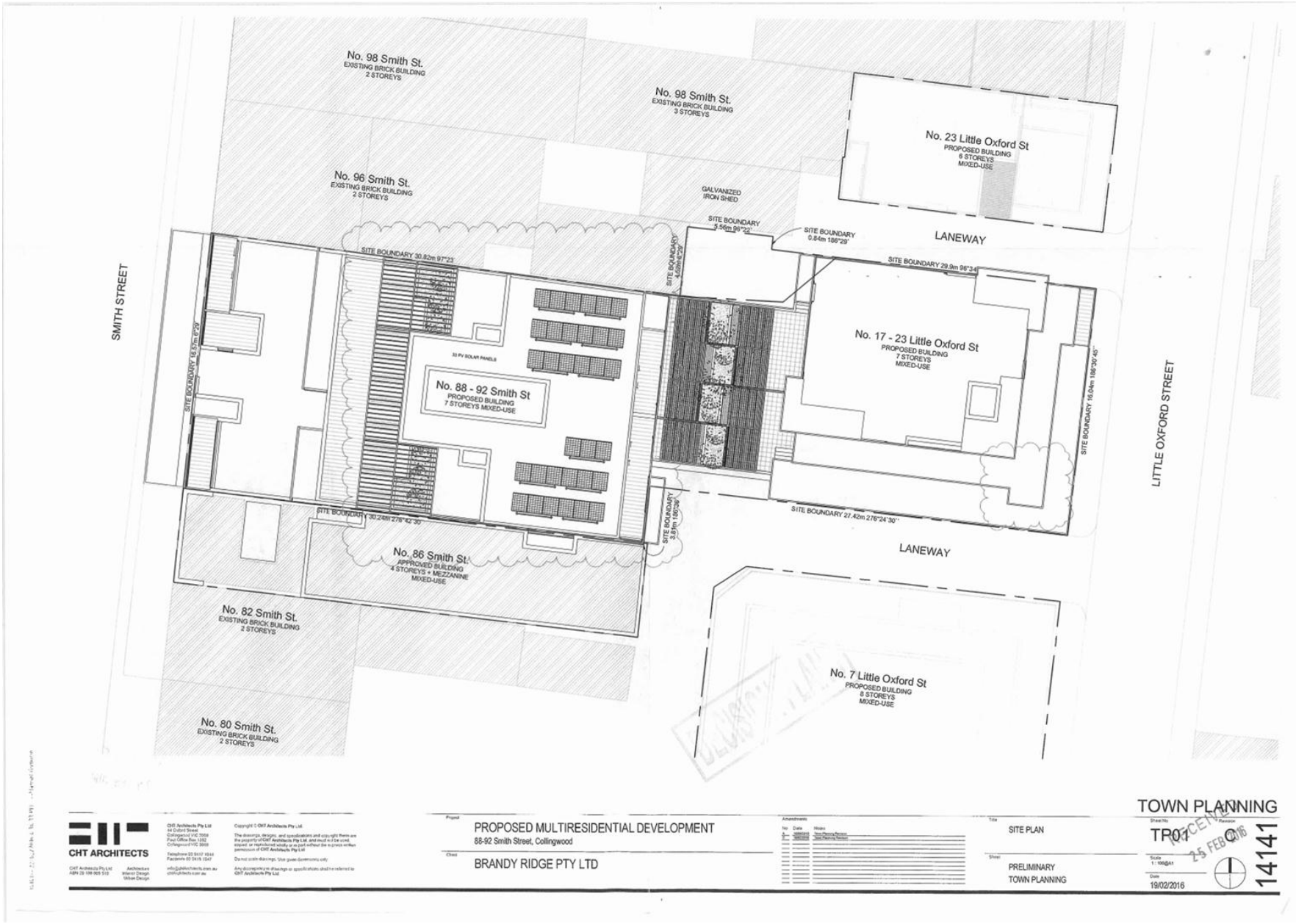
SUBJECT LAND:



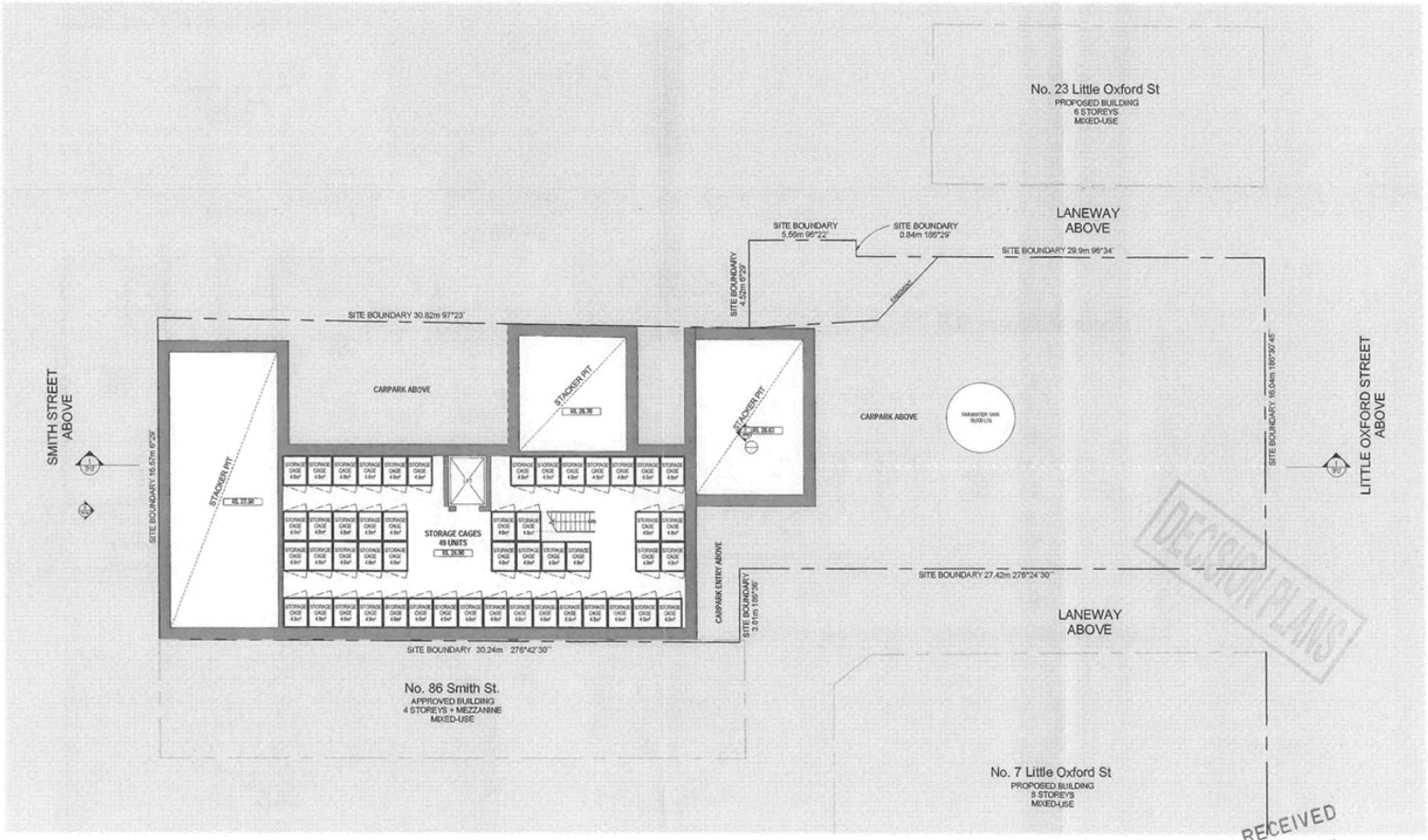
⇧ **North**

★ **Subject Site**

Attachment 2 - PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - decision plans



Attachment 2 - PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - decision plans



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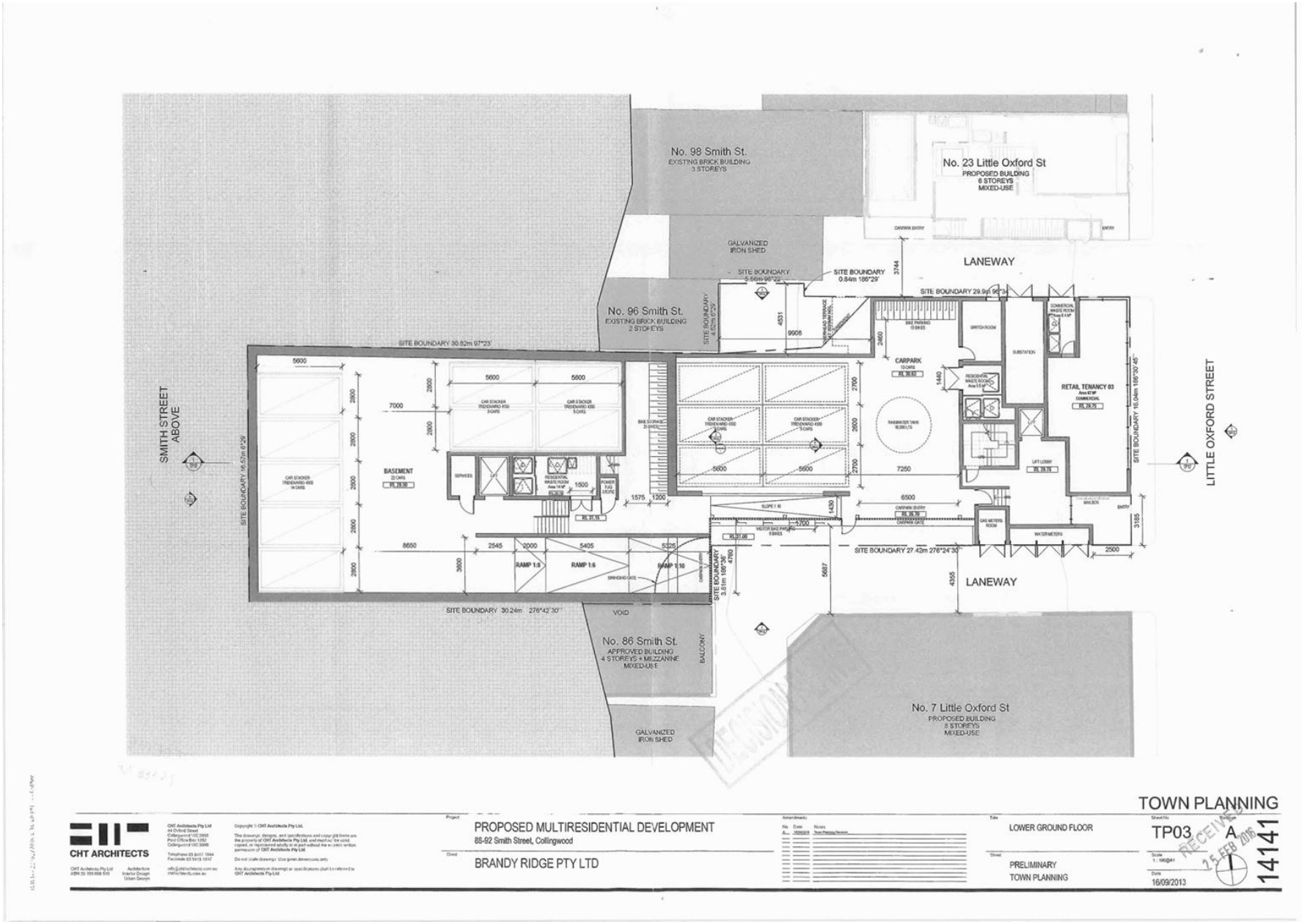

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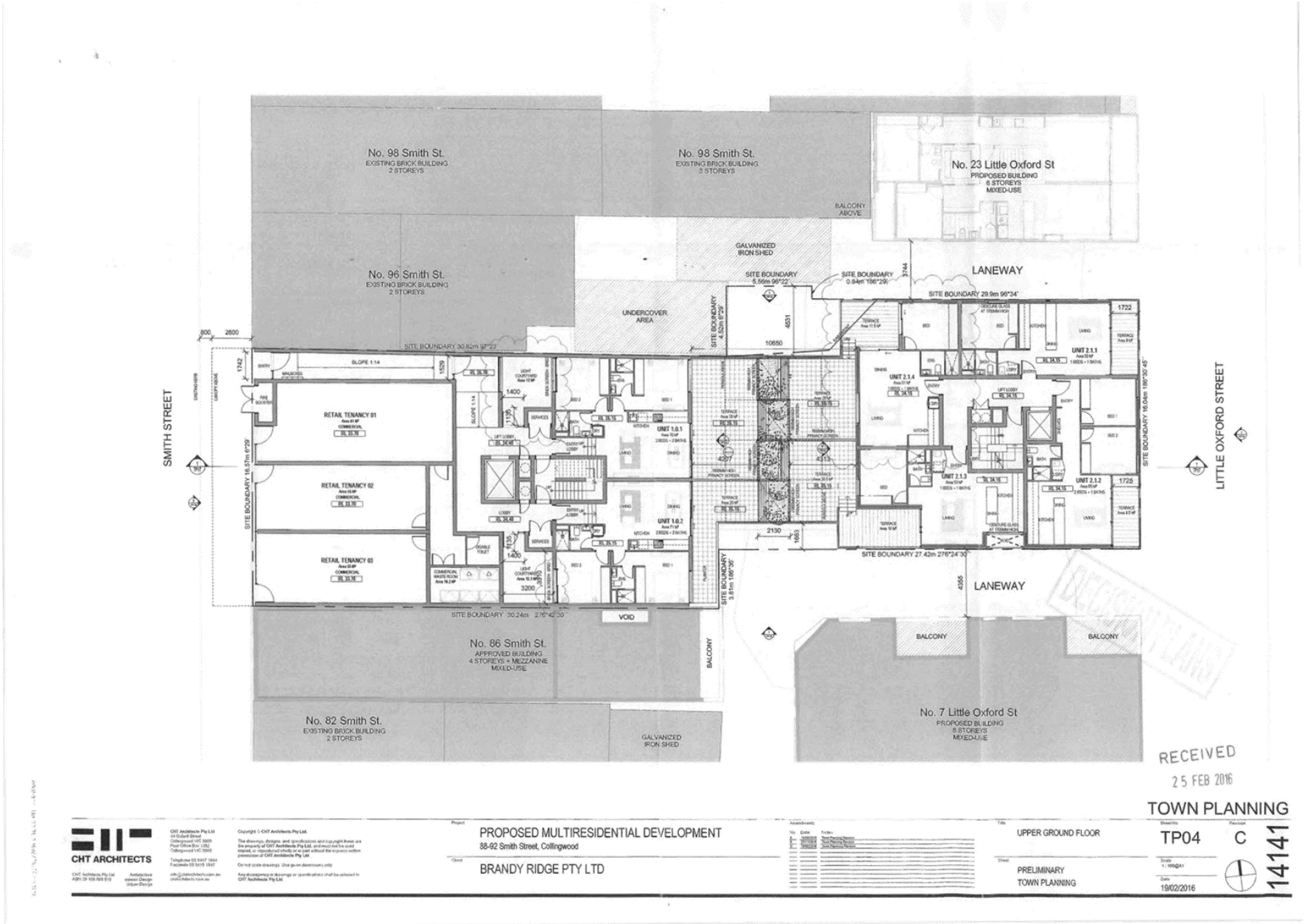

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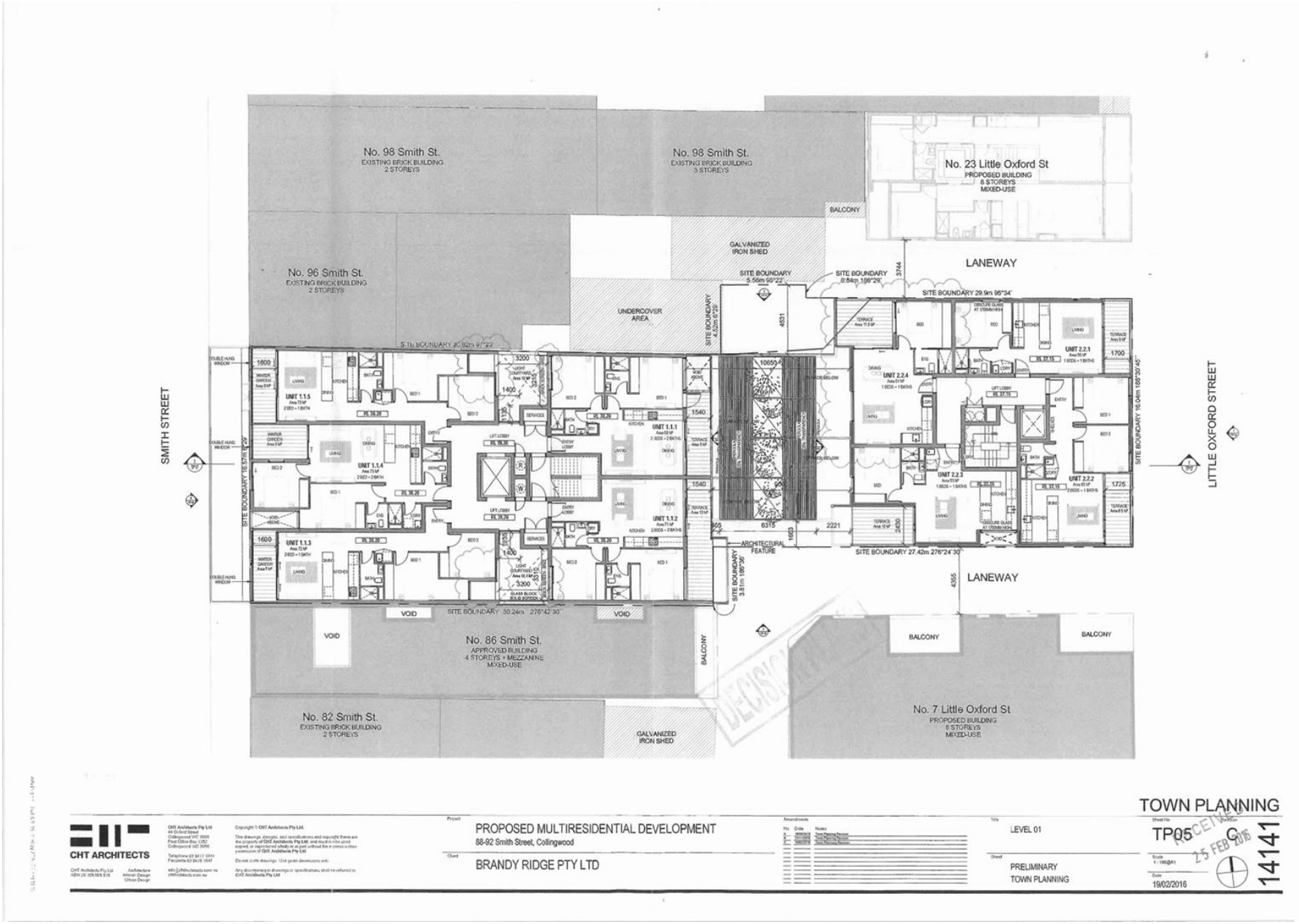

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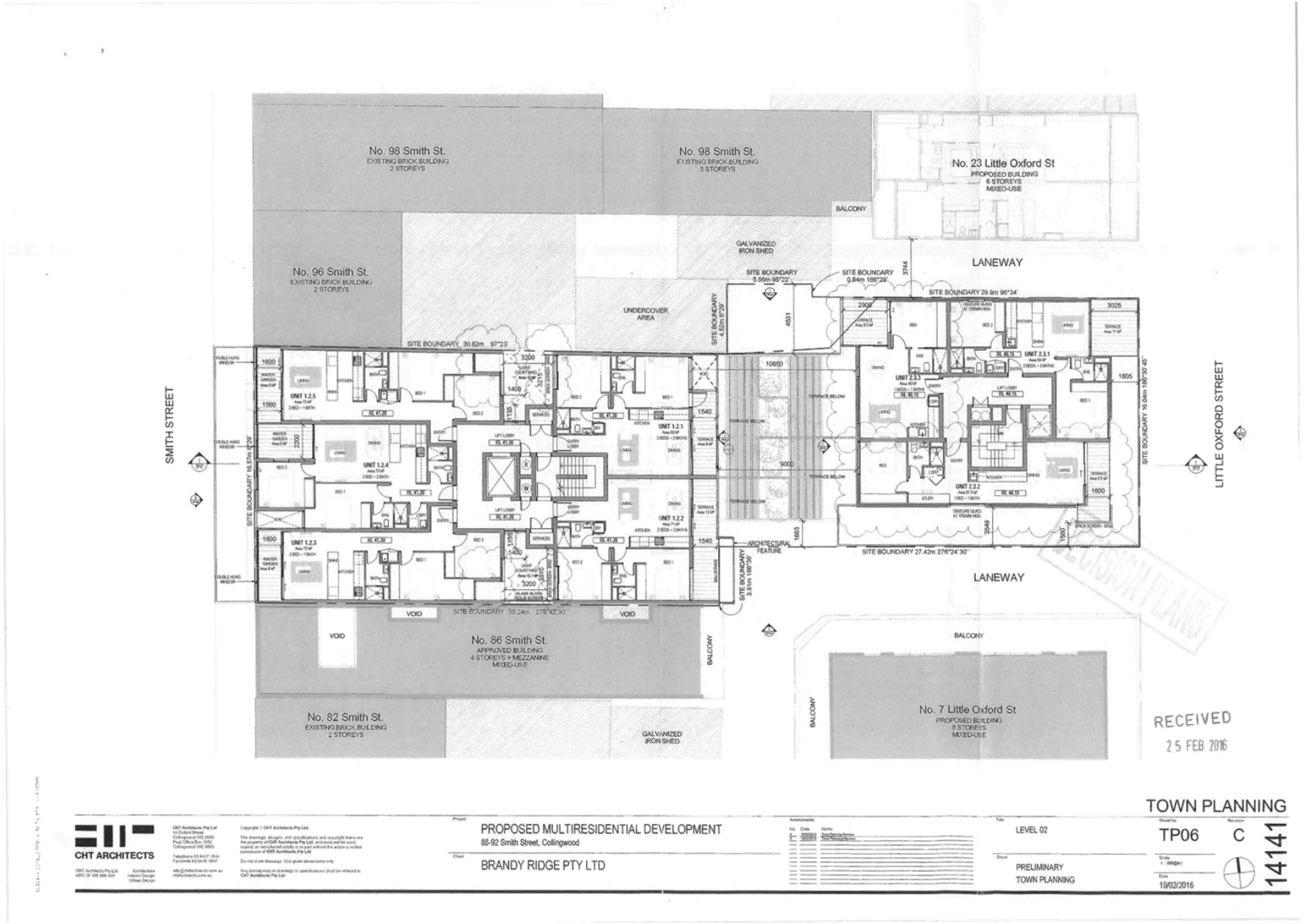

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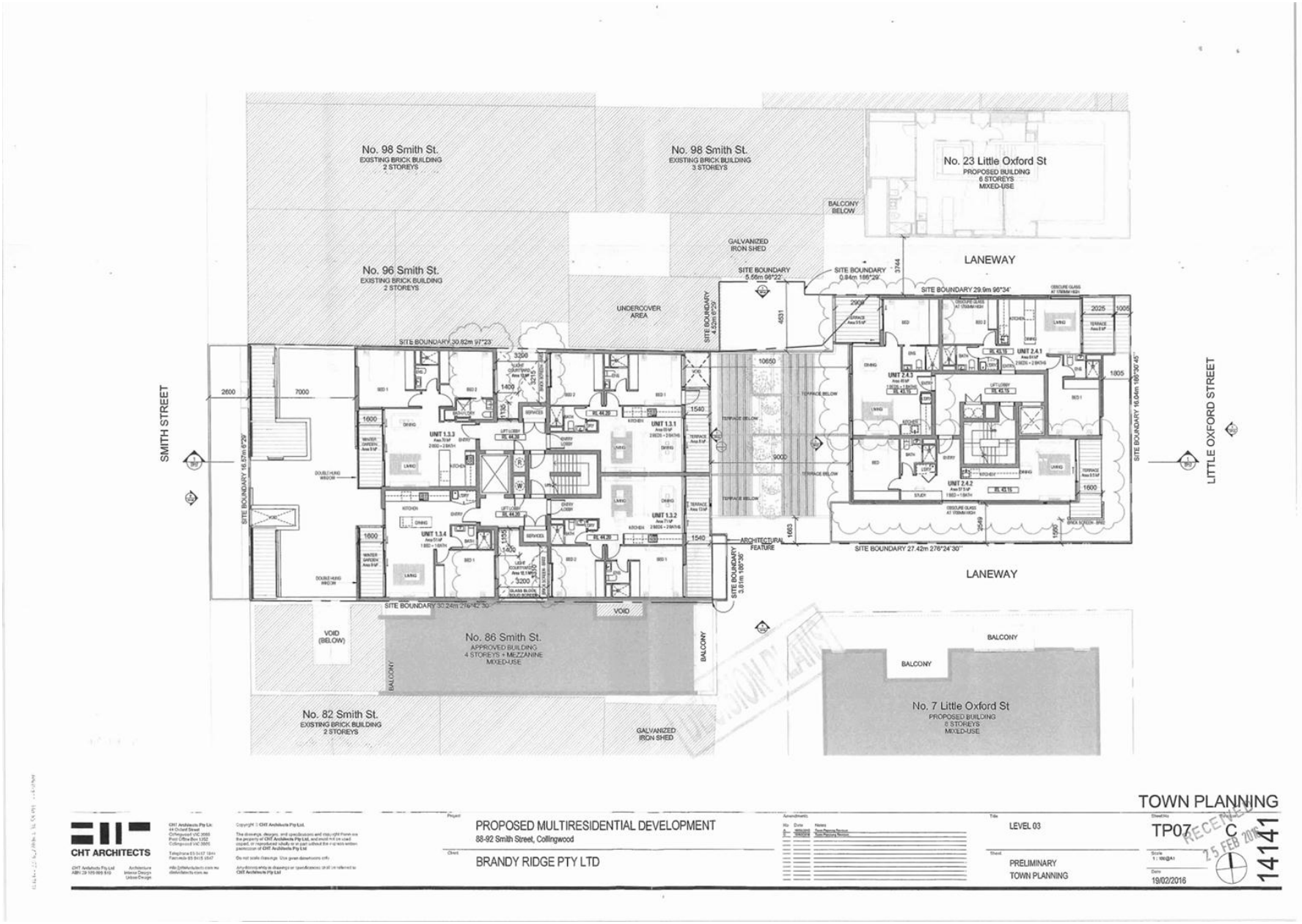

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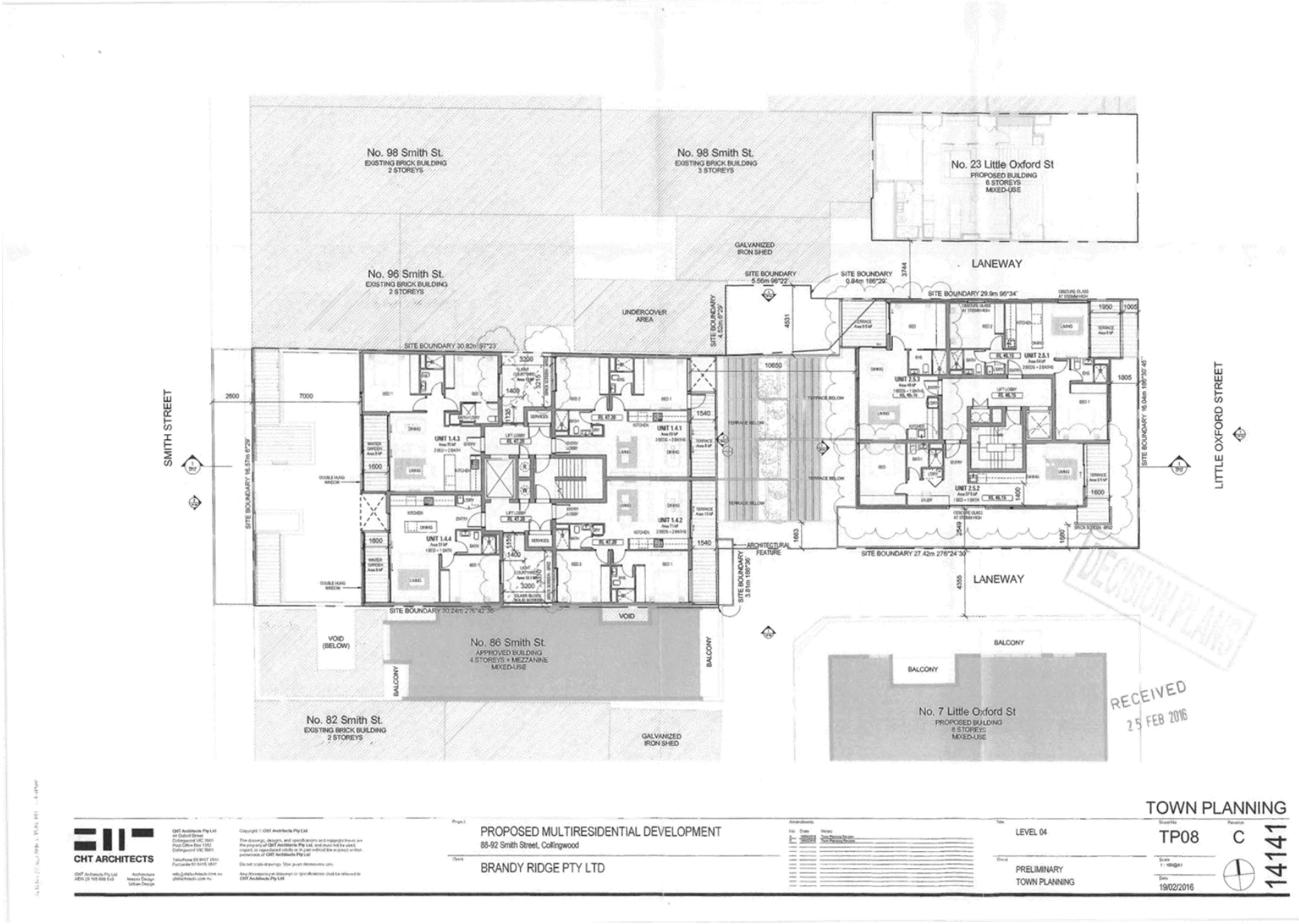

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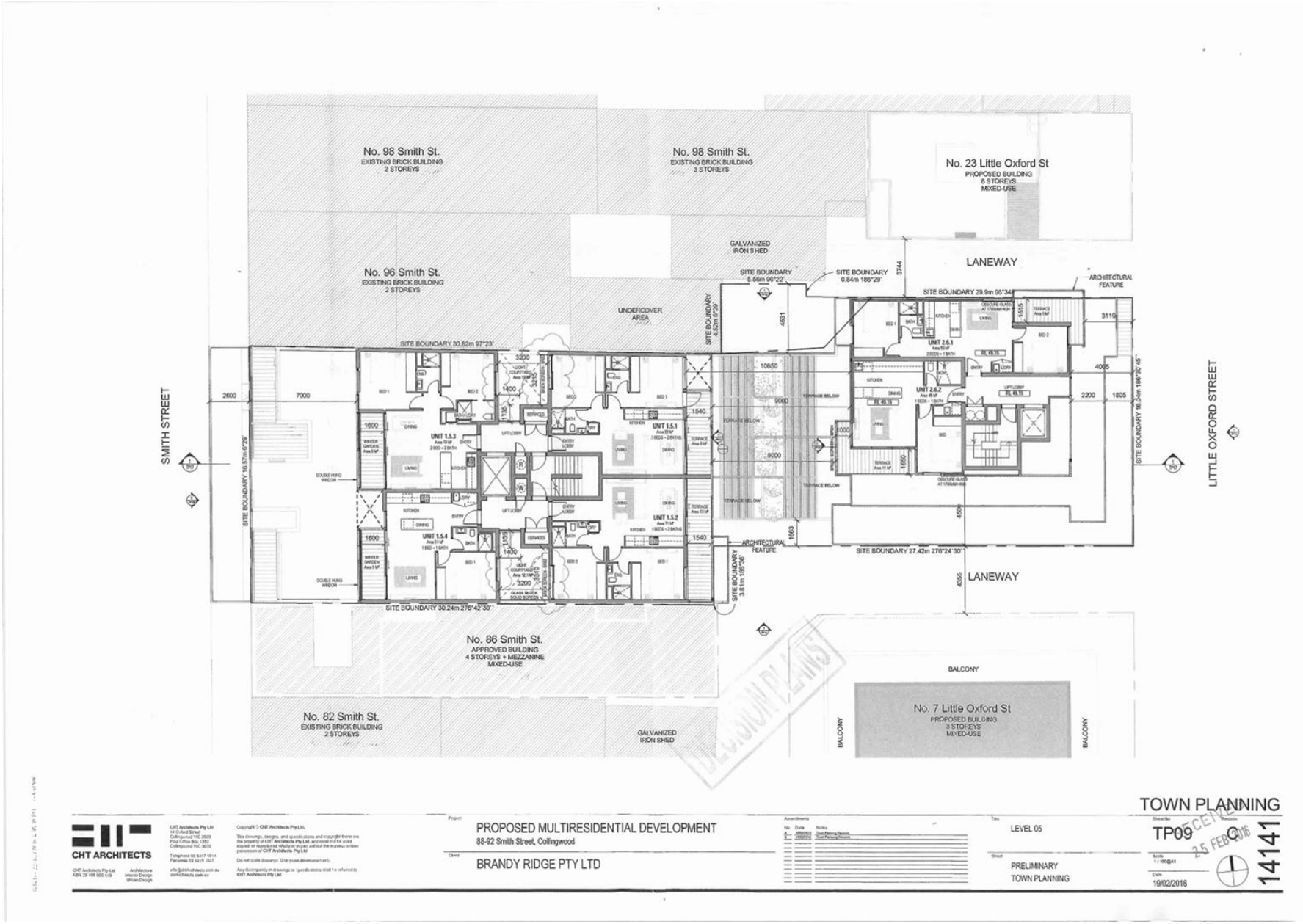

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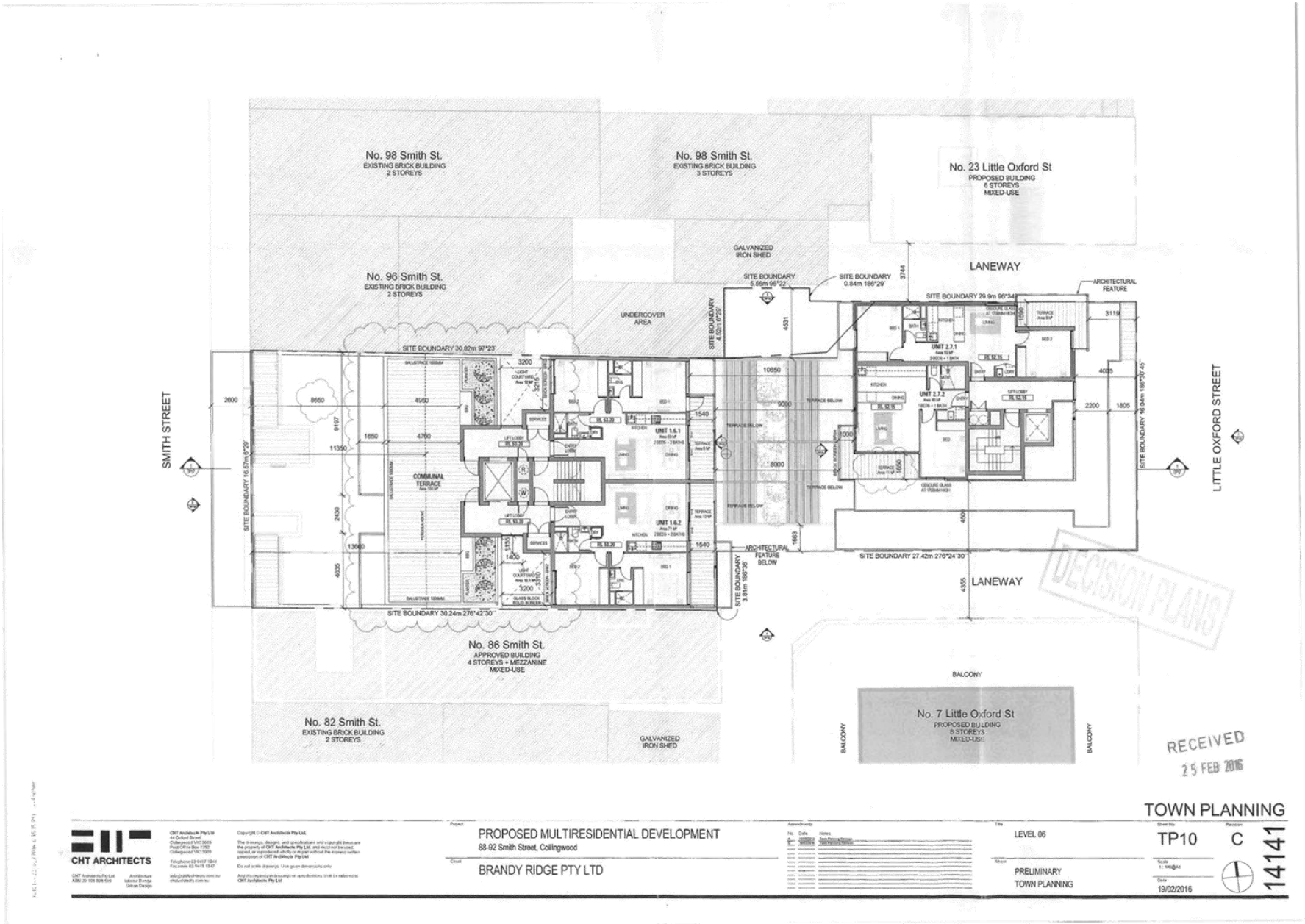

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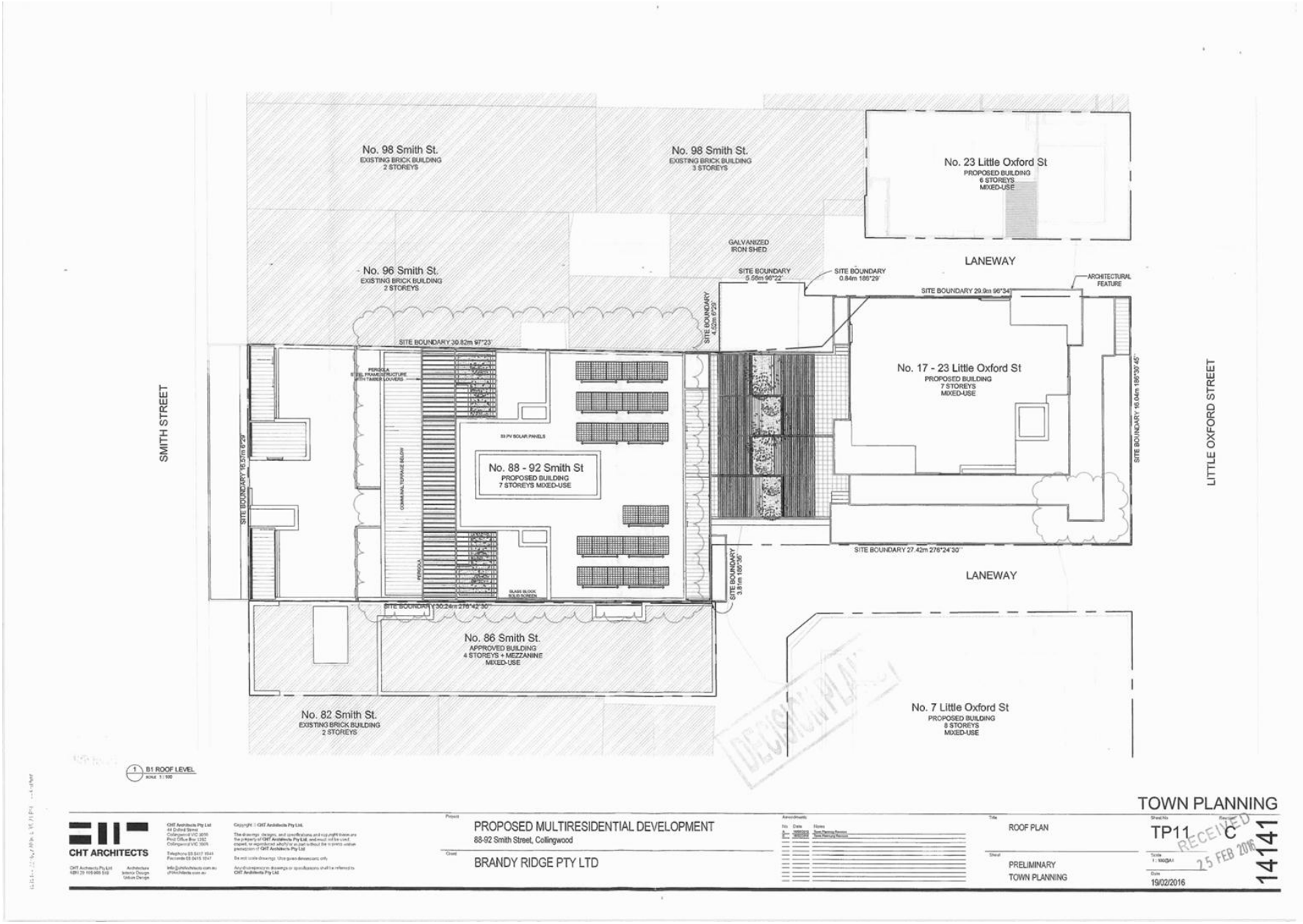

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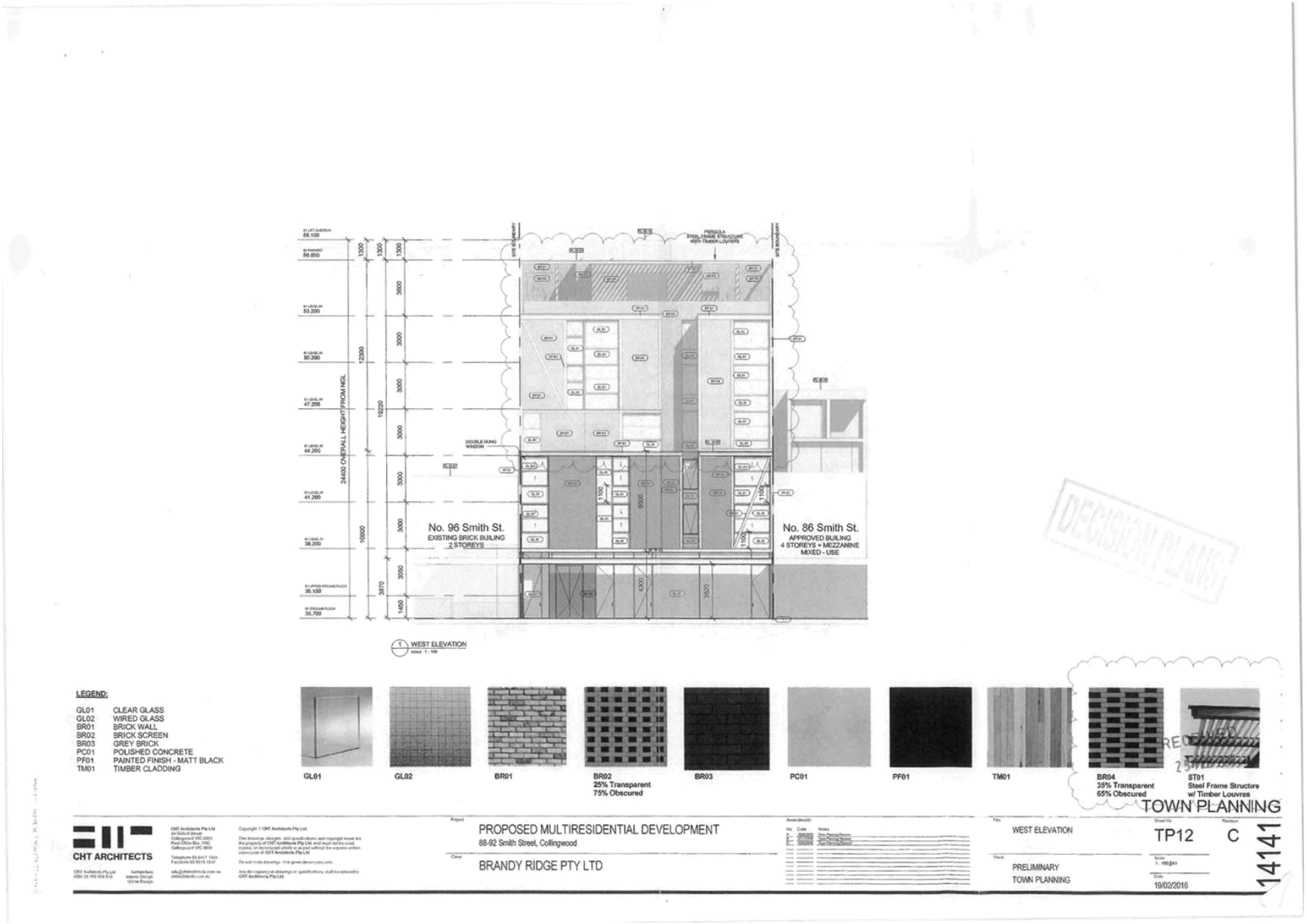

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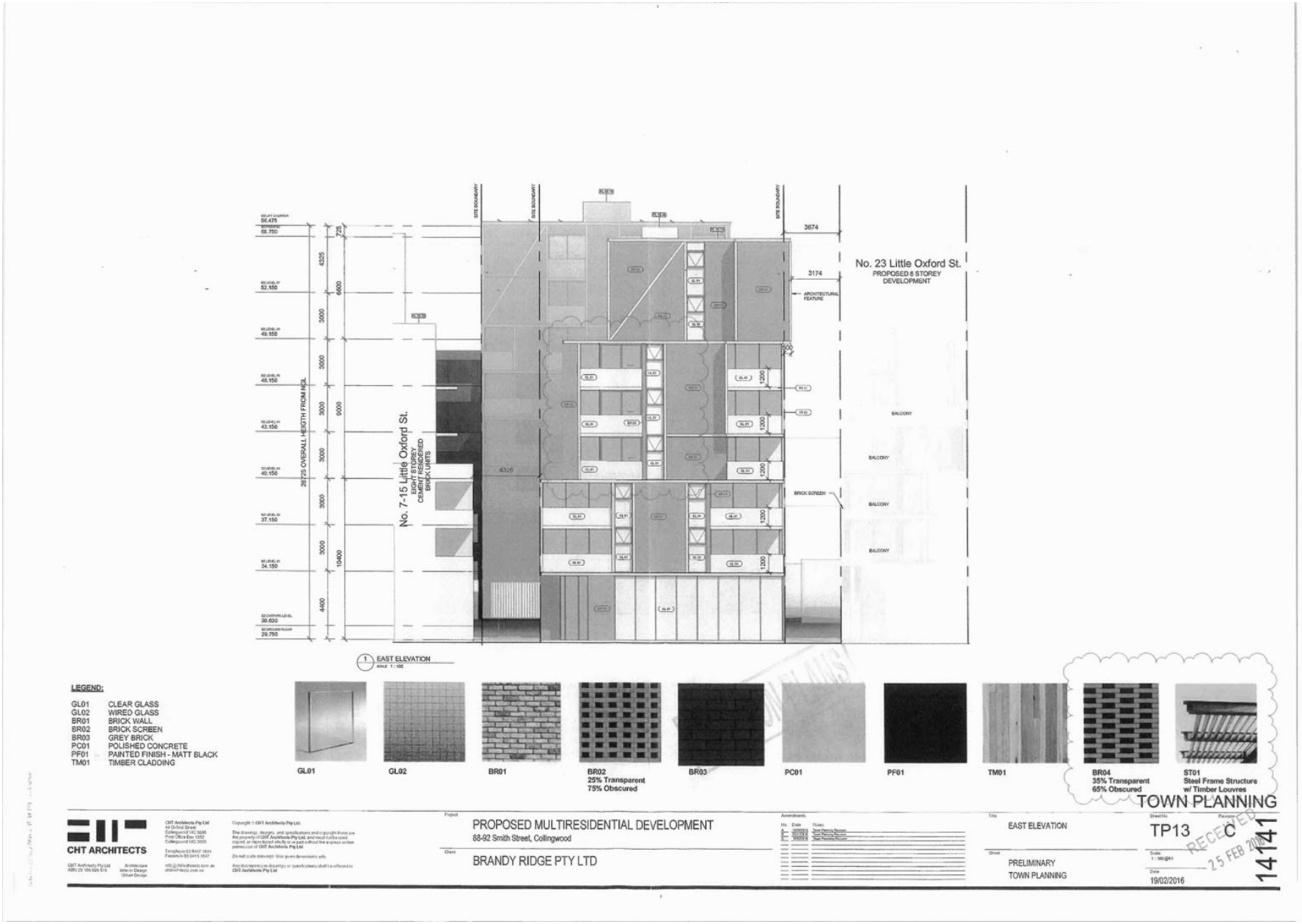

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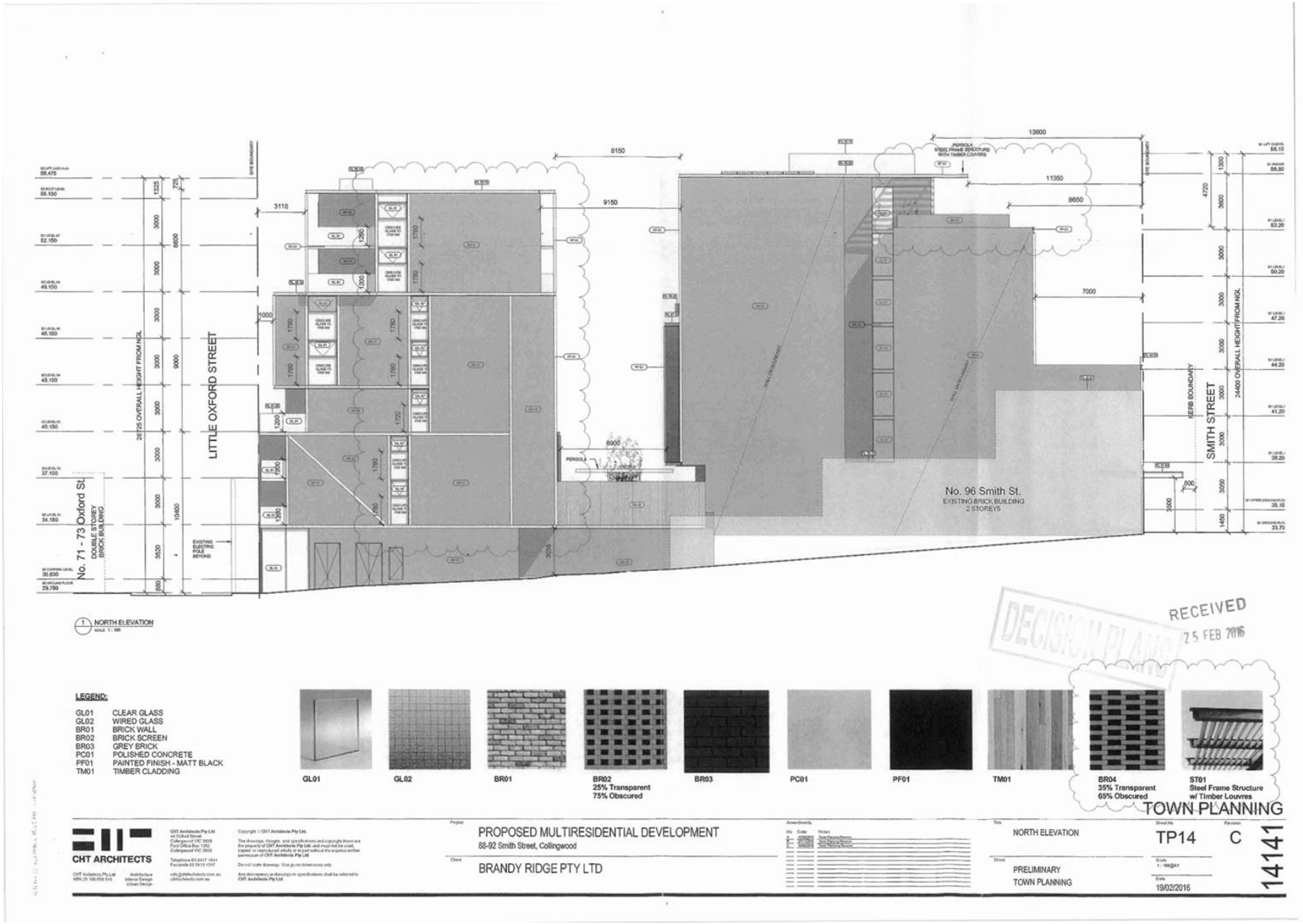

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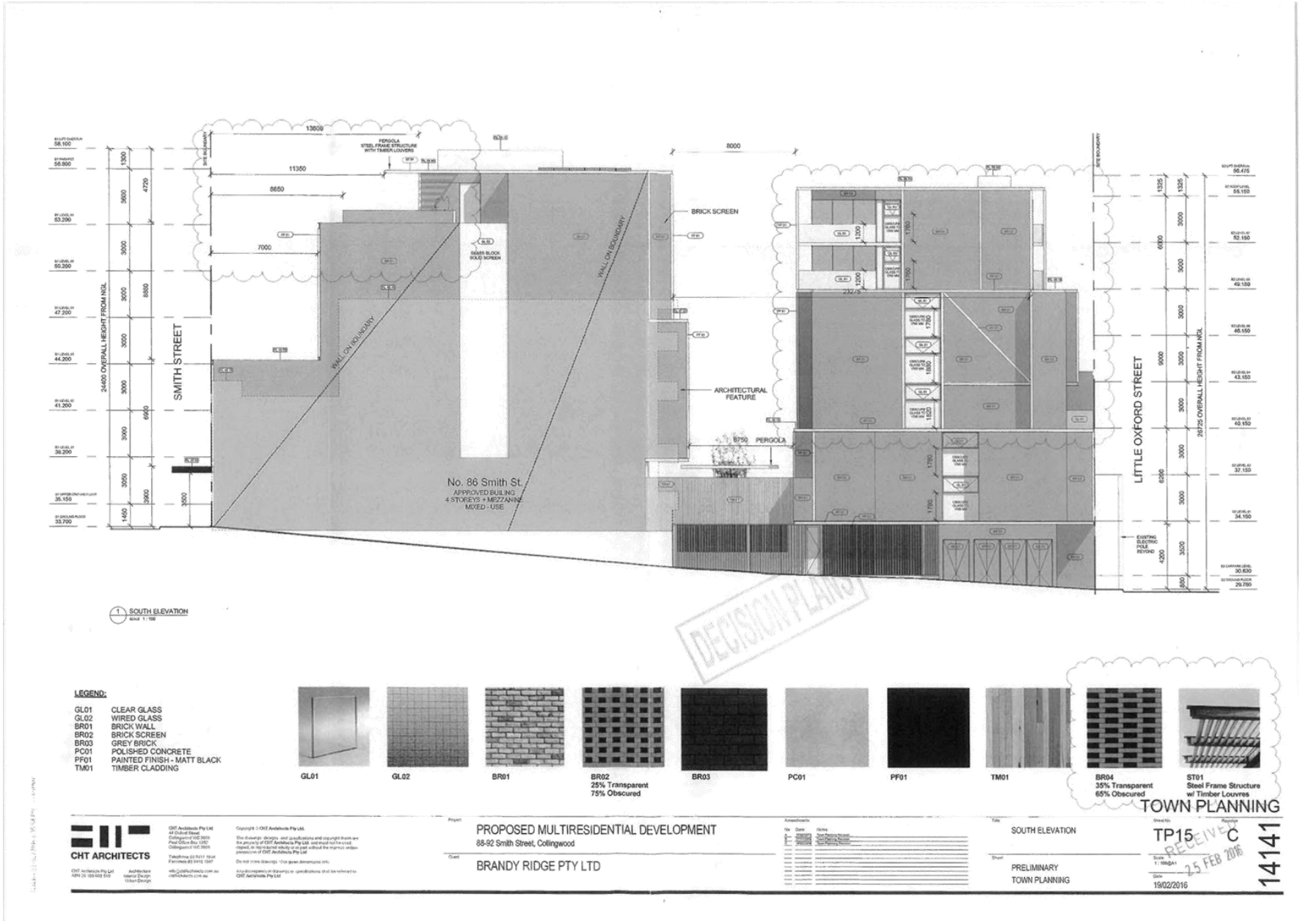

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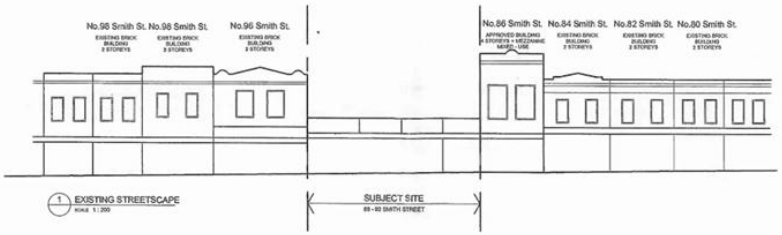

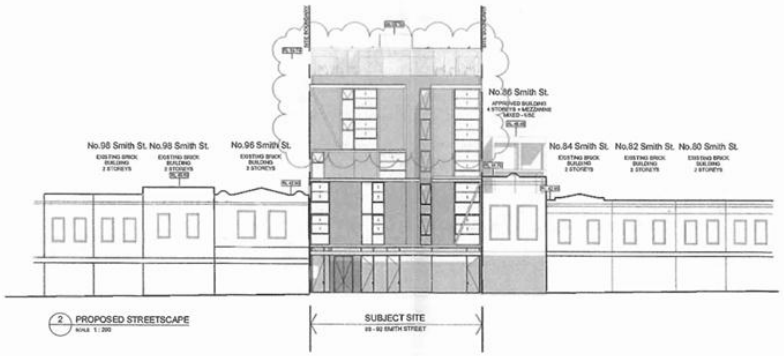

DECISION PLANS

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CHT ARCHITECTS

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Project: PROPOSED MULTIRESIDENTIAL DEVELOPMENT
88-92 Smith Street, Collingwood

Client: BRANDY RIDGE PTY LTD

No	Date	Notes
A	19/02/16	Town Planning Revision
B	19/02/16	Town Planning Revision

Title: STREETSCAPE ELEVATIONS
Sheet No: TP16
Revision: C
Sheet: PRELIMINARY TOWN PLANNING
Scale: 1 : 200@A1
Date: 19/02/2016

14141

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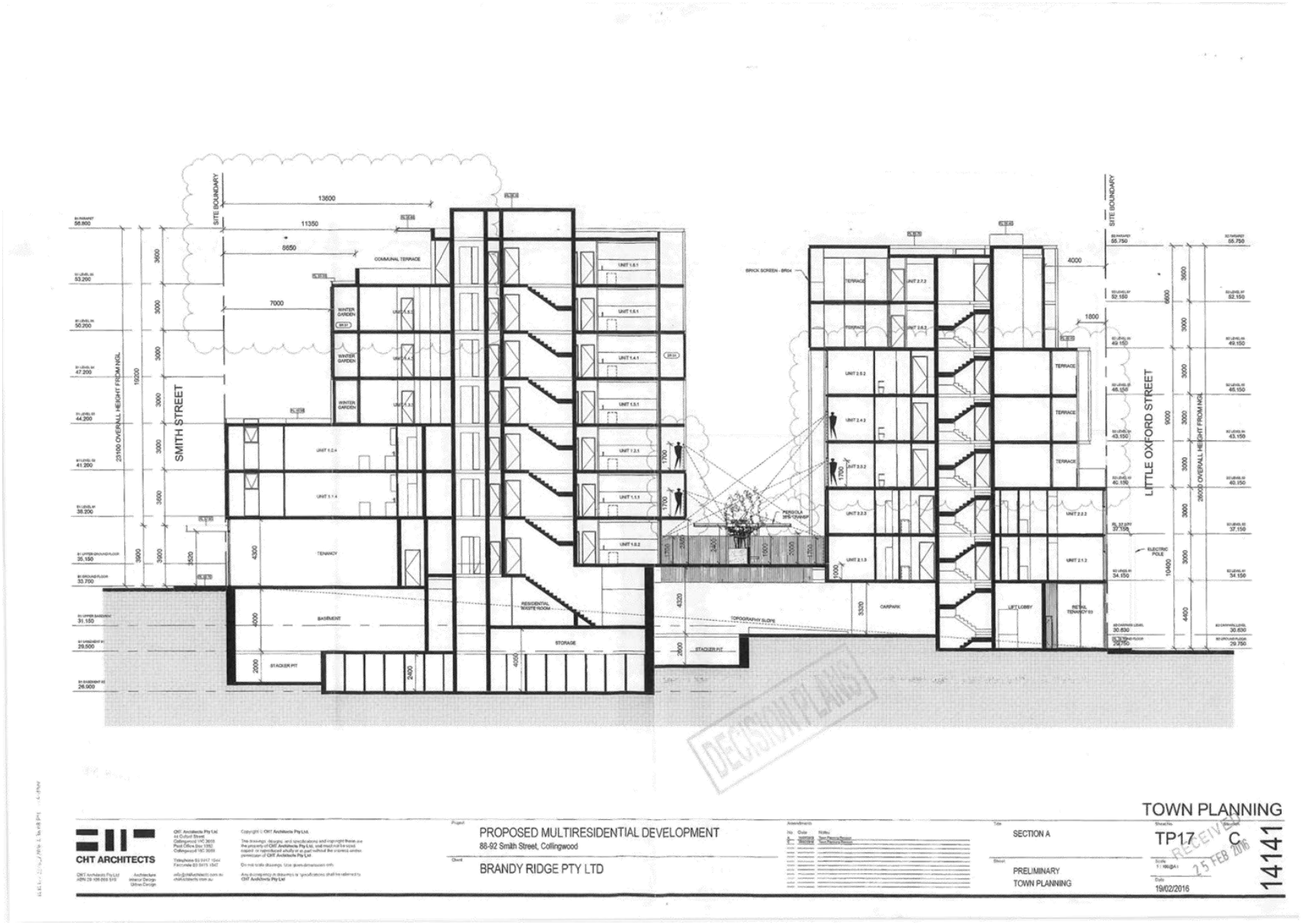

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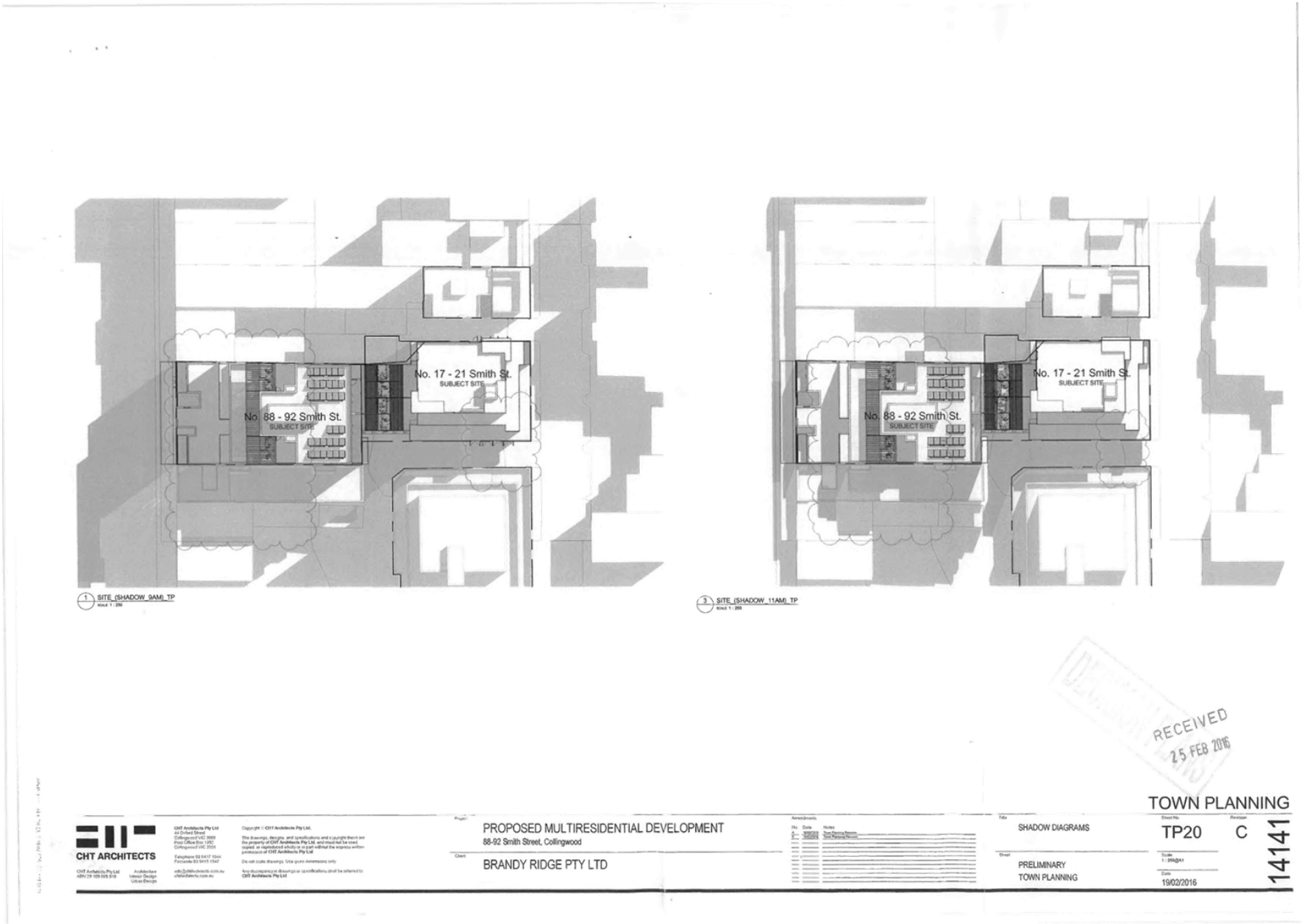

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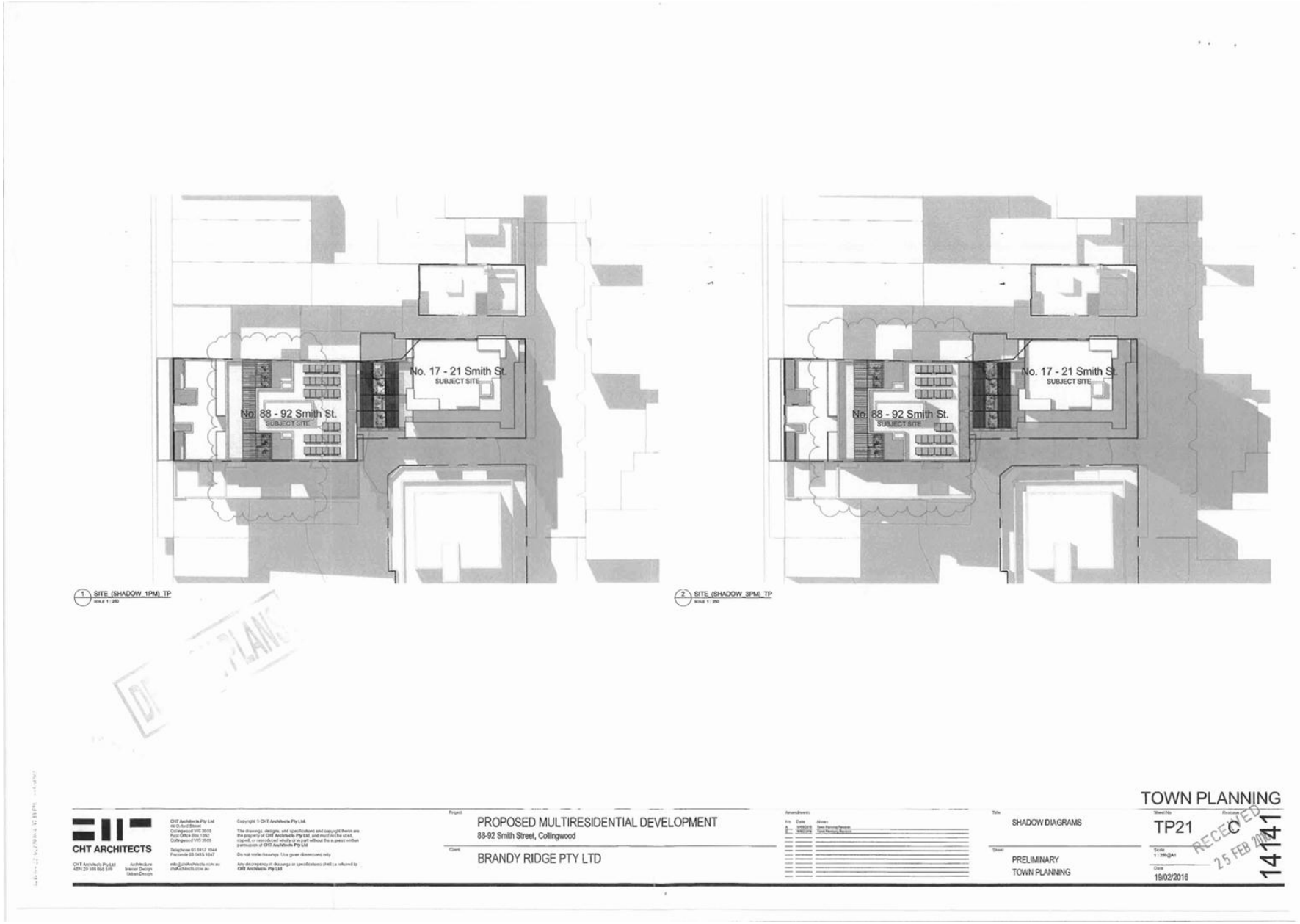

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14141_88-92 SMITH STREET, COLLINGWOOD (25/06/2015)

BLDG	LEVEL	LEV No.	GFA (m2) (EXCL. BALC.)	NSA (m2)	BAL (m2)	COMMUNAL(M2)	COMMERCIAL_(m2)	EFF. %	UNIT DESCRIPTION 1B+1B	2B+1B	2B+2B	STORAGE	BIKES	CARSPACES
BUILDING A	Basement 02	1	360.5									49		
	Lower Ground	1	440											
	Upper Ground	1	448	136.5	74.5		171	31%			2		21	22
	Level 01	1	407.5	349.5	48.5			86%		2	3			
	Level 02	1	407.5	349.5	48.5			86%		2	3			
	Level 03	1	305	259	40			85%	1		3			
	Level 04	1	305	259	40			85%	1		3			
	Level 05	1	305	259	40			85%	1		3			
	Level 06	1	193.5	137	22.5	106		71%			2			
	SUB TOTAL BLDG A	9	3170	1749.5	314	106	171	75%	3	4	19	49	21	22
										26				
BUILDING B	Lower Ground	1	386.5				67						13	13
	Upper Ground	1	256.5	218.5	99			85%	3	1				
	Level 01	1	256.5	218.5	39			85%	3	1				
	Level 02	1	206.5	169	30.5			82%	2		1			
	Level 03	1	206.5	169	27			82%	2		1			
	Level 04	1	206.5	169	27			82%	2		1			
	Level 05	1	153	109.5	19.5			72%	1	1				
	Level 06	1	153	109.5	19.5			72%	1	1				
	SUB TOTAL BLDG B	8	1825	1163	261.5	0	67	80%	14	4	3		13	13
										21				
TOTAL COMMERCIAL NSA (m2)						106	238							
TOTAL UNITS DESCRIPTION (m2)									17	8	22			
									36%	17%	47%			
TOTAL BLDG A + BLDG B UNITS										47		49	34	35

DEVELOPMENT PLANS

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Architecture
Interior Design
Urban Design

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Project: PROPOSED MULTIRESIDENTIAL DEVELOPMENT
88-92 Smith Street, Collingwood

Client: BRANDY RIDGE PTY LTD

Amendments: No. | Date | Notes

Title: DEVELOPMENT SUMMARY

Status: PRELIMINARY TOWN PLANNING

Sheet No.: TP22

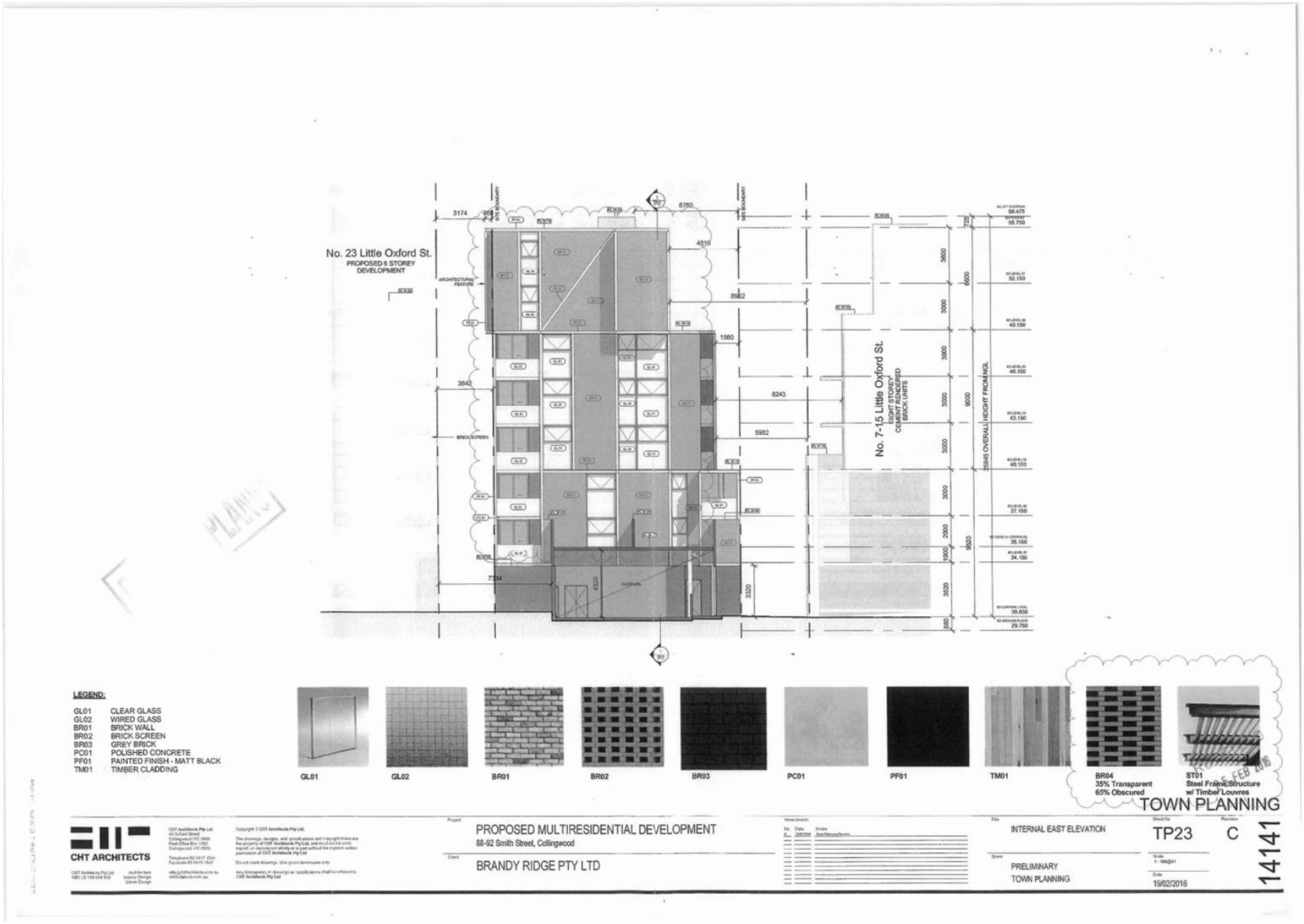
Revision: C

Scale: @A1

Date: 19/02/2016

14141

Attachment 2 - PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - decision plans



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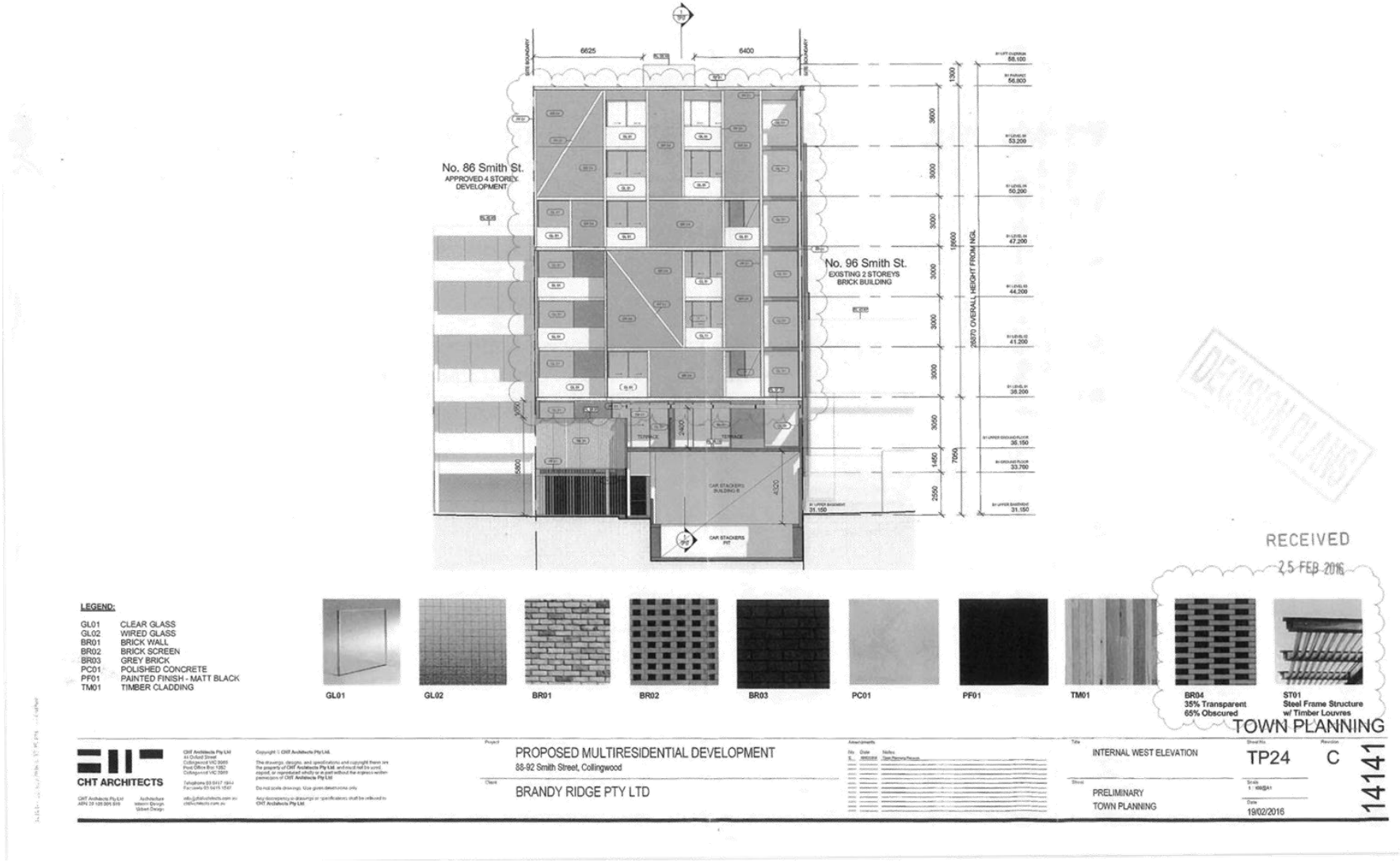

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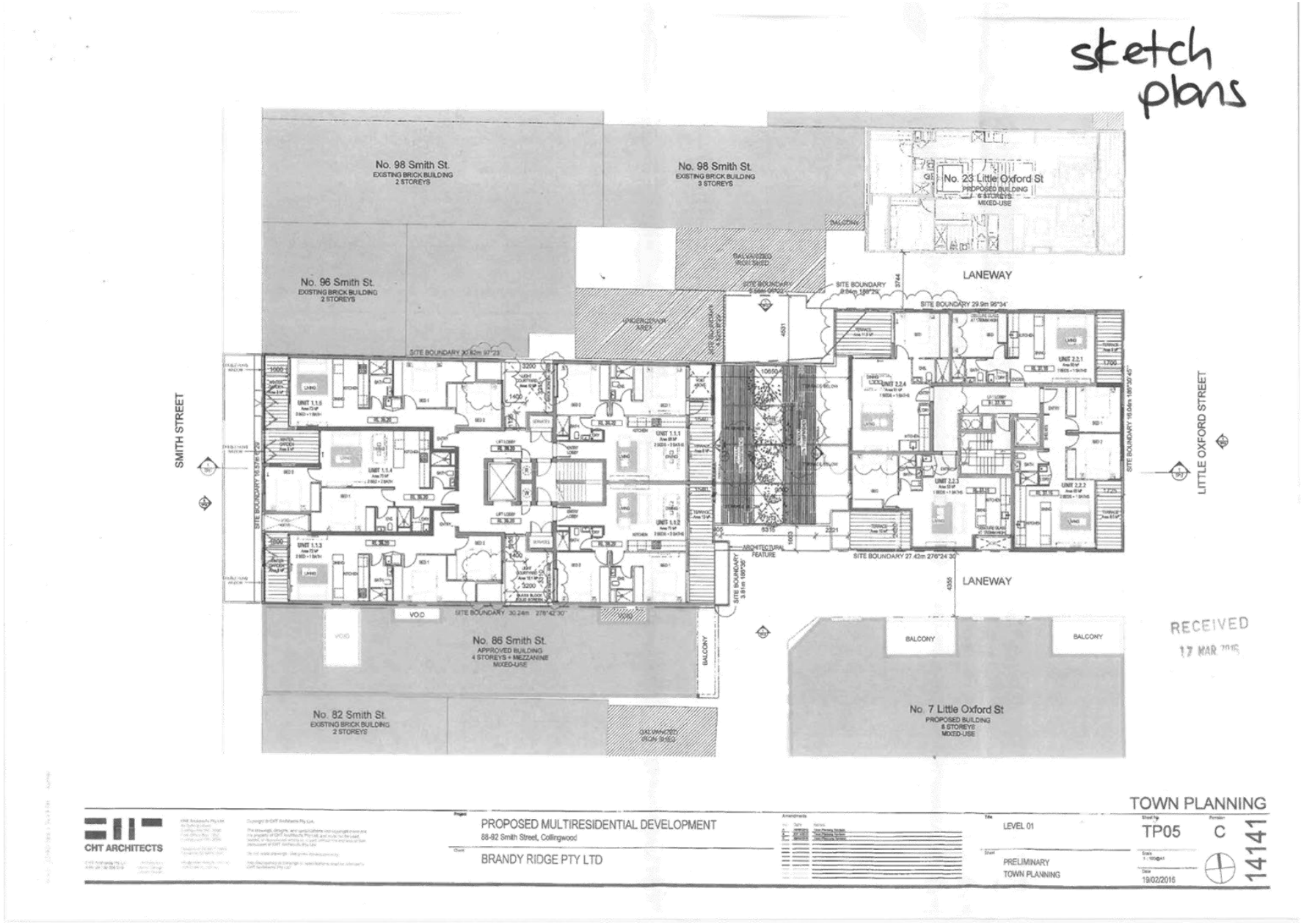
Attachment 3 - PLN15/0637-03 - 88 - 92 Smith & 17 - 21 Little Oxford Streets Collingwood - sketch plans



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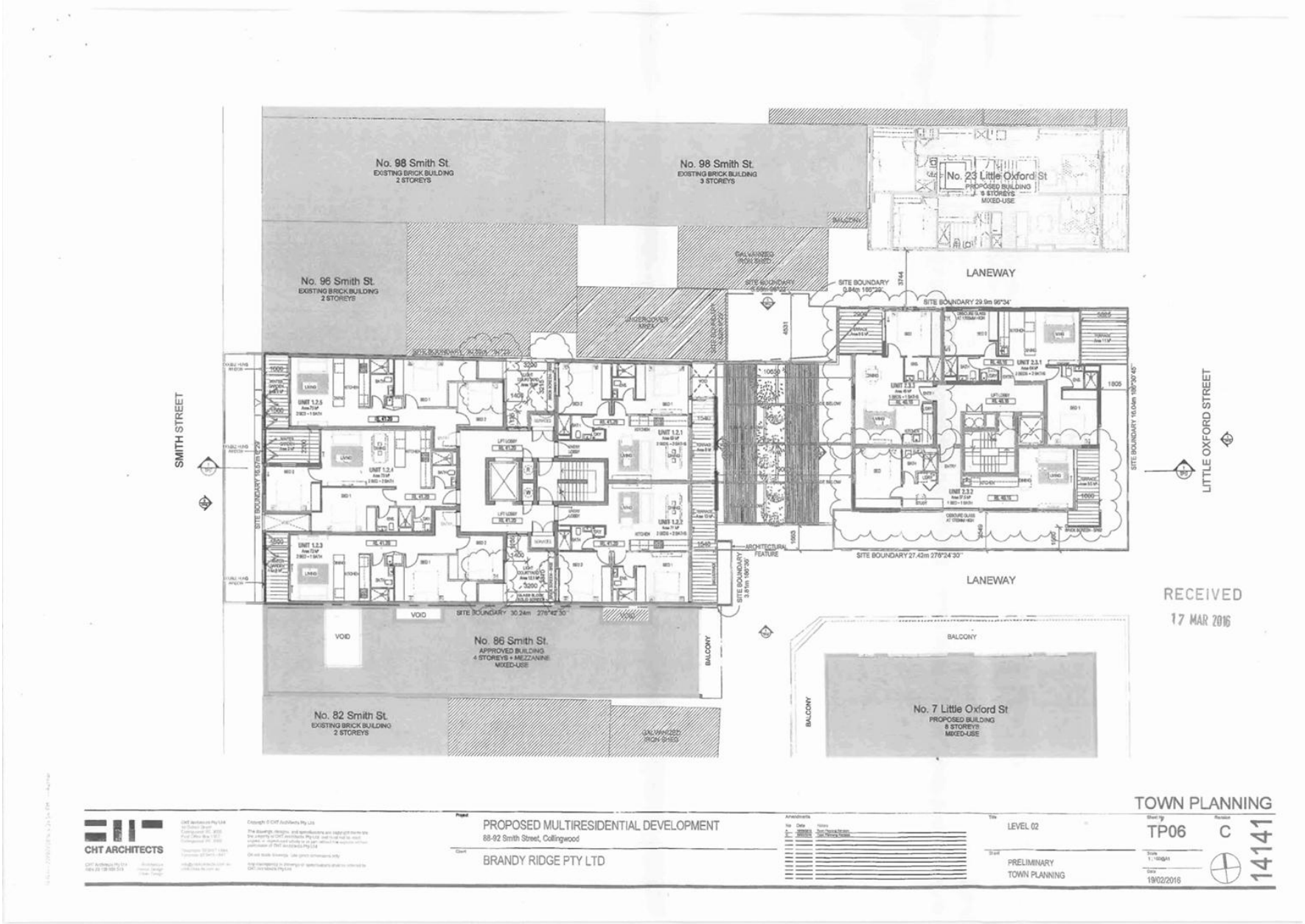

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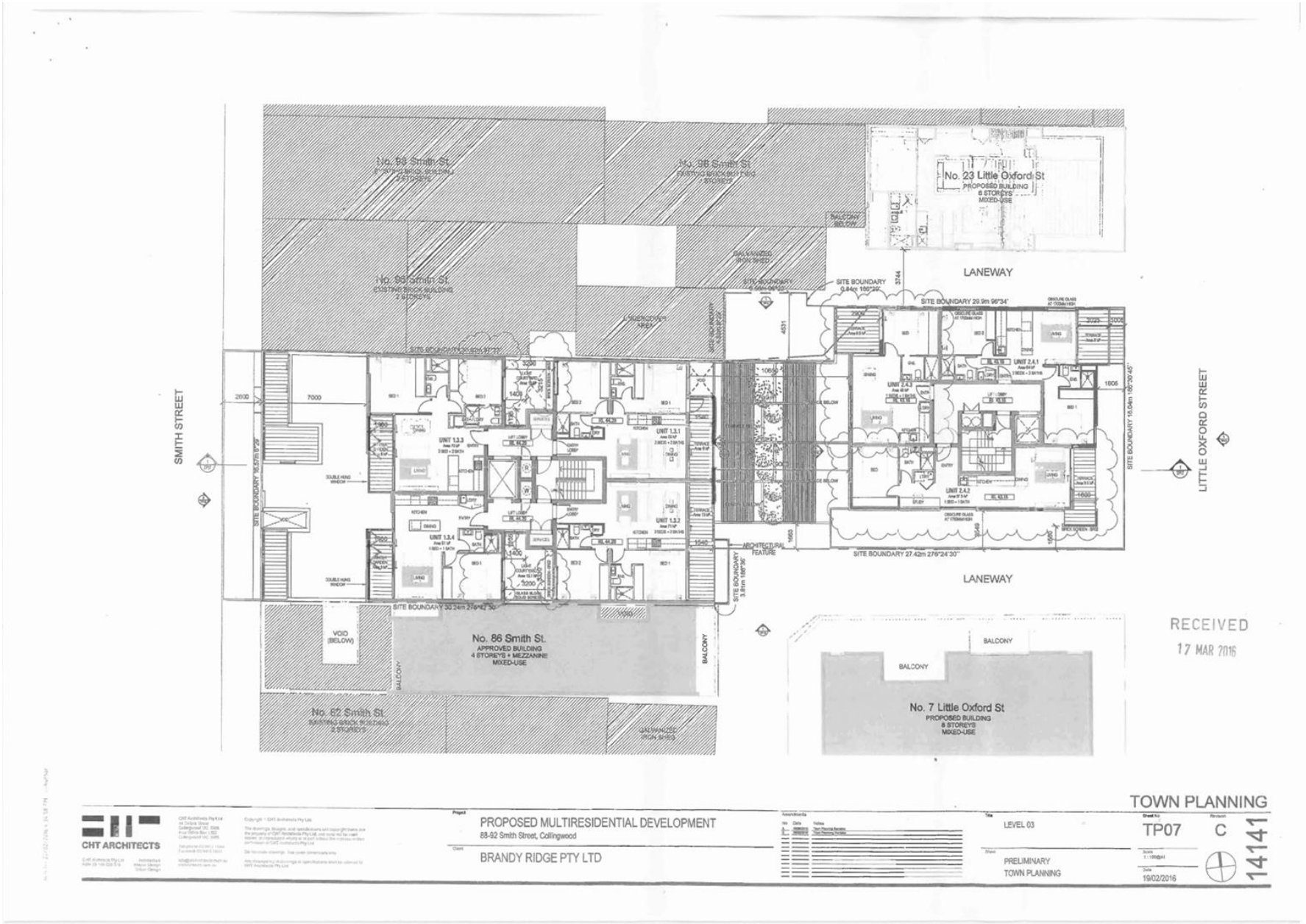

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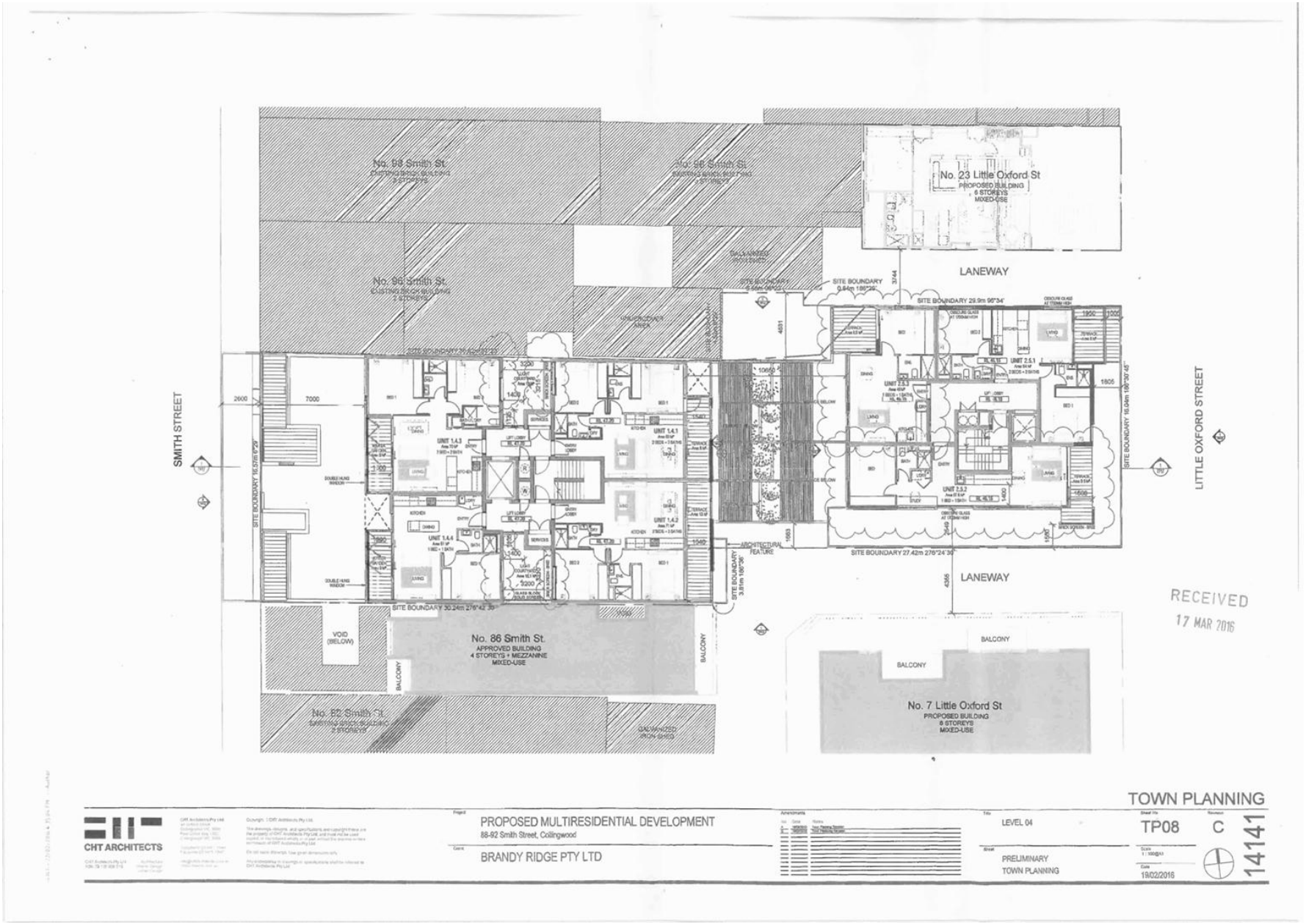

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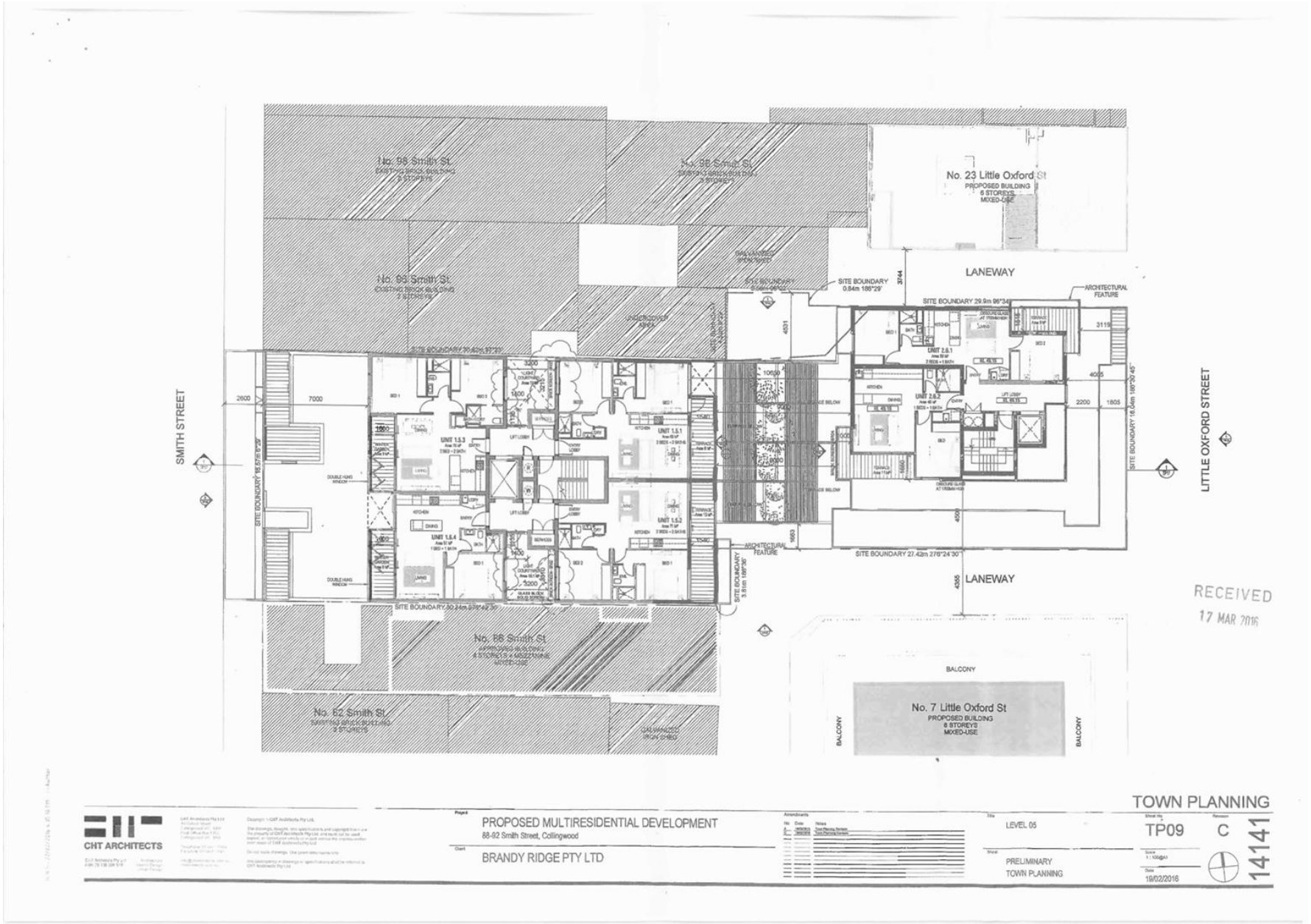

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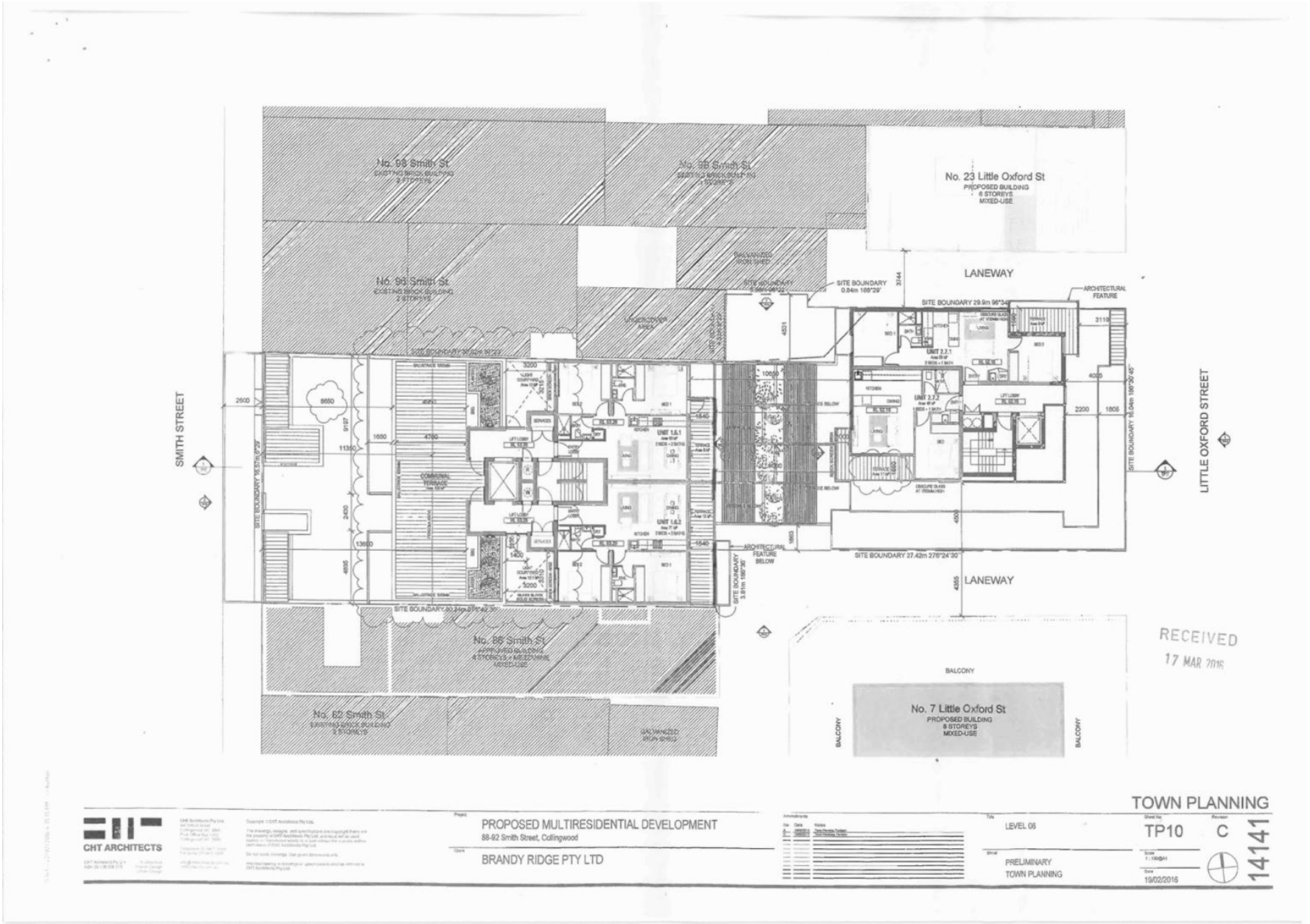

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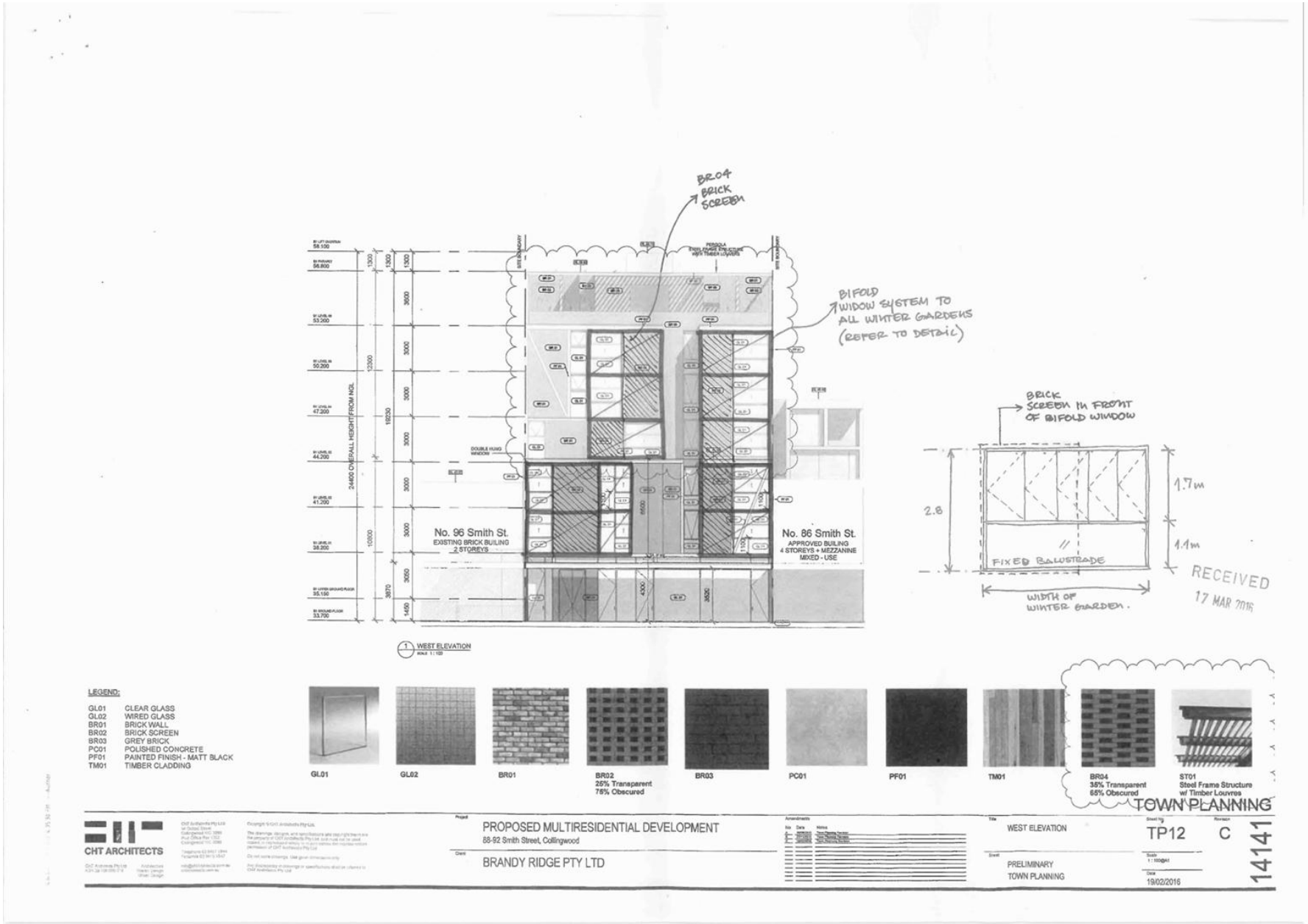

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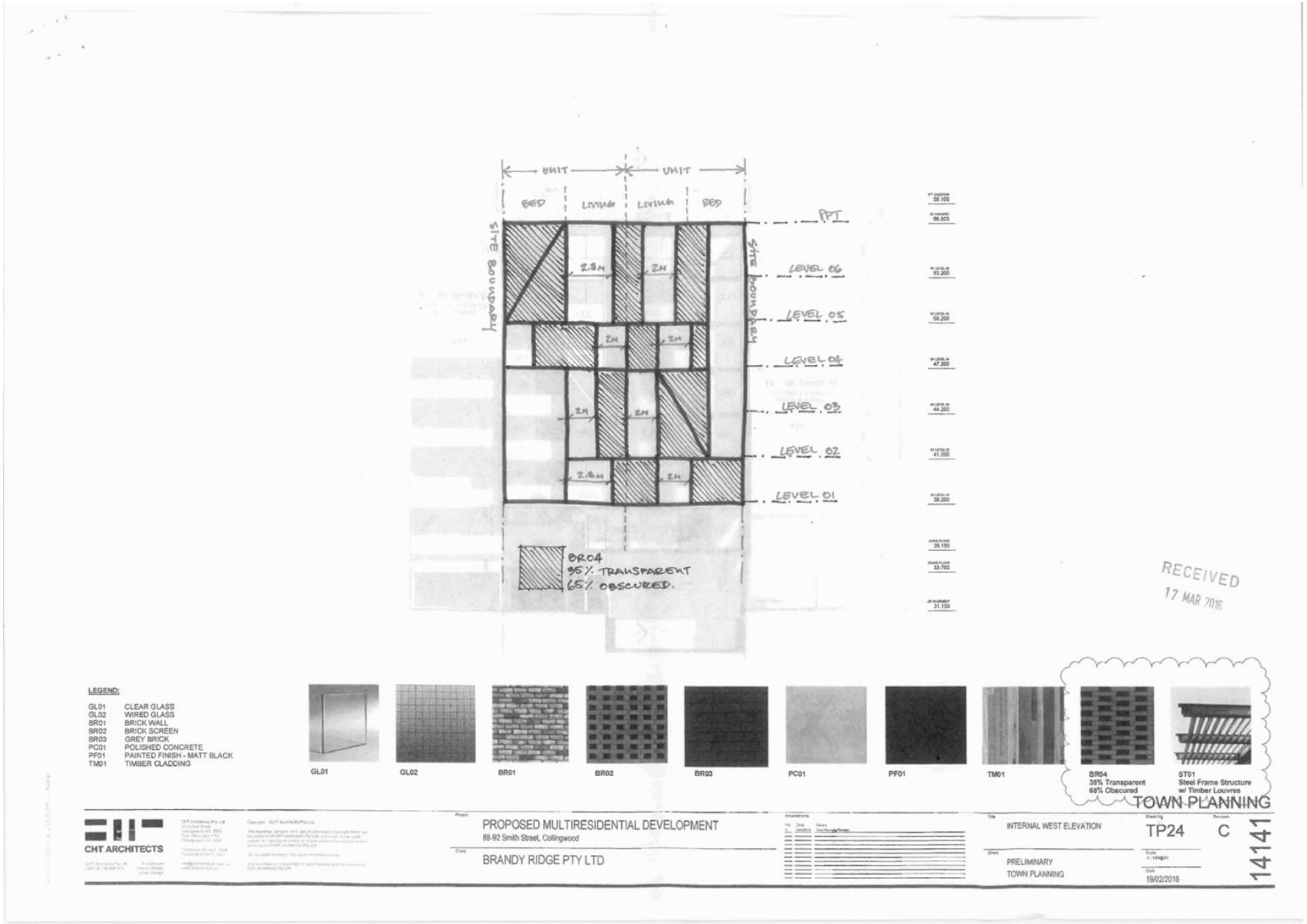


1.3 PLN13/1041.01 - 22 Parkville Street Burnley - Amendment to the permit and plans for additional demolition; reconstruction of the front portion of the existing dwelling; and modifications to the ground and first floor extension; including a reduction in the ground and first floor eastern setback and changes to external materials and finishes and glazing

Executive Summary

Purpose

1. This report provides Council with an assessment of the proposed Planning Permit Amendment Application PLN13/1041.01 at 22 Parkville Street, Burnley.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 32.09 - Neighbourhood Residential Zone Schedule 1;
   (b) Clause 22.02 - Development guidelines for sites subject to the heritage overlay;
   (c) Clause 43.01 - Heritage Overlay; and
   (d) Clause 54 – Rescode (one dwelling on a lot)

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) ResCode – Clause 54;
   (b) Heritage; and
   (c) Objector concerns.

Objector Concerns

4. Seven (7) objections were received to the application (an eighth objection was initially submitted, but was subsequently withdrawn).

5. The grounds of objection can be summarised as follows:
   (a) Adverse heritage impact from demolition of the existing dwelling;
   (b) Adverse heritage impact from inappropriate reconstruction details;
   (c) The height of the extension is not in keeping with neighbourhood and heritage character; and
   (d) Overshadowing from the proposed extension (including solar panels).

Conclusion

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

CONTACT OFFICER: **Madeleine Moloney**
TITLE: **Statutory Planner**
TEL: **92055009**

1.3 PLN13/1041.01 - 22 Parkville Street Burnley - Amendment to the permit and plans for additional demolition; reconstruction of the front portion of the existing dwelling; and modifications to the ground and first floor extension; including a reduction in the ground and first floor eastern setback and changes to external materials and finishes and glazing

Trim Record Number: D16/39263
Responsible Officer: Coordinator Statutory Planning

Proposal:	Amendment to the permit and plans for additional demolition; reconstruction of the front portion of the existing dwelling; and modifications to the ground and first floor extension; including a reduction in the ground and first floor eastern setback and changes to external finishes and materials and glazing.
Existing use:	Single Storey Dwelling
Applicant:	MJL Drafting and Energy Ratings
Zoning / Overlays:	Neighbourhood Residential Zone Schedule 1 Heritage Overlay Schedule 322 – Golden Square Precinct Design and Development Overlay Schedule 5 – City Link Exhaust Stack Environs
Date of Application:	06 October 2015
Application Number:	PLN13/1041.01

Planning History

7. Planning permit PLN13/1041 was issued on the 14 August 2014 for *development of the land for partial demolition, alterations and additions to the existing dwelling, including a ground and first floor extension.*

8. This application seeks to amend the planning permit (and associated endorsed plans).

9. The works approved under the planning permit have not yet commenced. The planning permit currently requires development to commence by 14 August 2016.

Background

10. The application was advertised on 21 December 2015. Eight (8) objections were initially received to the application, however, one objection was subsequently withdrawn; thus a total of seven (7) objections remain.

11. A consultation meeting was held on 15 March 2016. The meeting was attended by the applicant, land owner, a number of objectors and Council officers. No resolutions were reached at the meeting.

12. An Emergency Order was issued by Council's Building Services Unit, on 22 January 2016, following inspection of the site. The order required demolition and removal of the front chimney; part eastern wall (to bedrooms 1 and 2) and provision of propping to support the roof load to bedrooms 1 and 2. This has since been carried out and therefore the amendment is partly retrospective in regards to proposed demolition.

Existing Conditions

Subject Site

13. The subject site is located on the southern side of Parkville Street, approximately 22m west of Gibdon Street. The site has a rectangular configuration with a frontage of approximately 6.82m length to Parkville Street, a rear boundary length of approximately 6.88m, and a depth of approximately 23m. The total site area is approximately 156m2. The land has no significant slope.

14. Developed on site is a single-storey, semi-detached, Edwardian-era facebrick dwelling, which forms a matching pair with the west-adjoining dwelling. The dwelling has a corrugated iron clad gable roof, with roughcast render and decorative timberwork to the gable end.

15. The dwelling's front facade contains a double-hung window (with stained glass fanlight above); and a recessed front porch on the western side, with a skillion roof over and decorative lacework over the porch entrance.

16. The dwelling had two chimneys until recently. The front chimney was demolished earlier this year under the Emergency Order issued by Council's Municipal Building Surveyor and therefore only the rear chimney remains.

17. The dwelling has a front setback of approximately 1.2m, with the recessed front entry set back approximately 2.5m. A small garden is provided along the frontage and a brick pathway leads to the front entry. A metal spear front fence, approximately 1.3m high, extends along the front boundary.

18. The dwelling is built for its full length along the western boundary. Along the eastern side of the dwelling is a narrow path (approximately 0.9m wide) which extends for 15.3m from the street frontage to the rear secluded private open space (courtyard) located in the south-east corner of the site.

19. The existing dwelling contains three bedrooms; a bathroom and living room; and kitchen/meals and laundry area.

20. No restrictive covenants affect the site. A party wall easement is located along the western boundary, shared with No. 20 Parkville Street.

Surrounding Land

21. The surrounding area is a low-rise residential pocket located approximately 175m south of the Swan Street Major Activity Centre. Burnley railway station is located approximately 300m to the north-west.

22. The site is located within a largely intact streetscape of similar, semi-detached brick Edwardian cottages which extend along the southern side of Parkville Street, between Stawell Street and Gibdon Street (corresponding to Nos. 2 - 22 Parkville Street). There are subtle differences between the cottages but overall they present as a cohesive row and all the cottages are graded as ‘contributory’ to the Golden Square Heritage Precinct.

23. One cottage within this row has been extended at first floor (No. 8 Parkville Street). However, planning permits have been issued in recent years for double storey additions to dwellings at No 14 Parkville Street and No. 18 Parkville Street (under planning permits PLN13/0128 and PLN14/0070, respectively). The development at No. 18 Parkville Street also includes a rooftop deck. Construction approved under these permits has not yet commenced and both permits are still current.

24. There have also been a number of planning permits issued to dwellings within this same row of cottages for partial demolition and reconstruction of the front facade or front portions of the dwellings. In particular, the front façade and walls to the front bedroom to No. 16 Parkville Street were re-constructed under planning permit PL07/0153. Similar works were undertaken at No. 14 Parkville Street, under planning permit PL07/0610.

In addition, planning permit PLN14/0700 which approved the extension to No. 18 Parkville Street was recently amended to include additional demolition and works to allow for re-construction of the front façade.

25. To the north of the site is Parkville Street (a local one-way street) and beyond is a public park (Bicentennial Park) bordered by Gibdon Street, Stawell Street and Madden Grove.

26. To the east of the subject site is the rear of four properties, each developed with a single storey dwelling fronting Gibdon Street. Rear secluded private open space and outbuildings immediately abut the shared boundary with the subject site. One of these dwellings (No. 26 Gibdon Street) has recently had a planning permit (PLN15/0012) which allows for a double storey extension to the dwelling, however, works have not yet commenced.

27. To the south of the subject site is a right-of-way (approximately 3m wide) and immediately opposite is the side boundary and rear secluded private open space of a dwelling fronting Gibdon Street. Further to the west is the rear secluded private open space of dwellings fronting Crimea Street, the closest of which (No. 15 Crimea Street) has a current planning application with Council for a double storey extension (PLN15/1037).

28. To the west of the subject site is the matching single-storey terrace dwelling to the subject site. This dwelling has a similar footprint and appearance and is attached to the subject site by a party wall along the shared boundary.

The Proposal

29. The application proposes an amendment to the planning permit and endorsed plans for additional demolition; reconstruction of the front portion of the dwelling; and changes to the dwelling extension, including a reduction in the eastern setback at ground and first floor and modified external finishes and materials and glazing. Details are as follows:

Additional demolition

(a) Demolition of all remaining sections of the existing dwelling, other than the western party wall, specifically:
    (i) The entire front façade, including the front porch;
    (ii) The remaining 4.6m section of the eastern wall to bedroom 1 and part bedroom 2;
    (iii) The front chimney;
    (iv) The remaining roof over the existing bedroom 1 and 2, to a maximum depth of approximately 7.8m.

Reconstruction

(b) Reconstruction of the additional portions of the dwelling proposed to be demolished as part of the amendment, as (i.e. front facade including porch; front 4.6m long section of eastern wall; front roof to a maximum depth of 7.8m; and front chimney).

(c) Key details of reconstruction, stipulated by the applicant, include the following:
    (i) Where possible, existing materials will be re-used in reconstruction;
    (ii) The front chimney is to be replaced with a lightweight replica, using 20mm thick brick veneers attached to a wooden (marine ply wood) structure;
    (iii) The front double-hung window is to be replaced with a new double-glazed window in a new timber frame to match the existing frame.
    (iv) Tuck-pointing of front brickwork will be re-instated;
    (v) The non-original front door and screen door will be replaced (although the proposed floor plans state the existing door is to be retained and re-used, the applicant has confirmed that the replacement of the front door, as indicated on the reconstruction details, is proposed;

(vi) The broken front gable spire will be replaced;
(vii) The stained-glass sidelights to the front door will be retained and re-used "with improved security and energy efficiency";
(viii) The non-original (circa 1960s) fanlight window above the front entry will be retained and re-used;
(ix) A number of features of the façade are identified as being in good condition and can be re-used (e.g. iron lacework, stained glass to fanlight above front timber window) which implies these items will be retained and re-used; however, the documentation does not clearly confirm this.

Changes to building envelope of extension

(d) A reduction to the setback of the new first floor eastern wall to bedroom 2 and adjacent bathroom by 0.64m (from 3m to 2.36m); with a lower, mono-pitch roof provided over the new section of first floor, with skylights;
(e) A reduction to the eastern setback of the new wall to the first floor bedroom 1 by 0.2m (from approximately 3.2m to 3m);
(f) A reduction in the eastern setback of the new ground floor facade, where it adjoins the ground floor deck, by 0.6m (from 3.6m to 3m) to align with the eastern wall to the first floor bedroom 1 above;
(g) An increase to the setback of the new first floor eastern wall to the stairwell by 0.56m (from 1.8m to 2.36m);
(h) The stairwell is also proposed to be modified to extend down to the ground, rather than cantilever over the ground from a height of approximately 1.7m, as originally approved;
(i) A reduction in the width of the new ground floor deck by approximately 2.2m (from 5.9m to 3.65m).

Modifications to finishes, materials and glazing

(j) Deletion of all proposed timber cladding and render to first floor external walls and replacement with either white or grey metal cladding;
(k) Replacement of rear portion of grey metal cladding to the east-facing first floor wall with white metal cladding;
(l) Replacement of obscure glass to east-facing external walls to stairwell and Juliet balcony with translucent polycarbonate material;
(m) Large skylight over western side of ground floor roof near front of dwelling replaced with two smaller skylights;
(n) Reduction in size of skylight over first floor ensuite;
(o) New rear (south-facing) high level windows introduced to proposed ground floor laundry/storage area;
(p) Modified operability to east-facing doors to ground floor laundry/storage area; kitchen and first floor bedroom 1;
(q) Replacement of south-facing doors to deck with smaller windows;
(r) Deletion of east-facing first floor bathroom window and introduction of new south-facing bathroom window;
(s) Reduction in size of eastern window to ground floor dining room, and introduction of operable portions;
(t) East-facing window to first-floor bedroom two modified to be two obscure glazed awning windows (with sill heights of 1.1m and maximum opening of 125mm);
(u) First-floor south-facing window to bedroom 3 modified to reduce operability of upper portions (with fixed opaque glazing to lower portion to a height of 1.75m above finished floor level).

Internal layout changes (no permit required)

(v) Location of ground floor kitchen and dining areas swapped;
(w) First floor finished floor level lowered by 0.05m to provide for an increase of floor-to-ceiling height at first floor from 2.5m to 2.55m (no change to external height);

Other new works

(x) A new 2500L rainwater tank is proposed to be installed under the ground floor deck;

Legislation Provisions

30. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act).

31. Section 72 of the Act states:

(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

(2) This section does not apply to—
(a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
(b) a permit issued under Division 6.

32. The original permit PLN13/1041 was issued on 14 August 2014 and was not issued under Division 6 of the Act.

33. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone Schedule 1.

34. Pursuant to Clause 32.09-1, a planning permit is not required to use the land as a dwelling.

35. Pursuant to Clause 32.09-4, a planning permit is required to construct a dwelling on a lot under 500sqm. A development must meet the requirements of Clause 54.

36. Pursuant to Clause 32.09-8, the maximum building height must not exceed 8m. The proposed development has a maximum height of 6.5m and therefore meets this requirement.

Overlays

Heritage Overlay

37. Pursuant to Clause 43.01-1, a planning permit is required to construct or carry out works and to demolish or remove a building.

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

38. Pursuant to clause 43.02-2, a planning permit is required to construct or carry out works. This does not apply if a schedule to this overlay specifically states that permit is not required. The schedule states that no permit is required.

39. Pursuant to the schedule, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.

Particular Provisions

Clause 54 – One dwelling on a lot

40. Pursuant to Clause 54 of the Yarra Planning Scheme (the Scheme), the provisions apply to one dwelling on a lot if the lot area is less than 500sqm. As the subject land is under 500sqm, the provisions apply.

General Provisions

41. 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 15.01-1 – Urban design

42. 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

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

Clause 15.03 - Heritage

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

Local Planning Policy Framework (LPPF)

Clause 21.05 - Built Form
Clause 21.05-1 Heritage

45. The objective of this clause is:
    (a) *To protect and enhance Yarra's heritage places*;

Clause 21.05-2 - Urban Design

46. 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.*

Clause 21.08 – Neighbourhoods (Burnley - Cremorne - South Richmond)

47. Clause 21.08-2 of the Scheme includes the following passages describing this neighbourhood:
    (a) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport.*
    (b) *The neighbourhood provides a range of residential opportunities...the area east of Burnley Street includes the Golden Square residential area which comprises predominantly cottages of heritage significance.*
    (c) *The Swan Street major activity centre lies along the northern boundary of this neighbourhood.*

48. Pursuant to Figure 8 under this clause, the subject site is located within a Heritage Overlay area which contains the objective: *ensure that development does not adversely affect the significance of the heritage place*.

Relevant Local Policies

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

49. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:
    (a) *to conserve Yarra's natural and cultural heritage;*
    (b) *to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
    (c) *to retain significant view lines to, and vistas of, heritage places;*
    (d) *to preserve the scale and pattern of streetscapes in heritage places;*
    (e) *to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*
    (f) *to ensure the adaption of heritage places is consistent with the principles of good conservation practice;*
    (g) *to ensure that additions and new woks to a heritage place respect the significance of the place;*
    (h) *to encourage the retention of 'individually significant' and 'contributory' heritage places; and*
    (i) *to protect archaeological sites of cultural heritage significance*.

Clause 22.02-5.1 Demolition - Full Demolition or Removal of a Building

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

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

    (b) *The building is identified as a contributory building, and*

        (i) new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015 and

        (ii) the building does not form part of a group of similar buildings.

    (c) *Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition*

Clause 22.02-5.3 - Reconstruction and Restoration

51. *Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.*

52. *Encourage the reconstruction of a building or works which previously existed in a heritage place if:*
    (a) *The reconstruction will enhance the heritage significance of the heritage place.*
    (b) *Evidence exists to support the accuracy of the reconstruction.*

53. *Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.*

Clause 22.02-5.7.1 New Development, Alterations or Additions (General)

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

55. Minimise the visibility of new additions by:
    (a) *Locating ground level additions and any higher elements towards the rear of the site.*
    (b) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)*

56. *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.*

57. This policy refers to an incorporated document (*City of Yarra Review of Heritage Overlay Areas 2007*), which identifies the level of significance for all buildings/sites within the Heritage Overlay. Specifically, the subject site is nominated as having '*contributory'* value to the Heritage Precinct.

Clause 22.07 - Development Abutting Laneways Policy

58. Pursuant to clause 22.07 of the Scheme, this policy applies to applications for development that is accessed from a laneway or has a laneway abuttal. The objectives of this clause include:
    (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 development along a laneway is provided with safe pedestrian and vehicular access.*

59. Relevant polices under this clause include:
    (a) *development respect the scale of the surrounding built form*

60. Although the site has rear laneway access, there are no significant changes to built form along the laneway abuttal as part of the proposed amendment and the two storey scale of the development is maintained, therefore a further assessment against this policy is not warranted.

Advertising

61. The application was advertised in accordance with Section 52 of the Act by way of 9 letters sent to surrounding property owners and occupiers and the display of a sign on the Parkville Street frontage.

62. Seven (7) objections were received to the application.

63. The grounds of objection can be summarised as follows:
    (a) Adverse heritage impact from demolition of the existing dwelling;
    (b) Adverse heritage impact from inappropriate reconstruction details;
    (c) The height of the extension is not in keeping with neighbourhood and heritage character; and
    (d) Overshadowing from the proposed extension (including solar panels).

64. A consultation meeting was held on 15 March 2016. The meeting was attended by the applicant, objectors and Council officers. No resolution was reached at the meeting.

Referrals

External

65. Notice was given to VicRoads, EPA Victoria and Transurban, pursuant to the provisions of the Design & Development Overlay (Schedule 5).

66. All authorities responded and none objected to the application.

Internal

67. The application was referred to Council's Building Services and Heritage Advisor.

Building Services

68. The following advice was received from Council's Building Services (Municipal Building Surveyor):
    (a) *My staff and I have assessed the engineers report and inspected the building.*
    (b) *I have subsequently issued an Emergency Order on the building to ensure it does not collapse prior to permits being in place.*
    (c) *My opinion of the building is that it would not withstand the proposed alterations without sustaining further significant damage to the front of the dwelling.*
    (d) *The building is currently in the process of failing over time. It will become more dangerous as time goes by.*
    (e) *The structural damage to the front of the building (bed 1 to be retained in current planning permit) is significant.*
    (f) *The brickwork to the side wall of bed 1 has separated forward of the chimney and has cracking up to 30mm wide with the façade rolling forward.*
    (g) *I recommend that Council accept the proposal to demolish the building and replace the front of the building using existing brickwork and all other redeemable components.*

Heritage Adviser

69. The following advice was received from Council's Heritage Adviser:

Comments regarding amended proposed demolition:

70. *The extent of demolition originally proposed by this application includes the demolition/removal of almost all but the front part of the existing house that equates to a depth of two rooms.*

71. *The amended proposal is for the full demolition of the existing building except the boundary wall shared with no. 20 Parkville Street.*

72. *The key consideration for assessing this aspect of the works is whether the proposed amended demolition will further adversely affect the significance of the heritage building or the broader heritage precinct.*

73. *Previously it was considered that although the proposed extent of demolition will diminish the integrity of the subject building, the extent of building to be retained would generally maintain the character and appearance of a cohesive row of architecturally distinctive, small Edwardian cottages.*

74. *The partial demolition of the eastern side wall is understood to have occurred as a result of emergency works associated with dangerous cracking. The cracking of the front and sidewalls has been found to be severe enough to warrant extensive reconstruction.*

75. *Full demolition will obviously be detrimental to the significance of the building, the row and the precinct as a whole however, on the basis that the amended proposal will involve reconstruction of the same extent that was to be retained previously, it is considered that, on balance, the demolition works are acceptable.*

76. *It should be noted that full reconstruction of the façade has previously been carried out at no. 16 Parkville Street.*

Comments regarding amended new development, alterations and additions:

77. *The extent of works proposed by this application is substantially the same as previously proposed but includes the reconstruction of the front portion of the house to the depth of about 4.5 metres.*

Reconstruction works:

78. *Clause 22.02-5.3 of the Yarra Planning Scheme encourages the reconstruction of a building or works which previously existed in a heritage place if:*
    (a) *The reconstruction will enhance the heritage significance of the heritage place;*
    (b) *Evidence exists to support the accuracy of the reconstruction.*

79. *In regard to the subject site, it is considered that the pattern of the existing streetscape of Parkville Street will be detrimentally affected by the loss of the subject building. Reconstruction of the original façade is therefore considered justifiable, especially as there is comprehensive evidence available to support the accuracy of the reconstruction.*

80. *Where reconstruction of a building is proposed, it is usual for a detailed methodology for the dismantling and rebuilding process to be required. Part of the process should include recording the existing façade. The extent of original building fabric that will be retained should be clearly identified.*

81. *The submitted document entitled "22 Parkville St Heritage re-construction details" outlines a number of works, much of which is not detailed on the set of drawings and some of which, is inconsistent with the drawings. This is not considered adequate documentation to support full demolition and reconstruction.*

82. *Given that the subject building is a mirror copy of the adjoining property at no. 20, it is considered on this occasion that a full photographic record and measured drawings may not be required. It is however considered that the following further information will be required prior to the commencement of further demolition works:*
    (a) *Which existing details will be copied and reconstructed on an exact like-for-like basis?*
    (b) *Which details are being changed? Where existing details are being changed for any reason, (i.e. window frames, doors, fencing, paving, etc.) full details of the proposed new work will need to be submitted for approval.*

Reconstruction of chimney:

83. *The proposal to reconstruct the original chimney in a lightweight brick attached to marine ply is not acceptable under any circumstances. Drawing No. TP105 specifically notes that the existing chimney above the ceiling is to remain, however as a consequence of emergency demolition works this is clearly not possible.*

84. *Whilst it is acknowledged that a fully reconstructed chimney flue using original materials will have considerable weight, the only acceptable solution would be to provide adequate structural support within the roof space to support the structure above. The more appropriate alternative would be to reconstruct the original chimneybreast at ground floor level.*

Additions:

85. *Given that the proposed ground and upper-storey additions are almost identical to that previously approved, it is considered that there are no additional heritage concerns raised by this amended proposal.*

86. *It is noted that, in accordance with the recommendations of the previously issued heritage advice, the scale and positioning of the proposed skylights in the front portion of the house have been amended to be more acceptable in size and positioning.*

87. *It is also noted that the colour of the proposed upper-storey addition, where visible from the street, has been amended to be 'light grey' in colouring that is consistent with the recommendations of the previously issued heritage advice.*

Recommendations:

88. *On heritage grounds, the amended works proposed in this application may be approved subject to the following suggested conditions:*
    (a) *That full details of all features and materials to be retained and those to be replaced in association with the rebuilding of the front portion of the existing house must be submitted and approved prior to the commencement of demolition works on the site;*
    (b) *That the original front chimney must be reconstructed to match the identical chimney at no. 20 Parkville Street, using original materials, as much as possible, to at least the extent that projects above the roofline.*

OFFICER ASSESSMENT

89. The key planning considerations for Council in considering the proposal are:

    (a) ResCode – Clause 54,
    (b) Heritage;
    (c) Objector concerns; and
    (d) Other Matters – Plan Inconsistencies

Rescode – Clause 54

90. This particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built-up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following standards are either not applicable or are met by the existing conditions:

    (a) A2 – Integration with the street (no change given the front of the dwelling will be reconstructed)
    (b) A3 – Street setback (no change – given the front of the dwelling will be reconstructed)
    (c) A8 – Significant trees (no significant trees to be removed)
    (d) A11 – Walls on boundaries (no new walls are to be constructed to the boundary as part of this amendment)
    (e) A13 – North facing windows (no windows are affected by the amendment)
    (f) A18 – Solar access to open space (not applicable to extensions to dwellings)
    (g) A20 – Front fence (no change)

91. The remaining standards are assessed in greater detail in the following paragraphs.

Standard A1 – Neighbourhood Character

92. The surrounding area is characterised by narrow lots with low scale (predominantly one to two storey) dwellings, typically with small front setbacks and secluded private open space provided at the rear. A number of two storey extensions have been approved in the immediate area, including to dwellings along Parkville Street, as detailed earlier in the report.

93. Given the front portion of the dwelling is proposed to be re-constructed (to match the section to be retained under the original approval) and the additional built form proposed is located at the rear of this and does not propose any increase in height, there would little change in appearance of the building from Parkville Street as a result of the proposed amendment.

94. The two storey height of the proposed development is in keeping with neighbourhood character, and is no higher than the approved roof ridge of the dwelling.

95. Secluded private open space is maintained along the eastern side at ground floor and extends through to the rear of the dwelling, consistent with the rear location of secluded private open space found in the surrounding area.

Standard A4 – Building height

96. The maximum (6.5m) height of the dwelling will be unaltered as a result of the proposed amendment and will continue to comply with the maximum mandatory 8m height limit specified at Clause 32.09-8 of the Scheme.

Standard A5 – Site coverage

97. The proposed site coverage is to be increased by approximately 4.44sqm from the original development. This will increase overall site coverage from 63.2% to 65.6%, which exceeds the maximum 60% prescribed by the standard. Given the existing dwelling has a site coverage of approximately 67.7%, this still represents a decrease to site coverage in comparison to existing conditions and is considered to be acceptable, particularly having regard to the similar levels of site coverage observed in the surrounding area.

Standard A6 – Permeability

98. The permeability will be reduced slightly overall (by approximately 1.5sqm) due to changes in the building footprint at ground floor. However, the proposal still complies with the standard as permeable surfaces comprise approximately 30% of the site – well over the minimum 20% prescribed by the standard.

99. The legend identifying that hatched areas of the ground floor plan are permeable surfaces (which was included on the current endorsed plans) has been omitted from the amended plans. Similarly, the notation confirming "permeable paving" to the rear portion of the secluded private open space / car parking area, as originally proposed has been omitted. The applicant has confirmed that these details were simply omitted in error. Therefore, conditions will require re-instatement of these details – as per original endorsed plans.

100. A new rainwater tank is also proposed to be included beneath the ground floor deck. This will allow for capture and re-use of stormwater and hence will further reduce stormwater runoff.

Standard A7 – Energy efficiency

101. The proposed modifications will not significantly alter the energy efficiency of the dwelling, given the layout and location of glazing is very similar to the approved addition.

102. The proposed dwelling will still have good access to daylight and the inclusion of operable windows throughout the ground and first floor will allow for reasonable cross-ventilation. The changes proposed under the amendment would not impact on energy efficiency of adjoining dwellings given the building envelope is not significantly expanded; generous setbacks are maintained along the eastern side; and there are no north-facing windows affected by the proposal. Solar panels are maintained, as per the original proposal.

Standard 10 – Side and rear setbacks

103. The only changes to side and rear setbacks relate to the eastern and southern walls to the extension.

104. The setback of the eastern wall to the stairwell is to be increased from 1.8m to 2.36m with no change to the wall height (of 5.9m). The setback of the eastern stairwell wall therefore continues to comply with the standard, which prescribes a 1.69m setback for a wall of this height.

105. The setback of the first floor eastern wall to bedroom 2 and the first floor bathroom is proposed to be reduced from 3m to 2.36m at a height of 5.54m. The wall therefore complies with the standard, which prescribes a setback of 1.58m for a wall of this height.

106. The setback of the ground and first floor eastern wall (to ground floor kitchen and first floor bedroom 1) is proposed to be reduced from 3.6m to 3m (with the 1.7m high Juliet balcony screen projecting another 0.2m) and maintains a height of 6.3m. The wall therefore easily complies with the standard which prescribes a setback of 1.81m for a wall of this height.

107. The new southern wall to the first floor bathroom has a height of 5.54m and a setback 3.1m from the rear boundary. The wall therefore complies with the standard, which prescribes a setback of 1.58m for a wall of this height.

108. The reconstruction of the front portion of the dwelling will be to the same height and setbacks as existing conditions and thus will have no additional amenity impacts compared to existing conditions.

Standard A12 – Daylight to existing windows

109. The changes to the building envelope proposed as part of the amendment will not affect compliance with this standard.

110. The first floor eastern wall to the bathroom and bedroom 2 will still maintain a 4.56m setback from the window opposite which exceeds the setback of 2.77m prescribed under the standard.

111. There will be no other changes from already approved conditions, noting that the reconstructed portion of the dwelling will maintain existing wall heights and setbacks (which already comply with the standard).

Standard A14 – Overshadowing

112. The works proposed under the amendment will have no additional overshadowing impact to adjoining secluded private open space between 9am and 3pm at the September Equinox, compared to the already-approved development.

113. The original development was approved subject to a condition that required t*he setback of the first floor eastern wall to bedroom 2 and the adjoining bathroom increased to 3m (to align with the eastern wall to bedroom 3).*

114. This condition was imposed to reduce overshadowing to the east-adjoining secluded private open space to No. 30 Gibdon Street. Specifically, the condition was designed to ensure there was no overshadowing from the proposed development at 2pm at the September Equinox.

115. Although the proposed extension now seeks to reduce the setback to this same section of the first floor eastern wall, the additional built form has been purposefully designed (through use of a raked roof form) so that at 2pm, its shadow falls within the existing shadows to secluded private open space to No. 30 Gibdon Street – i.e. it has no additional shadow impact.

116. At 3pm overshadowing to secluded private open space will be unchanged from what has been approved under the original development.

117. Officer assessment of the amended application shadow diagrams suggests they are incorrectly shown at 3pm (to No. 30 Gibdon Street). However, shadows would be no different to that already approved.

118. Overall, given there would be no additional overshadowing impact to secluded private open space from the proposed amendments, the amendment meets the objective of this clause.

Standard A15 – Overlooking

119. Modifications to glazing of the extension will be discussed where changes are proposed to habitable room windows.

120. The Juliet balcony to bedroom 1 is now constructed of translucent polycarbonate instead of obscure glass, to a height of 1.7m above finished floor level, which complies with the standard.

121. Rear first-floor windows to bedroom 3 continue to be obscure glazed and fixed to a height of 1.75m above finished floor level (increased from 1.7m), thus still complying with the standard.

122. The first floor east-facing awning windows to bedroom 2 are obscure glazed; have sill heights of 1.1m above finished floor level; and open at the base to a maximum of 125mm (annotated on the proposed eastern elevation). The restriction to opening will satisfactorily limit overlooking and thus achieves the objective of this standard.

Standard A16 - Daylight to new windows

123. All new habitable room windows will continue to have access to an area in excess of the 3sqm with 1m minimum dimension open to the sky, thus complying with the standard.

Standard A17 – Private open space

124. A small reduction in secluded private open space (approximately 2.16sqm) will occur as a result of the reduction in the ground floor eastern setback, adjoining the deck, from 3.6m to 3m. However, private open space will still exceed the minimum 40sqm total prescribed by the standard and over 25sqm of secluded private open space will also be provided, readily accessible from main living areas.

Standard A19 – Design detail

125. The form and detailing of the rear extension to the dwelling is little changed by the proposed amendments and the changes will not be readily appreciable from the principal (Parkville Street) frontage.

126. The proposed changes to glazing and materials of the rear extension maintain the contemporary appearance of the extension and are similar to other contemporary extensions recently approved in the surrounding area.

127. The reconstruction of the front portion of the dwelling will be considered further in the heritage assessment, however, given the proposed reconstruction, the appearance of the dwelling from the front will be little changed (subject to conditions).

Heritage

128. Consideration must be given to decision guidelines of the Heritage Overlay (Clause 43.01 of the Scheme) and relevant sections of Council's local heritage policy at Clause 22.02 of the Scheme.

Demolition

129. The extent of demolition proposed will result in demolition of the existing dwelling, apart from the existing western party wall that is shared with the dwelling at No. 20 Parkville Street.

130. Policy at clause 22.02-5.1 of the Scheme discourages full demolition of a contributory building unless it can be shown that the building does not warrant the level of significance assigned and does not form part of a similar group of buildings. Furthermore, it is noted that the dilapidated state of a building is not sufficient cause to allow demolition.

131. The dwelling's contributory grading is unquestioned and it forms part of a similar group of buildings. However, in this instance the extent of demolition is deemed to be appropriate, given that:
    (a) Council's Building Services has confirmed that due to structural issues, the front portion of the dwelling (originally proposed to be retained) would not withstand the construction works. The poor structural condition of the front of the dwelling is underlined by the recent issuing of an Emergency Order for partial demolition and propping to prevent collapse.
    (b) Council's Heritage Adviser has advised that while the extent of demolition would not otherwise be supported on heritage grounds, as the amendment proposes reconstruction of the dwelling to the same extent that was to be previously maintained, on balance, the proposed demolition is acceptable.

132. The Applicant has also provided a structural report by a qualified engineer outlining serious structural deficiencies with the existing dwelling. The report recommends full demolition of the dwelling to enable reconstruction to current building standards which is also supported by an independent heritage assessment.

133. Although the demolition of a “contributory” graded building is not encouraged, in this instance it is acceptable, as the building will likely otherwise fail during the construction process and approval of demolition is to be contingent upon reconstruction, which will mitigate adverse heritage impacts as much as possible, consistent with local heritage policies and decision guidelines of the Heritage Overlay. As outlined earlier in this report, three other dwellings in Parkville Street have all been given approval to reconstruct the front façade; with the use of either matching or original materials.

Reconstruction

134. Policy at clause 22.02-5.3 of the Scheme encourages reconstruction of a building or works if reconstruction will enhance the heritage significance of the heritage place and evidence exists to support the accuracy. In addition, reconstruction of original or contributory elements is also encouraged, where they have been removed.

135. The applicant has submitted a report by a heritage consultant which is supportive of the proposed demolition and reconstruction on heritage grounds.

136. The proposed reconstruction of the front portion of the dwelling is supported by policy, given the proposed demolition has been found to be acceptable (or necessary); and there is clear evidence available to inform the reconstruction both from remaining portions of the existing dwelling and the matching dwelling to the west.

137. Furthermore, reconstruction will ensure that the cohesiveness of the row of Edwardian cottages, the streetscape character and the integrity of the wider heritage precinct will be protected long term, given that the dwelling’s integrity will otherwise continue to deteriorate.

138. Council's Heritage Adviser has supported the proposed reconstruction. However, concerns were raised in regards to two aspects:
    (a) The lack of consistency and detail about which specific aspects of the facade are to be retained and re-instated; removed and replaced like-for-like; or modified.
    (b) The replacement of the front chimney with a lightweight replica is not supported - it should be reconstructed with original materials, as much as possible, to match the chimney at No. 20 Parkville Street.

139. These concerns will be addressed specifically by condition. Conditions which will require details of reconstruction to be clarified, and will require plans to be updated to show the following:
    (a) Retention and re-use of as much original material as possible;
    (b) Identification of original features which will be retained and re-used;
    (c) Identification of original features which will be replaced and the condition of such features;
    (d) Where original features are to be replaced, details of replacements, confirming they will be "like-for-like";
    (e) Identification of non-original features which will be replaced and details of replacements confirming that replacements are more consistent with the heritage period of the building; and
    (f) The chimney to be reconstructed to match that of No. 20 Parkville Street, using original materials and with full details provided, including scale drawings.

140. These conditions will ensure that as much original material is retained and re-used as possible so that a faithful reconstruction is achieved and, in line with local policy regarding reconstruction, will ensure that, where new material is introduced, it will not detract from the appearance of the heritage place compared to existing conditions.

141. Furthermore, where non-original materials or features are proposed to be replaced (rather than retained) the conditions will ensure replacements are more appropriate.

For example, plans indicate retention of the existing (non-original) front door, but the reconstruction details, and further correspondence from the applicant, have confirmed that this will be replaced. This condition will ensure the door will be replaced with a more appropriate alternative.

142. It is common practice for measured drawings and a photographic survey of an existing heritage building to be undertaken prior to the demolition and reconstruction. However, Council's Heritage Adviser has advised that, in this instance, given there is a matching dwelling constructed to the west (No. 20 Parkville Street) that also provides a template for reconstruction, this extent of detailing is not required.

    However, the height and setbacks and openings of walls to the reconstructed portion of the dwelling will still be required by condition (based on measurements of existing conditions) to ensure that basic information needed to ensure accurate reconstruction of the building envelope is provided before demolition.

143. Subject to conditions as described, the proposed reconstruction is therefore deemed to be consistent with relevant local heritage policy and will protect the significance, character and appearance of the heritage place, in line with the decision guidelines of the heritage overlay.

    Modifications to proposed extension

144. The expansion of the building envelope along the eastern side, at both ground and first floor, will not alter compliance with the projected sightline at figure 2 of clause 22.02-5.7.1 of the local heritage policy, particularly as the height is not increased and is no higher than the existing dwelling's roof ridge.

145. From Parkville Street, the expansion to the addition will be visible only obliquely (setback approximately 13.5m behind the front façade), via the eastern setback, and the addition will be recessive to the reconstructed portion of the dwelling. In addition, the stairwell will actually be setback further from the eastern boundary than previously approved, making the addition more recessive.

146. The modified finishes and materials and glazing will also have little impact on the appearance of the extension from Parkville Street given the rear siting of the additions and that the already-approved extension utilises contemporary materials and glazing proportions.

147. The modifications to the extension will not have an adverse impact, from a heritage perspective, on the rear lanescape. Existing development apparent along the laneway is from a wide range of periods, and includes rear two storey additions to dwellings fronting both Crimea Street and Parkville Street and various outbuildings.

148. Council's Heritage Adviser found the modifications to the proposed skylights (reduction in size) to be an improvement in regards to heritage considerations and other changes to external finishes and materials to be acceptable variations.

149. Overall, the proposed modifications to the rear extension are acceptable as they will not detract from the heritage significance of the place and will ensure the extension is still suitably recessive to the reconstructed portion of the dwelling, consistent with Council's local heritage policy.

    Objector Concerns

    Adverse heritage impact from demolition of the existing dwelling

150. The heritage assessment (paragraphs 129-133) outlines why, in this instance, it is acceptable to allow for the demolition of the existing dwelling to the extent proposed.

Adverse heritage impact from inappropriate reconstruction details.

151. Conditions outlined in the heritage assessment (paragraphs 134-143) of the proposed reconstruction works will address inconsistencies between the plans and reconstruction details and other detail lacking in relation to proposed reconstruction of the front of the dwelling. The conditions will ensure that, where possible, original detailing is retained and re-used and non-original features, where they are proposed to be replaced, are encouraged to be more consistent with the period of the dwelling. This will resolve concerns regarding whether particular features of the existing dwelling are to be replaced or retained and re-used.

The height of the extension is not in keeping with neighbourhood and heritage character.

152. As detailed in the neighbourhood character section of the Rescode assessment (paragraphs 92-95), a two storey extension to the dwelling was already approved under the original permit and is consistent with the scale of built form in the surrounding area. This amendment does not increase the height of the building and therefore height cannot be further considered.

153. Further, as detailed in the heritage assessment (paragraphs 144-149) the modifications to the addition will be largely concealed from the Parkville Street frontage and will not adversely impact the heritage character of the area.

Overshadowing from extension and associated solar panels

154. As has been demonstrated in the overshadowing assessment of Clause 54 of the Scheme, (paragraphs 112-118) the increase to the building envelope proposed as part of the amendment will not result in any additional overshadowing to secluded private open space, compared to the originally approved development.

155. The solar panels located on the first floor roof of the dwelling form part of the already-approved works and hence cannot be re-considered. Nevertheless, analysis by the planning officer has determined that these structures would not cast shadows beyond the roof of the first floor at the September Equinox.

<u>Other Matters – Plan Inconsistencies</u>

156. There are a number of inconsistencies or errors on the plans that must be addressed by condition, these will be described in turn below.

157. The front chimney is noted several times on the plans as “existing chimney” and elsewhere notated to be removed and re-built. As the chimney has already been demolished a condition will require deletion of all references to retention of the existing front chimney.

158. The proposed southern elevation erroneously shows the proposed two storey western wall to the extended dwelling encroaching over the western title boundary. This has been confirmed by the applicant to be a drafting error. A condition will therefore require the proposed southern elevation to be modified so all proposed development is contained within the western title boundary.

159. The front eave to the reconstructed roof projects to a depth of approximately 0.3m from the front façade, rather than 0.5m, as per the existing conditions. This appears to be an error from the original endorsed plans, however, given this portion of the roof is now to be reconstructed it is critical that the proposed roof plan correctly reflects such details. A condition will require that the depth of the front eave, as shown on the proposed roof plan is consistent with the existing roof plan.

160. A small section of the proposed southern boundary (adjacent east boundary) on the existing/demolition plan. This has been confirmed as an error by the applicant. A condition will require deletion of the section of proposed southern fence from the existing/demolition plan.

Conclusion

161. The proposal demonstrates compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with relevant planning policy and should be supported, subject to conditions.

RECOMMENDATION

162. That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN13/1041.01 for an amendment to the permit and plans for additional demolition; reconstruction of the front portion of the existing dwelling; and modifications to the ground and first floor extension; including a reduction in the ground and first floor eastern setback and changes to external materials and finishes and glazing at 22 Parkville Street, Burnley. The following changes will be made to the planning permit preamble and conditions:

Permit preamble modified to read:

> *Development of the land for partial demolition, alterations and additions to the existing dwelling, including a ground and first floor extension, and reconstruction of part of the dwelling.*

Deletion of existing condition 1 requirements 1(a-d) and replacement with new condition 1 requirements (a-j), as follows:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans (received by Council on 8 December 2015) but modified to show:

    (a) Deletion of all references on plans noting retention of the existing front chimney (which has already been demolished).

    (b) Full details of the measured height, length and setback of all walls including openings to be reconstructed to be shown on proposed floor plans and elevations.

    (c) As much as possible of the existing building fabric and architectural features (including existing bricks) must be salvaged and reinstated as part of the proposed reconstruction works. Where existing features are deemed beyond reasonable repair, evidence of their current condition, and full details of the proposed replacements must be provided, confirming they will match the original, like-for-like.

    (d) Identification of all existing non-original building fabric or architectural features associated with the areas to be reconstructed and confirmation as to whether the identified features will be retained and re-used, or replaced. Full details of all proposed replacement features must be provided, confirming that they will be based on original details that have been lost (where evidence exists to support accuracy) or are more consistent with the architectural period of the original dwelling.

(e) Details of the proposed reconstructed front chimney, including plans and elevations at a scale of 1:20, must be provided, confirming that it will match the chimney at No. 20 Parkville Street; and will be constructed using original materials where it projects above the roofline.

(f) Deletion of section of proposed southern fence from existing/demolition plans.

(g) Re-instatement of legend to ground floor plan confirming hatched areas denote permeable surfaces.

(h) Re-instatement of notation confirming the secluded private open space / parking area to the rear of the deck is to be composed of permeable paving.

(i) The southern elevation with all new works contained inside the western title boundary.

(j) Front eave to the dwelling as shown on the proposed roof plan, to project over the façade to a depth consistent with the existing roof plan.

CONTACT OFFICER: **Madeleine Moloney**
TITLE: **Statutory Planner**
TEL: **92055009**

Attachments
1 PLN13/1041.01 - 22 Parkville Street Burnley - Site Context Plan
2 PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans
3 PLN13/1041 - 22 Parkville Street Burnley - Planning Permit
4 PLN13/1041 - 22 Parkville Street Burnley - Endorsed plans (scanned)

Attachment 1 - PLN13/1041.01 - 22 Parkville Street Burnley - Site Context Plan

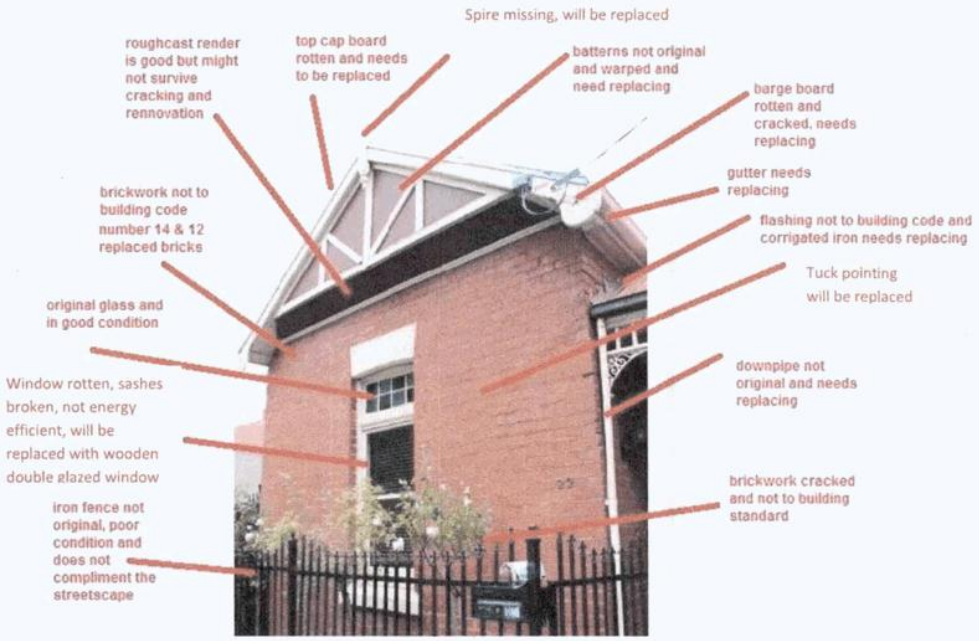
SUBJECT LAND: 22 PARKVILLE STREET, BURNLEY

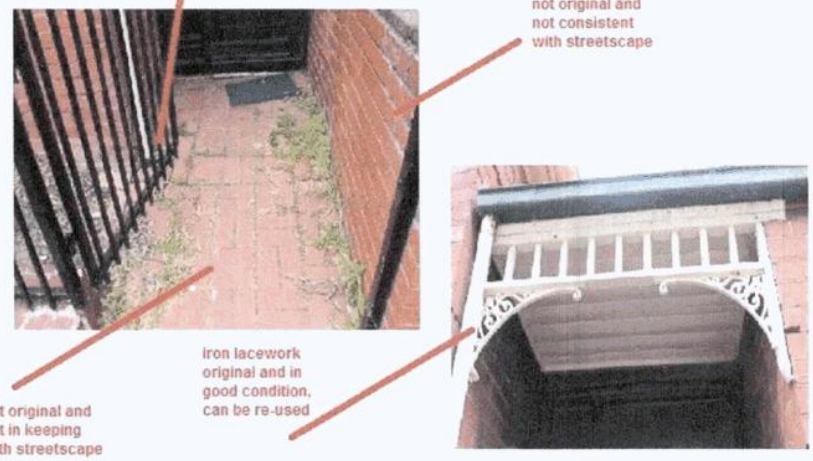
⇧ North

★ Subject Site

Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans

22 Parkville St Heritage re-construction details





Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans

Glass and reveal is approx 1960, will be retained.

Stained glass re-used with improved security and energy efficiency

Door and Fly wire not original and will be replaced.

Door jam has had many alterations, will be re-conditioned to improve security and energy efficiency

Chimney weight is approx 1.2t and is adding to the significant structural problems, need to replace it with a light weight brick (20mm brick veneers attached on a marine ply wooden structure)

Less than 40% of the street wall face comprised with openings such as windows and doors - if the brickwork is replaced, close to 60% is reconstructed, and the items that remain (window, door and gable end), are not historically significant or unique.

east wall significant structural issues and needs to be demolished and re-constructed

Clements Langford (company) possibly built this house and as a Master Builder I beleive he would be proud of how well the house has lasted the test of time, but would now be dis-appointed to see the house is turing into a slum house. engineers and building surveyors could suggest condemimg it

http://adb.anu.edu.au/biography/langford-clements-13039

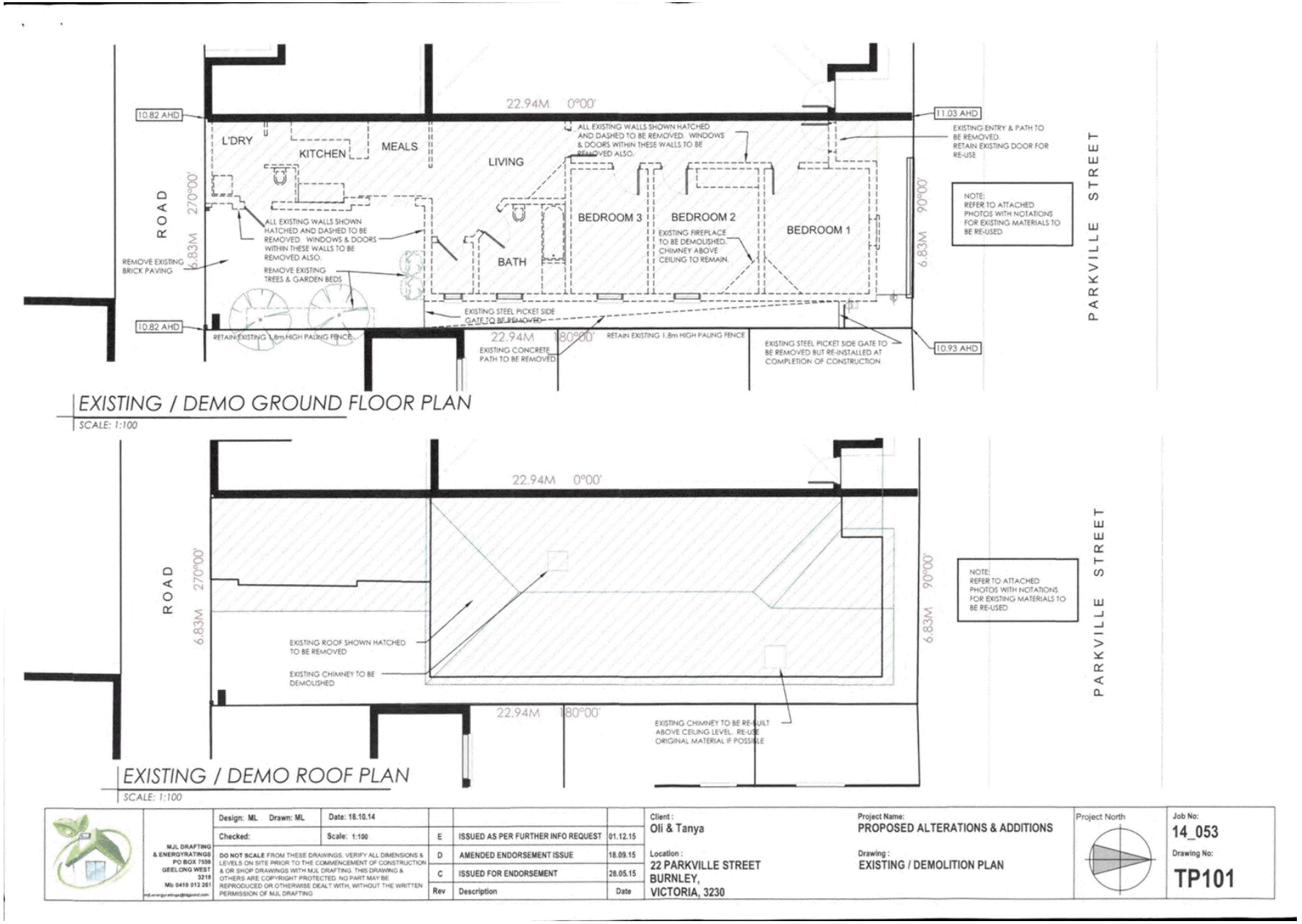
Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans

PROJECT :
22 PARKVILLE STREET, BURNLEY
PROPOSED ALTERATION & ADDITION

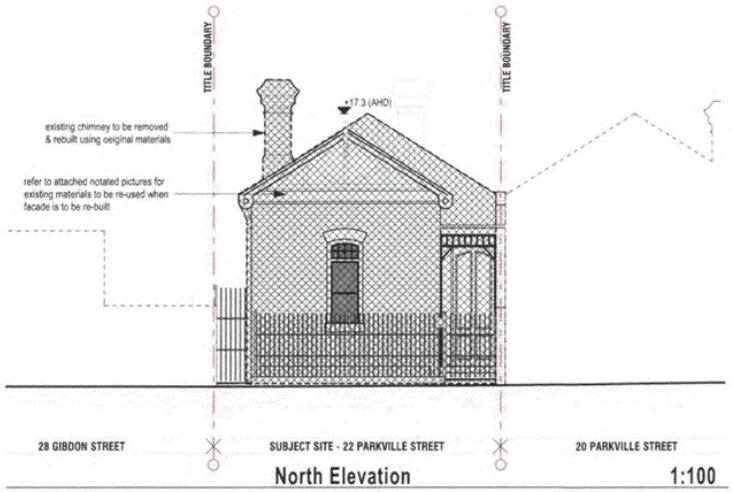
DRAWING SCHEDULE :

TP 000 - COVER PAGE
TP 101 - EXISTING - DEMOLITION SITE PLAN
TP 102 - EXISTING - DEMOLITION ELEVATIONS
TP 103 - EXISTING - DEMOLITION ELEVATIONS
TP 104 - GROUND & FIRST FLOOR SITE PLANS - 1:200
TP 105 - GROUND FLOOR PLAN
TP 106 - FIRST FLOOR PLAN
TP 107 - ROOF PLAN
TP 108 - ELEVATIONS
TP 109 - ELEVATIONS
TP 110 - ELEVATIONS
TP 111 - 1PM SHADOW DIAGRAM
TP 112 - 2PM SHADOW DIAGRAM
TP 113 - 3PM SHADOW DIAGRAM
TP 114 - MATERIALS SCHEDULE

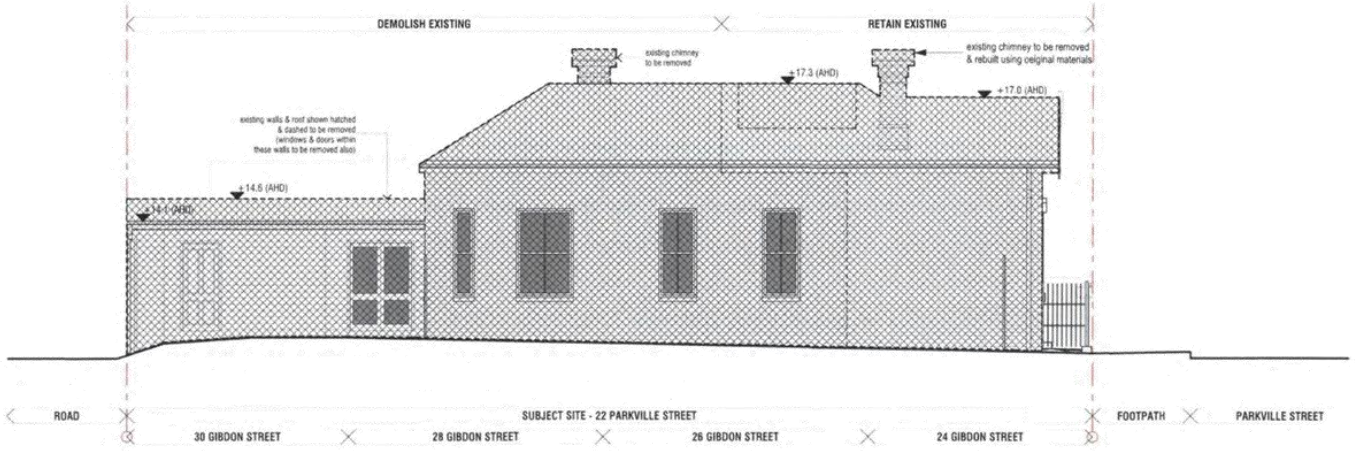
Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans



Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans



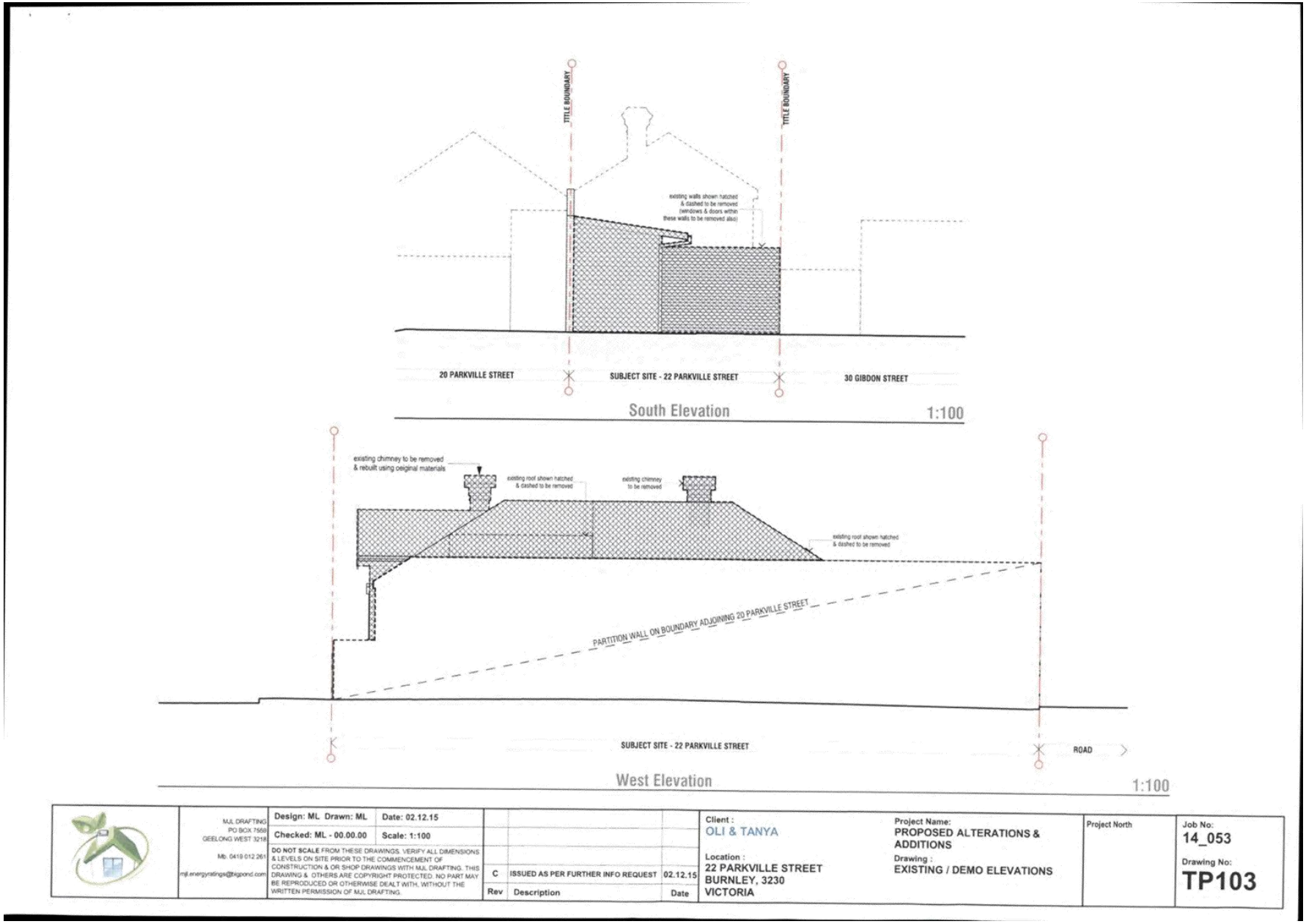
North Elevation 1:100



East Elevation 1:100

MJL DRAFTING PO BOX 7569 GEELONG WEST 3218 Mb. 0419 012 261 mjl.energyratings@bigpond.com	Design: ML Drawn: ML Date: 02.12.15 Checked: ML - 00.00.00 Scale: 1:100 DO NOT SCALE FROM THESE DRAWINGS. VERIFY ALL DIMENSIONS & LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION & OR SHOP DRAWINGS WITH MJL DRAFTING. THIS DRAWING & OTHERS ARE COPYRIGHT PROTECTED. NO PART MAY BE REPRODUCED OR OTHERWISE DEALT WITH, WITHOUT THE WRITTEN PERMISSION OF MJL DRAFTING.	Rev	Description	Date	Client : OLI & TANYA Location : 22 PARKVILLE STREET BURNLEY, 3230 VICTORIA	Project Name: PROPOSED ALTERATIONS & ADDITIONS Drawing : EXISTING / DEMO ELEVATIONS	Project North	Job No: 14_053 Drawing No: TP102
		C	ISSUED AS PER FURTHER INFO REQUEST	02.12.15				

Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans



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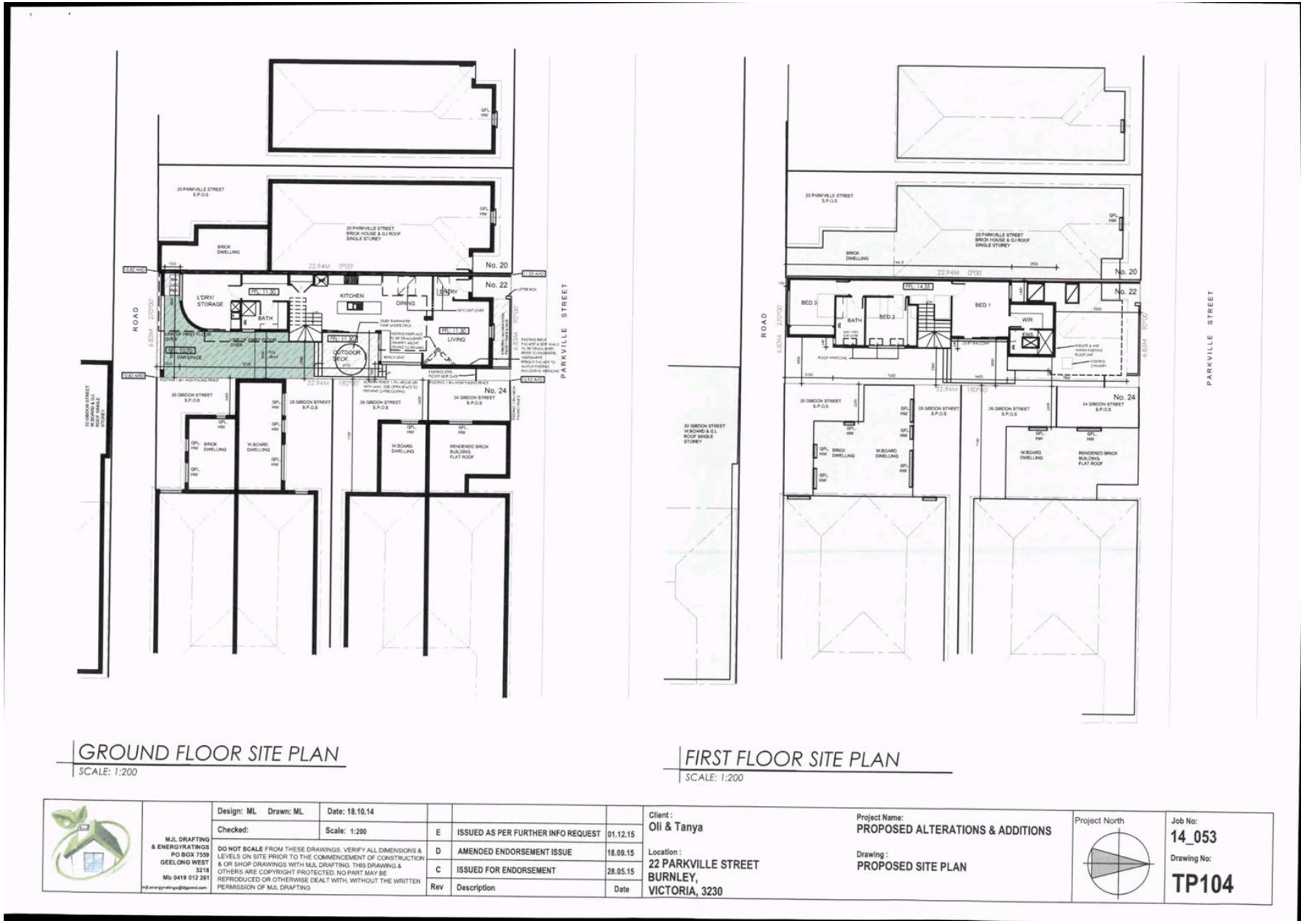

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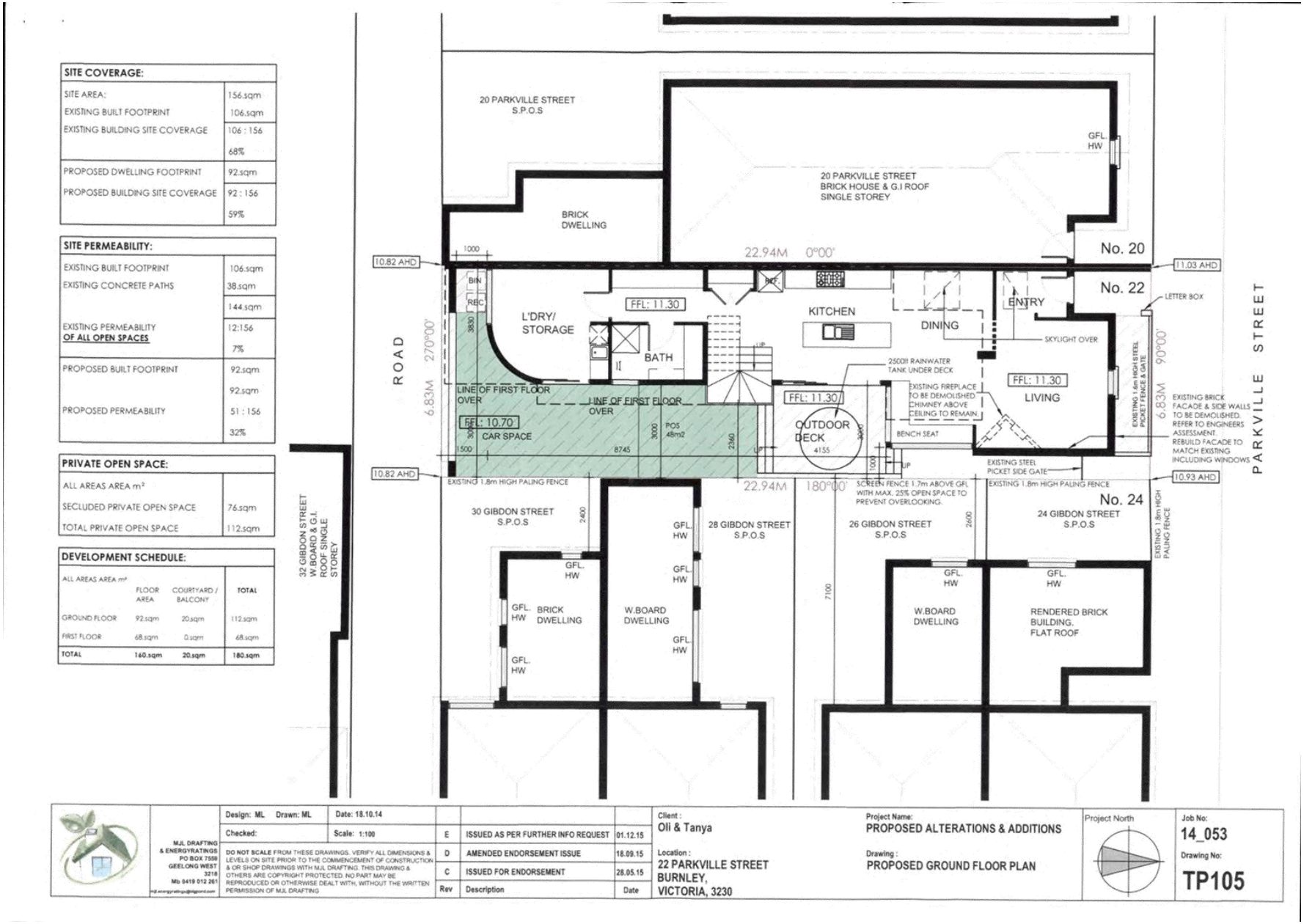

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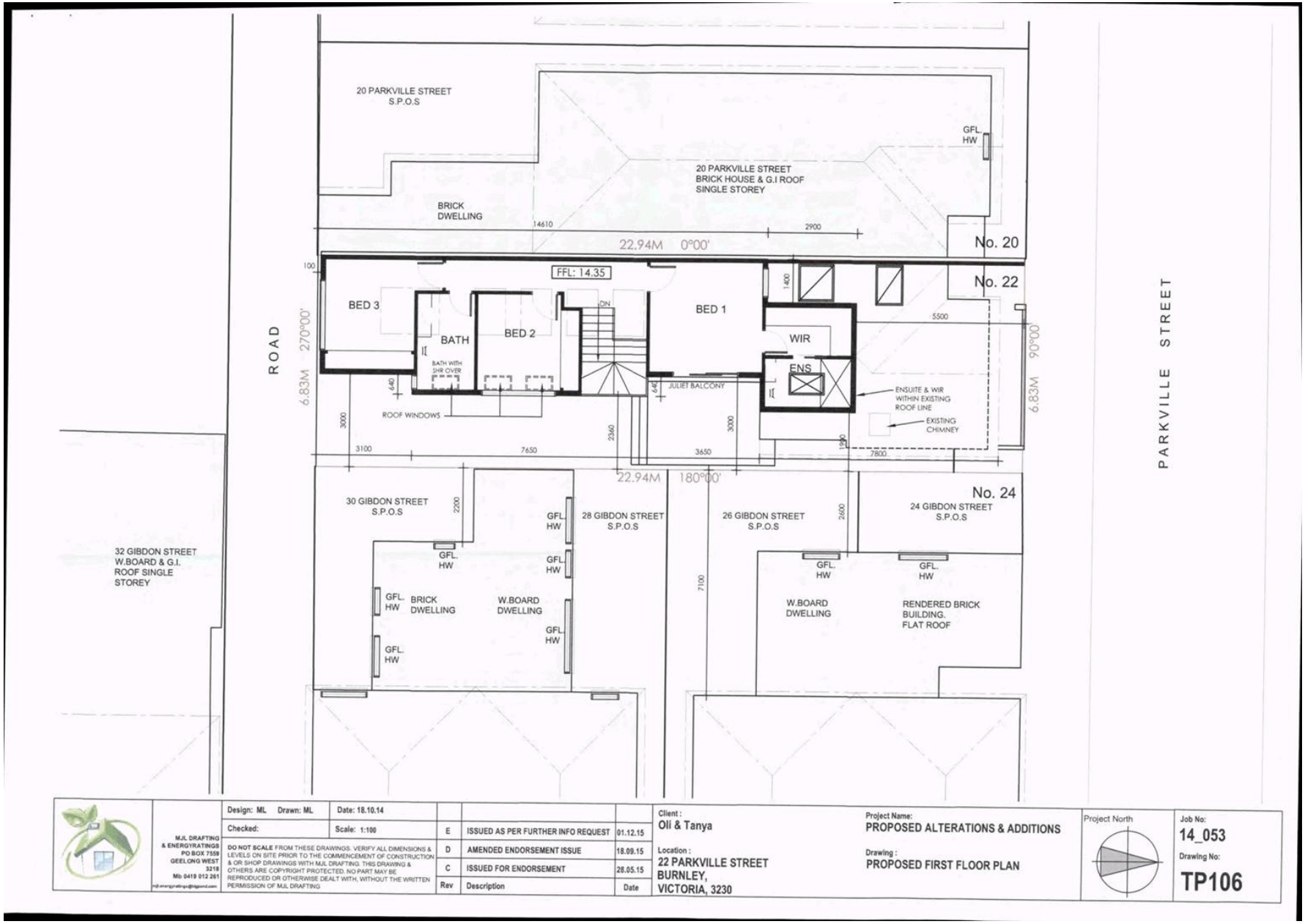

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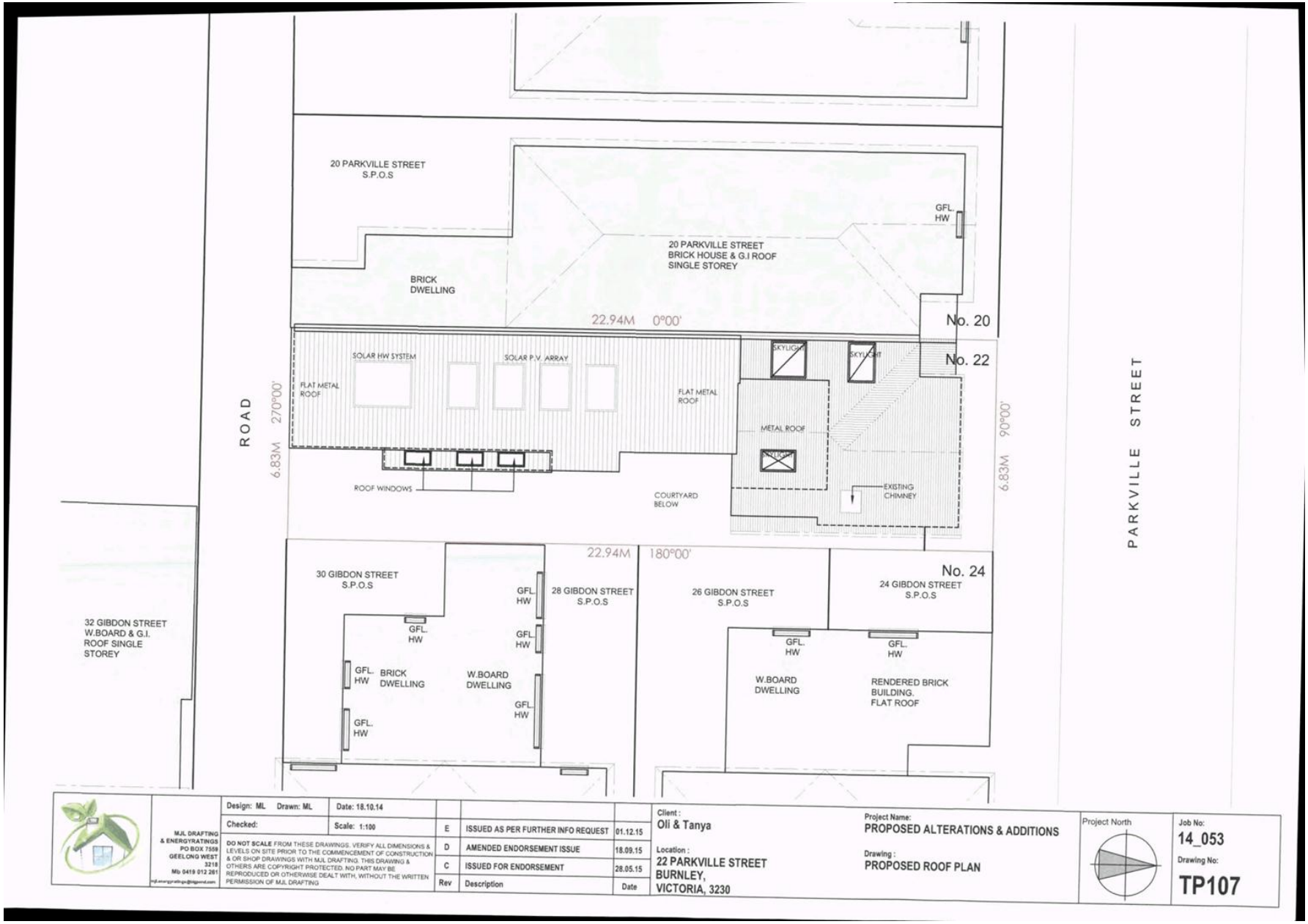

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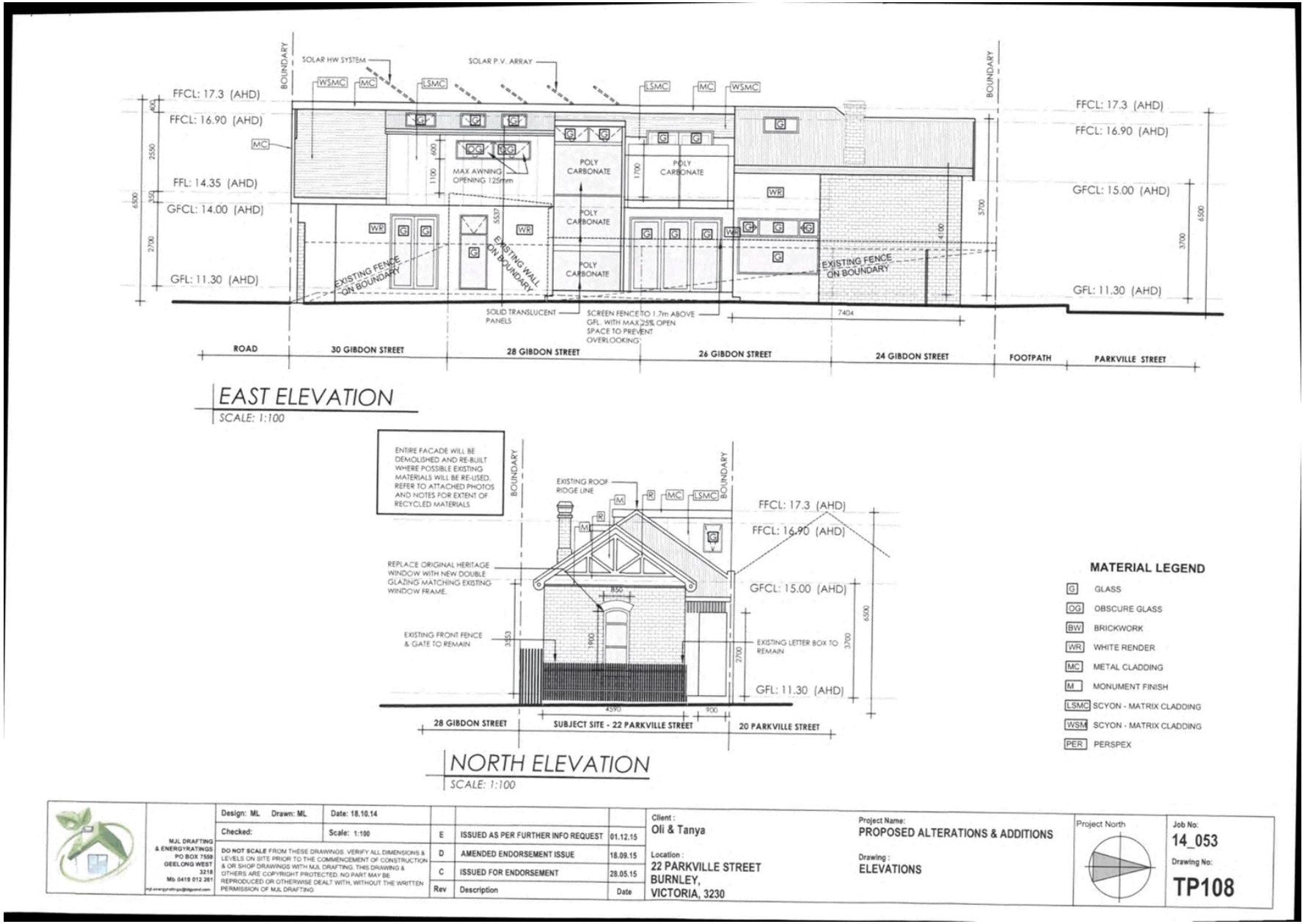

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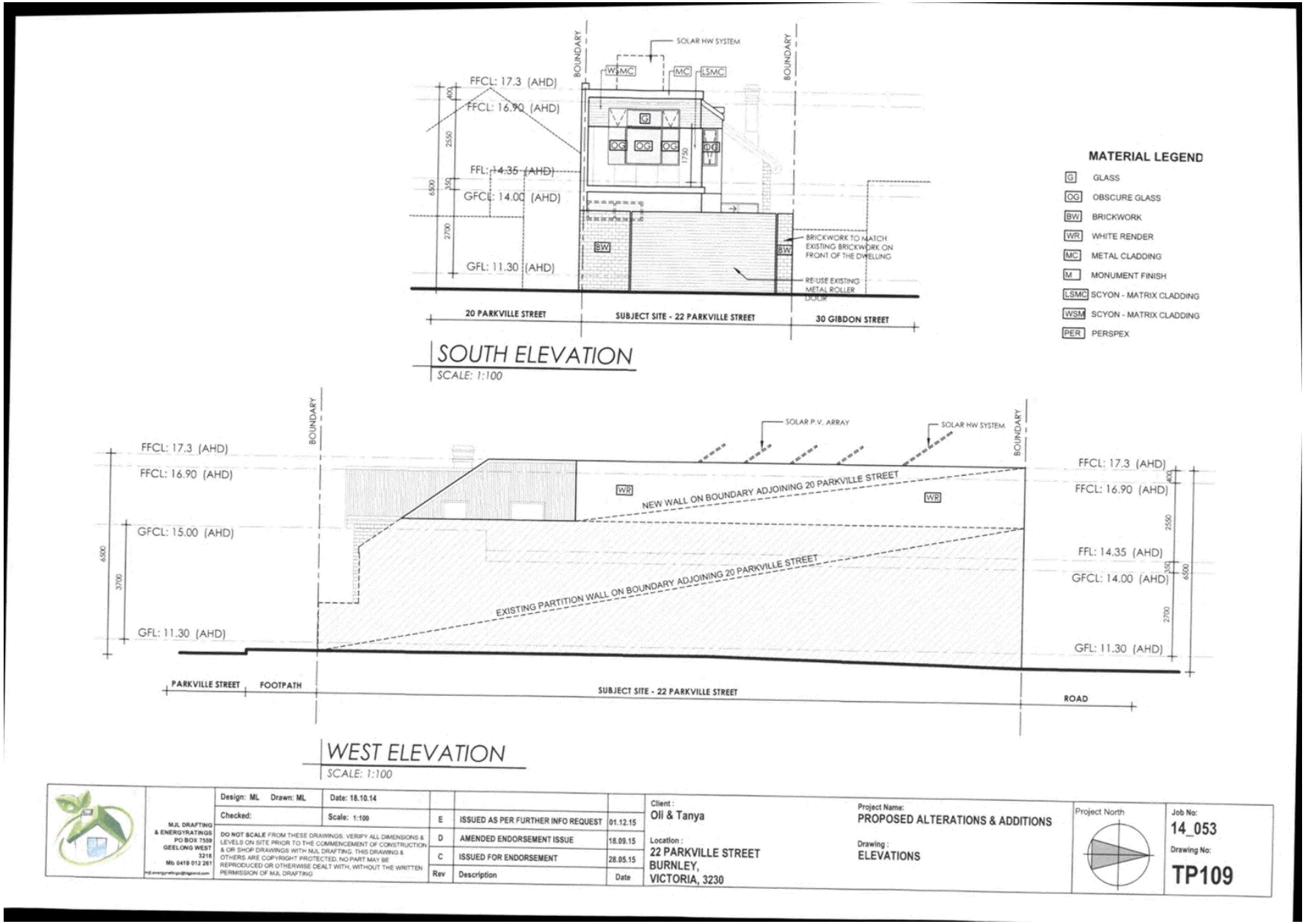

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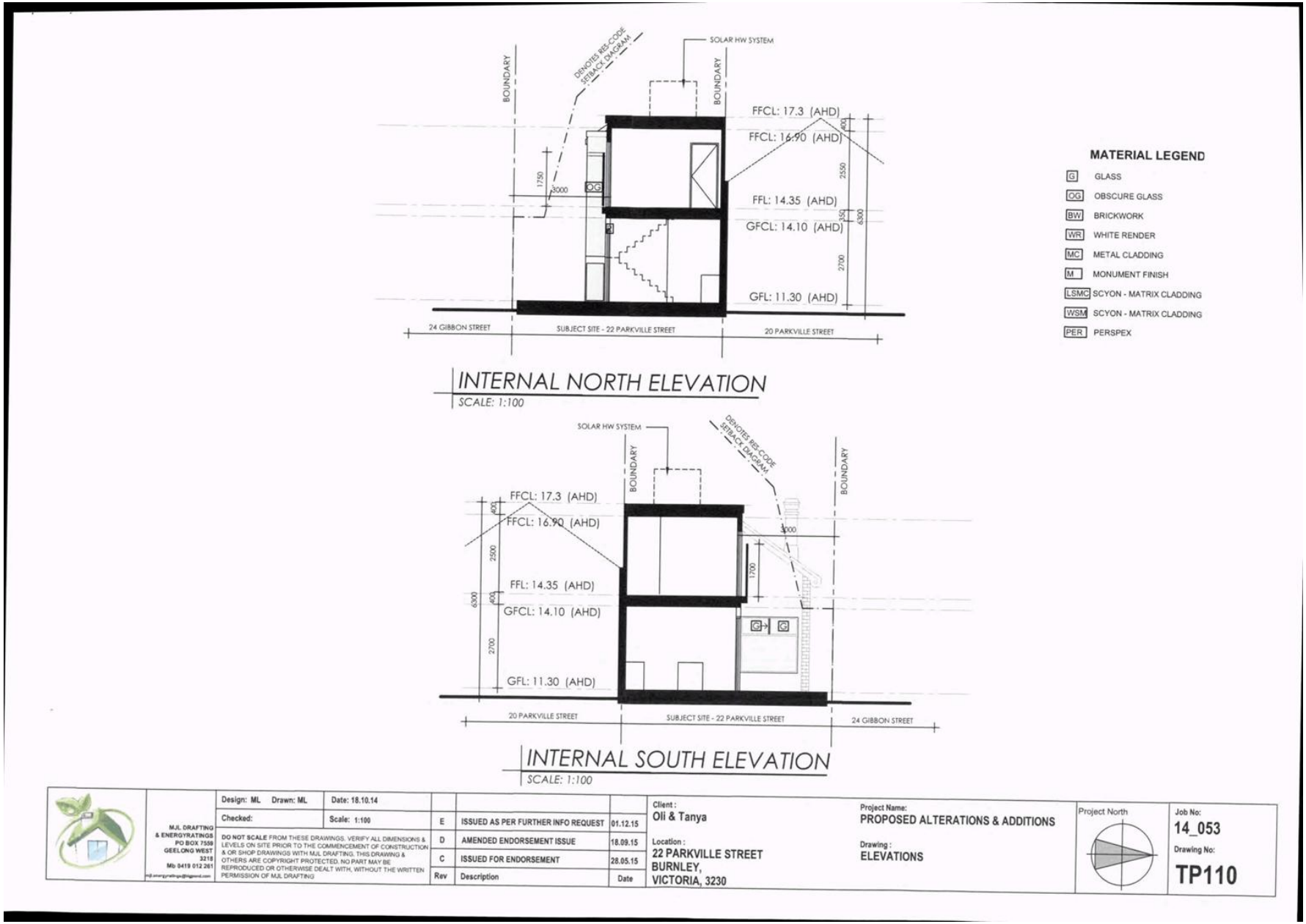

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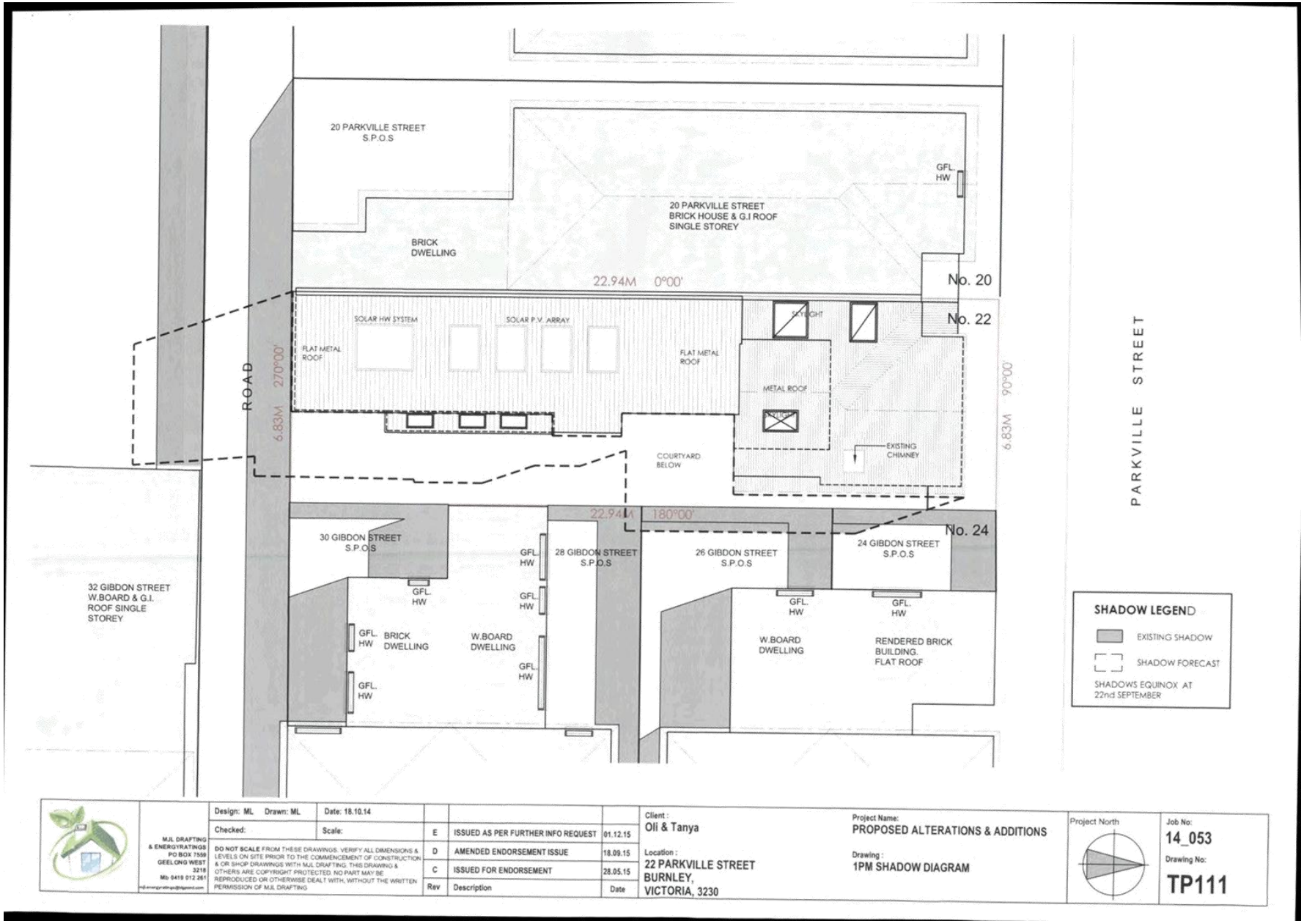

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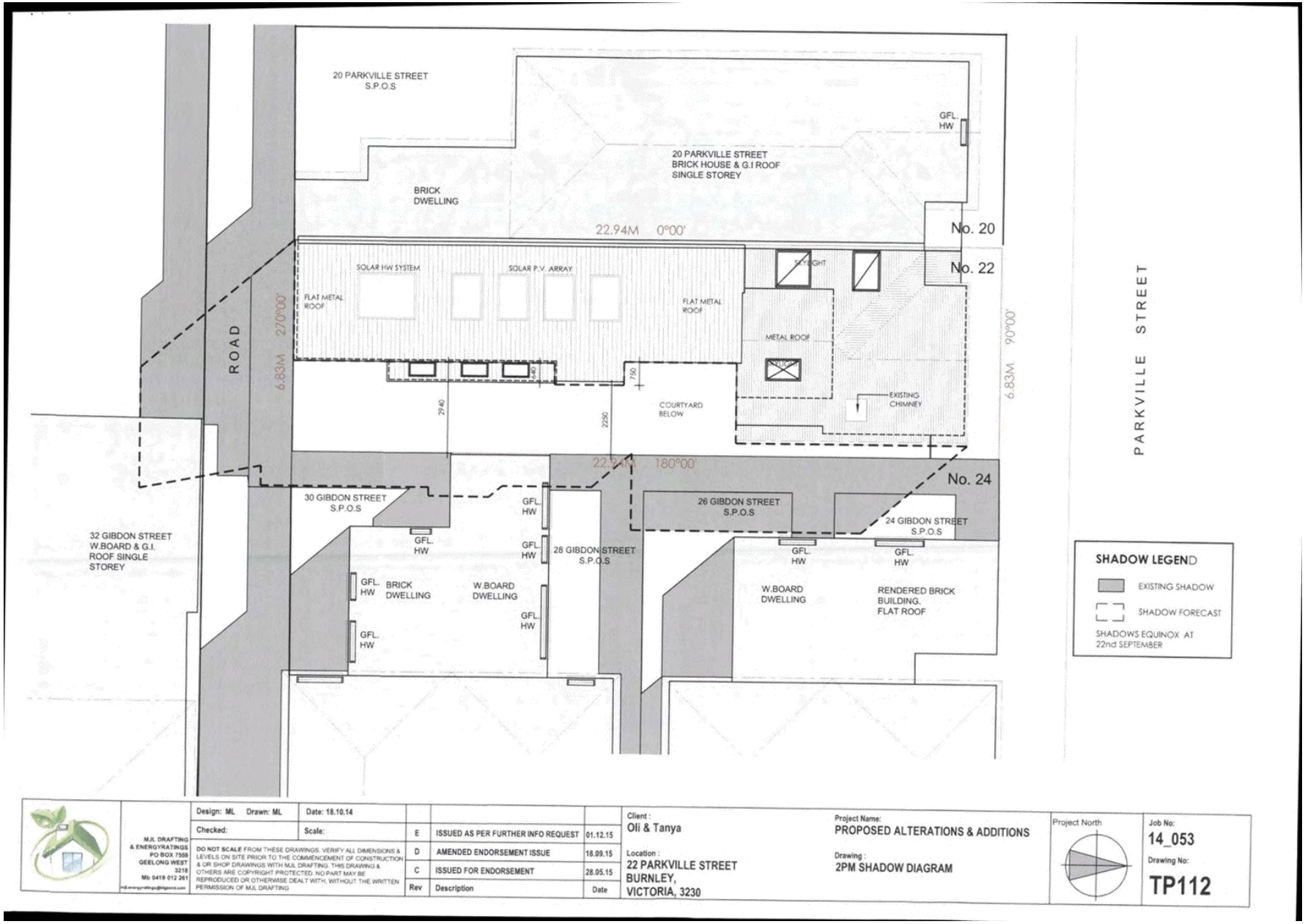

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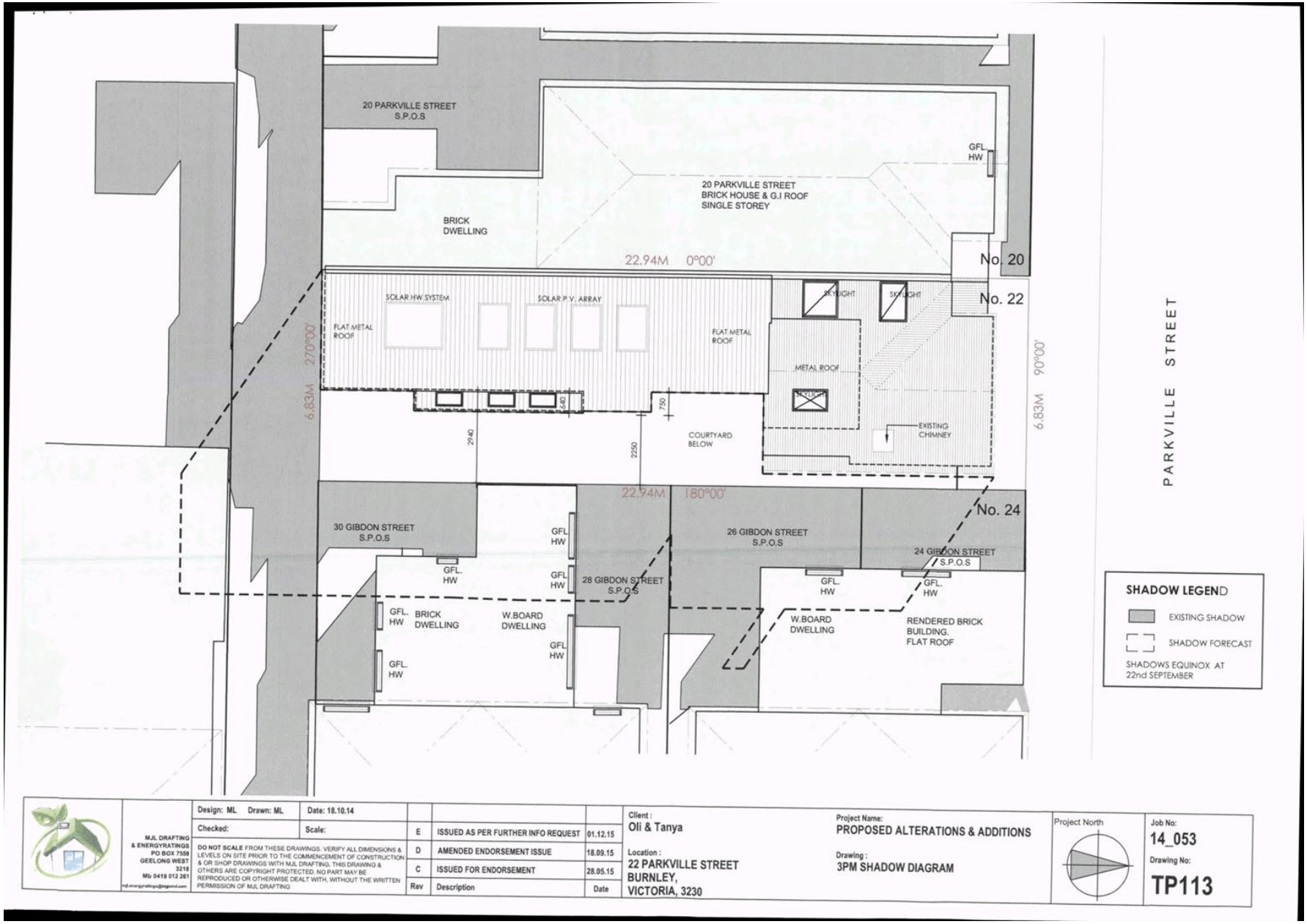


Attachment 2 - PLN13/1041.01 - 22 Parkville Street Fitzroy North - Amended (Decision) Plans

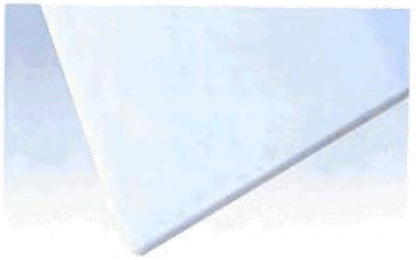
MATERIAL SCHEDULE

G Glass

LSMC SCYON - MATRIX CLADDING (LIGHT GREY)

WR White Render (antique white)

WSMC - WHITE PAINT FINISH
WHISPER WHITE FINISH



POLYCARBONATE CLADDING
SOLID TRANSLUCENT PANELS

NOTE:
COLOUR AND FINISH OF MATERIALS MAY VARY DEPENDANT UPON AVAILABILITY WHEN SELECTED

MJL DRAFTING PO BOX 7559 GEELONG WEST 3218 Mb 0419 012 261 mjl.energyratings@bigpond.com	Design: ML Drawn: ML Date: 18.10.14 Checked: ML - 00.00.00 Scale: 1:100 DO NOT SCALE FROM THESE DRAWINGS. VERIFY ALL DIMENSIONS & LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION & OR SHOP DRAWINGS WITH MJL DRAFTING. THIS DRAWING & OTHERS ARE COPYRIGHT PROTECTED. NO PART MAY BE REPRODUCED OR OTHERWISE DEALT WITH, WITHOUT THE WRITTEN PERMISSION OF MJL DRAFTING.	D	AS PER FURTHER INFO REQUEST	01.12.15	Client : OLI & TANYA Location : 22 PARKVILLE STREET BURNLEY VICTORIA 3230	Project Name: PROPOSED ALTERATION & ADDITION Drawing : MATERIALS AND FINISHES SCHEDULE	Project North	Job No: 14_053 Drawing No: TP114
		C	AMENDED ENDORSEMENT ISSUE	18.09.15				
		B	ISSUED FOR ENDORSEMENT	28.05.15				
		Rev	Description	Date				

Attachment 3 - PLN13/1041 - 22 Parkville Street Burnley - Planning Permit

Helping you understand your planning needs

PLANNING PERMIT

Permit No: PLN13/1041

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

22 Parkville St Burnley VIC 3121

THE PERMIT ALLOWS:

Development of the land for partial demolition, alterations and additions to the existing dwelling, including a ground and first floor extension.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:

   a) The setback of the first floor eastern wall to bedroom 2 and the adjoining bathroom increased to 3m (to align with the eastern wall to bedroom 3).
   b) Skylight to first floor ensuite reduced in size and re-positioned below the ridge line (consistent with traditional skylights of heritage buildings).
   c) North-facing wall of the proposed Bedroom 1 modified to a solid material to generally match the colouring of the original roof covering or, alternatively reduced in size to be of a scale and proportion in keeping with the original windows of the house.
   d) Confirmation of material and finish to the western boundary wall and the rear boundary fence.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

Date: 14 August 2014

COPY

Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

For more information call 9205 5555 or visit **www.yarracity.vic.gov.au**

4. 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.

5. 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.

6. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

7. 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.

8. This permit will expire if:

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

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

NOTES

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

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

Date: 14 August 2014

Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

Attachment 3 - PLN13/1041 - 22 Parkville Street Burnley - Planning Permit

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

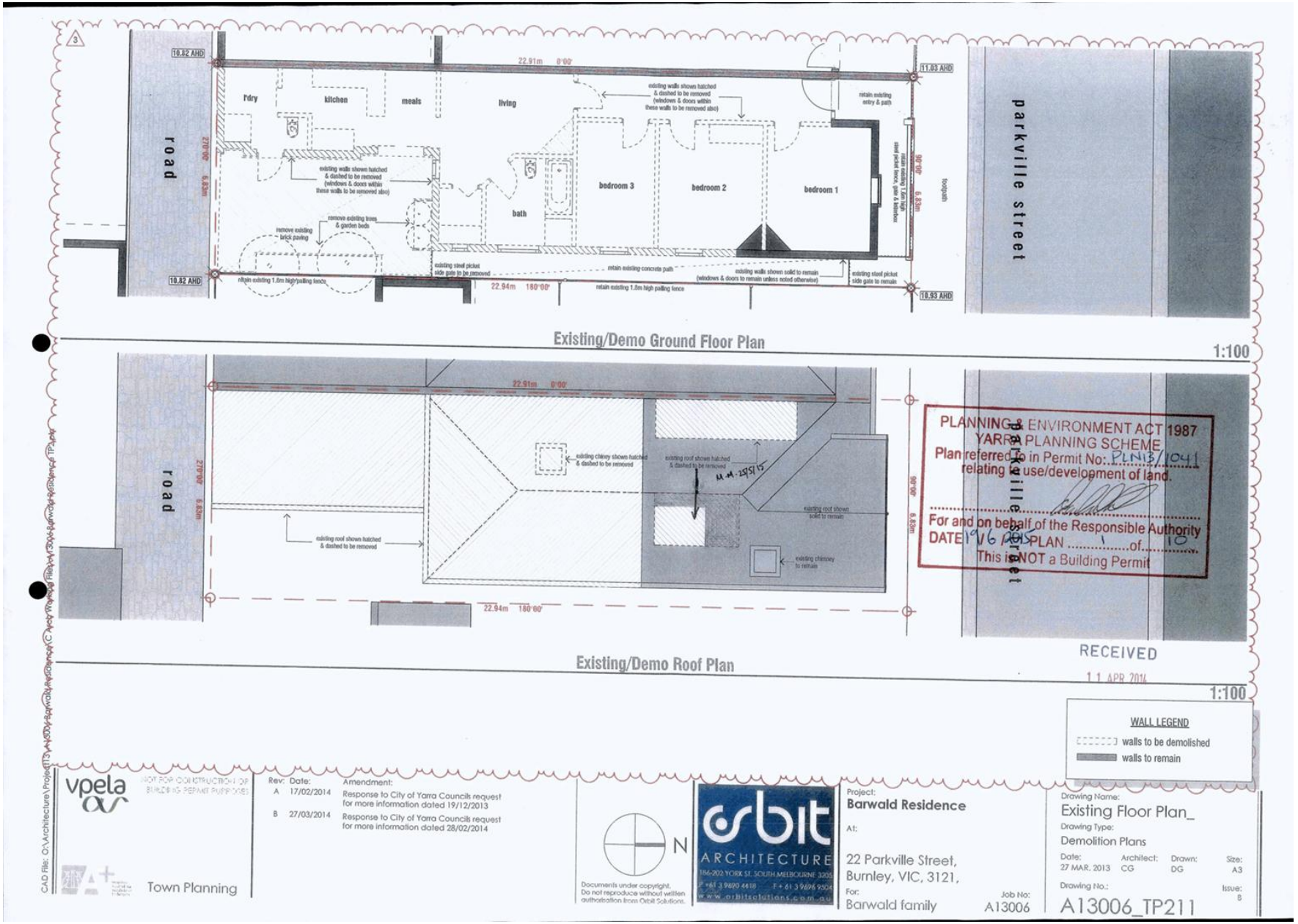
* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

* An application for review must state the grounds upon which it is based.

* An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

Attachment 4 - PLN13/1041 - 22 Parkville Street Burnley - Endorsed plans (scanned)



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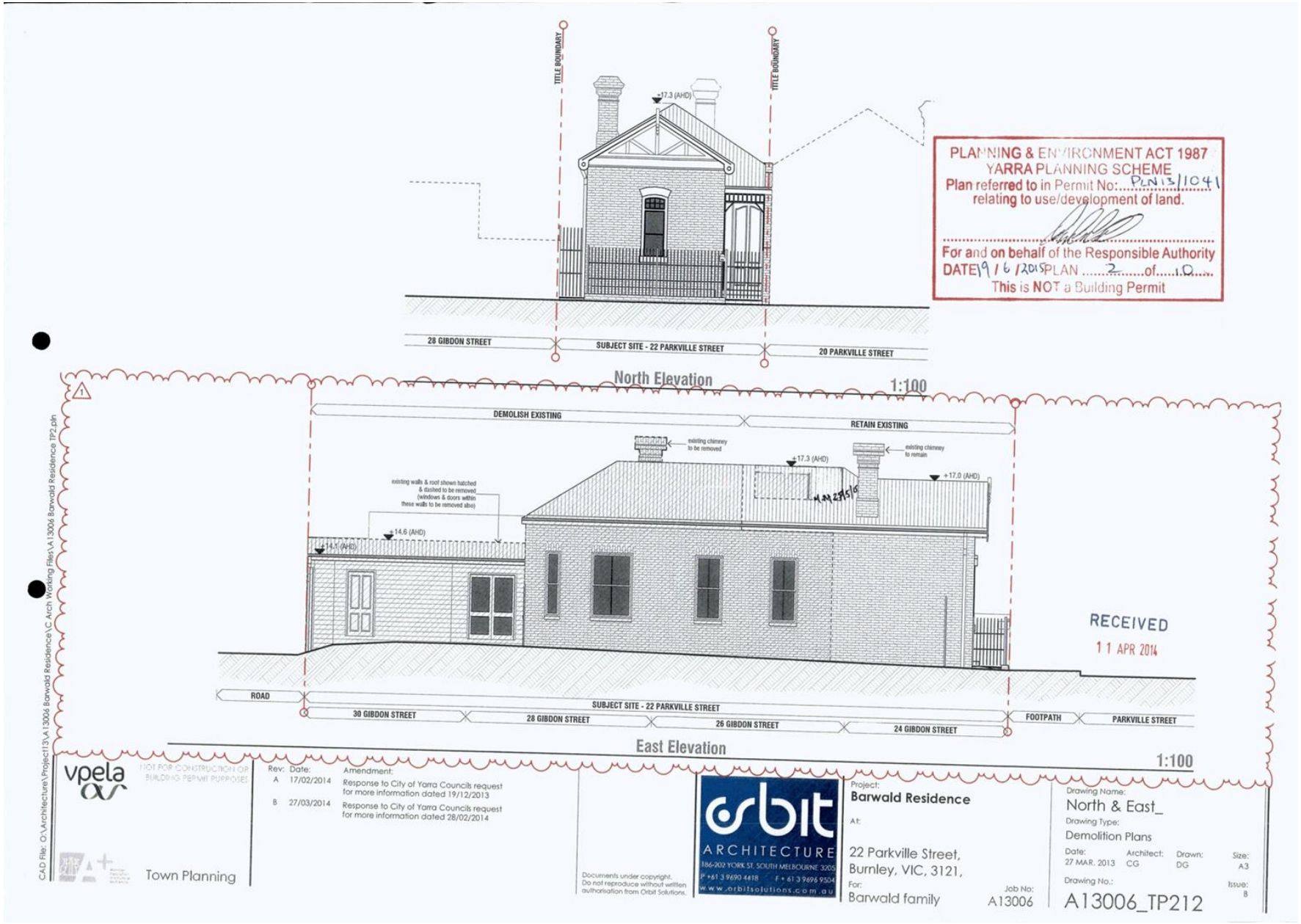

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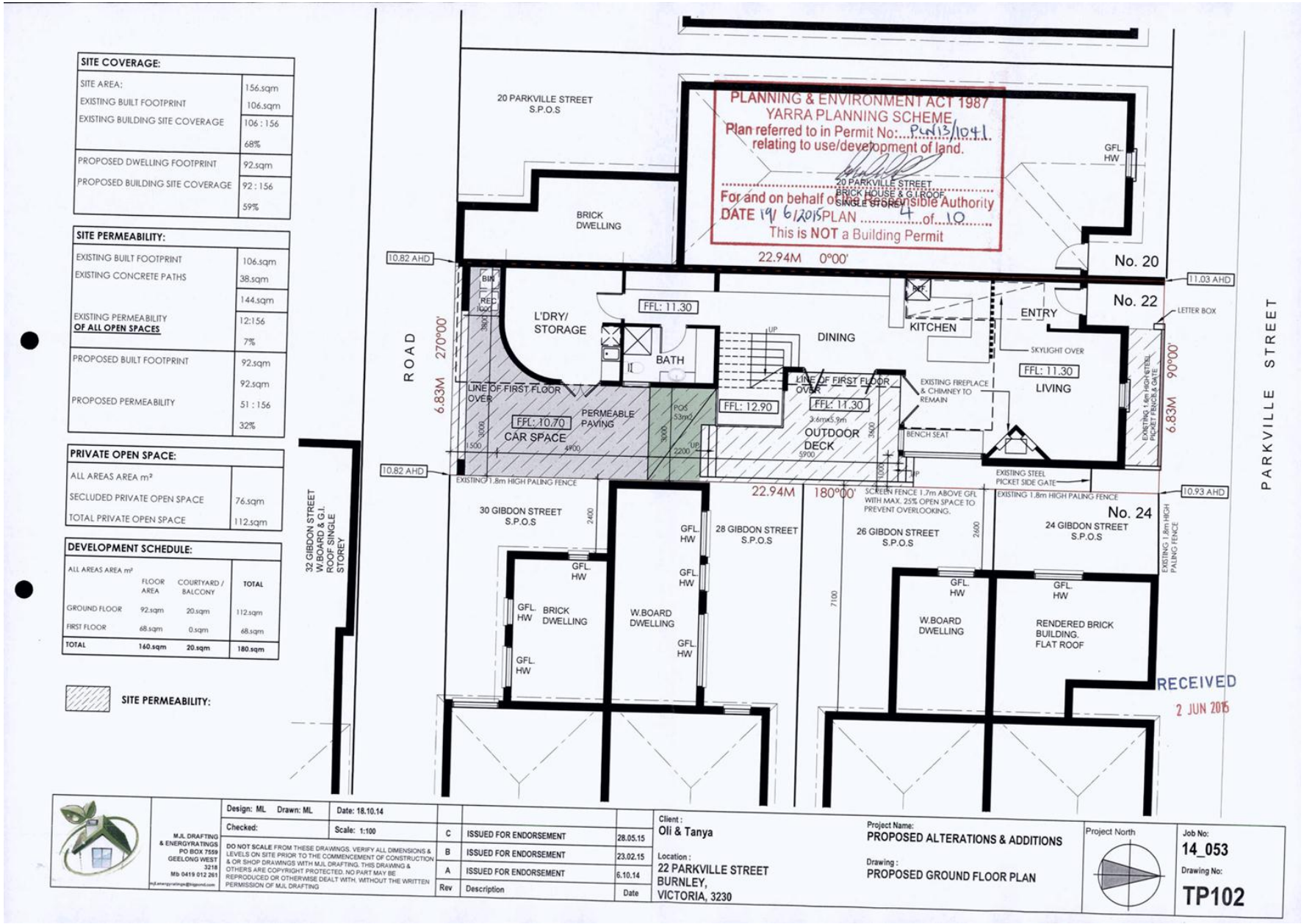

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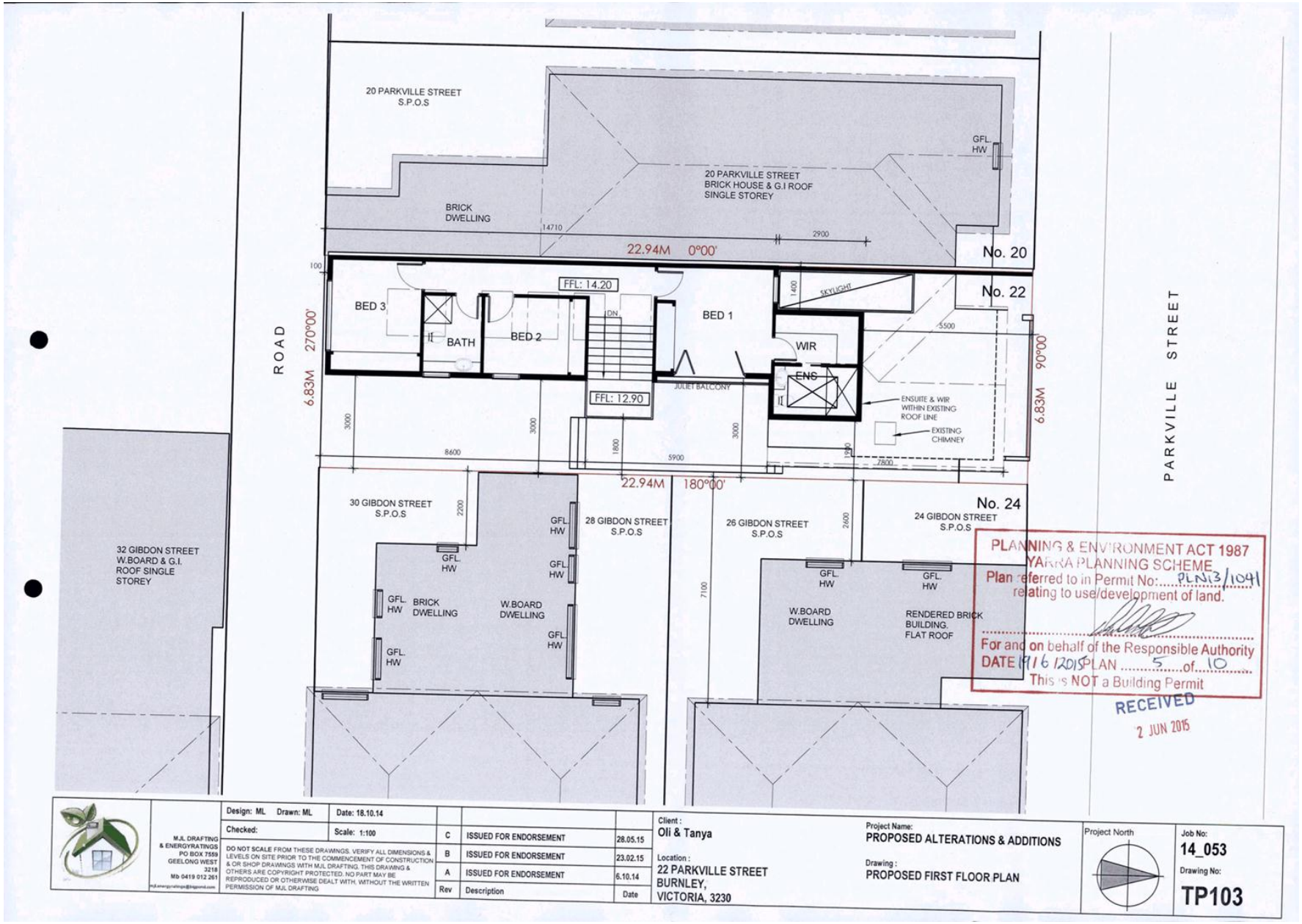

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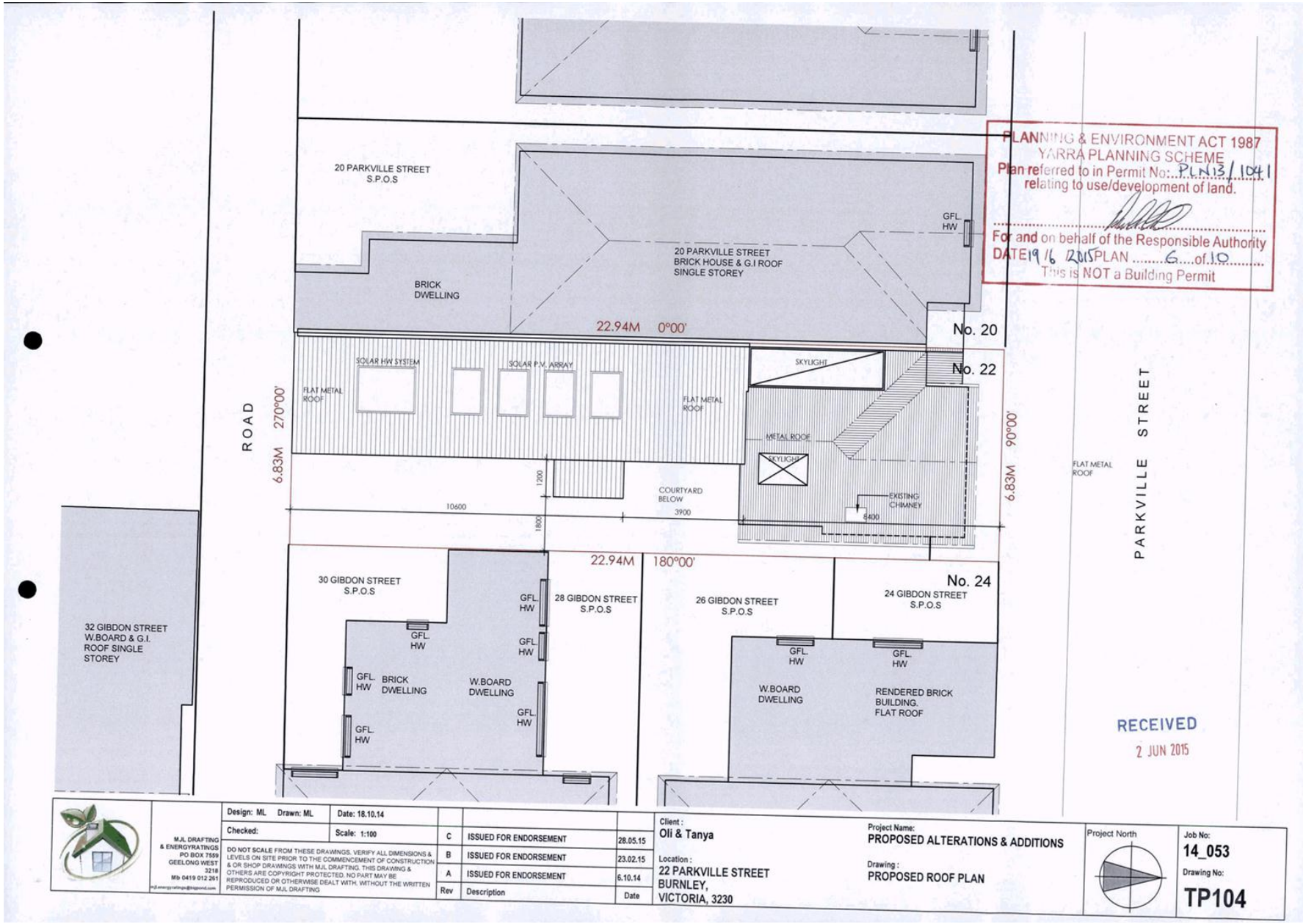

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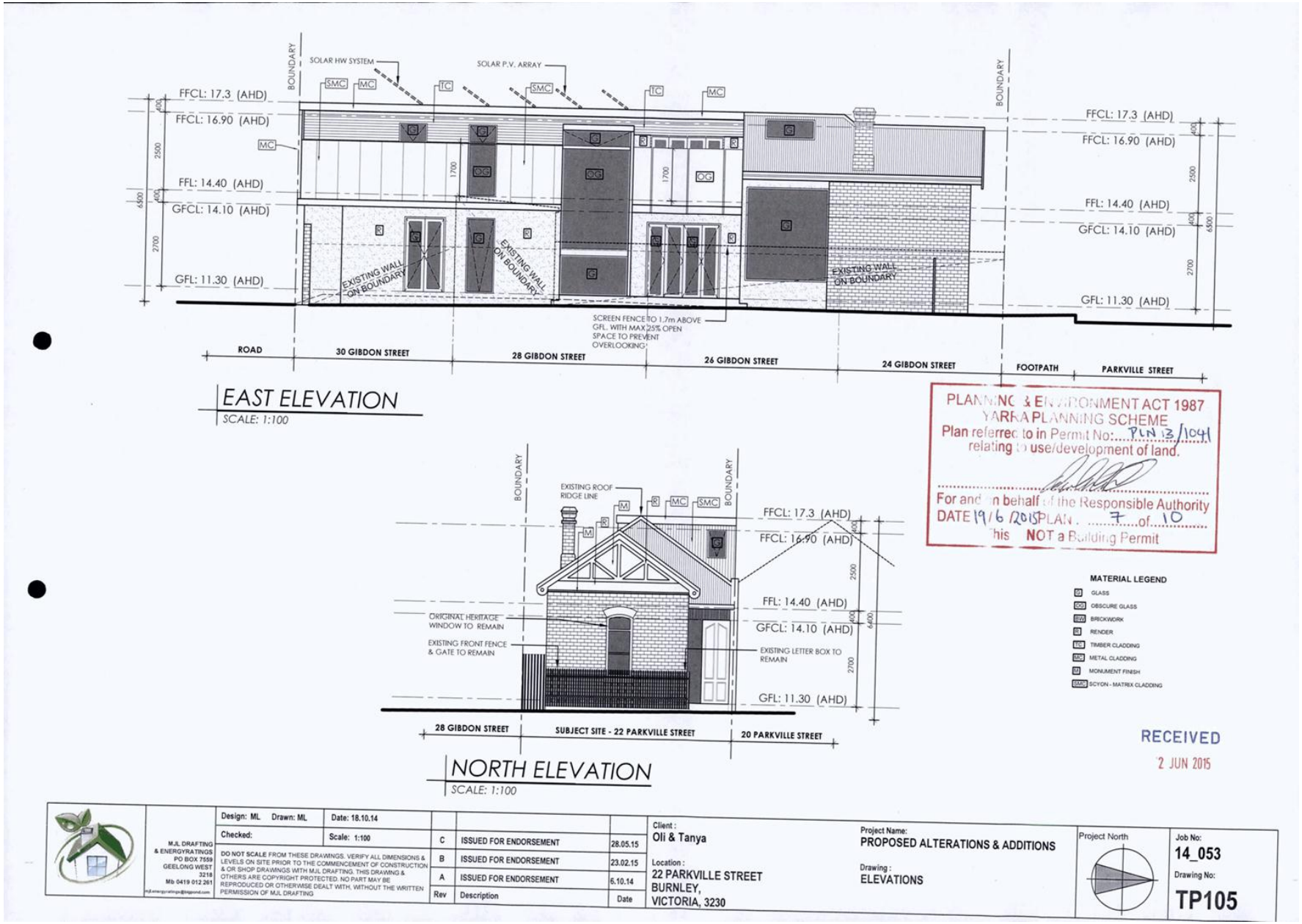

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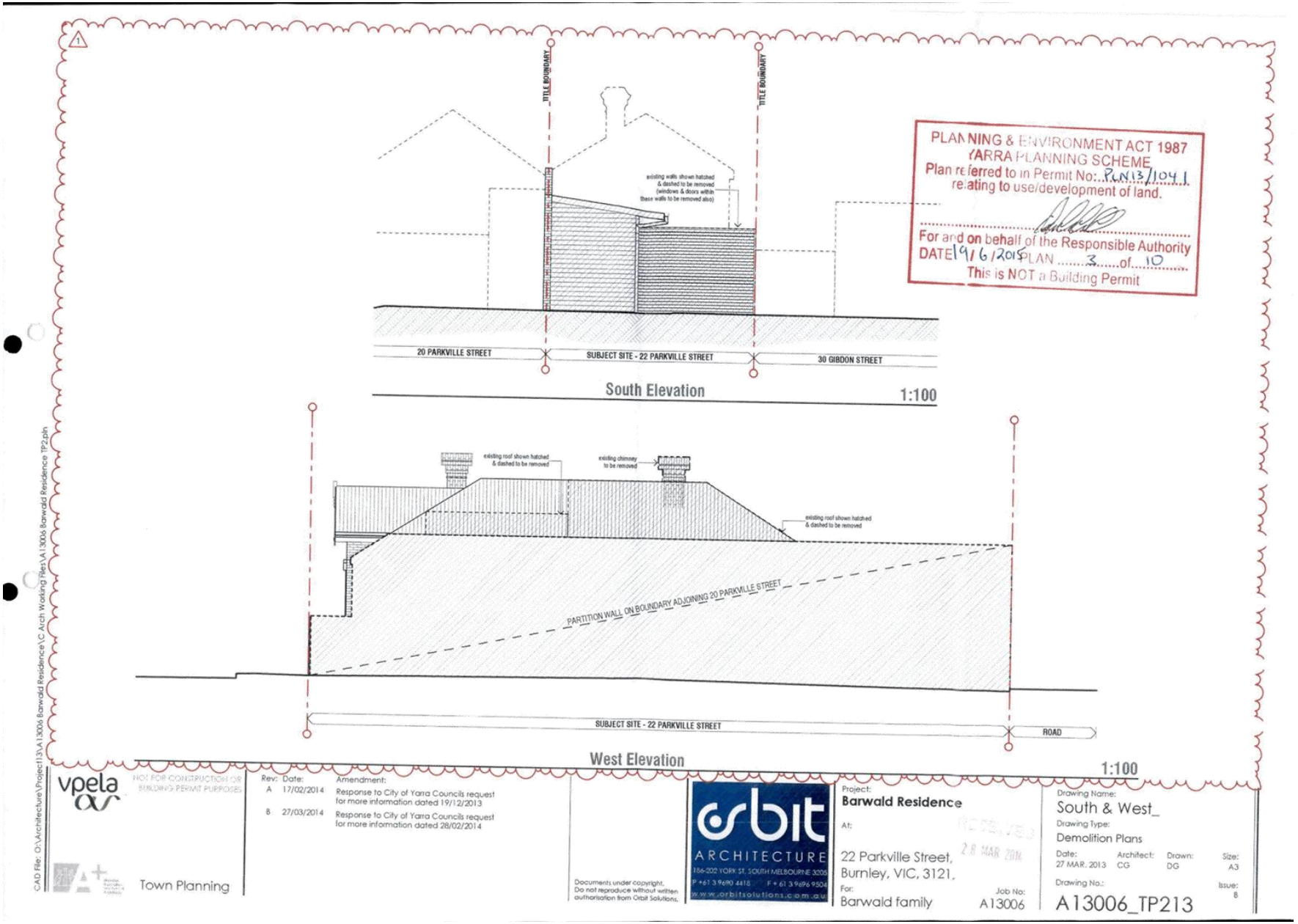

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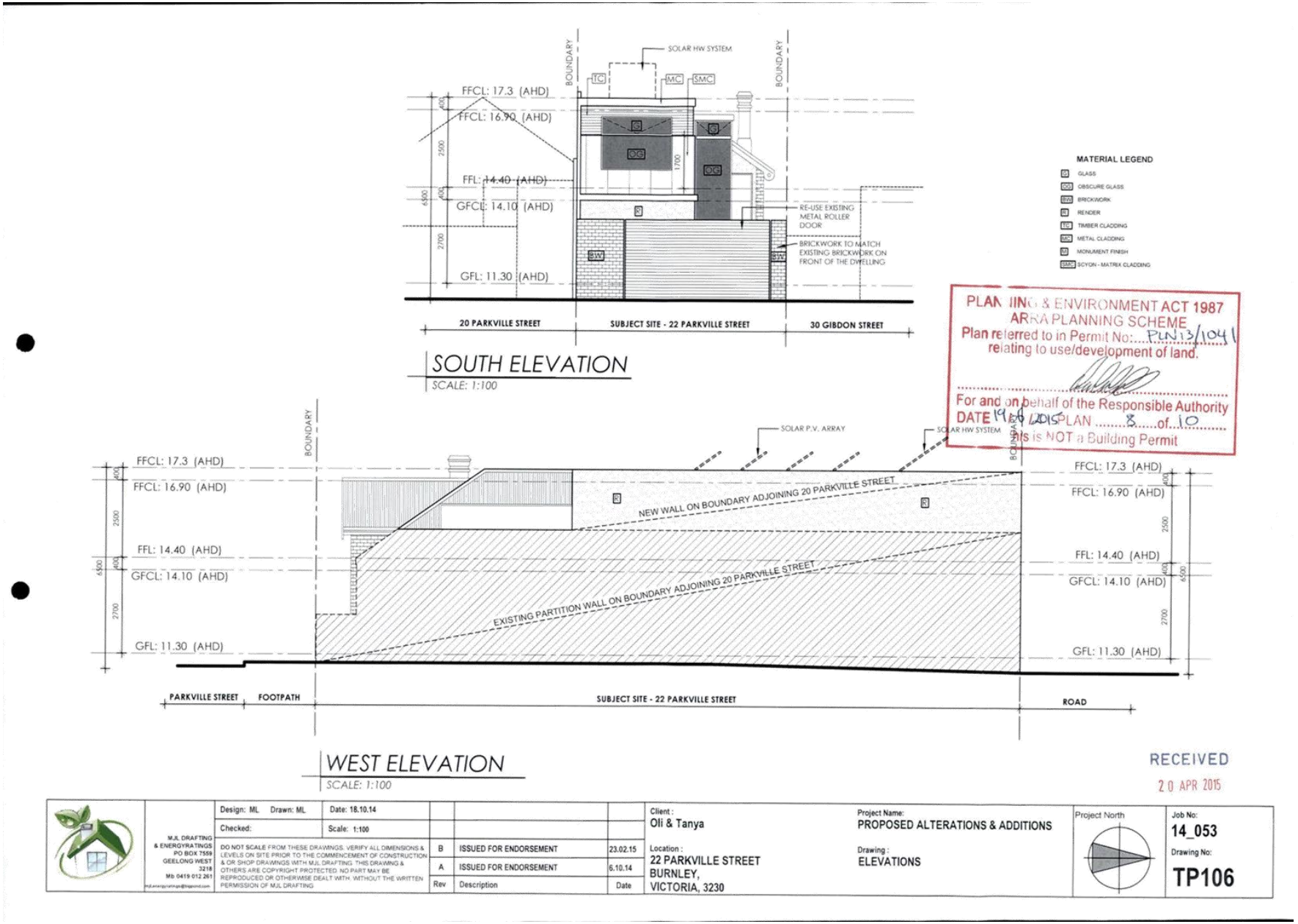

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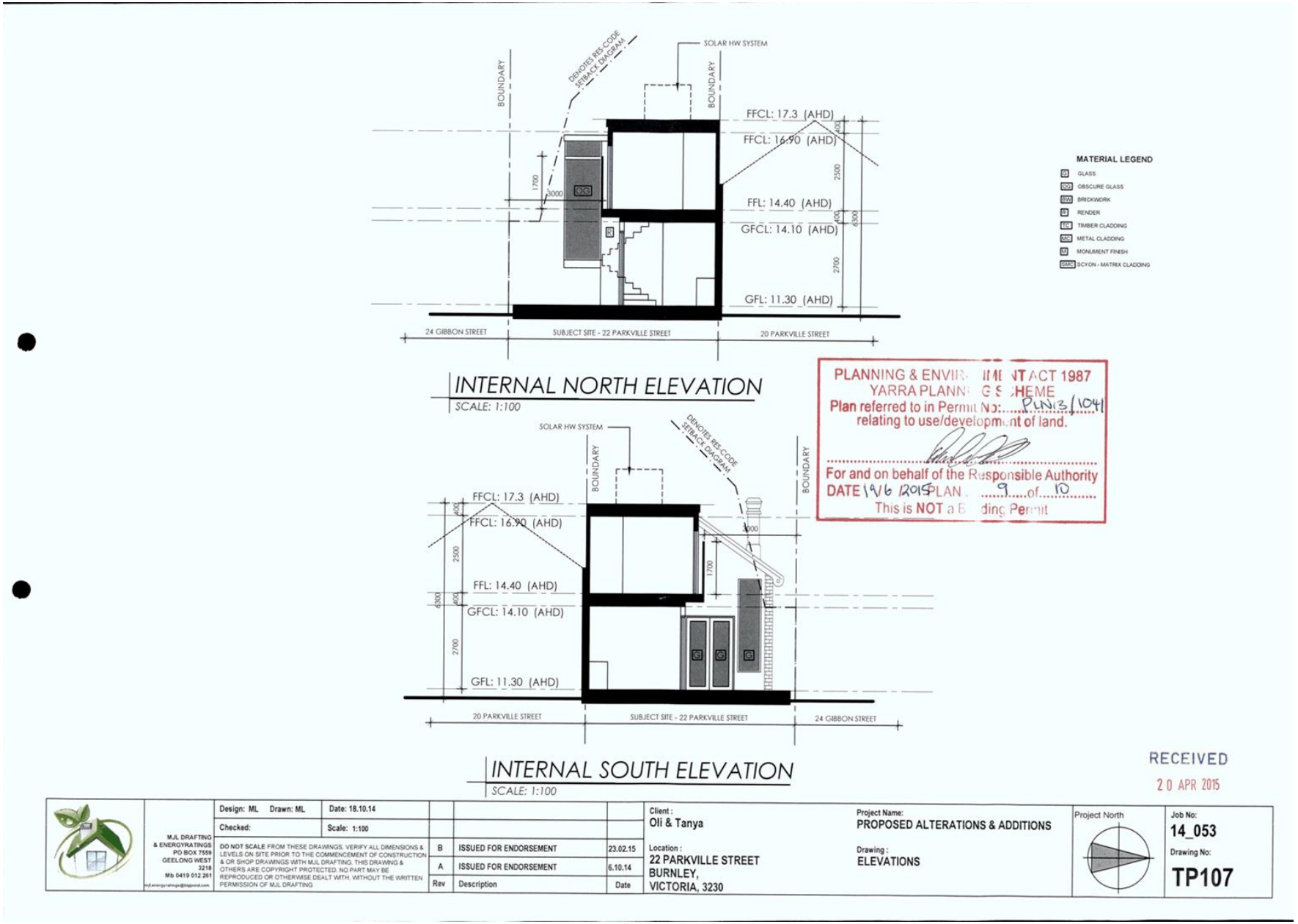
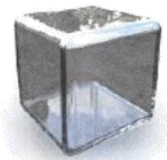


Attachment 4 - PLN13/1041 - 22 Parkville Street Burnley - Endorsed plans (scanned)

MATERIAL SCHEDULE



G Glass

SMC SCYON - MATRIX CLADDING (LIGHT GREY)

WR White Render [antique white]

TC Timber Cladding [green resources material]

note:
colour & finish of materials may vary
dependent upon availability when selected

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. PLN13/1041
relating to use/development of land.
For and on behalf of the Responsible Authority
DATE 19/6/2015 PLAN 10 of 10
This is NOT a Building Permit

25 FEB 2015

MJL DRAFTING PO BOX 7559 GEELONG WEST 3218 Mb. 0419 012 261 mjl.energyratings@bigpond.com	Design: ML Drawn: ML	Date: 18.10.14			Client : OLI & TANYA	Project Name: PROPOSED ALTERATION & ADDITION	Project North	Job No: 14_053
	Checked: ML - 00.00.00	Scale:						
	DO NOT SCALE FROM THESE DRAWINGS. VERIFY ALL DIMENSIONS & LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION & OR SHOP DRAWINGS WITH MJL DRAFTING. THIS DRAWING & OTHERS ARE COPYRIGHT PROTECTED. NO PART MAY BE REPRODUCED OR OTHERWISE DEALT WITH, WITHOUT THE WRITTEN PERMISSION OF MJL DRAFTING		A	ISSUED FOR ENDORSEMENT	18.10.14	Location : 22 PARKVILLE STREET BURNLEY VICTORIA 3230	Drawing : MATERIALS AND FINISHES SCHEDULE		Drawing No: TP108
			Rev	Description	Date			

1.4 Supplementary Report - PLN15/0955 - 157 Roseneath Street Clifton Hill - Development of the land for a ground floor extension and first floor addition, including demolition.

Executive Summary

Purpose

1. On 16 March 2016, this application was considered at the Internal Development Approvals Committee (IDAC) meeting and the decision was deferred. The applicant was asked to consider two issues; an increase in the first floor setback from Roseneath Street to further reduce visibility of the addition; and a decrease in the height of the new on-boundary western walls. It was minuted that when the application was to be heard again, these were the only considerations.

2. The purpose of this report is to seek a Council decision on the application. This decision should take into account sketch plans that the applicant submitted on 29 March 2016 that seek to address the two reasons the decisions was deferred.

Key Planning Considerations

3. Key planning considerations include:
   (a) clause 54 - Rescode; and
   (b) clause 22.02 – Development guidelines for sites subject to the heritage overlay.

Key Issues

4. The key issues for Council in considering the proposal relate to:
   (a) The setback of the first floor from Roseneath Street; and
   (b) The on-boundary wall heights.

Conclusion

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

CONTACT OFFICER: **Alicia Mora**
TITLE: **Statutory Planner**
TEL: **92055139**

1.4 Supplementary Report - PLN15/0955 - 157 Roseneath Street Clifton Hill - Development of the land for a ground floor extension and first floor addition, including demolition.

Trim Record Number: D16/39902
Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for a ground floor extension and first floor addition, including part demolition.
Existing use:	Residential
Applicant:	Tilbuilt Pty Ltd
Zoning / Overlays:	Neighbourhood Residential Zone Schedule Zone 1 Heritage Overlay Schedule 316 – Clifton Hill Eastern Precinct
Date of Application:	24 September 2015
Application Number:	PLN15/0955

Background

1. On 16 March 2016, this application was considered at the IDAC meeting and the decision was deferred. The applicant was asked to consider two issues; an increase in the first floor setback from Roseneath Street to further reduce visibility of the addition; and a decrease the height of the new on-boundary western walls. It was minuted that when the application was to be heard again, these were the only considerations.

2. The applicant advised in an email on 24 March 2016 that they were willing to make changes. On 29 March 2016 the applicant submitted revised plans, which will be known as the 'sketch plans'. The changes are:

   (a) An increase in the first floor setback from street frontage to 8m; and
   (b) Reduced on-boundary wall heights to a maximum of 3m.

3. This is a supplementary report which deals with these changes only. For details on the subject site and surrounds, the relevant policy, the heritage advice and an overall assessment of the development please refer to the IDAC report from the 16 March 2016 (attached).

4. The sketch plans (which will be referenced in this report) were provided to all objector's with their invitation to the IDAC meeting.

Officer Assessment

Is the increase setback of the first floor from Roseneath Street to further reduce its visibility acceptable?

5. The revised heritage comments received on 3 March 2016 in response to the decision plans recommended that *the setback be increased to 8m from street front minimum*. The sketch plans provided by the applicant on the 29 March 2016 have increased the first floor setback to a minimum of 8m from Roseneath Street. Council officers supported the setback as it was shown in the decision plans. The sketch plans are an improvement on the plans originally supported by officers.

6. The increase in the setback of the first floor complies with policy at clause 22.02-5.7.1 and 22.02-5.7.2 and can be supported for the following reasons:

(a) The amount of the existing dwelling being retained has increased, thus preserving more original heritage fabric;
(b) The first floor sits comfortably within the envelope provided by the sight line as required by figure 2 at clause 22.02-5.7.1;
(c) The increase setback further reduces oblique views of the addition when viewed from east and west along Roseneath Street; and
(d) The setback is now consistent with heritage advice.

Are the reduced wall heights of the new on-boundary western walls acceptable?

Standard A11 – Walls on boundaries

	Wall height	Existing length on boundary	Maximum length as per standard	Proposed length	Compliance	
					Height	length
West wall (walk in robe)	3m	0m	15.04m	5m	✓	✓
West wall (kitchen)	3m	0	15.04m	7m	✓	✓

7. As demonstrated in the above table the wall heights and length of the new western boundary walls comply with the standard. Both walls were originally supported by officers and the reduction in height is an improvement and therefore supported.

Standard A12 – Daylight to existing windows

8. The western boundary wall is to the walk in robe and is setback 1m from the window at 155 Roseneath Street. As was previously discussed in the report from the 16 March 2016 the bedroom window would have a light court of 3sqm, however it did not have 1m clear to the sky because of a 0.3m wide eave overhanging the window. Although the window does not have 1m clear to the sky it is still supported because the wall is consistent with the pattern of setbacks within the area.

9. In contention was the setback of the wall from the window given that the wall had a maximum height of 3.52m. The standard states, in part, *walls more than 3m in height opposite an existing habitable room window should be setback at 50 per cent of the height of the new wall.* As the sketch plans have reduced the height of the wall to 3m it is not required to be setback half its height from the window. The wall therefore complies with this component of the standard.

Conclusion

10. It is considered that the proposal should be approved subject to additional conditions (1j and k) which require changes as shown in the sketch plans dated 29 March 2016. The proposal with these changes, is considered to comply with the relevant state and local policies, the Neighbourhood Residential Zone, clause 54 and the heritage policy.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0955 for development of the land for a ground floor extension and first floor addition including part demolition at 157 Roseneath Street Clifton Hill, generally in accordance with the decision plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:

   (a) Deletion of the projecting screen to the first floor;

   (b) Alternative screening measure, but not projecting, to the north-facing first floor window to comply with standard A15 of clause 54 of the Yarra Planning Scheme;

   (c) Correct the western demolition plan to match the demolition floor plan;

   (d) The additional screening to the west-facing first floor windows to be clearly notated as being obscured glazing;

   (e) The width of the sliding gate to be dimensioned on the plans to be a minimum of 4.5m wide;

   (f) The demolition of the front fence, brick piers supporting the front verandah roof and concrete verandah floor;

   (g) A period appropriate front fence in the form of a 900-1200mm high timber picket fence;

   (h) New timber posts to the verandah typical of the Edwardian era;

   (i) The verandah floor with timber decking laid perpendicular to the building;

   (j) The first floor to be setback from Roseneath Street 8m as shown in the sketch plans dated 29 March 2016; and

   (k) The western on-boundary walls reduced in height to 3m as shown in the sketch plans dated 29 March 2016.

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. Once installed the screening and other measures must be maintained 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. Within two months of the works being completed, 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. 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

(b) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

7. This permit will expire if:
   (a) the development is not commenced within two years of the date of this permit; or
   (b) the development is not completed within four years of the date of this permit.

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

Notes:
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 Department on PH 9205 5095 to confirm.

CONTACT OFFICER: **Alicia Mora**
TITLE: **Statutory Planner**
TEL: **92055139**

Attachments
1 Officer assessment report for 16 March 2016 IDAC meeting
2 Sketch plans
3 Decision plans for 16 March 2016 IDAC meeting
4 Demolition plans
5 Material schedule

Attachment 1 - Officer assessment report for 16 March 2016 IDAC meeting

PLN15/0955 - 157 Roseneath Street Clifton Hill - Development of the land for a ground floor extension and first floor addition, including demolition.

Executive Summary

Purpose

1. This report provides Council with an assessment of an application for development of the land for a ground floor extension and first floor addition, including part demolition.

Key Planning Considerations

2. Key planning considerations include:
   (a) Neighbourhood Residential Zone;
   (b) Heritage Overlay;
   (c) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
   (d) Clause 22.07 Development abutting laneways; and
   (e) Clause 54 – Rescode.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Rescode;
   (b) Heritage;
   (c) Development abutting laneways; and
   (d) Objector Concerns.

Objector Concerns

4. Six (6) objections were received to the application, the issues raised can be summarised as:
   (a) Excessive site coverage;
   (b) Height of the development;
   (c) Overlooking / loss of privacy;
   (d) Non-compliance with walls on boundary height;
   (e) Overshadowing from the screen;
   (f) Loss of light;
   (g) Non-compliance of neighbourhood character (green corridor, private open space along the northern boundary);
   (h) Damage to trees; and
   (i) Loss of amenity and access to laneway during construction.

Conclusion

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

CONTACT OFFICER: **Alicia Mora**
TITLE: **Statutory Planner**
TEL: **92055139**

Attachment 1 - Officer assessment report for 16 March 2016 IDAC meeting

PLN15/0955 - 157 Roseneath Street Clifton Hill - Development of the land for a ground floor extension and first floor addition, including demolition.

Trim Record Number: D16/23575
Responsible Officer: Coordinator Statutory Planning

Proposal:	Development of the land for a ground floor extension and first floor addition, including part demolition.
Existing use:	Residential
Applicant:	Tilbuilt Pty Ltd
Zoning / Overlays:	Neighbourhood Residential Zone Schedule Zone 1 Heritage Overlay Schedule 316 – Clifton Hill Eastern Precinct
Date of Application:	24 September 2015
Application Number:	PLN15/0955

Planning History

1. No planning permits have been previously issued to the subject site.

Background

2. Amended plans were submitted under Section 57 of the Planning and Environment Act 1987 on the 9 February 2016. The plans make the following changes:

   (a) Lowering the height of the first floor addition (bedroom 2) at the front of the dwelling from 7.68m to 6.88m in response to heritage recommendations; and
   (b) Screening west-facing first floor windows to the void, bedroom and bathroom and a north-facing window to the hallway in response to overlooking/privacy concerns raised by objectors.

3. These plans have been circulated to all parties with the IDAC invites.

Existing Conditions

Subject Site

4. The subject site is located on the north side of Roseneath Street, Clifton Hill. To the west is Kiewa Street, to the east is Yambla Street and to the north as a Right-of-Way (ROW) and Kiewa Street. The site is rectangular in shape with frontage to Roseneath Street of 8.48m, to the ROW of 8.59m and with east and west boundary lengths of 30.11m and 30.17m respectively. The overall site area is approximately 257.09sqm.

5. Occupying the site is a single-storey, brick, Edwardian era dwelling with a gable end and brick front fence with archway. The dwelling is setback 2.3m from the Roseneath Street title boundary. The dwelling is constructed along the eastern boundary and is setback 1.7m from the western boundary for the length of the dwelling. Within the north-west corner of the site (setback 1m from the west boundary) is a single-storey bungalow. Vehicle access is via the ROW at the rear of the site to an open car space along the eastern boundary.

6. The title submitted with the application does not show any covenants. There are no easements on the title.

Surrounding Land

Attachment 1 - Officer assessment report for 16 March 2016 IDAC meeting

7. To the immediate east is a single-storey, weatherboard, Victorian era terrace. The dwelling is setback from the shared boundary at the front of the site and is constructed along the boundary for 13m. There is one south-facing window adjacent to the subject site. Secluded private open space (SPOS) is at the rear of the site and is approximately 55sqm in size. At the rear of the dwelling is a clear persplex verandah.

8. To the immediate west is a single-storey, brick, Edwardian era dwelling. The dwelling is setback 1m from the shared boundary with a small 0.3m wide eave encroaching into the setback. There are three windows facing the subject site, two of these windows are to habitable rooms. SPOS is located at the rear of the site and is approximately 132sqm in size.

9. To the north, on the opposite side of the ROW is the SPOS of a dwelling fronting onto Kiewa Street.

10. There are seven properties that are located within the block bookended by Yambla Street to the east and Kiewa Street to the west. Three of the sites have no outbuildings within the rear setback with the others being constructed to varying degrees.

11. To the south are dwellings fronting onto Roseneath Street. The sites on the southern side of Roseneath Street are separated approximately 19m from subject site. These dwellings have small front gardens within the front setbacks.

The Proposal

12. The application is for development of the land for a ground floor extension and first floor addition including part demolition. Details of the proposal are as follows:

    Demolition

    (a) Demolition of the rear of the dwelling retaining the front two bedrooms and eastern boundary wall. Removal of the one west-facing window and wall below from bedroom 1 and a portion of wall from bedroom 2.
    (b) Removal of the roof from the rear of the dwelling from bedroom 2 back.
    (c) Demolition of the rear and side boundary fence.
    (d) Demolition of the bungalow in the north-west of the site.

    New Works

    (e) A ground floor extension to the rear of the dwelling, the layout will consist of a master bedroom with walk-in-robe and ensuite; separate laundry and toilet with an open plan meals/living/kitchen area at the rear of the dwelling.
    (f) Construction of a first floor addition setback one room from the front wall of the dwelling. The first floor is massed primarily to the east of the site and cantilevers over the ground floor at the rear of the site. The first floor has a gabled roof to Roseneath Street. The layout will consist of two bedrooms, a retreat, bathroom and small study adjacent to the void.
    (g) Other works include, a pool in the north-west corner of the site and the north-east of the site has been noted to allow for on-site car parking. Construction of a new rear and west boundary fence and a sliding gate on the northern boundary. Two 1000Lt water tanks within the rear of the site

Planning Scheme Provisions

    Zoning

    Neighbourhood Residential Zone Schedule 1 (NRZ1)

13. Pursuant to Clause 32.09-1, a planning permit is not required to use the land as a dwelling.

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14. Pursuant to Clause 32.09-4, a planning permit is required to extend a dwelling on a lot under 500sqm. A development must meet the requirements of Clause 54.

15. Pursuant to Clause 32.09-8, the maximum building height must not exceed 8m.

Overlays

Heritage Overlay (HO316 – Clifton Hill Eastern Precinct)

16. 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 construct or carry out works.

Particular Provisions

Clause 54 – Rescode

17. As the works require planning permission pursuant to clause 32.09-4 of the Scheme, the application must meet the requirements of clause 54.

General Provisions

Clause 65 – Decision Guidelines

18. The Decision Guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

State Planning Policy Framework (SPPF)

19. Relevant clauses are as follows:

Clause 15.01-1 Urban Design

20. The objective of Clause 15.01-1 is:

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

Clause 15.01-5 Cultural identity and neighbourhood character

21. The objective of Clause 15.01-5 is:

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

Clause 15.02-1 - Energy and resource efficiency.

22. The objective of Clause 15.02-1 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 15.03-1 Heritage conservation

23. The objective of Clause 15.03-1 is:

(a) To ensure the conservation of places of heritage significance.

Local Planning Policy Framework (LPPF)

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24. Relevant clauses are as follows:

Clause 21.05-1 Heritage

25. The objective of Clause 21.05-1 is:

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

26. Relevant Strategies of Clause 21.05-1 are:

(a) Conserve protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage

(b) Protect the heritage skyline of heritage precincts

(c) Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas

(d) Apply the Development Guidelines for Heritage Places policy at clause 22.02

Clause 21.05-2 – Built Form: Urban Design

27. This clause incorporates the following relevant objectives:

(a) Objective 16 - To reinforce the existing urban framework of Yarra.

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

(c) Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.

(d) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.

Clause 21.07-1 - Ecologically sustainable development

28. The objective of Clause 21.07-1 is:

(a) Objective 34 - To promote ecologically sustainable development

Clause 21.08-4 – Neighbourhood, Clifton Hill.

29. The subject site is included in the North Carlton – Princes Hill neighbourhood. At clause 21.08-4, the area is described as follows:

(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. Clifton Hill has two neighbourhood activity centres.*

(b) *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.*

30. Figure 12 (built form character map) shows the subject site forms part of the Heritage Overlay area, with the following built form objectives relevant to the site.

(a) Ensure that development does not adversely affect the significance of the heritage place.

Relevant Local Policies

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

31. This policy applies to all land covered within a Heritage Overlay. The relevant general objectives of the policy (at clause 22.02-4) 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 the adaption of heritage places is consistent with the principles of good conservation practice.

(g) To ensure that additions and new works to a heritage place respect the significance of the place.

(h) To encourage the retention of 'individually significant' and contributory' heritage places.

Clause 22.02-5.1 Removal of Part of a Heritage Place (including contributory architectural features and details)

32. Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

(a) That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).

For an individually significant building:

(a) 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
Clause 22.02-5.7.1 General

33. Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

(a) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.

(b) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.

(c) Be visually recessive and not dominate the heritage place.

(d) Be distinguishable from the original historic fabric.

(e) Not remove, cover, damage or change original historic fabric.

(f) Not obscure views of principle façades.

(g) Consider the architectural integrity and context of the heritage place or contributory element.

34. Minimise the visibility of new additions by:

(a) Locating ground level additions and any higher elements towards the rear of the site.

(b) Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

35. Clause 22.02-5.7.2 encourages (in addition to the sightline test identified above) that residential upper level additions:

(a) Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.

(b) Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

36. The subject site is listed as 'contributory' within the precinct as set out in Appendix 8 of *City of Yarra Review of Heritage Overlay Areas 2007, (Graeme Butler and Associates), revised March 2011.*

Clause 22.07 Development abutting laneways

37. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal.

38. The relevant objectives of the policy (at clause 22.07-2) 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 22.16 Stormwater Management (water sensitive urban design)

39. This policy applies to applications for extensions to existing buildings which are 50 square metres in floor area or greater.

Advertising

40. The application was advertised under the provisions of Section 52 of the Planning and Environment Act (1987) by letters sent to surrounding owners and occupiers and two signs displayed on site, one on Roseneath Street and the other in the ROW. There were six (6) objections to the application.

41. The objections can summarised as:

(a) Excessive site coverage;
(b) Height of the development;
(c) Overlooking / loss of privacy;
(d) Non-compliance with walls on boundary height;
(e) Overshadowing from the screen;
(f) Loss of light;
(g) Non-compliance of neighbourhood character (green corridor, private open space along the northern boundary);
(h) Damage to trees; and

(i) Loss of amenity and access to laneway during construction.

Consultation Meeting

42. Following the advertising period, a consultation meeting was held on 19 January 2016. Councillors, all objectors and the applicant were invited to discuss the detail of submissions received and clarify issues. The only resolution was the additional screening to the windows as detailed previously in the report.

Referrals

External Referrals

43. The application was not required to be referred to external parties.

Internal Referrals

44. The application was referred to Council's heritage advisor. The following comments were received:

45. The extent of demolition proposed by this application includes:
- *(a) Demolition of the existing roof the beyond the first room;*
- *(b) Demolition of all of the fabric beyond the front two rooms, including 2 chimneys and a non-contributory bungalow at the rear;*
- *(c) One window and a portion of the western wall, both at the front of the building.*

46. The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

47. Planning scheme policy 22.02-5.1 discourages the demolition of part of a contributory building or removal of contributory elements unless:
- *(a) That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
- *(b) 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*
- *(c) The removal of the part would not adversely affect the contribution of the building to the heritage place.*

48. The extent of demolition is extensive and would include fabric which is seen from the street front. The roof and western wall have not been changed beyond recognition of their original contributory character but the proposed extent of demolition would adversely affect the presentation of the roof and side wall by altering the original appearance. Consequently:

- *(a) Whilst the western windows are visible from the street front, they are setback relatively far and their demolition is in accordance with Planning Scheme policy 22.02-5.7.1, Figure 1 (see comments below regarding new development). Removal of all western windows and a portion of the western wall is supported.*
- *(b) Demolition of the chimney closest to the street front and roof immediately beyond the front room is not supported as it is contributory fabric which is highly visible from the street front.*
- *(c) Demolition of fabric beyond the front two rooms (including rear bungalow) is supported.*

Comments regarding new development, alterations and additions:

49. The extent of new works proposed by this application includes development of a ground and first floor addition, including building to the western side boundary at the front (and rear) of the property.

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50. The key consideration for assessing this aspect of the works is whether the proposed development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Setbacks:

51. The proposed front setback for the ground level (GL) walk in robe will be 2.8metres from the building's front facade. There are two known properties in Roseneath Street which have GL additions built to the side boundary. The side addition at No.121 Roseneath Street is setback 3.6metres from the front façade of the building and the addition at No.144 Roseneath Street is setback 2.5metres. The addition at No.121 is highly visible and built at approximately 3metres high. The addition at No.144 is barely visible due to a tall brick wall built along the side boundary.

52. Planning scheme policy 22.02-5.7.1, Figure 1 states that acceptable areas for ground level additions are sited within the area created by drawing a 45degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings. According to this policy the location of the proposed walk in robe is acceptable, thus the front setback is supported.

53. The proposed setback for the second storey addition is 3.9metres from the front façade of the existing building.

54. Planning scheme policy 22.02-5.7.1 encourages setbacks from the principal street front to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

55. There are no adjoining properties with second storey additions, though No.158 Roseneath Street has one with a front setback of 11.9metres and No.152 has one with a setback of 11.4metres. The predominant front setback for second storey additions in the nearby street appears to be about 9.5metres. As the front chimney at the subject site is located approximately 9.5metres from the front façade, the second storey addition should have a minimum setback of 10metres (or 500mm from the rear of the chimney, whichever is the greatest), thus preserving the integrity of the existing roof and chimney which are important contributory elements (as described in the citation for HO316).

56. The proposed side setback for the new development will be 2.2metres from the western boundary and zero metres from the eastern boundary. The side setbacks are within the footprint of the existing building and are supported.

Scale/height:

57. The proposed facade height for the GL walk in robe will be 3.5metres which is below the gutter line of the existing roof, almost in alignment with the verandah facia at the subject site and the adjoining verandah at 155 Roseneath Street. Accordingly the overall height of the ground floor side addition is supported.

58. The proposed facade height for the second storey addition will be 7.2metres. Should the above recommended setback of 10metres be adopted then the addition would have limited visibility from the street front and the overall height is supported. However, should the above recommended setback of 10metres not be adopted, then the overall height of the second storey addition must be reduced to 6metres, resulting in 2.4-3metre internal ceiling heights at the upper level.

Roof form:

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59. The proposed roof form for the GL walk in robe is a flat roof behind a squared-off parapet which will clearly read as a new (and due to its height, recessive) addition to the site . The second storey addition will be a gable ended structure which would complement the existing and surrounding buildings, and is thus supported.

Appearance:

60. The proposed facade detailing for the second storey addition will be a large expanse of glass taking up the majority of the street facing façade; a combination of smaller vertical and horizontal windows on the western elevation; and blank walls to the east. The proposed appearance is supported.

61. The proposed material for the walk in robe is brick finished in a white render. The second storey addition is to be light grey zinc cladding to the front and side walls, and have a 'shale grey' coloured metal roof. The proposed materials for the GL and second storey addition are supported.

62. The plans note "tiles" on the verandah floor, which is currently an unsympathetic concrete floor. Should any works occur to this area then the verandah floor should be reinstated to timber decking, approximately 80-150mm wide, running perpendicular to the building façade. Tiles to the front verandah floor are not supported.

Recommendations:

63. On heritage grounds the works proposed in this application may be approved subject to the following conditions:

- *(a) Increase setback of second storey addition to 10metres, retaining a full roof form over the front two rooms including the chimney closest to the street front.*
- *(b) Substitute proposed tiles at verandah floor for timber decking. Decking to be 80-150mm wide, laid perpendicular to building façade.*
- *(c) Clarify whether a new verandah post is part of the verandah floor works. If so, then the existing brick post should be replaced with a timber post to match adjoining building at 155 Roseneath Street.*

Other comments:

64. Should the above recommended setback of 10metres not be adopted, then the overall height of the second storey addition must be reduced to 6metres.

65. The heritage advisor provided the following comments on the amended plans:

66. My original advice was to setback the addition by 10metres and retain the existing chimney (no second storey additions on immediately adjacent properties and average setback of 9.5metres for second storey additions to contributory buildings within the existing streetscape).

67. The proposal has been redesigned so that that the front portion of the second storey is reduced in height by 530mm, and the setback from street front increased by 500mm. Sightline diagrams have been provided to show that the works comply with planning scheme policy 22.02-5.7.1-figure 2.

68. However, as the existing roof is a gable form and given the level of visibility of the site, the proposal still fails to meet other objectives, namely:

- *(a) Be visually recessive and not dominate the heritage place*
- *(b) Not remove, cover, damage or change original historic fabric.*

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69. Regarding A: The proposal would result in between 2.9metres and 4.4metres of original building depth being visible from the public realm. This is compared to 19.9metres of new build. Proportionally the result is unreasonable bulk and dominance over the existing building which would negatively affect the subject site and the wider streetscape. Note, the situation is not helped by the proposed ground floor addition, proposed to be built to the side boundaries close to the street front, creating additional bulk.

70. Regarding B: The chimney is original historic fabric.

Recommendations

71. The revised proposal is not supported from a heritage perspective. The proposal would result in an unreasonable amount of dominance and bulk over the existing building by developing an excessive amount of new build compared to existing fabric which is visible from the public realm. It is recommended that:

(a) The setback be increased to 8metres from street front minimum.
(b) This will require deleting "bedroom 2" and relocating it to the "Retreat" area. Alternatively, the ceiling height over the laundry/WC/ensuite/WIR on GL may be reduced to fit "bedroom 2" entirely within the roof space.
(c) It will also require demolition of the chimney which is not desired but will be supported with the above changes.

Further considerations

72. As a type of quid-pro-quo arrangement, where the proposed works are supported with the above recommended changes despite the fact that adverse impacts have been identified, the following restoration works are also proposed (in order of preference):
(a) Demolish existing brick fence and reinstate a period appropriate front fence in the form of a 900-1200mm high timber picket fence.
(b) Demolish brick piers supporting verandah roof and replace with timber posts typical of the Edwardian era.
(c) Demolish concrete verandah floor and replace with timber decking laid perpendicular to the building.

OFFICER ASSESSMENT

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

(a) Rescode;

(b) Heritage;

(c) Development abutting laneways; and

(d) Objector Concerns.

Rescode

74. This particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

The following standards are not relevant to this application:

(a) A2 – Integration with the street (no change)
(b) A3 – Street setback (no change)
(c) A8 – Significant trees (no significant trees)
(d) A13 – North facing windows (no affected windows)

(e) A18 – Solar access to open space (does not apply to additions)
(f) A20 – Front fence (no change)

A1 - Neighbourhood Character

75. The first floor addition is in keeping with the single and double storey emerging built form of Roseneath Street and Clifton Hill at large. The single-storey existing dwelling will remain the primary focus of the mostly Victorian and Edwardian streetscape with the first floor setback with oblique views from the east and west. The first floor addition is generally acceptable within Roseneath Street and will be discussed in more detail in the heritage assessment.

76. The first floor cantilevering into what is the corridor of SPOS at the rear of the site is not entirely out of character within the neighbourhood given that outbuildings along the rear boundaries are common within rear setbacks. This type of development is a little unusual, however it does not result in the entire rear setback being occupied by built form. The privacy screen extends 1.2m past the rear wall of the first floor, given that the screen can be flush to the windows to prevent overlooking. The additional length and protrusion into the rear setback of the first floor can be reduced by the conditional deletion of the screen thus a reduction in visual bulk to the adjoining sites. It is considered that the first floor projecting into a green corridor is not unacceptable in this context.

A4 – Building height

77. The maximum height of the proposal is 7.2m which complies with the standard and the mandatory height limit of 8m at clause 32.09-8.

A5 – Site coverage

78. Site coverage is proposed to be 74% which does not comply with the standard requirement of 60%. The proposal can be supported however for the following reasons:

(a) Similar site coverages on adjoining sites means that this level of site coverage is consistent with the neighbourhood character;
(b) The small site area; and
(c) The layout of the site is generally consistent with the location of built form on the adjoining sites.

A6 – Permeability

79. Permeable surfaces equate to 22% of the site which complies with the standard as it is above 20%.

80. A STORM rating report has been provided by the applicant in response to clause 22.16 (stormwater management). The report states that the site will achieve a rating of 113% which meets the required 100%, this rating is achieved by two 1,000Lt water tanks located within the central and rear courtyards.

A7 – Energy efficiency

81. The following has been incorporated into the design to make the dwelling energy efficient:

(a) All rooms have access to natural light to reduce the need to artificially light the dwelling;
(b) A void at first floor will allow more natural light into the ground floor in the centre of the dwelling;
(c) The first floor cantilevering over the ground floor north-facing floor to ceiling windows will provide shading and offer solar protection to the living area; and
(d) Operable windows will allow for cross ventilation of the dwelling to aid in natural cooling of the dwelling.

82. A skylight on the dwelling to the west was shown in the advertised plans as being overshadowed. These shadow plans were incorrect and have been corrected in the 57A amended set. The shadow was shown as being cast at ground level from the new first floor and did not take into account that the skylight is at roof level. As such the shadow cast by the new first floor relative to the skylight is actually less because the first floor shadow falls over a roof which is assumed to be at least 3m above natural ground level on a pitched roof. The first floor will not overshadow the skylight.

A10 – Side and rear setbacks

	Wall height	Proposed setback	Required setback	Compliance
West wall	5.57m - 5.7m	2.27m – 2.79m	1.59m - 1.67m	✓
North wall	7.2m	4.19m	2.29m	✓
East wall	5.6m	1m – 1.7m	1.6m	Partial non-compliance of 0.6m

83. The portion of first floor eastern wall that does not comply with the required setback is bedroom 2 towards the front of the site, which is opposite existing built form that is also partially constructed on boundary. There are no windows or sensitive open space area opposite this portion of wall. Given the wall is not opposite a sensitive interface the proposal can be supported.

A11 – Wall on boundaries

	Wall height	Existing length on boundary	Maximum length as per standard	Proposed length	Compliance	
					Height	length
East wall	6.05m	22.5m (ground) 0m (first)	15.02m	22.5m (ground) 11.47m (first)	Non-compliance of 2.85m	New wall length complies
West wall (walk in robe)	3.37m – 3.52m	0m	15.04m	5m	Non-compliance of 0.17m to 0.32m	✓
West wall (kitchen)	3.15m	0	15.04m	7m	✓	✓

84. The non-compliance of the eastern on-boundary wall can be supported for the following reasons:

(a) The wall length is an existing condition; and
(b) The new portion of wall where it's height does not comply with the standard is to be constructed against a single-storey on-boundary wall therefore there is no sensitive interface.

85. The non-compliance of the height of the western on-boundary wall (walk in robe) can be supported for the following reasons:
(a) The non-compliance is minor;
(b) The wall is single-storey; and
(c) The increase in height is a result of the fall of the land and the maximum height of the wall is only for small portion of wall that is not opposite a window or SPOS.

A12 - Daylight to existing windows

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86. Two east-facing habitable room windows on the adjoining site are opposite new walls, these walls are setback between 1m and 3.79m and the windows have an eave of 0.3m. The windows will both have a 3sqm light court; however the window that is setback only 1m from the new wall will not have 1m clear to the sky. This can be supported however because the window is to a bedroom which is not generally used primarily during daylight hours. The wall opposite this window should also be setback 50% of its height, however it is not. Again the proposal can be supported because this is a bedroom window and the wall is consistent with the pattern of walls and setbacks from windows within the neighbourhood.

87. The wall opposite the window setback 3.79m fully complies with the standard.

A14 – Overshadowing

88. Overshadowing of the SPOS to the west at 9am is approximately 32% of the 132sqm, this decreases at 10am to 17% and at 12noon this has decreased again to not overshadowing the SPOS at all. The proposal complies with the standard as sunlight is available to at least 40sqm of SPOS.

89. Due to the northern orientation of the SPOS There is no additional overshadowing of the SPOS to the east at 3pm as all new shadow cast by the proposal falls over the adjoining dwelling.

90. An objection states that the projecting screen has not been included in the shadow diagrams and this is correct. However given the deletion of the projecting screen by way of a condition the shadow casts are acceptable as discussed above.

A15 – Overlooking

91. As previously discussed the projecting privacy screen will be deleted by a condition. The screen as detailed in the plans meets the requirements of the standard as it screens 1.7m above finished floor level (FFL) and has a maximum of 25% visual permeability. The retreat window will still be required to be screened in accordance with the standard and as such will be required by a condition to use a screening measure that does not project from the building, but sits flush to the rear wall.

92. The applicant has also indicated on the plan (although not clearly) that the west-facing bathroom, part bedroom and void windows will be obscured in response to concerns raised by an objection. The additional screening is not required to the bedroom and bathroom windows pursuant to the standard. The additional screening to the void window will prevent overlooking from the study. A condition will require that a notation on the plan states that these windows will be obscure glazing.

93. The south-facing bedroom windows will not unreasonably overlook SPOS or habitable room windows given that the windows have an outlook to Roseneath Street (the distance would exceed the overlooking standard).

A16 – Daylight to new windows

94. All habitable room windows (except for the ground floor living room) have at least 1m clear and a light court in excess of 3sqm as they have an outlook to the subject site's SPOS or court yard.

95. The living room window is mostly covered by the cantilevered first floor. A small portion of the window along the east side is not covered by the first floor and given that there is an uncovered window to the kitchen the ground floor living space will receive adequate daylight.

A17 Private open space

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96. Private open space equates to 59sqm or 22% of the site, of this SPOS is 54sqm and is located within the rear setback and a central west-facing court yard. SPOS complies with the standard as it is accessible from a living space; there is a minimum area of 25sqm and dimension of 3m.

A19 – Design detail

97. The proposal is respectful of the existing dwelling by replicating the gabled roof form at first floor to Roseneath Street and the pitched roof for the rear portion of the dwelling. Window proportions are indicative of new development to existing dwellings and given that these are located mostly to the rear of the dwelling and are not visible from Roseneath Street are acceptable.

Heritage Assessment

98. The ground floor demolition of the windows and western wall are supported as these are setback far enough from Roseneath Street so as not to have a detrimental impact on the heritage streetscape. The removal of this fabric falls outside of the projected sight lines at figure 1 of clause 22.02-5.7.1 which are used for locating ground floor development that will not adversely affect existing dwellings. The west elevation demolition plan does not match the floor plan and will be required to be corrected by way of condition.

99. The removal of the rear of the dwelling, the bungalow and fence at the rear of the site are supported because this not visible from the street and this fabric does not contribute to the presentation of the Edwardian era dwelling to the street.

100. The removal of the roof at the front and the chimney setback approximately 8m from the front wall of the dwelling are considered acceptable because the existing gable roof and pitch that is indicative of the Edwardian era dwelling are being retained. The visibility of the chimney is achieved from oblique angles along the western side of the site because of the generous setbacks of both the subject and adjoining dwelling. Although the chimney is a contributory feature its loss will not have an unreasonable impact on the overall contributory grading of the dwelling or the streetscape at large.

101. The proposed ground floor addition along the western boundary is supported because it complies with the sight lines at figure 1 of clause 22.02-5.7.1 thus maintaining and keeping the existing front façade as the prominent feature on site.

102. The remaining ground floor extension at the rear of the site is not visible from Roseneath Street and will not detract from the contributory grading of the dwelling therefore it is acceptable and consistent with clause 22.02-5.7.1.

103. The heritage comments in relation to the amended plans recommend that the first floor be setback a minimum of 8m from the street. Despite this, the first floor addition as proposed can be supported by policy at clauses 22.02-5.7.1 and 22.02-5.7.2 for the following reasons:

    (a) the gable roof form will integrate the first floor into the proposal and results in a more respectful approach to the existing dwelling;
    (b) the gable roof will also reduce the visibility of the first floor addition by lowering the height of the portion of the addition visible from the street on the east and west sides;
    (c) The light coloured materials to be used will also help to blend the addition into the existing dwelling thus a more respectful addition is proposed; and
    (d) The ground floor façade will remain the predominant feature on site because the first floor has been setback and falls within the envelope projected by the sight line.

104. The heritage advisor has identified additional works which would benefit the building from a heritage perspective. These are as follows:

(a) Demolish existing brick fence and reinstate a period appropriate front fence in the form of a 900-1200mm high timber picket fence.
(b) Demolish brick piers supporting verandah roof and replace with timber posts typical of the Edwardian era.
(c) Demolish concrete verandah floor and replace with timber decking laid perpendicular to the building.

105. The applicant has agreed to undertake these works. These works will enhance the existing dwelling resulting in a restored Edwardian front fence and verandah that contribute to the heritage dwelling and streetscape at large. By restoring the front of the dwelling and the front fence it will draw attention to the Edwardian dwelling with the first floor being read as a secondary element. It is considered that these works will offset any negative heritage impacts resulting from the reduced first floor setback.

Development abutting laneways

106. The new fence and gate to the rear of the site are consistent with policy at clause 22.07 as they will replicate existing conditions. The rear of the site already allows for vehicle access in the same location as that proposed and the installation of a sliding door will not unreasonably cause detriment to the movement of vehicles along the laneway. Given that the proposal is similar to existing conditions it is supported.

107. A check with Council's Engineering Services Unit found that off a 3.1m wide ROW that the vehicle entrance must be a minimum of 4.5m wide.

108. A condition will require that the width of the sliding gate be a minimum 4.5m wide and dimensioned on the rear north elevation.

Objector Concerns

109. Objector concerns have been addressed within the report at the following paragraphs:

(a) Excessive site coverage – refer to paragraph 78.

(b) Height of the development – refer to paragraph 77.

(c) Overlooking / loss of privacy – refer to paragraphs 91-93.

(d) Non-compliance with walls on boundary height – refer to paragraphs 84 and 85.

(e) Overshadowing from the screen –refer to paragraph 90.

(f) Loss of light – refer to paragraphs 82, 86 and 87.

(g) Non-compliance of neighbourhood character (green corridor, private open space along the northern boundary) – refer to paragraph 76.

110. The remaining objections have not be discussed in the assessment:

Damage to trees

111. These properties do not include any planning tree protection controls and therefore this is not a relevant planning matter.

Loss of amenity and access to laneway during construction

112. The subject site along with the adjoining sites have right of access to the laneway. Loss of amenity and access during construction is not a relevant planning consideration and can be addressed by other Council departments should this happen.

Conclusion

113. The proposal is considered to be acceptable in light of the relevant state and local policies, the Neighbourhood Residential Zone, clause 54 and heritage policy, subject to the conditional changes outlined in the above assessment. The proposal should therefore be approved.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0955 for development of the land for a ground floor extension and first floor addition including part demolition at 157 Roseneath Street Clifton Hill, generally in accordance with the decision plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:

    (a) Deletion of the projecting screen to the first floor;

    (b) Alternative screening measure, but not projecting, to the north-facing first floor window to comply with standard A15 of clause 54 of the Yarra Planning Scheme;

    (c) Correct the western demolition plan to match the demolition floor plan;

    (d) The additional screening to the west-facing first floor windows to be clearly notated as being obscured glazing;

    (e) The width of the sliding gate to be dimensioned on the plans to be a minimum of 4.5m wide;

    (f) The demolition of the front fence, brick piers supporting the front verandah roof and concrete verandah floor;

    (g) A period appropriate front fence in the form of a 900-1200mm high timber picket fence;

    (h) New timber posts to the verandah typical of the Edwardian era; and

    (i) The verandah floor with timber decking laid perpendicular to the building.

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. Once installed the screening and other measures must be maintained 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. Within two months of the works being completed, 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. 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
   (b) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

7. This permit will expire if:
   (a) the development is not commenced within two years of the date of this permit; or
   (b) the development is not completed within four years of the date of this permit.

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

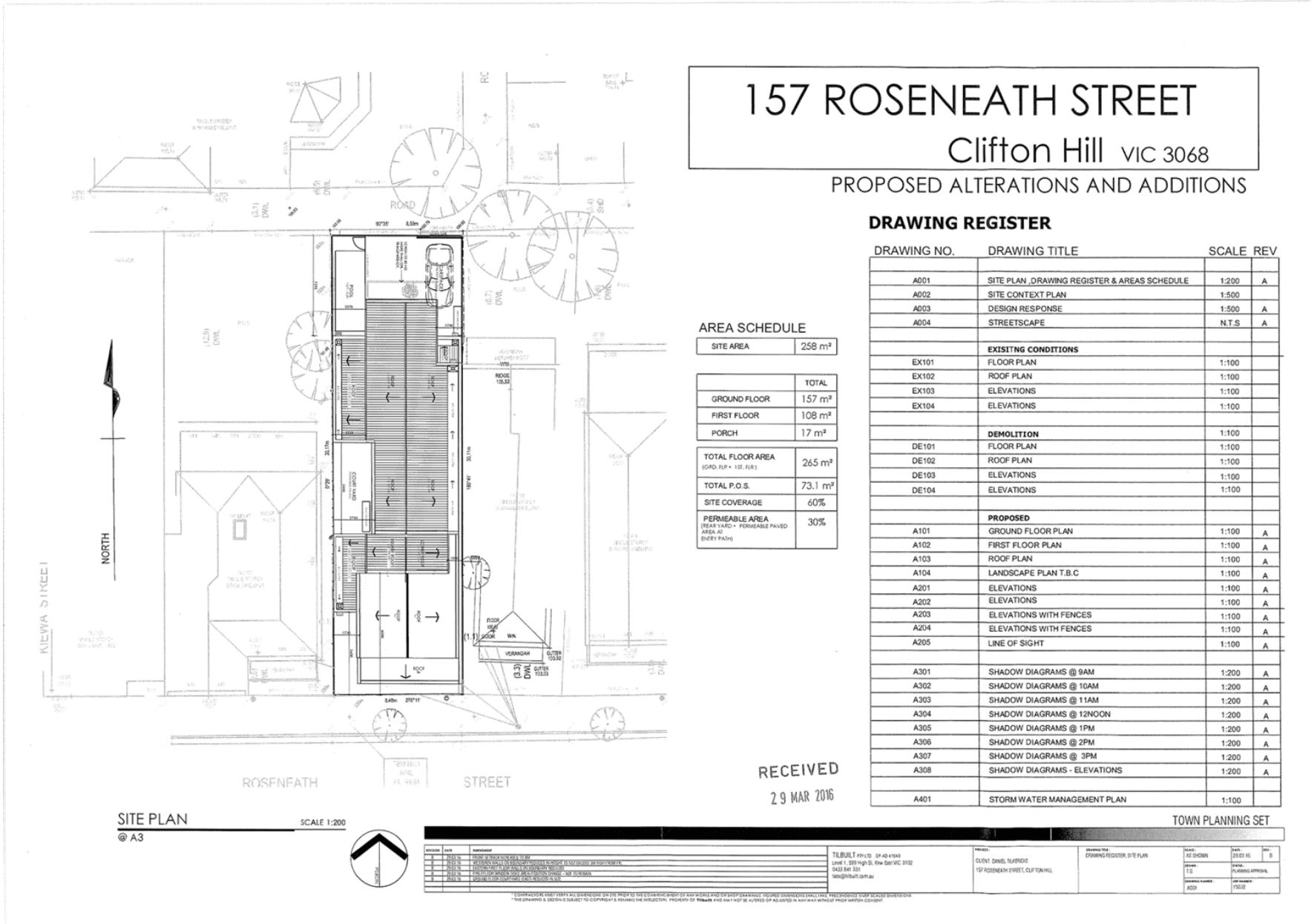
Notes:
This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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

CONTACT OFFICER: **Alicia Mora**
TITLE: **Statutory Planner**
TEL: **92055139**

Attachments
1 Demolition plans
2 Proposed plans
3 Material Schedule

Attachment 2 - Sketch plans



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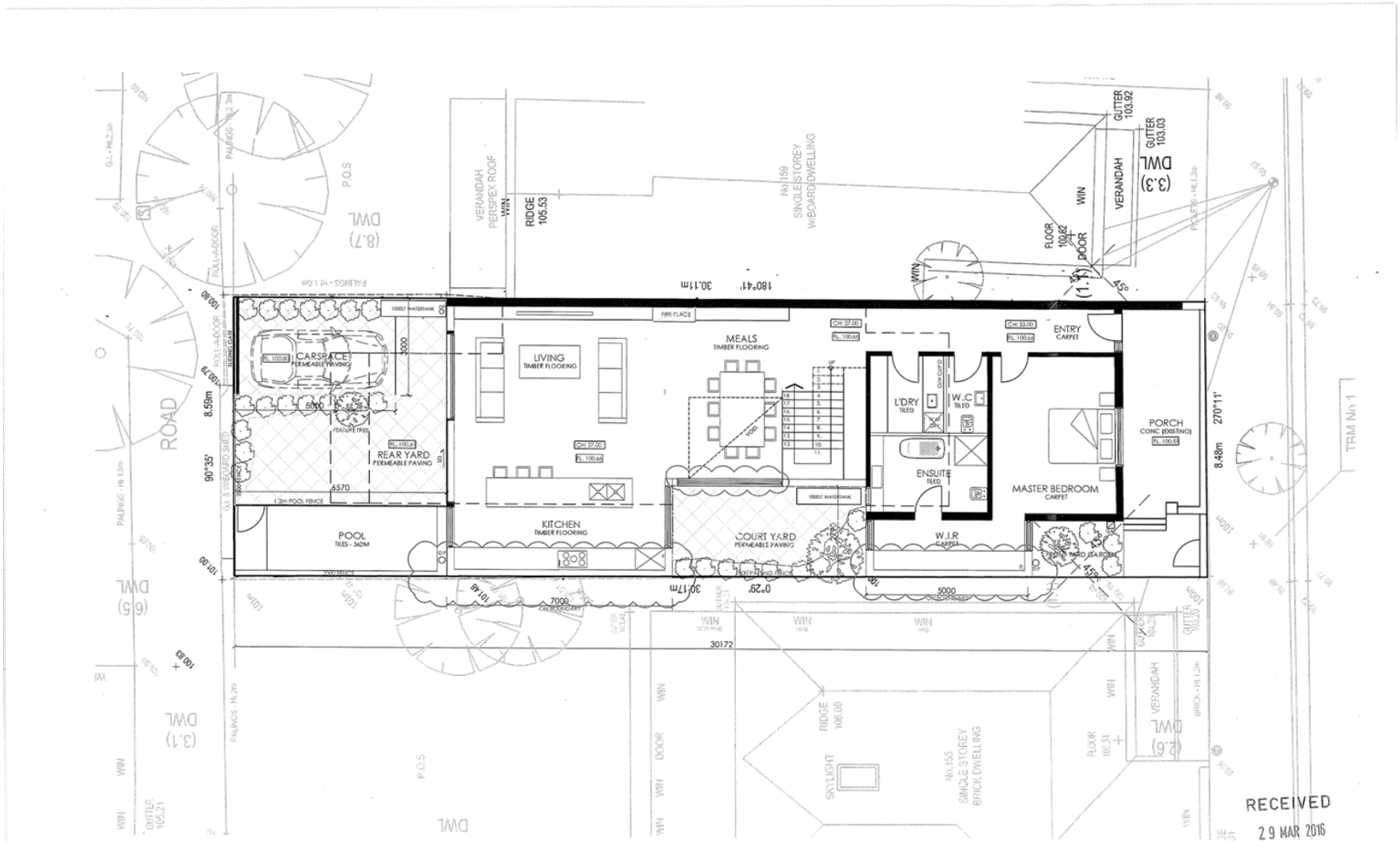

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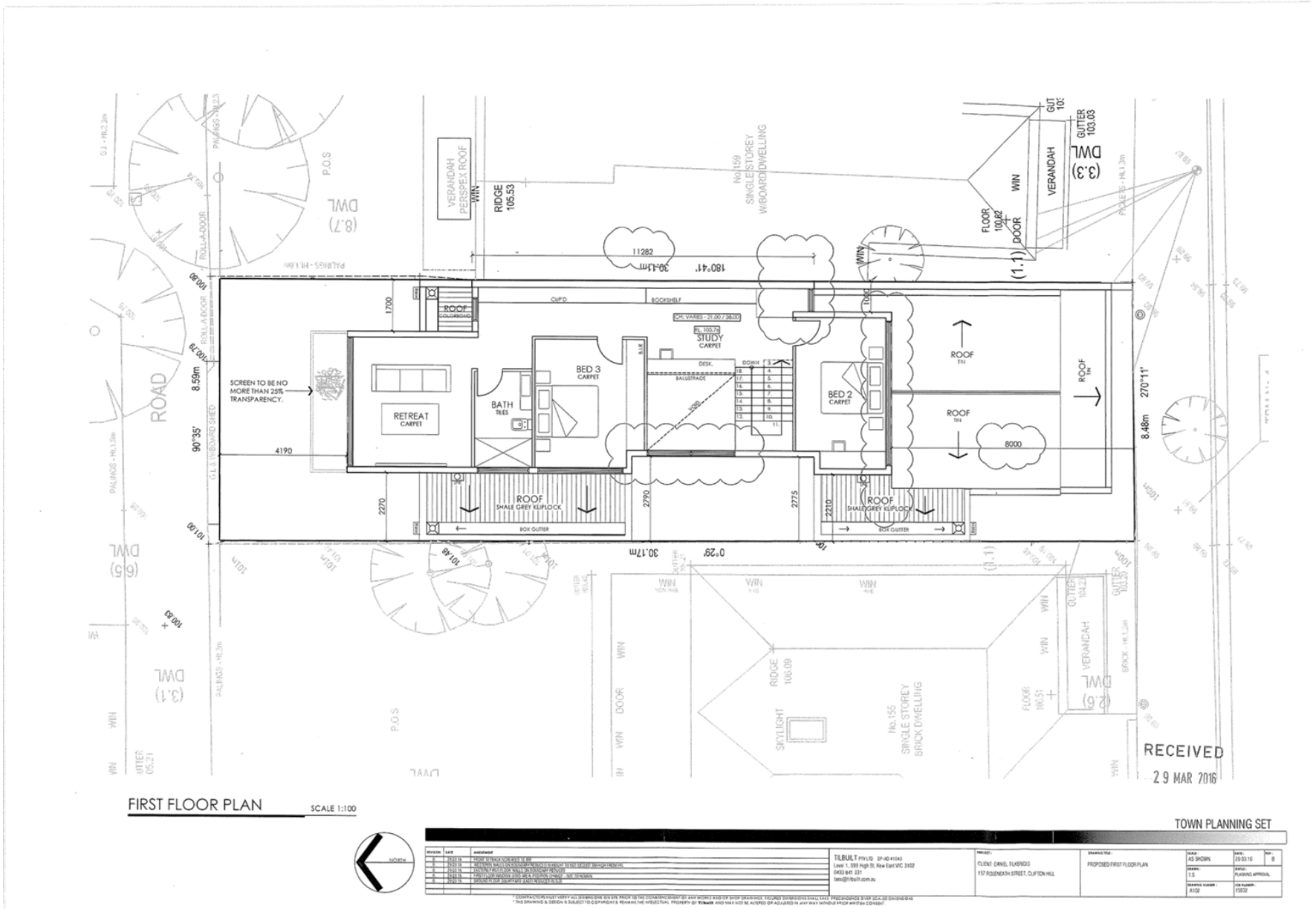

FIRST FLOOR PLAN SCALE 1:100

TOWN PLANNING SET

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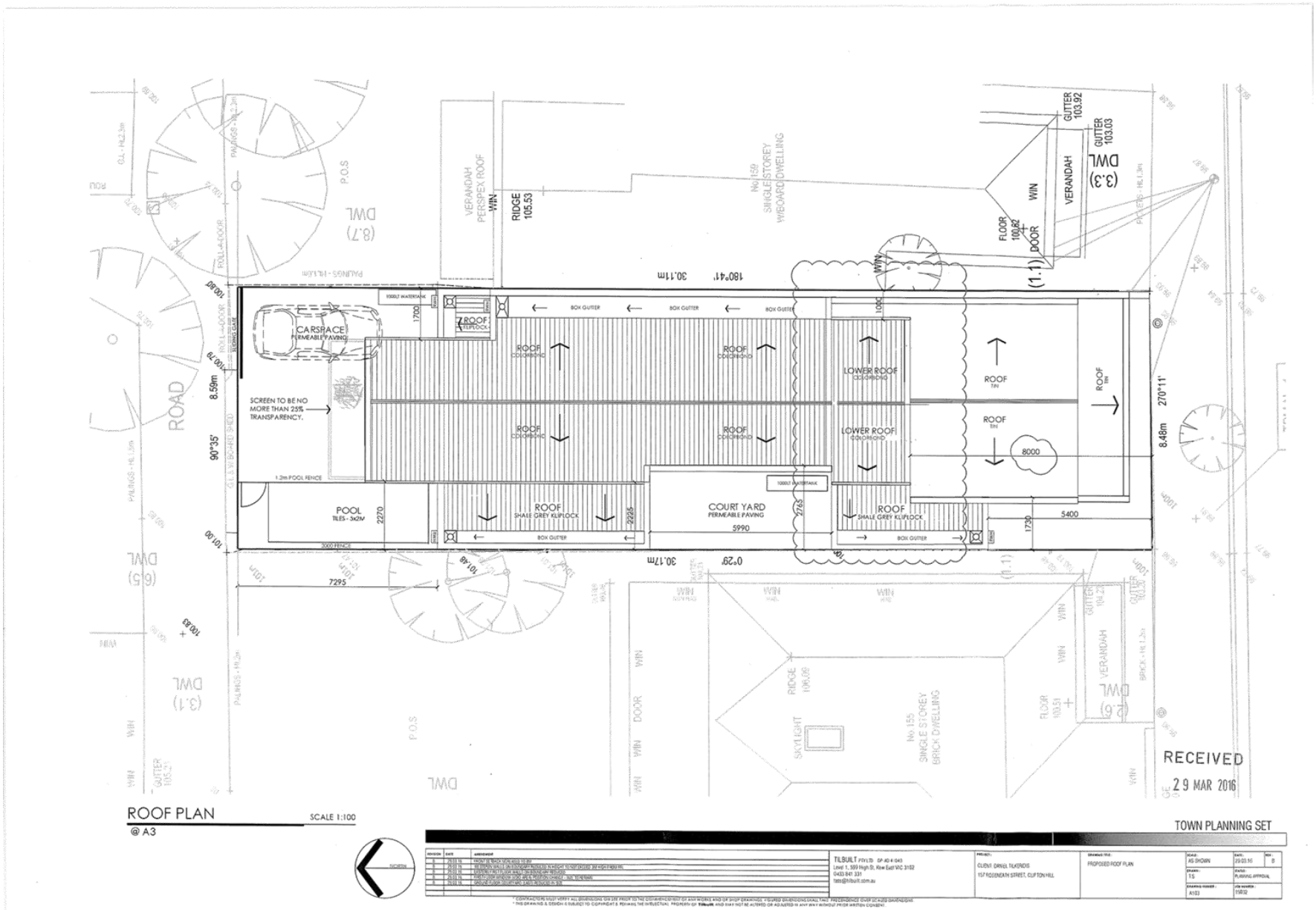

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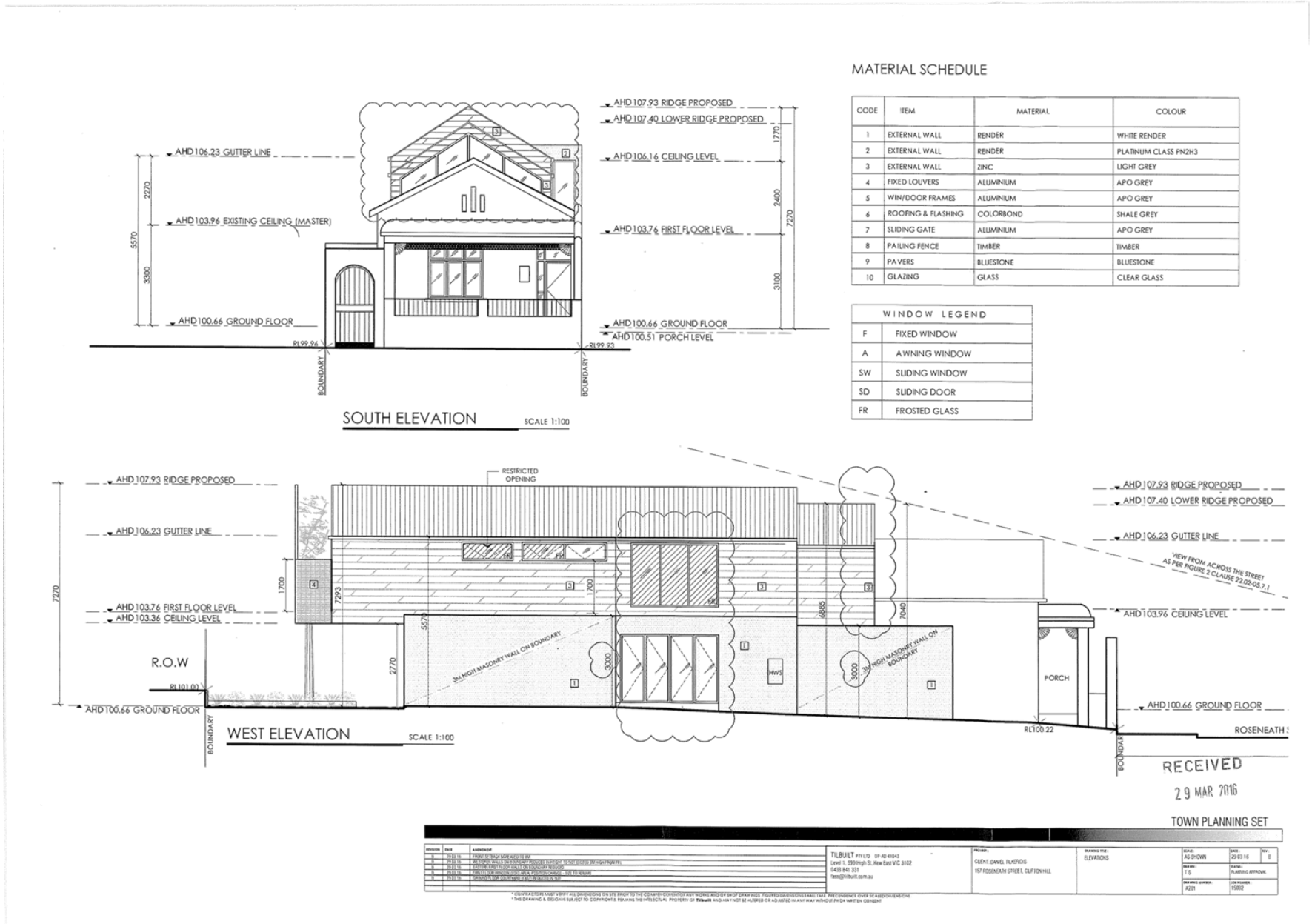

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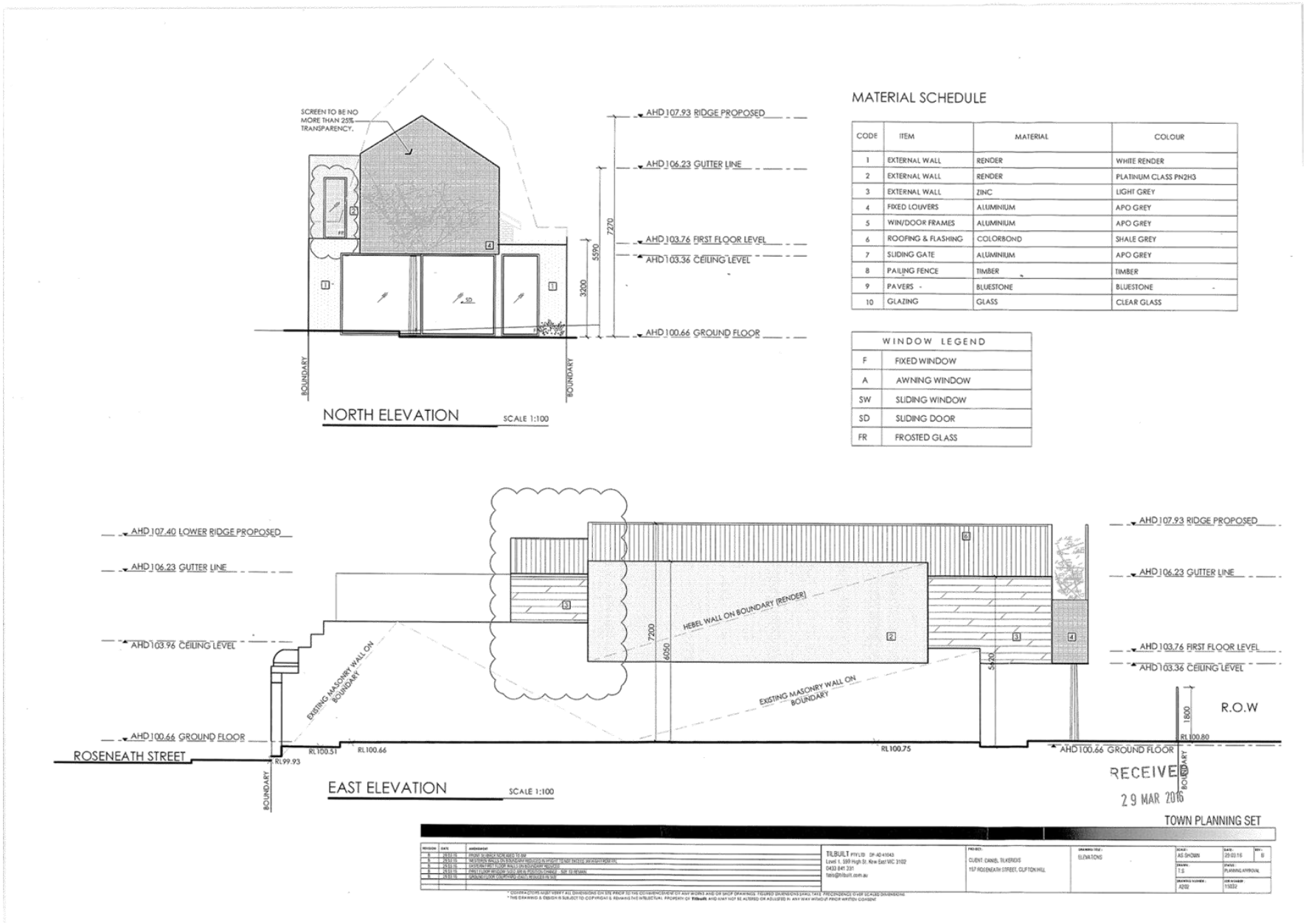
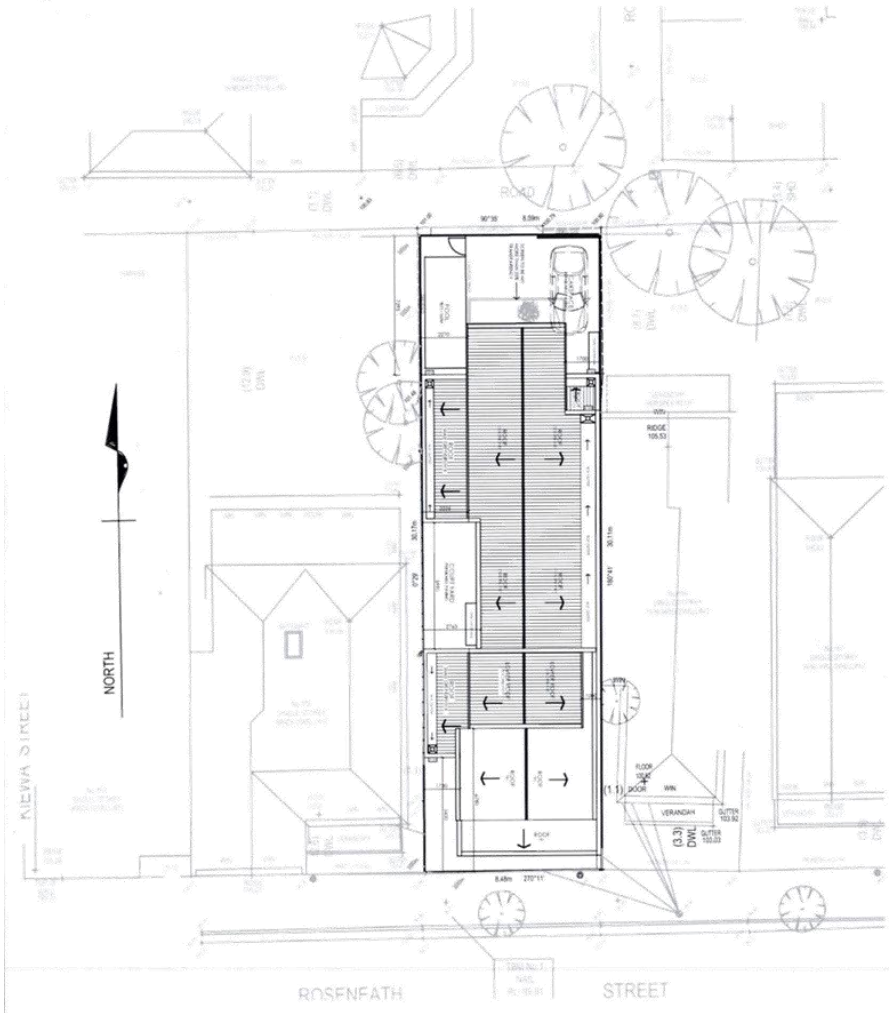


Attachment 3 - Decision plans for 16 March 2016 IDAC meeting

157 ROSENEATH STREET

Clifton Hill VIC 3068

PROPOSED ALTERATIONS AND ADDITIONS



AREA SCHEDULE

SITE AREA	258 m²

	TOTAL
GROUND FLOOR	157 m²
FIRST FLOOR	108 m²
PORCH	17 m²
TOTAL FLOOR AREA (GRD. FLR + 1ST. FLR.)	265 m²
TOTAL P.O.S.	73.1 m²
SITE COVERAGE	60%
PERMEABLE AREA (REAR YARD + PERMEABLE PAVED AREA AT ENTRY PATH)	30%

DRAWING REGISTER

DRAWING NO.	DRAWING TITLE	SCALE	REV
A001	SITE PLAN ,DRAWING REGISTER & AREAS SCHEDULE	1:200	A
A002	SITE CONTEXT PLAN	1:500	
A003	DESIGN RESPONSE	1:500	A
A004	STREETSCAPE	N.T.S	A
	EXISITNG CONDITIONS		
EX101	FLOOR PLAN	1:100	
EX102	ROOF PLAN	1:100	
EX103	ELEVATIONS	1:100	
EX104	ELEVATIONS	1:100	
	DEMOLITION	1:100	
DE101	FLOOR PLAN	1:100	
DE102	ROOF PLAN	1:100	
DE103	ELEVATIONS	1:100	
DE104	ELEVATIONS	1:100	
	PROPOSED		
A101	GROUND FLOOR PLAN	1:100	A
A102	FIRST FLOOR PLAN	1:100	A
A103	ROOF PLAN	1:100	A
A104	LANDSCAPE PLAN T.B.C	1:100	A
A201	ELEVATIONS	1:100	A
A202	ELEVATIONS	1:100	A
A203	ELEVATIONS WITH FENCES	1:100	A
A204	ELEVATIONS WITH FENCES	1:100	A
A205	LINE OF SIGHT	1:100	A
A301	SHADOW DIAGRAMS @ 9AM	1:200	A
A302	SHADOW DIAGRAMS @ 10AM	1:200	A
A303	SHADOW DIAGRAMS @ 11AM	1:200	A
A304	SHADOW DIAGRAMS @ 12NOON	1:200	A
A305	SHADOW DIAGRAMS @ 1PM	1:200	A
A306	SHADOW DIAGRAMS @ 2PM	1:200	A
A307	SHADOW DIAGRAMS @ 3PM	1:200	A
A308	SHADOW DIAGRAMS - ELEVATIONS	1:200	A
A401	STORM WATER MANAGEMENT PLAN	1:100	

SITE PLAN SCALE 1:200 @ A3

TOWN PLANNING SET

TILBUILT PTY LTD DP-AD-61343 Level 1, 599 High St. Kew East VIC 3102 0433 841 331 tess@tilbuilt.com.au

CLIENT: DANIEL TILKEROIS
157 ROSENEATH STREET, CLIFTON HILL

DRAWING REGISTER, SITE PLAN

SCALE: AS SHOWN @ A3 | DATE: 28.01.16 | REV: A | DRAWN: TJ | STATUS: PLANNING APPROVAL | DRAWING NUMBER: A001 | JOB NUMBER: 15032

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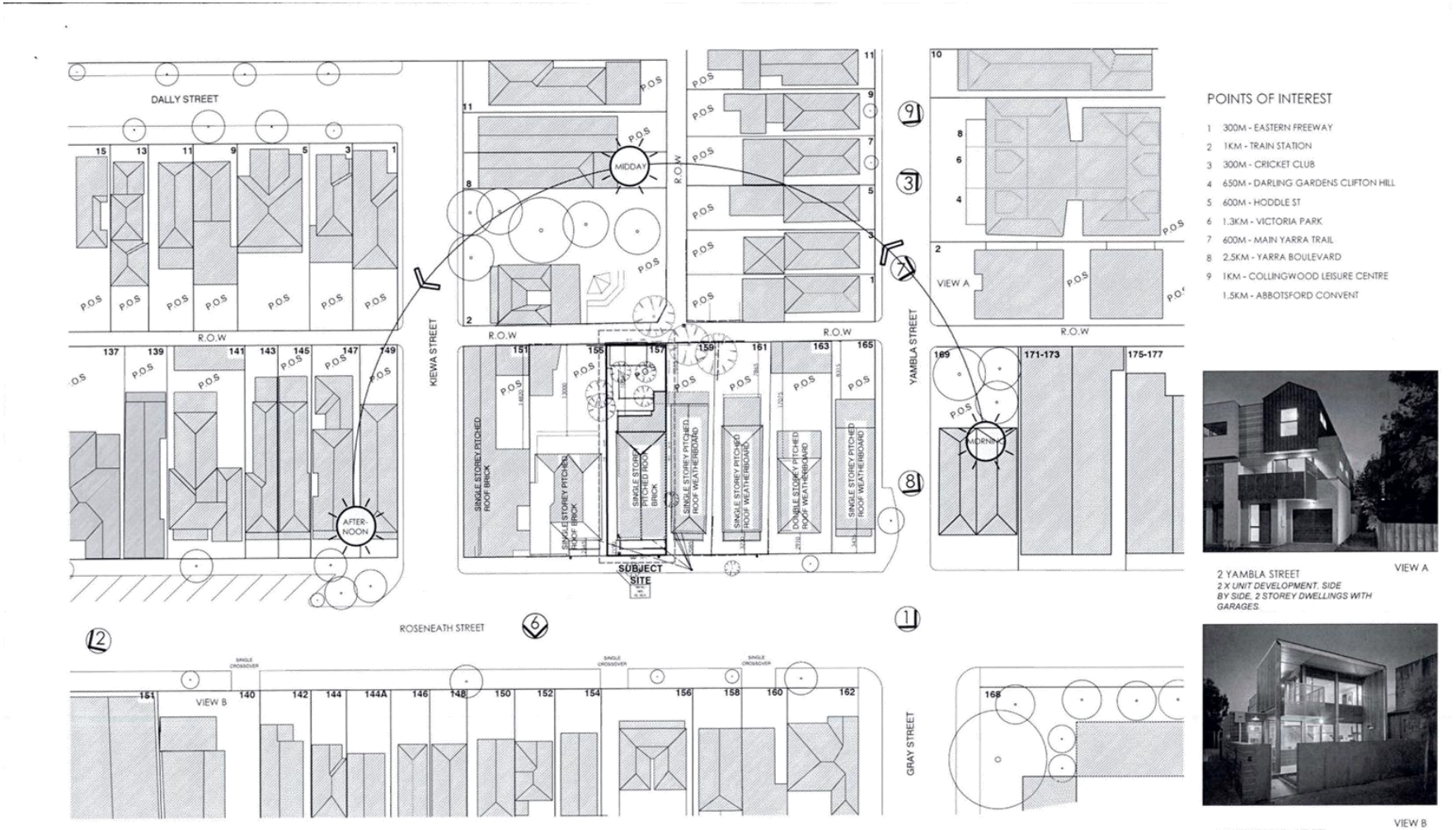
Attachment 3 - Decision plans for 16 March 2016 IDAC meeting



SITE CONTEXT PLAN SCALE 1:500

TOWN PLANNING SET

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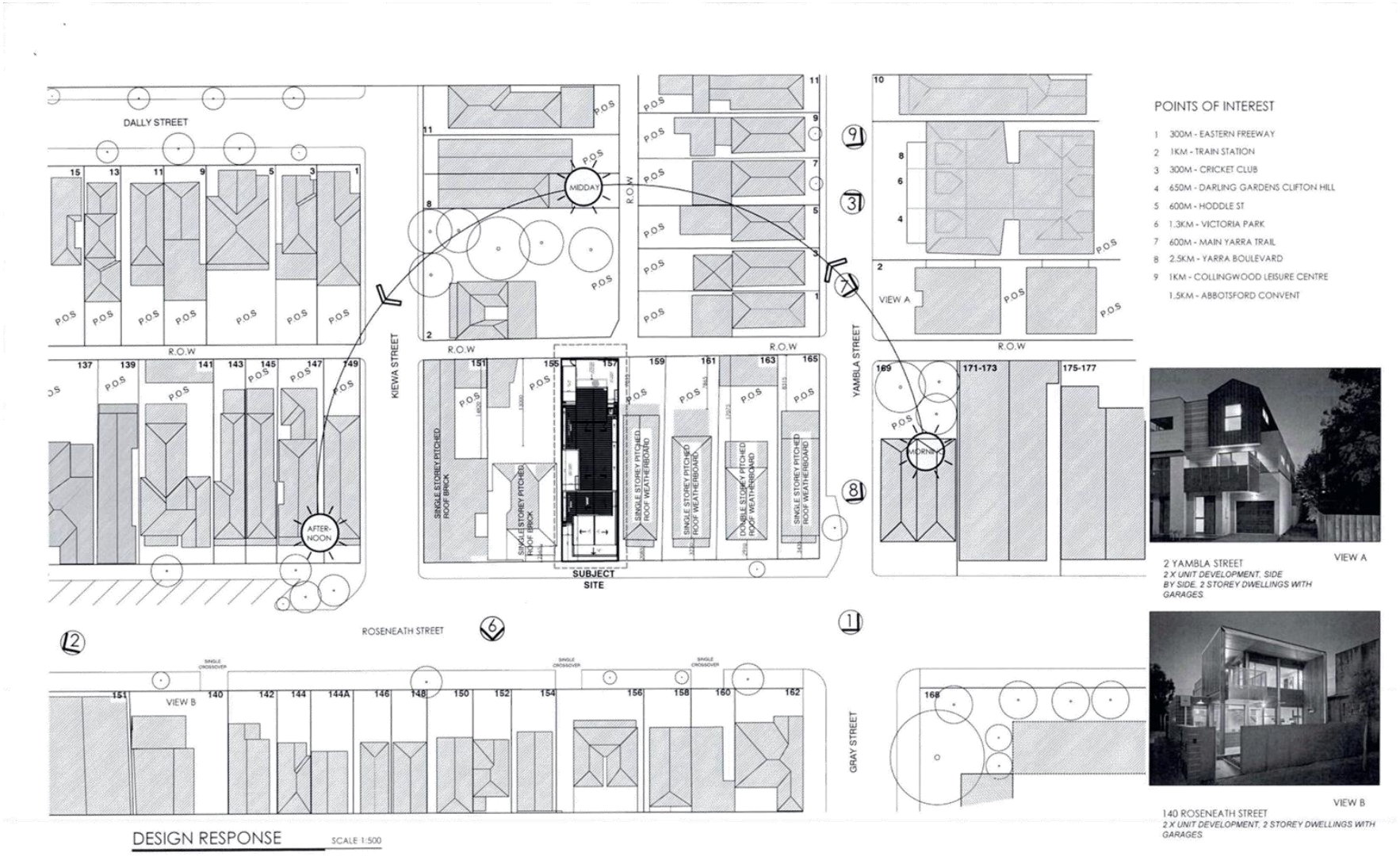

Attachment 3 - Decision plans for 16 March 2016 IDAC meeting

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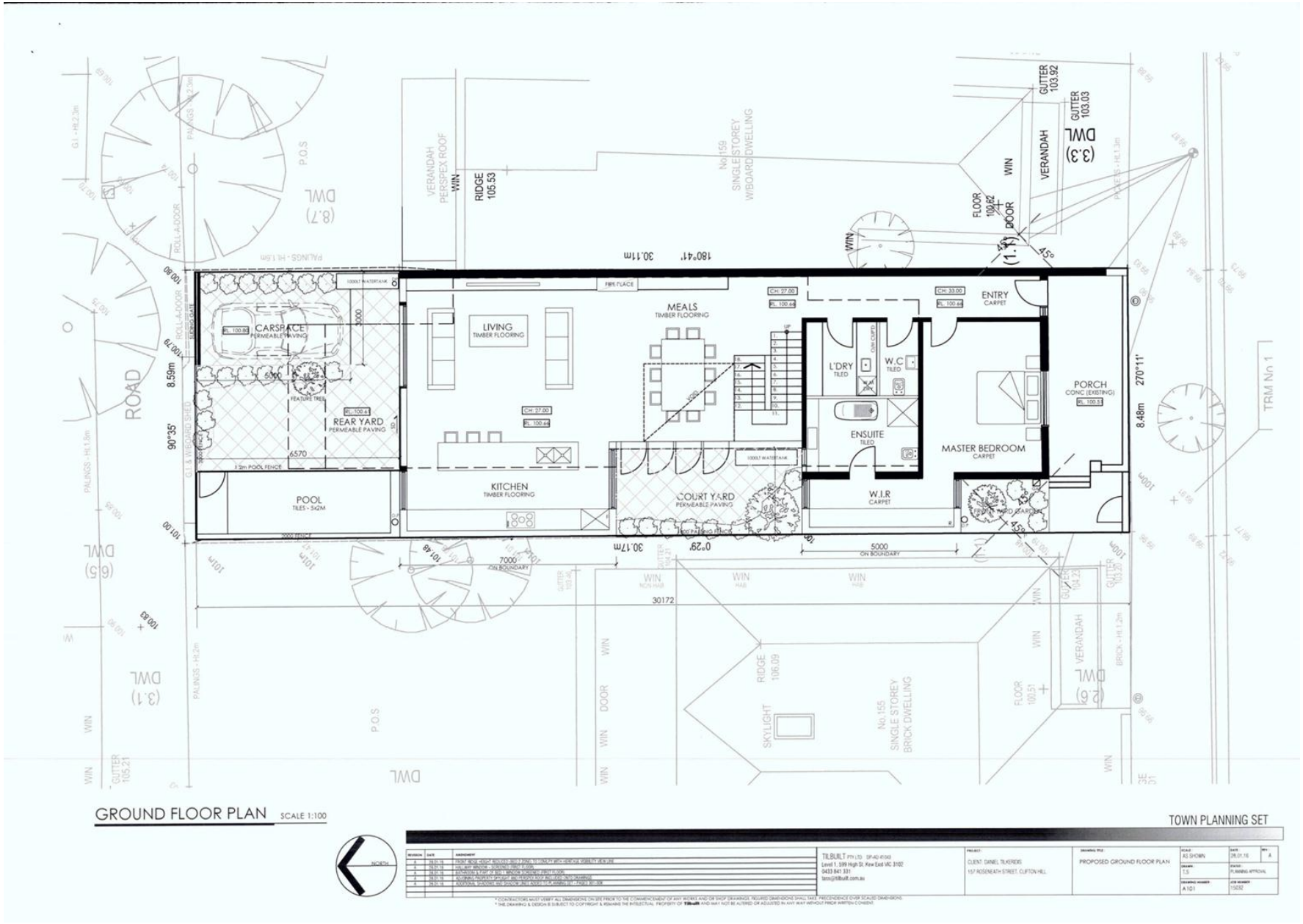

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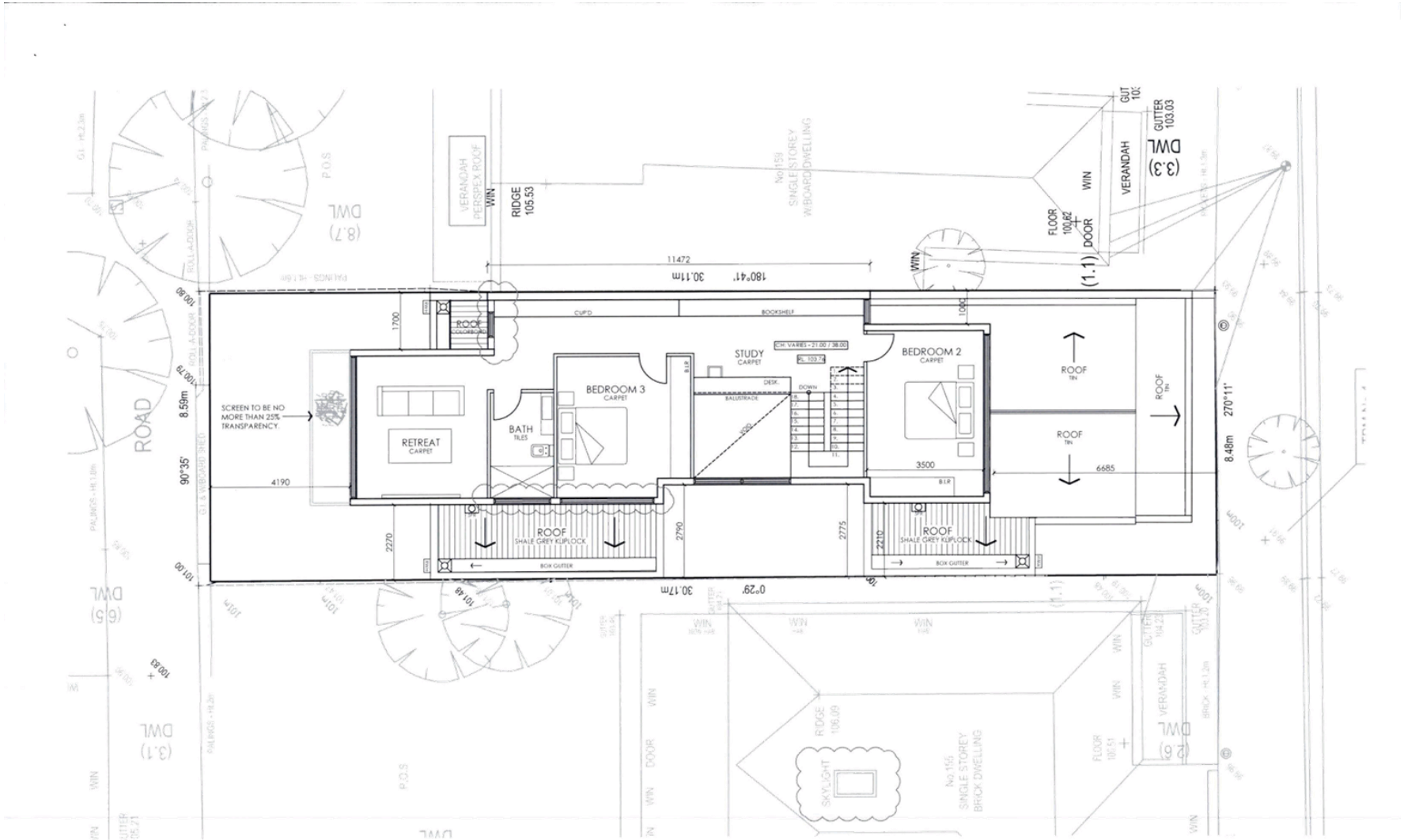

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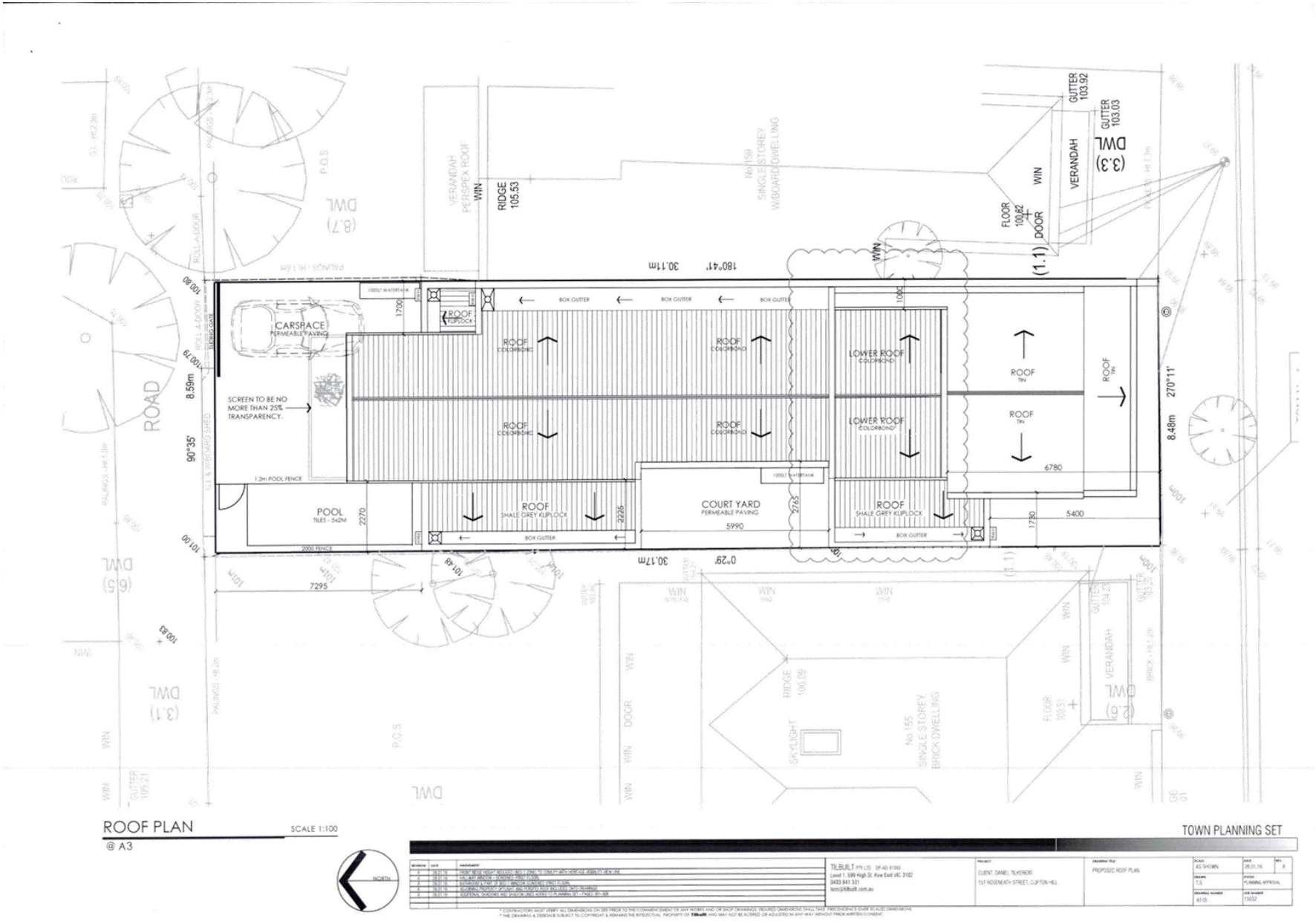

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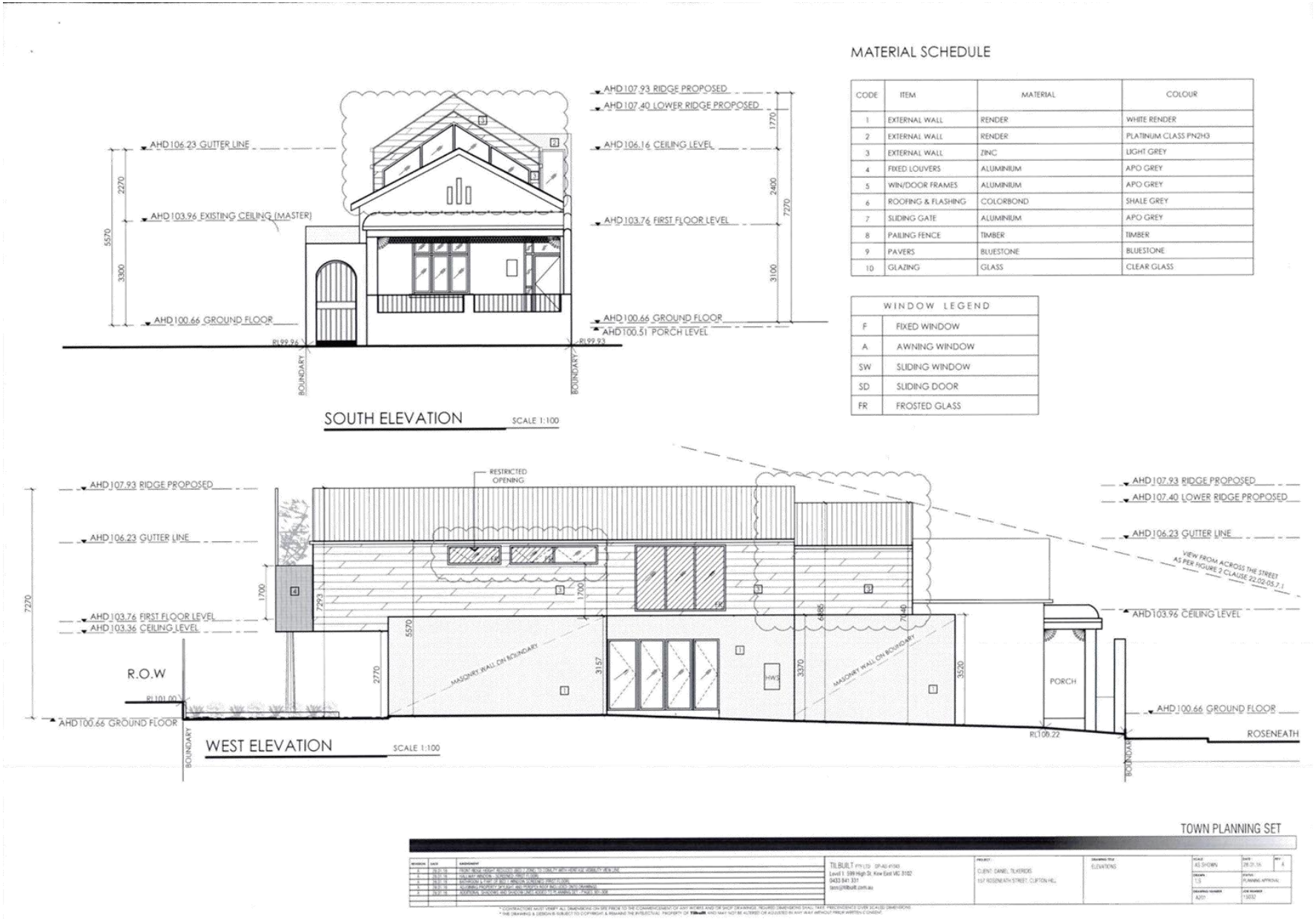

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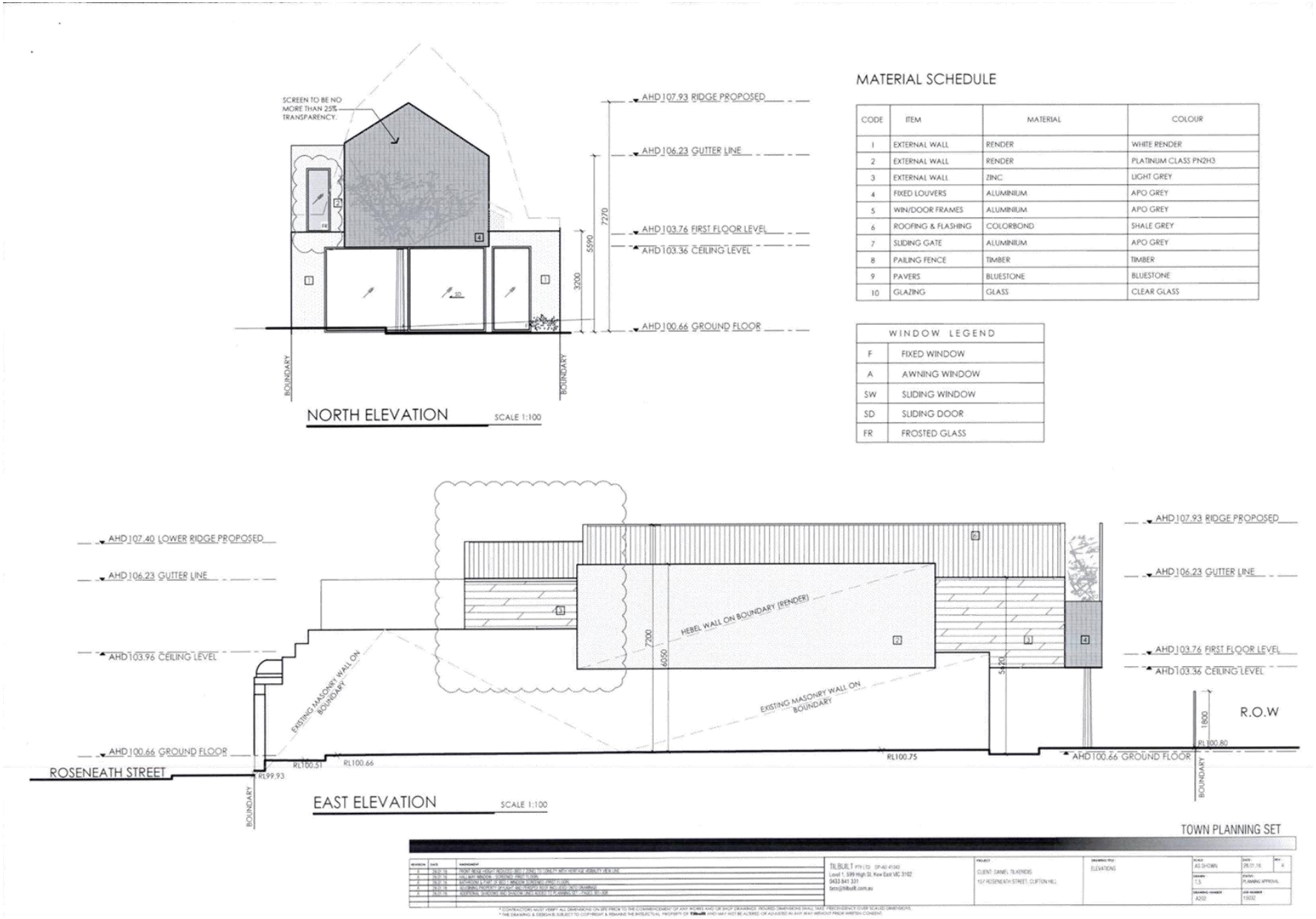

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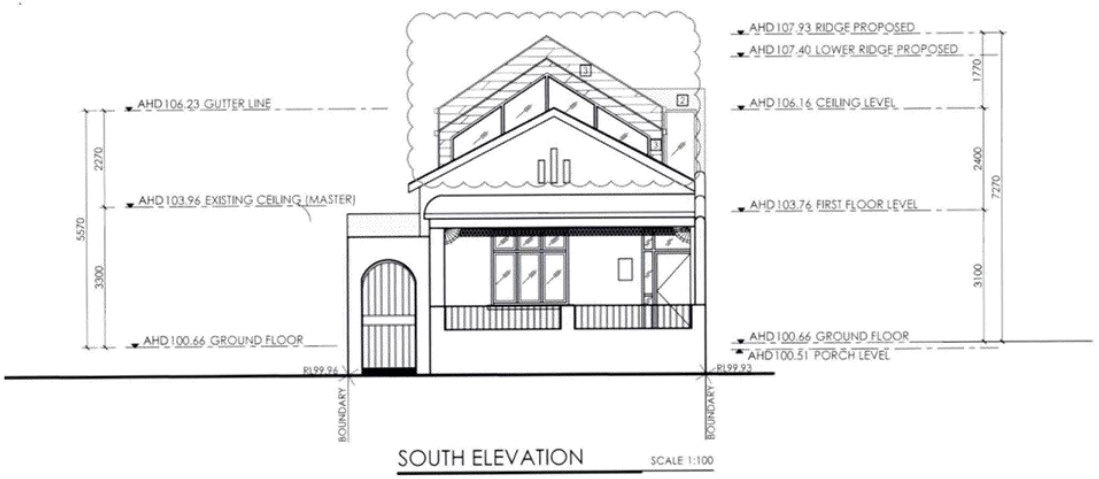
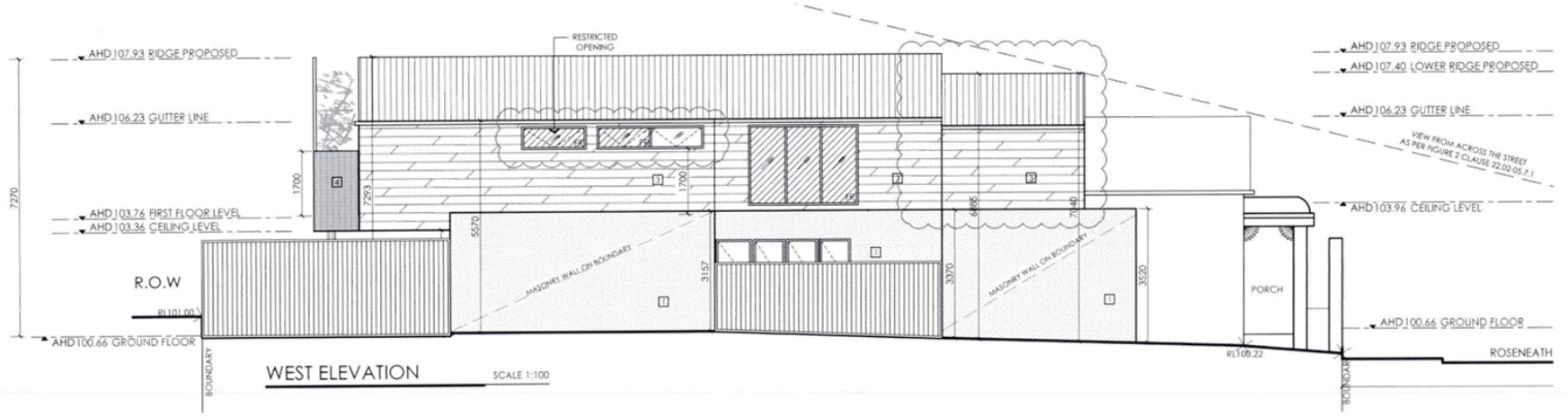


SOUTH ELEVATION SCALE 1:100

MATERIAL SCHEDULE

CODE	ITEM	MATERIAL	COLOUR
1	EXTERNAL WALL	RENDER	WHITE RENDER
2	EXTERNAL WALL	RENDER	PLATINUM CLASS PN2H3
3	EXTERNAL WALL	ZINC	LIGHT GREY
4	FIXED LOUVERS	ALUMINIUM	APO GREY
5	WIN/DOOR FRAMES	ALUMINIUM	APO GREY
6	ROOFING & FLASHING	COLORBOND	SHALE GREY
7	SLIDING GATE	ALUMINIUM	APO GREY
8	PAILING FENCE	TIMBER	TIMBER
9	PAVERS	BLUESTONE	BLUESTONE
10	GLAZING	GLASS	CLEAR GLASS

WINDOW LEGEND	
F	FIXED WINDOW
A	AWNING WINDOW
SW	SLIDING WINDOW
SD	SLIDING DOOR
FR	FROSTED GLASS



WEST ELEVATION SCALE 1:100

TOWN PLANNING SET

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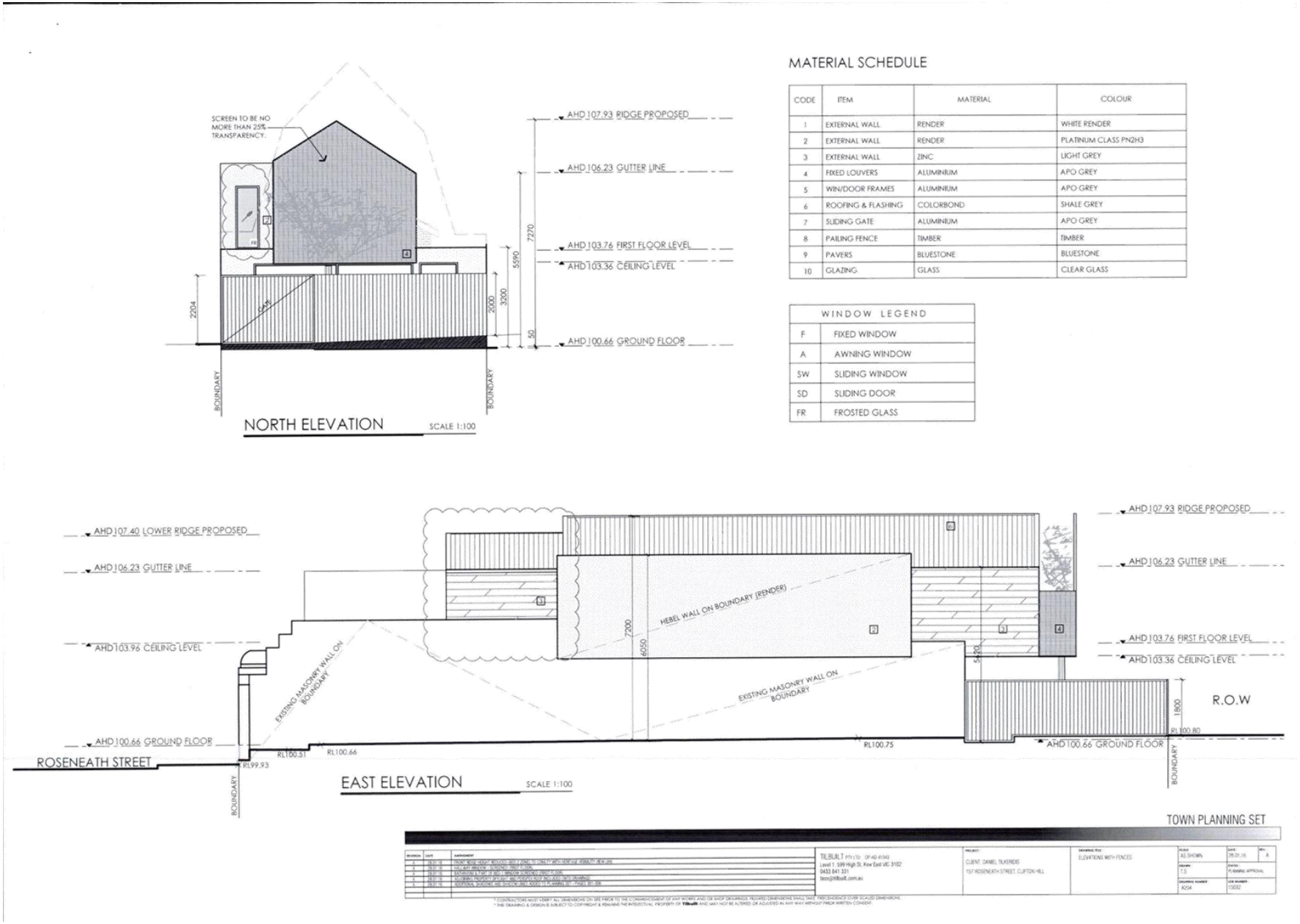

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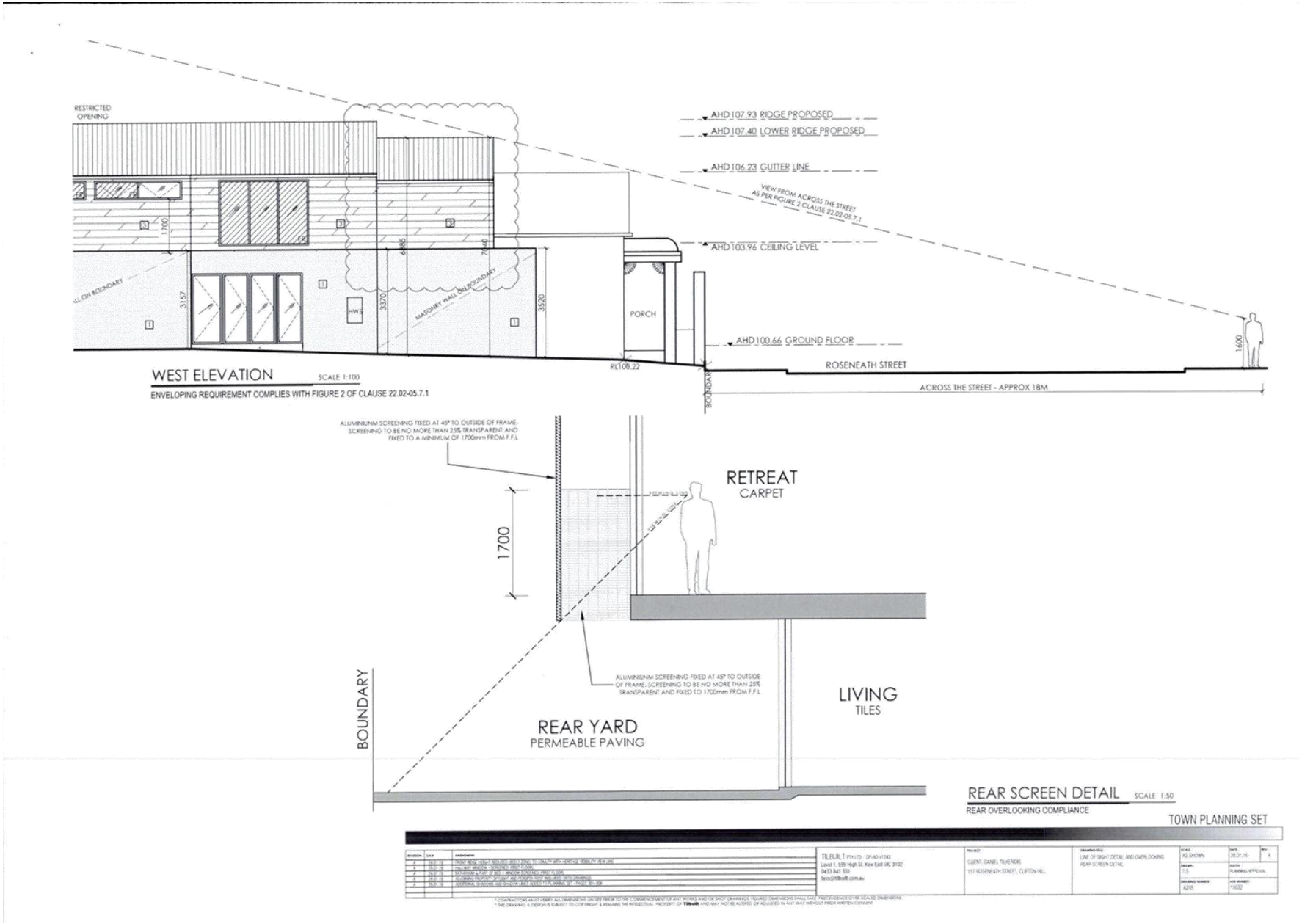

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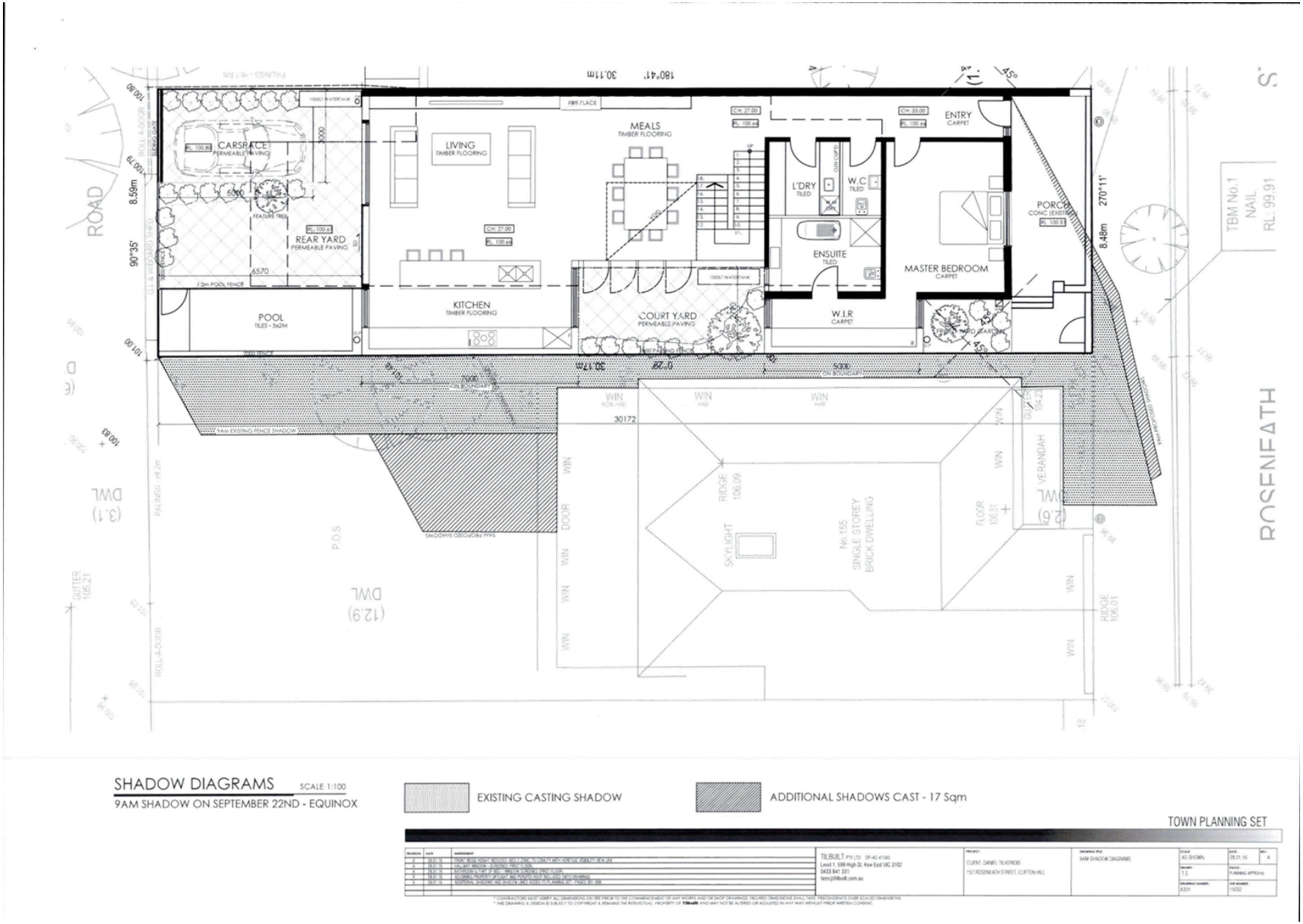

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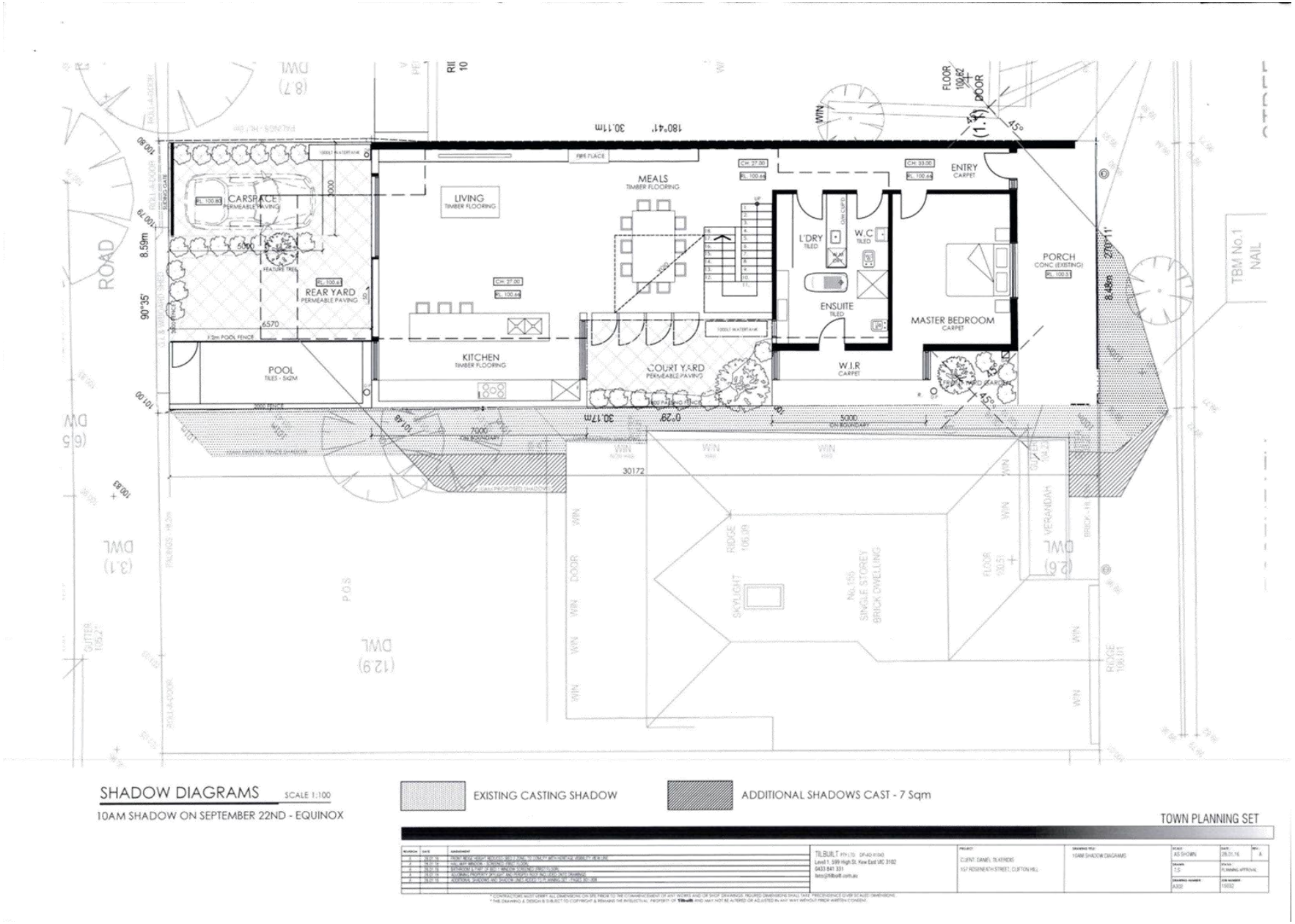

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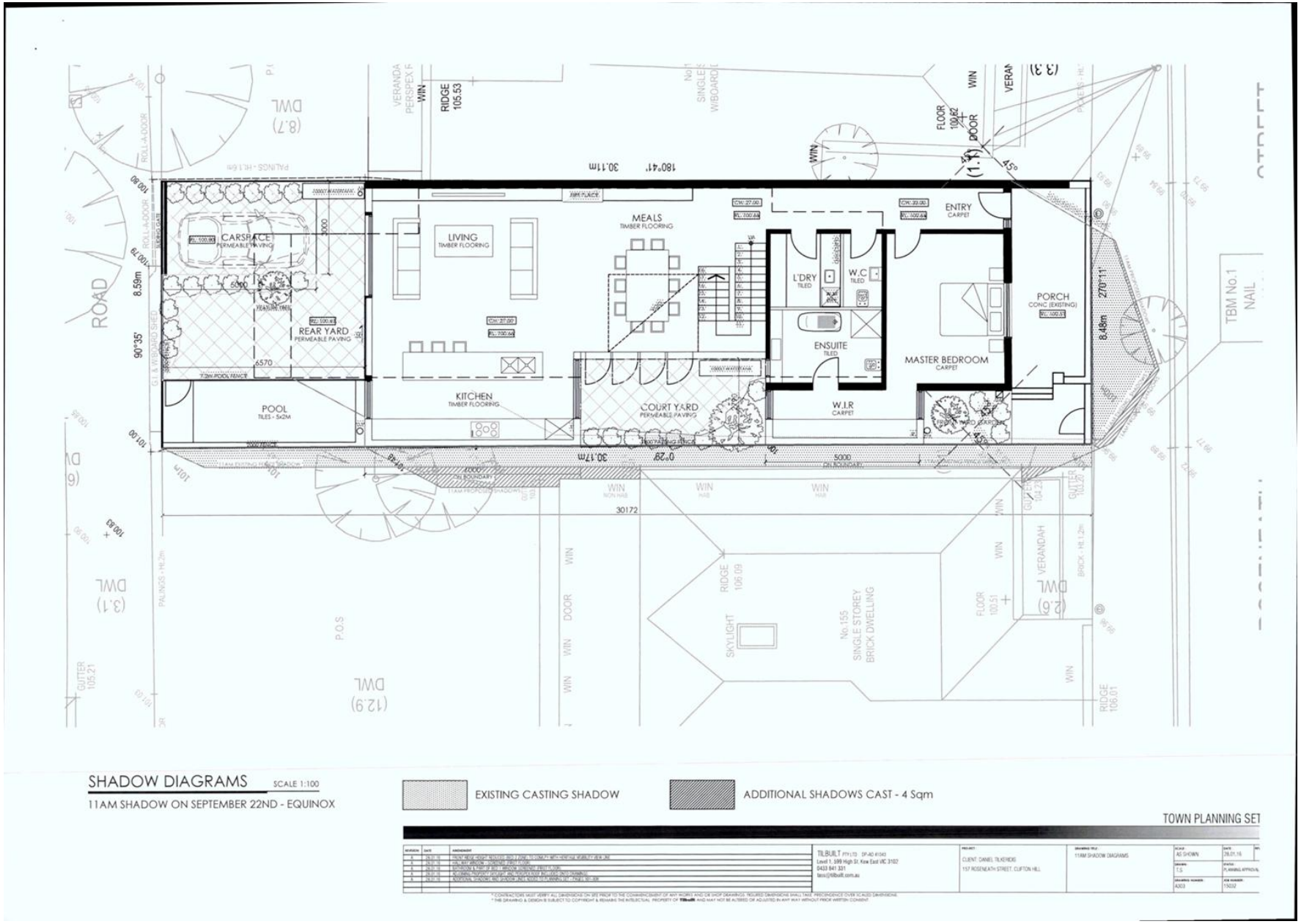

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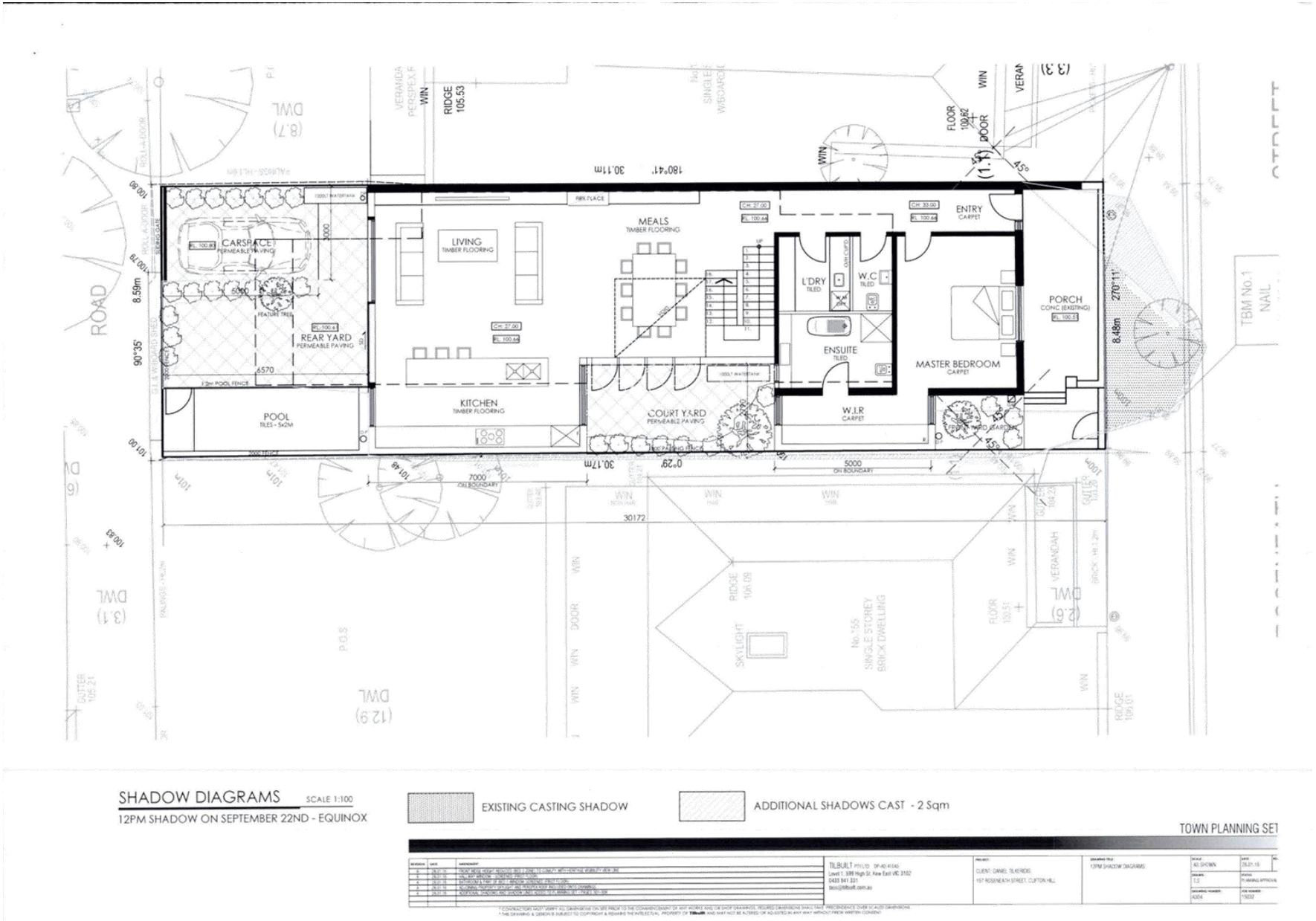

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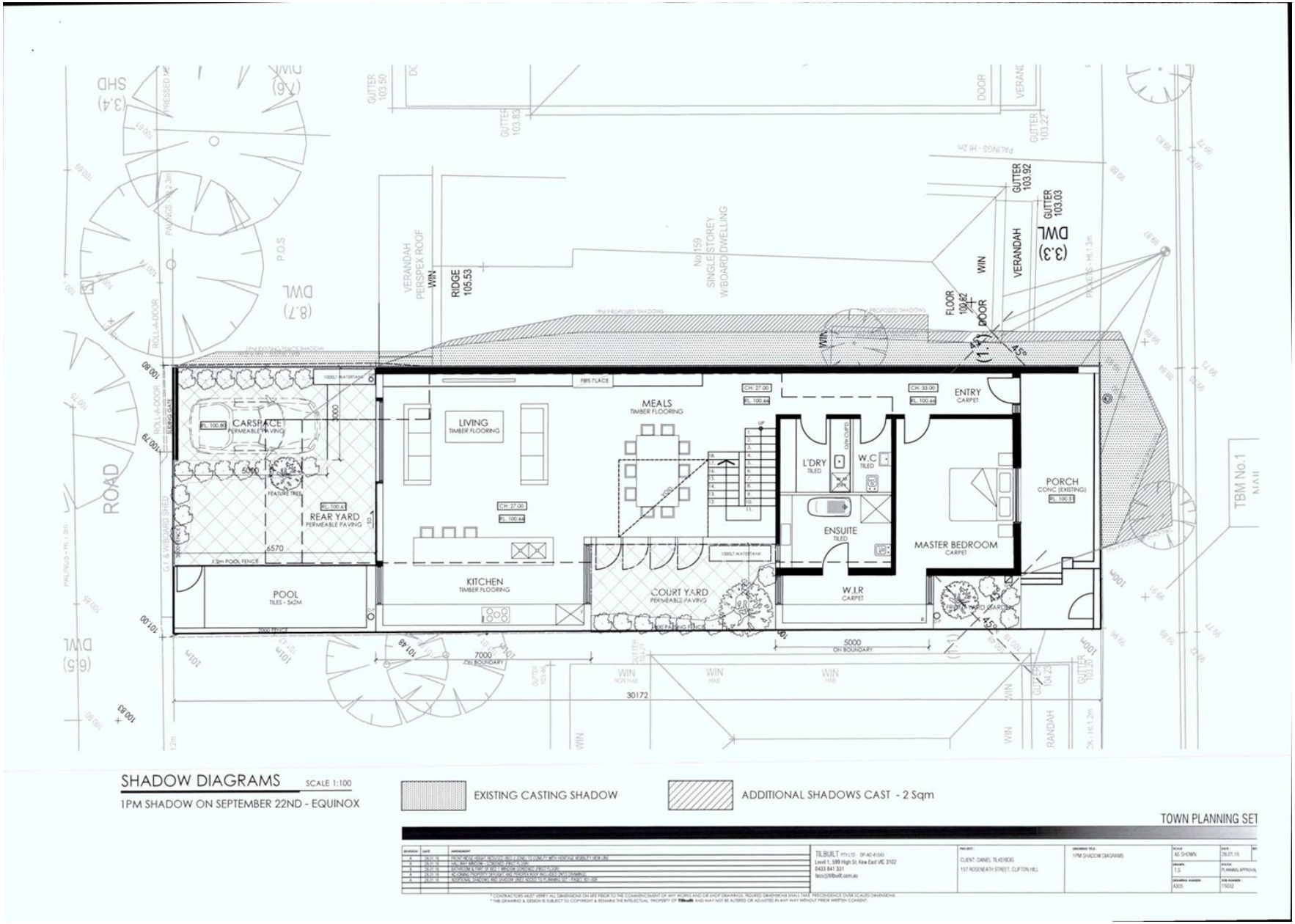

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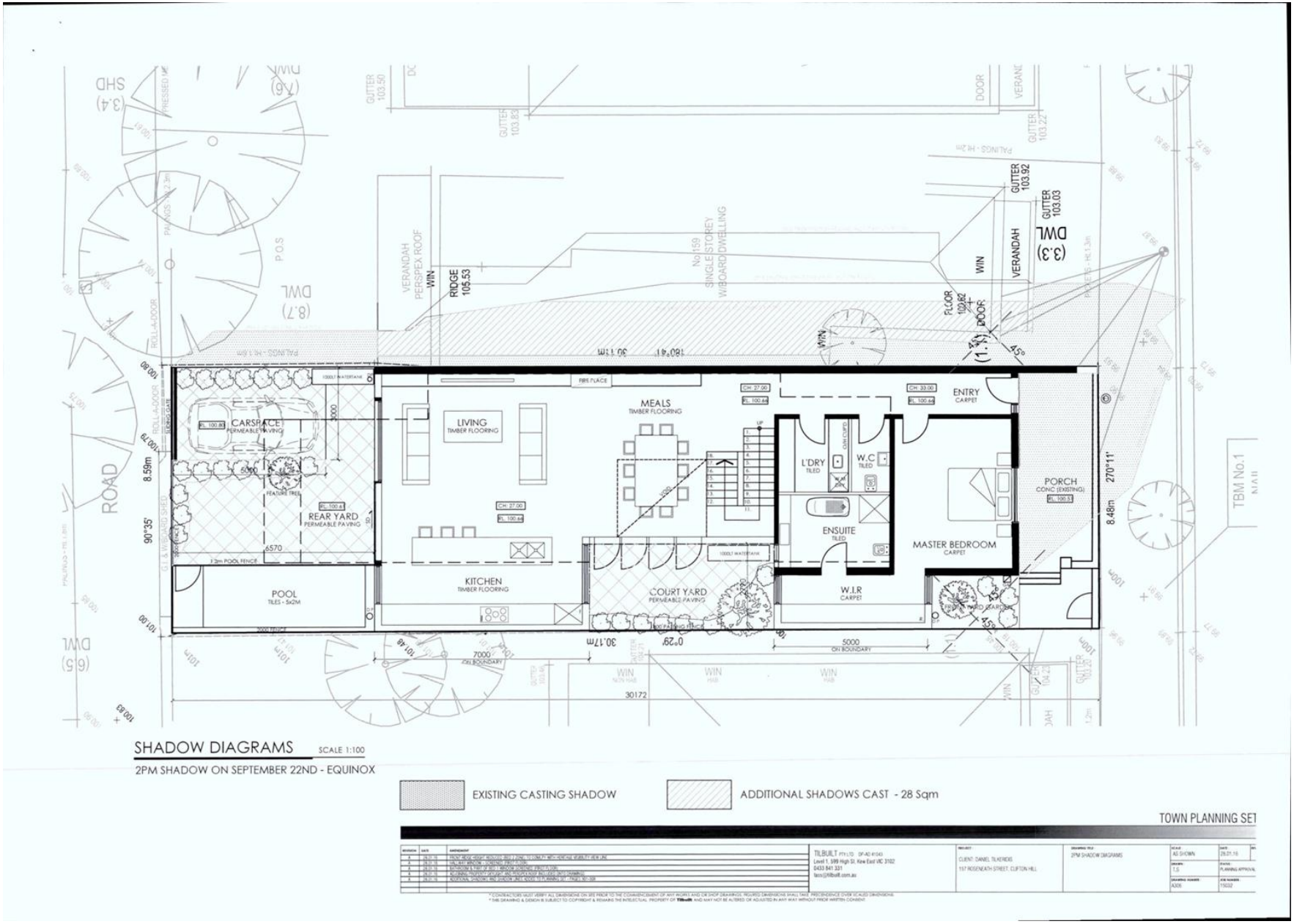

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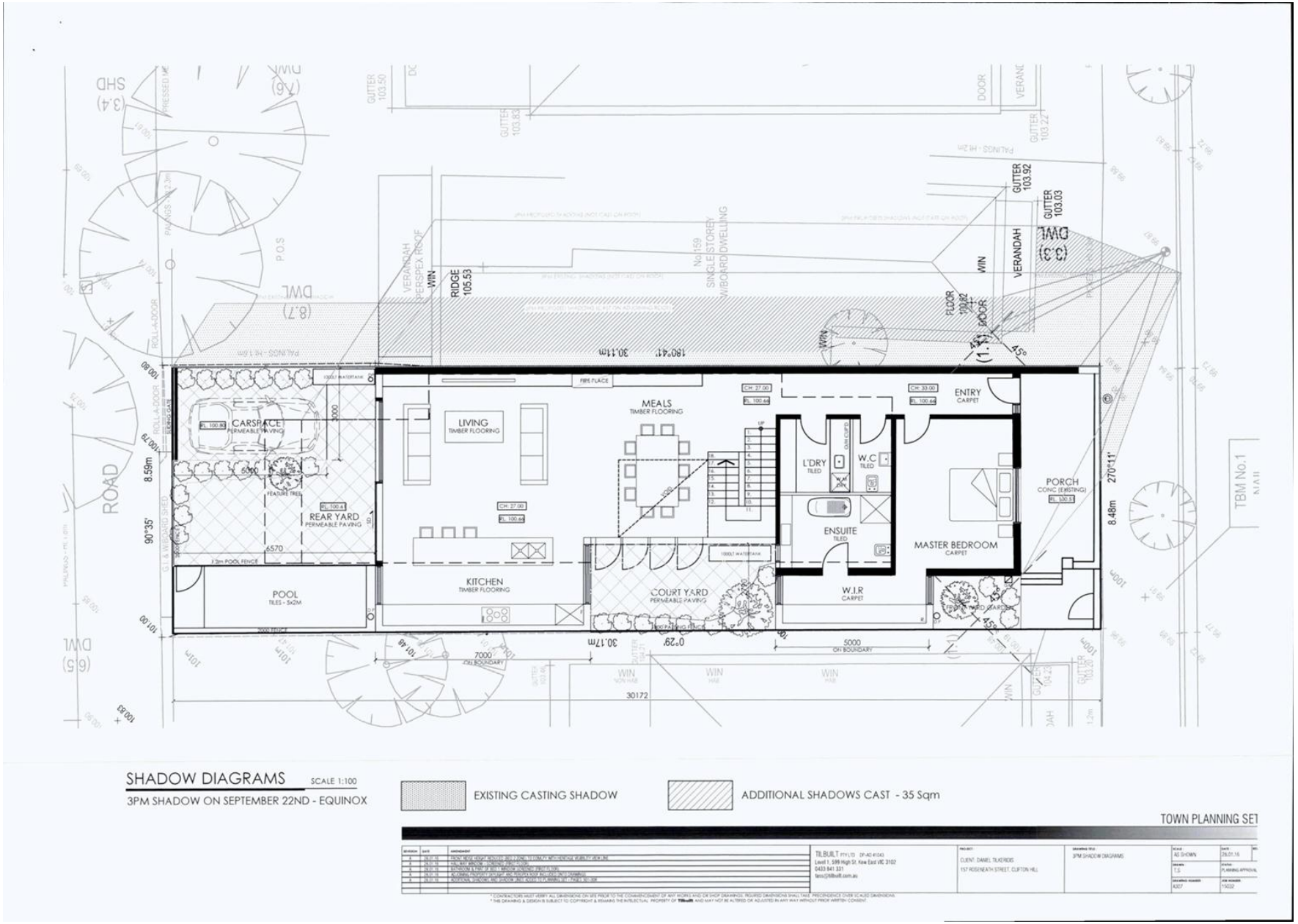


Attachment 3 - Decision plans for 16 March 2016 IDAC meeting

9AM SHADOW DIAGRAMS SCALE NTS

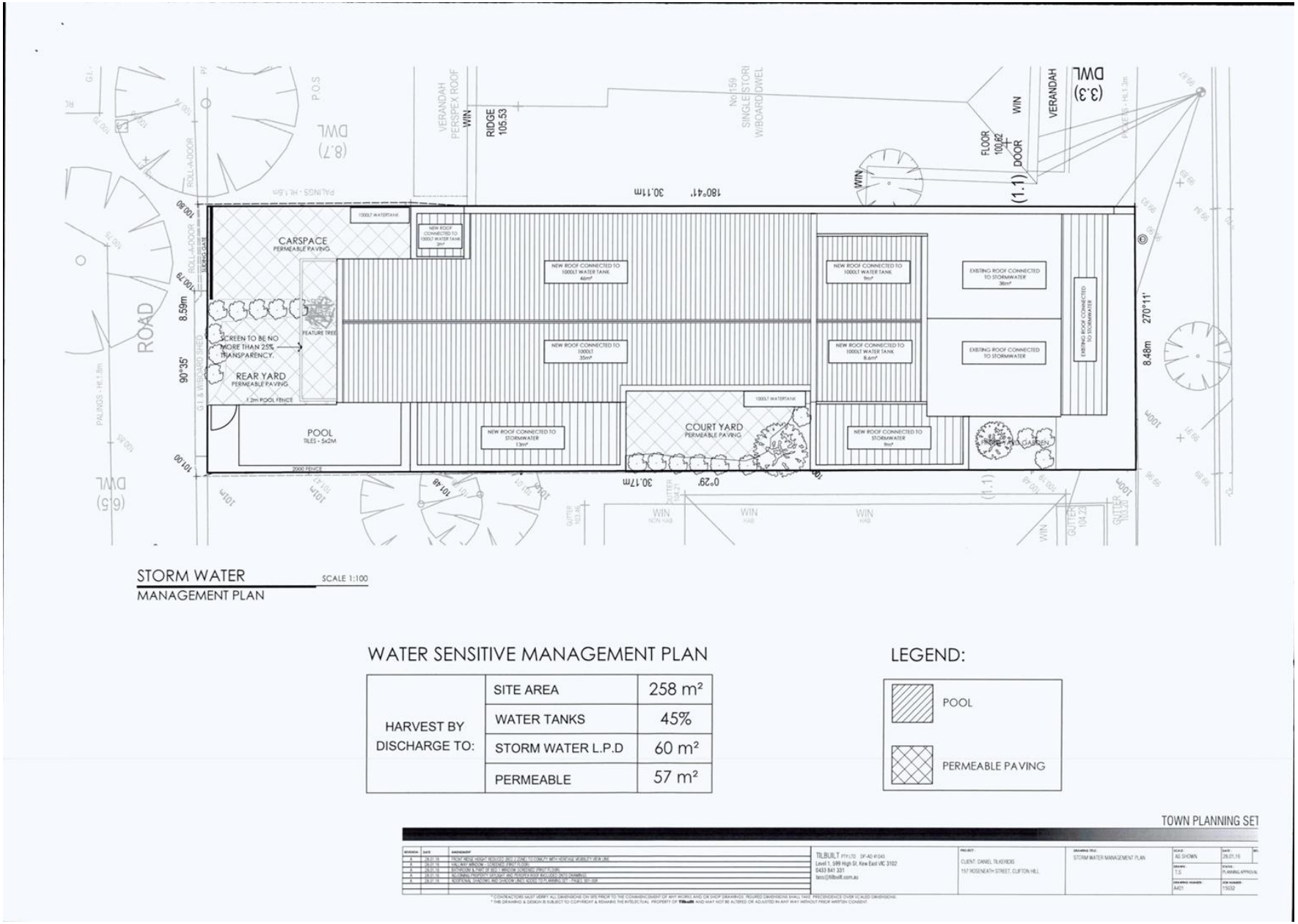
10AM SHADOW DIAGRAMS SCALE NTS

11AM SHADOW DIAGRAMS SCALE NTS

12PM SHADOW DIAGRAMS SCALE NTS

TOWN PLANNING SET

Attachment 3 - Decision plans for 16 March 2016 IDAC meeting



WATER SENSITIVE MANAGEMENT PLAN

HARVEST BY DISCHARGE TO:	SITE AREA	258 m²
	WATER TANKS	45%
	STORM WATER L.P.D	60 m²
	PERMEABLE	57 m²

LEGEND:

POOL

PERMEABLE PAVING

TOWN PLANNING SET

TILBUILT PTY LTD DP-AD 41543
Level 1, 599 High St, Kew East VIC 3102
0433 841 331
tess@tilbuilt.com.au

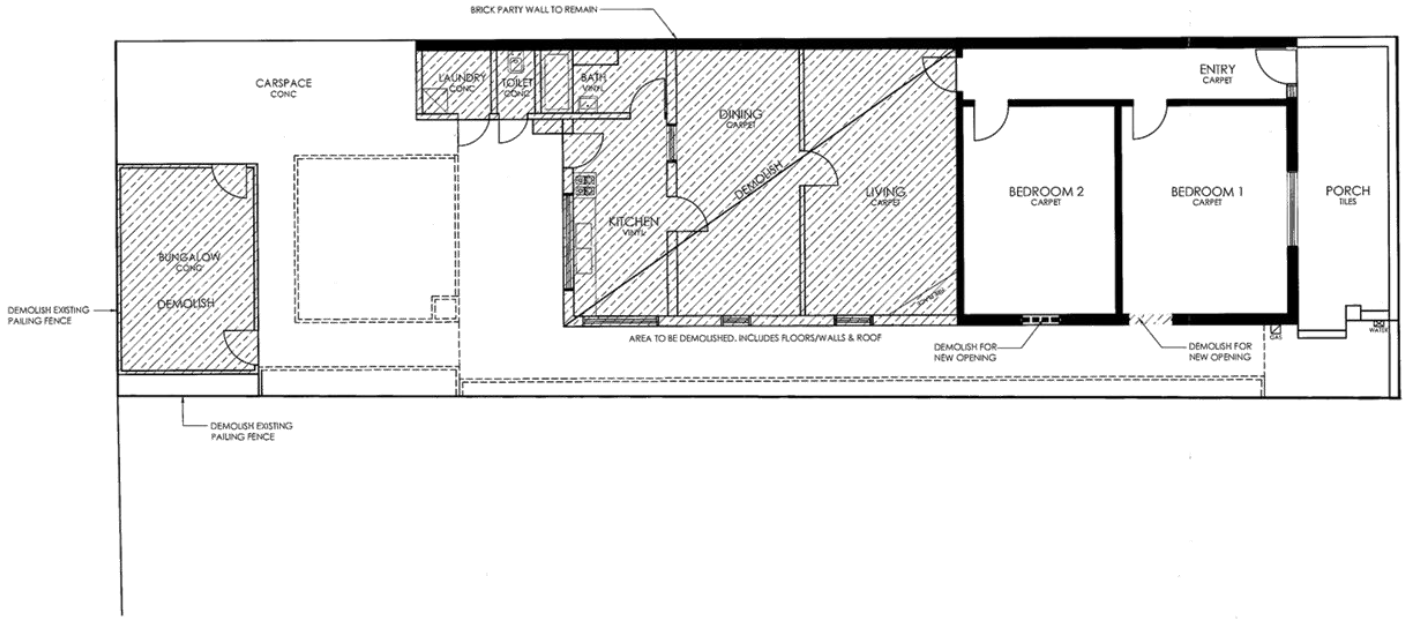
CLIENT: DANIEL TILKERIDIS
157 ROSENEATH STREET, CLIFTON HILL

STORM WATER MANAGEMENT PLAN

SCALE: AS SHOWN
DRAWN: T.S
DRAWING NUMBER: A401
DATE: 28.01.16
STATUS: PLANNING APPROVAL
JOB NUMBER: 15032

Attachment 4 - Demolition plans

ADVERTISED PLANS



FLOOR PLAN SCALE 1:100
DEMOLISTION SET

RECEIVED
23 OCT 2015

TOWN PLANNING SET

NORTH

TILBUILT PTY LTD DP-AD 49343
Level 1, 589 High St, Kew East VIC 3102
0433 841 331
tess@tilbuilt.com.au

CLIENT: DANIEL TILKERIDIS
159 ROSENSATH STREET, CLIFTON HILL

DRAWING TITLE: DEMOLITION FLOOR PLAN

SCALE: AS SHOWN
DATE: 20.10.15
DRAWN: TS
STATUS: PLANNING APPROVAL
DRAWING NUMBER: D101
JOB NUMBER: 15032

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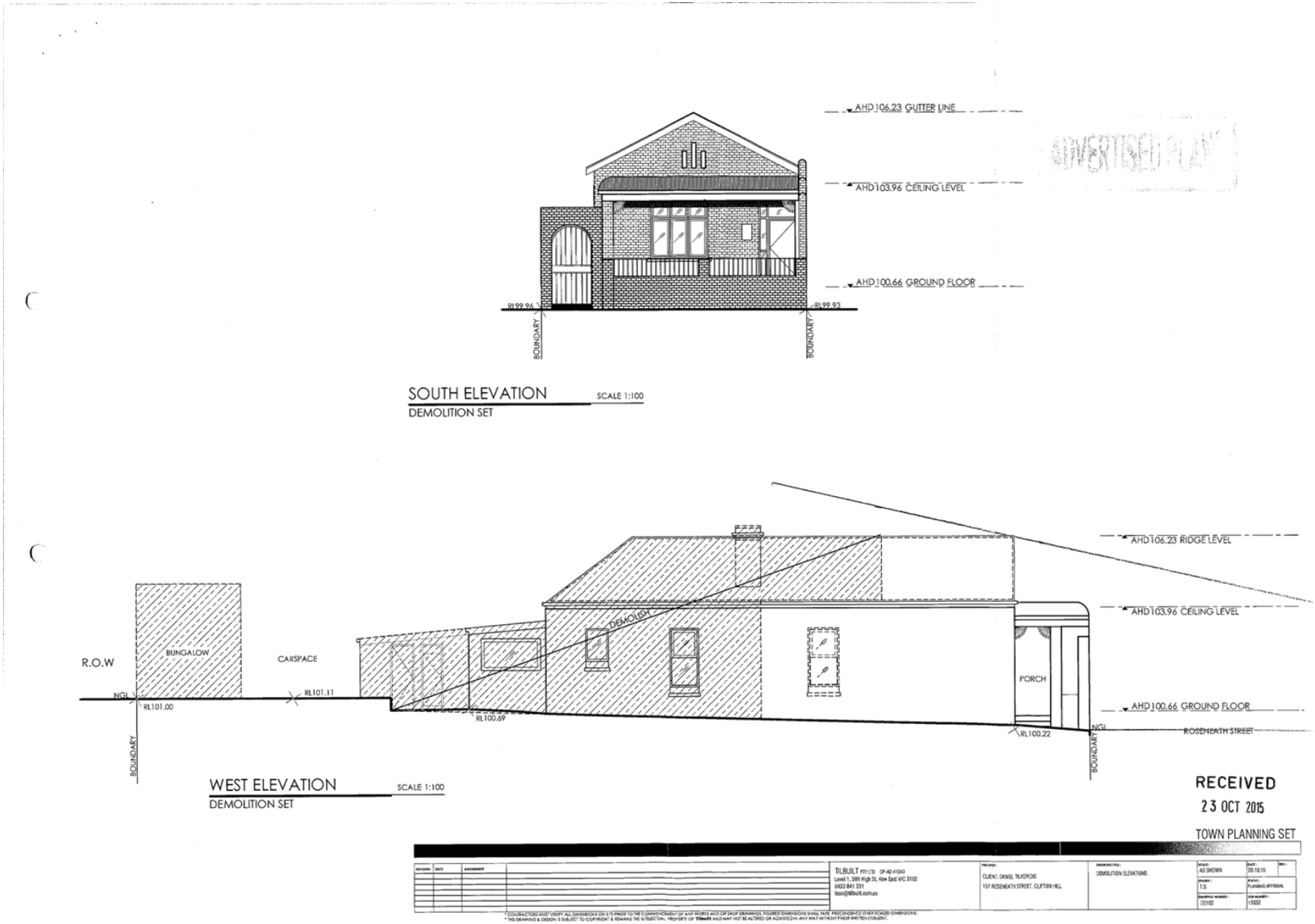
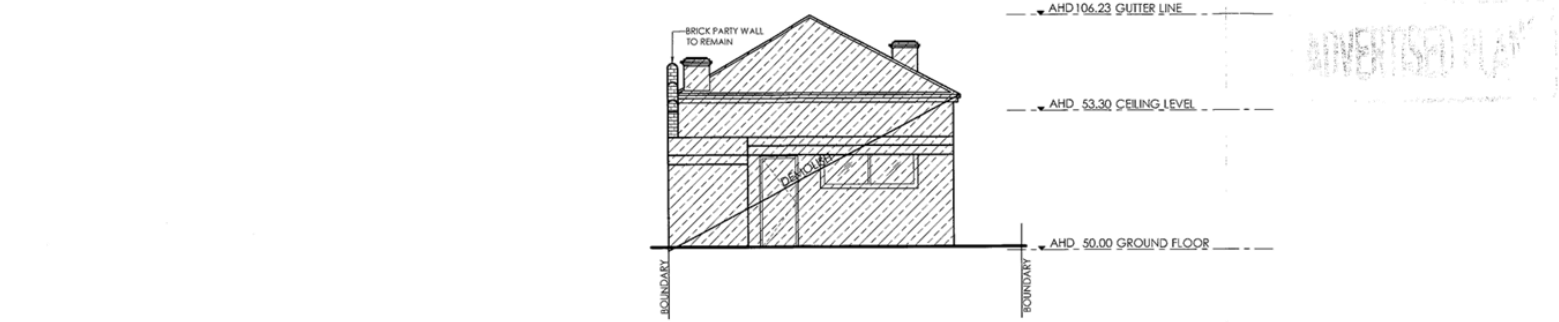
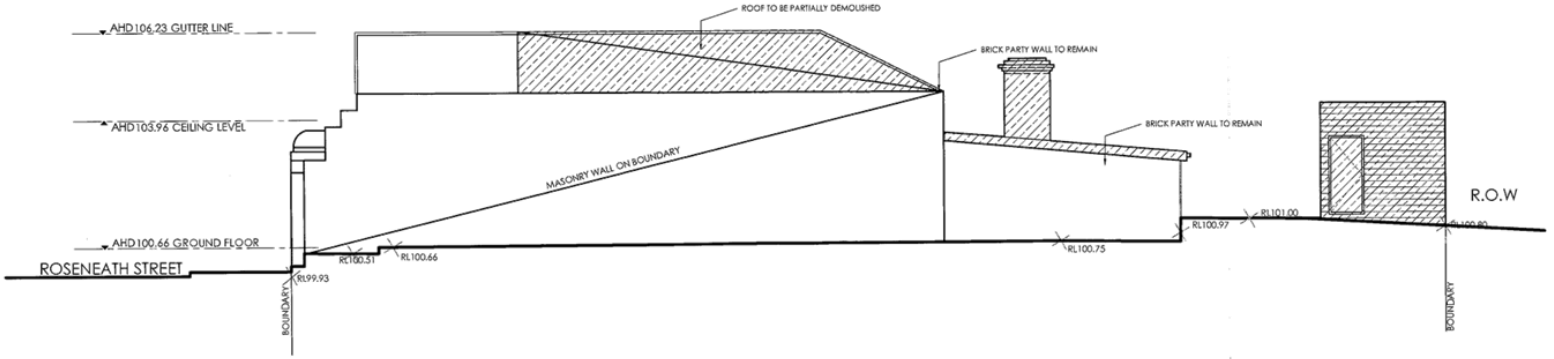
Attachment 4 - Demolition plans



Attachment 4 - Demolition plans



NORTH ELEVATION SCALE 1:100
DEMOLTION SET



EAST ELEVATION SCALE 1:100
DEMOLTION SET

RECEIVED
23 OCT 2015

TOWN PLANNING SET

TILBUILT PTY LTD DP-AD 41343
Level 1, 599 High St, Kew East VIC 3102
0433 841 331
tess@tilbuilt.com.au

CLIENT: DANIEL TILKERIDIS
157 ROSENEATH STREET, CLIFTON HILL

DEMOLITION ELEVATIONS

SCALE: AS SHOWN
DATE: 20.10.15
DRAWN: TS
STATUS: PLANNING APPROVAL
DRAWING NUMBER: 00103
JOB NUMBER: 15032

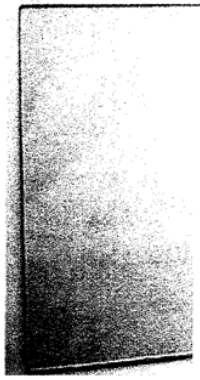
* CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS AND OR SHOP DRAWINGS. FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
* THIS DRAWING & DESIGN IS SUBJECT TO COPYRIGHT & REMAINS THE INTELECTUAL PROPERTY OF TILBUILT AND MAY NOT BE ALTERED OR ADJUSTED IN ANY WAY WITHOUT PRIOR WRITTEN CONSENT.

Attachment 5 - Material schedule

TILBUILT
DESIGN | BUILD

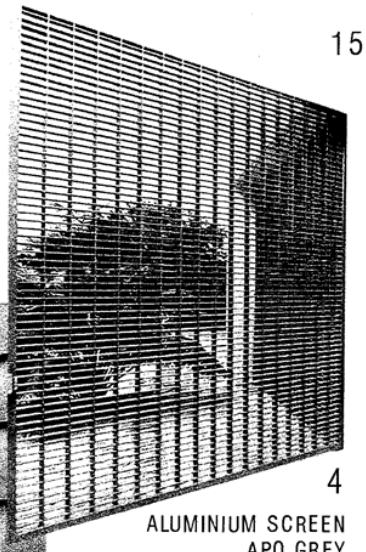
157 ROSENEATH ST, CLIFTON HILL
MATERIAL SCHEDULE

INSPIRATION | COLOURS

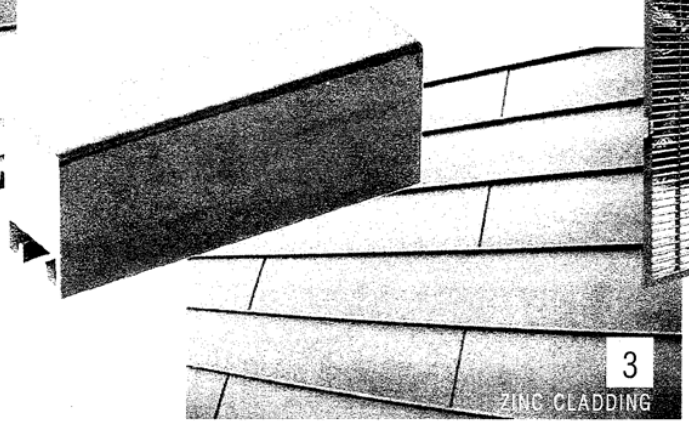


10
FROSTED GLASS

RENDER
PLATINUM CLASS PN2H3
2



11



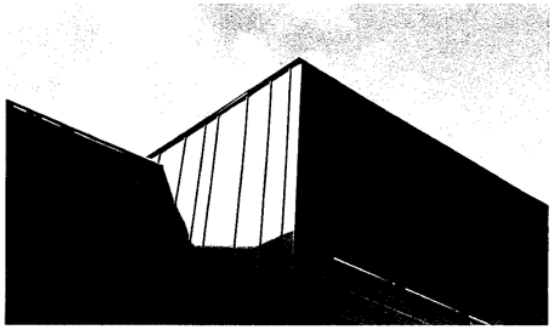
ALUMINIUM
APO GREY
5

4
ALUMINIUM SCREEN
APO GREY
(NO MORE THAN 25% TRANSPARENT)

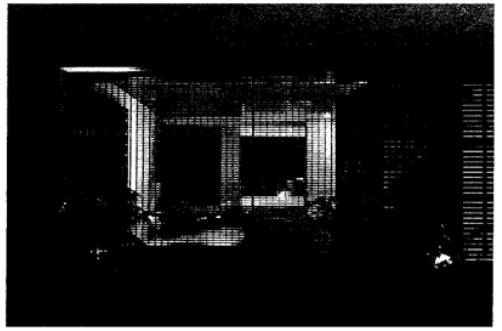
3
ZINC CLADDING

COLOUR/FORM INSPIRATION

LIGHT RENDER
NATURAL WHITE
1



CLADDING/MATERIAL INSPIRATION



REAR SCREENING INSPIRATION

RECEIVED
24 SEP 2015